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Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 201, 801 and 1100

[Docket No. FDA-2015-N-2002]

RIN 0910-AH19

#### Clarification of When Products Made or Derived From Tobacco Are Regulated as Drugs, Devices, or Combination Products; Amendments to Regulations Regarding “Intended Uses”; Further Delayed Effective Date; Request for Comments

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; further delay of effective date; request for comments.

**SUMMARY:** The Food and Drug Administration (FDA or we) is further delaying the effective date of a final rule published in the **Federal Register** of January 9, 2017. In the **Federal Register** of February 7, 2017, we delayed until March 21, 2017, the effective date of the final rule. This action further delays the effective date of the rule until March 19, 2018. FDA has received a petition from affected parties which raises questions about the amendments to the regulations regarding “intended uses” and requests that FDA reconsider these amendments. FDA is further delaying the effective date to invite public comment on the important substantive issues raised by the petition and to allow additional time to fully evaluate these issues and any other issues raised in response to this request for comments. FDA is seeking input on some specific questions, and is also interested in any other pertinent information or comments stakeholders would like to provide regarding any aspect of the final rule, or with respect to issues relating to “intended uses” generally.

**DATES:** *Effective date:* The effective date for the rule amending 21 CFR chapter 1 published at 82 FR 2193 on January 9, 2017, delayed at 82 FR 9501 on February 7, 2017, is further delayed until March 19, 2018.

*Comment date:* Submit either electronic or written comments by May 19, 2017. For additional information on the comment date, see section III in **SUPPLEMENTARY INFORMATION.**

**ADDRESSES:** 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-2015-N-2002 for “Clarification of When Products Made or Derived From Tobacco Are Regulated as Drugs, Devices, or Combination Products; Amendments to Regulations Regarding ‘Intended Uses’; Delayed Effective Date; Request for Comments.” 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.

**FOR FURTHER INFORMATION CONTACT:** Robert Berlin, Office of Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 4238, Silver Spring, MD 20993, 301-796-8828.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In the **Federal Register** of September 25, 2015 (80 FR 57756), FDA issued a proposed rule entitled “Clarification of When Products Made or Derived From Tobacco Are Regulated as Drugs, Devices, or Combination Products; Amendments to Regulations Regarding ‘Intended Uses.’” This notice of proposed rulemaking proposed a new regulation (proposed 21 CFR 1100.5) to describe the circumstances in which a product made or derived from tobacco that is intended for human consumption will be subject to regulation as a drug, device, or a combination product under the Federal Food, Drug, and Cosmetic Act (the FD&C Act). The proposed rule also proposed certain changes to FDA’s existing regulations describing the types of evidence that may be considered in determining a medical product’s intended uses (see 21 CFR 201.128 (drugs) and 21 CFR 801.4 (devices)). These amendments were intended to clarify FDA’s existing interpretation and application of these regulations (see 80 FR 57756 at 57761). Specifically, the amendments were intended to clarify that FDA would not regard a firm as intending an unapproved new use for an approved or cleared drug or device based solely on that firm’s knowledge that its product was being prescribed or used by doctors for such use (see 80 FR 57756 at 57761). FDA proposed to delete the last sentence of the intended use regulations to provide this clarification, in addition to some other changes.

The proposed amendments to the existing intended use regulations were not intended to reflect a change in FDA’s approach regarding evidence of intended use for drugs and devices: FDA’s longstanding position is that, in determining a product’s intended use, FDA may look to any relevant source of evidence (see 80 FR 57756 at 57757) (the product’s labeling, promotional claims, and advertising, oral or written statements by a manufacturer or its representatives, circumstances surrounding the distribution or sale of a product, and other relevant evidence).

In the **Federal Register** of January 9, 2017, we published final regulations adding new 1100.5 to volume 21 of the CFR and amending the intended use regulations found at 201.128 and 801.4. The provisions in the final rule amending the intended use regulations were modified from the proposed rule because of comments we received that suggested to us that the proposed changes might not provide adequate clarity to manufacturers (see 82 FR 2193 at 2207). Some comments appeared to misunderstand the limited scope of what FDA intended by the proposal, interpreting the proposal as signifying that FDA intended to eliminate manufacturer knowledge altogether as a source of evidence of intended use (see 82 FR 2193 at 2206). In addition, some comments requested that FDA narrow the scope of evidence relevant to determining intended use in ways inconsistent with FDA’s longstanding position—for example, by removing manufacturer knowledge entirely from the types of evidence that may be considered in determining a product’s intended use or by limiting evidence of intended use to a manufacturer’s promotional claims (see 82 FR 2193 at 2206–2208)—further indicating potential misunderstanding of, and a lack of clarity with respect to, the proposed rule.

In issuing the amendments to the intended use regulations in the final rule, FDA’s goal remained the same as it had intended in the proposed rule: To clarify that FDA would not regard a firm as intending an unapproved new use for an approved or cleared drug or device based solely on that firm’s knowledge that its product was being prescribed or used by healthcare providers for such use (see 82 FR 2193 at 2206–07). Because of the comments described above, FDA decided that its clarification goals would be better achieved by amending the last sentence of each intended use regulation, rather than by deleting the sentences, and we revised the regulations accordingly (see 82 FR 2193 at 2206). The revised language was intended to achieve the goal described in the proposed rule, by amending the last sentence so that it no longer suggests that a manufacturer’s mere knowledge that its approved or cleared product was being prescribed or used for an unapproved use would, on its own, be sufficient to establish a new intended use (see 82 FR 2193 at 2206). The revised sentence was also intended to embody FDA’s longstanding position, discussed in the preamble to the proposed rule, that intended use can be based on “any relevant source of

evidence,” including a variety of direct and circumstantial evidence (see 82 FR 2193 at 2206). The text of the final rule used the phrase “the totality of evidence” to accomplish these goals (see 82 FR 2193 at 2206).<sup>1</sup>

The rule was published with an effective date of February 8, 2017. On February 7, 2017, in accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review,” FDA delayed the effective date of the rule until March 21, 2017 (82 FR 9501).

**II. Rationale and Good Cause for a Further Delay of the Effective Date of the Final Rule**

FDA has decided to delay the effective date for the final rule from March 21, 2017, until March 19, 2018. To the extent that 5 U.S.C. 553 applies to the delay of effective date from March 21, 2017, until March 19, 2018, the action is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A).

Alternatively, FDA’s implementation of this action without opportunity for public comment, effective immediately upon publication in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and (d)(3). Good cause exists to delay the prior rule without comment because the delay will ensure that the public is given an opportunity to comment on the final language that FDA included in the underlying final rule. A petition raising concerns with the final language was submitted by various industry organizations on February 8, 2017 (“petition” and “petitioners”).<sup>2</sup> The petition requests that FDA reconsider the amendments to the “intended use” regulations and promulgate a new final rule that, with respect to the intended use regulations at §§ 201.128 and 801.4, reverts to the language of the September 25, 2015, proposed rule. The petition also requests that FDA indefinitely stay the rule.

Petitioners ask that the final rule be stayed indefinitely and reconsidered for

<sup>1</sup> In the final rule, FDA also stated that the amendments were not intended to change or override FDA’s existing guidance and ongoing proceedings regarding manufacturer communications regarding unapproved uses of approved or cleared products (see 82 FR 2193 at 2209–2210).

<sup>2</sup> See February 8, 2017 petition submitted by Ropes & Gray and Sidley Austin LLP on behalf of the Medical Information Working Group, the Pharmaceutical Research and Manufacturers of America, and the Biotechnology Innovation Organization, available in Docket Nos. FDA–2011–P–0512, FDA–2013–P–1079, FDA–2015–N–2002, and FDA–2016–N–1149 at <https://www.regulations.gov>.

two independent reasons (petition at pg. 10). First, they argue that the final rule was promulgated in violation of the fair notice requirement under the Administrative Procedure Act (APA) (petition at pgs. 10–13). Second, they argue that the “totality of the evidence” language in the final rule is a new and unsupported legal standard (petition at pgs. 10, 13–21). More specifically, the petitioners contend that the revisions to the intended use regulations run contrary to “the settled interpretation” of intended use (petition at pg. 2). They describe that settled interpretation in various ways, including as limiting evidence of intended use to “manufacturer’s claims,” “any relevant source of claims,” “labels on the drug or the ‘labeling,’” and “objective evidence in promoting, distributing, and selling the [medical product]” (petition at pgs. 2, 16, 17, 19) (emphases in original). Petitioners also state that, under existing law, a “manufacturer *must* make an explicit promotional claim before FDA may find a new intended use” (petition at pg. 19) (emphasis in original), and there is an exception for relying on circumstantial evidence “only when its probative value is sufficient to *negate* any explanation other than the intended use of the product as a drug or device” (petition at pg. 15) (emphasis in original). The petitioners interpret the proposed rule as acknowledging “key limits” on the scope of intended use (petition at pg. 7), and argue that under the proposed rule, intended use would have turned solely on the manufacturer’s promotional statements (petition at pg. 11). The petitioners contend that the final rule unexpectedly expanded the understanding of intended use, and that adding the new final sentence referencing the “totality of the evidence” was a reversal of the proposed rule that violates the APA’s notice-and-comment provisions (petition at pg. 11). Petitioners express the view that the wording used in the proposed rule would have helped to address substantial concerns they have regarding FDA’s intended use definitions, while the final rule exacerbates those concerns (petition at pg. 11). These concerns include constitutional concerns (petition at pg. 19–21), and public health concerns related to chilling valuable scientific speech (petition at pg. 21).

These issues raised by the petition and similar concerns provide good cause to extend to the effective date of the rule without comment on the extension, so as to receive full public comments on these underlying issues and afford us enough time to collect and

consider those comments.<sup>3</sup> Moreover, to the extent that petitioners (and/or others) misunderstood FDA’s intent in proposing the revisions to the intended use provisions, the new comment period should provide additional opportunity to comment on FDA’s approach, including a fair opportunity to comment on the language chosen in the final rule. This action should not be construed to suggest that FDA has made any decisions about the substantive arguments made in the petition.

Seeking public comment on this delay of the effective date is impracticable, unnecessary, and contrary to the public interest. The delay in the effective date until March 19, 2018, is necessary to give the public a fair opportunity to fully comment, and FDA the opportunity to further evaluate and consider the issues raised by the petition in addition to any other pertinent information or comments stakeholders submit to this docket regarding the final rule. Given the imminence of the effective date, seeking prior public comment on this delay would have been impracticable, as well as contrary to the public interest in the orderly issuance and implementation of regulations. However, in accordance with 21 CFR 10.40(e)(1), FDA will also accept comments for a period of 60 days on whether this rule delaying the effective date should be modified or revoked.

This action is being taken under FDA’s authority under 21 CFR 10.35(a). The Commissioner of Food and Drugs finds that this delay of the effective date is in the public interest.

### III. Issues for Comment and Consideration

In addition to other comments, FDA is soliciting comments from interested persons in particular on the issues raised in the petition. For ease of reference, these comments should be submitted to this existing public docket, FDA–2015–N–2002. We request that any additional data and information be submitted to FDA by May 19, 2017 to allow us to fully consider it. Late, untimely filed comments will not be considered. Electronic comments must be submitted on or before May 19, 2017. The <https://www.regulations.gov> electronic filing system will accept

<sup>3</sup> We also note that a related issue, manufacturers’ communications about unapproved uses of approved/cleared medical products, is currently the subject of a public docket with an open comment period; extending the effective date and taking comment on the issues raised with respect to this final rule provides FDA with the opportunity for contemporaneous consideration and resolution of these related issues.

comments until midnight Eastern Time at the end of May 19, 2017. 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.

We are interested in comments on the petitioners’ views on the proper interpretation of “intended use.” FDA solicits comment on the appropriateness of the various limitations suggested by petitioners, including limiting the evidence that may be considered to establish a product’s intended use to the manufacturer’s or distributor’s promotional statements; requiring that a manufacturer make an explicit promotional claim before FDA may find a new intended use; and allowing an exception for relying on circumstantial evidence “only when its probative value is sufficient to *negate* any explanation other than the intended use of the product as a drug or device” (petition at pgs. 11, 19, 15) (emphasis in original). We are also interested in comments on the public health implications of limiting evidence of intended use as suggested by the petitioners, including with respect to the exchange of valuable scientific speech, or otherwise.

As explained in the preambles to the proposed and final rules: In determining intended use, the consideration of evidence such as the circumstances surrounding the distribution of a product, the known effects of a product or substance, and/or the context in which the product is sold often ensures that firms that attempt to evade FDA’s medical product regulation by making no claims, or at least no explicit claims, about their products can be held accountable (see 80 FR 57756 at 57757; 82 FR 2193 at 2196). A few examples of situations in which evidence of intended use has been derived from sources other than explicit promotional claims are:

- Persons distributing substances which are known to be used recreationally to get high, such as Dextromethorphan (the active ingredient in some cough suppressants) and Nitrous Oxide (which is a prescription drug). See, e.g., *United States v. Johnson*, 471 F.3d 764, 765 (7th Cir. 2006); *United States v. Schraud*, 2007 U.S. Dist. LEXIS 89231, 3–6 (E.D. Mo. Dec. 4, 2007); *United States v. Travia*, 180 F. Supp. 2d 115, 119 (D.D.C. 2001); *United States v. LA Rush*, 2:13-cr-00249, First Superseding Information (C.D. Cal. April 3, 2014).
- Persons distributing synthetic drugs, such as synthetic marijuana, labeled as incense, potpourri, or bath



salts, and/or bearing the statement “not for human consumption.” See, e.g., *United States v. Carlson*, 810 F.3d 544 (8th Cir. 2016), cert. denied, 137 S. Ct. 102, 291, 292 (2016); *United States v. Carlson*, 12-cr-00305–DSD–LIB, Amended Superseding Indictment (D. Minn. Sept. 11, 2013) and Court’s Instructions to the Jury (D. Minn. Oct. 8, 2013); *United States v. Bowen*, 14-cr-00169–PAB, Indictment (D. Colo. May 5, 2014) and Rule 11(c)(1)(A) and (B) Plea Agreement and Statement of Facts Relevant to Sentencing (D. Colo. Jan. 29, 2015).

- Persons distributing imitation drugs claimed to be incense or dietary supplements, such as imitation cocaine or imitation Ecstasy. See, e.g., *United States v. Storage Spaces Designated Nos. “8” & “49”*, 777 F.2d 1363, 1366 (9th Cir. 1985); *United States v. Undetermined Quantities of . . . Street Drug Alternatives*, 145 F. Supp. 2d 692 (D. Md. 2001).

- Persons distributing products containing the active ingredients in prescription drugs, such as VIAGRA, CIALIS, LEVITRA, or BOTOX, as less expensive alternatives to the approved products, with labeling that states that they are “all natural” or “herbal” supplements or “for research only.” See, e.g., *United States v. Dessart*, 823 F.3d 395 (7th Cir. 2016); *United States v. Zeyid*, 1:14-cr-0197, First Superseding Indictment (N.D. Ga. June 24, 2014) (see also <https://www.justice.gov/usao-ndga/pr/atlanta-man-convicted-illegally-importing-and-distributing-male-enhancement-products>); *United States v. Livdahl*, 459 F. Supp. 2d 1255, 1260 (S.D. Fla. 2005).

- Other instances where a person’s claims about the intended use of a product are belied by the person’s activities or non-promotional statements or by circumstantial evidence. See, e.g., *United States v. An Article of Device Toftness Radiation Detector*, 731 F.2d 1253, 1257 (7th Cir. 1984); *United States v. 789 Cases of Latex Surgeons’ Gloves*, 799 F. Supp. 1275, 1294–1295 (D.P.R. 1992).

In these situations, the evidence relied on has included general knowledge of actual use by customers to get high or to achieve some other mind-altering effect; the known effects of a product or substance; implied claims from using names that sound similar to the names of controlled substances; the circumstances surrounding the sale (e.g., a rock concert venue; receiving the product in bulk and repackaging into smaller plastic bags; the use of private email addresses; the absence of labeling); shipping orders, other correspondence, and memoranda

relating to marketing and distribution; statements made in training sessions; and admissions.

Evidence other than promotional claims has also been used to establish that products offered for import into the United States without labeling or other claims that identify them as a drug or device are in fact intended for use as a drug or device, and are therefore subject to refusal if they fail to meet certain requirements for importing medical products (see 21 U.S.C. 381(a)(3)). For example, the defendants in *United States v. Zeyid*, 1:14-cr-0197, First Superseding Indictment (N.D. Ga. June 24, 2014) (see also <https://www.justice.gov/usao-ndga/pr/atlanta-man-convicted-illegally-importing-and-distributing-male-enhancement-products>), imported products containing active ingredients that were the same as those used in prescription drugs but that were labeled as “tea,” “coffee,” and “beauty products.” Another example of a setting where FDA commonly relies on non-promotional information in determining intended use is when evaluating whether research studies involving human subjects must be conducted under an investigational new drug application or investigational device exemption (see 21 CFR parts 312 and 812). For example, FDA commonly evaluates materials such as research protocols in determining whether studies of products that are marketed as dietary supplements, conventional foods, or cosmetics are evaluating such products for use as drugs and are therefore subject to the investigational new drug application requirements under part 312. Non-promotional information regarding the purpose of the research is relevant to establishing whether the product should be considered a drug for the purpose of the investigation.

With respect to the petitioners’ suggested approaches to: (1) Limit the evidence relevant to determining the intended use of a medical product to promotional claims; (2) require that a manufacturer make an explicit promotional claim before FDA may find a new intended use; and/or (3) allow an exception for relying on circumstantial evidence “only when its probative value is sufficient to *negate* any explanation other than the intended use of the product as a drug or device,” and in light of the background described above regarding situations in which evidence of intended use has been derived from sources other than explicit promotional claims, we are particularly interested in comments on the following questions:

1. How should FDA consider situations such as those outlined above

where companies and individuals distribute medical products and/or seek to import medical products without explicit promotional claims as we evaluate whether to adopt any of petitioners’ suggested approaches to determining intended use?

2. What are the potential public health consequences, positive and negative, that should be considered in evaluating whether to adopt any of petitioners’ suggested approaches to determining intended use? What other policy considerations are relevant when assessing approaches to intended use?

3. To the extent that your comment cites to First Amendment considerations as the legal rationale underlying your recommendations, how (if at all) do those considerations apply to the use of non-speech evidence in determining intended use, such as the circumstances surrounding the distribution of a product or the context in which it is sold?

4. In light of the petitioners’ concerns about the language in the final rule, do stakeholders believe there is a distinction between considering “any relevant source of evidence” and “the totality of evidence”? Do stakeholders have suggestions about what wording provides the most clarity to regulated entities?

These questions are not meant to be exhaustive; we are also interested in any other pertinent comments or information stakeholders would like to share regarding the final rule, including whether there are other approaches to “intended use” that FDA should consider. Please note that, as mentioned in the final rule (see 82 FR 2193 at 2209), FDA is currently engaged in a comprehensive review of its regulations and policies governing firms’ communications about unapproved uses of approved/cleared medical products, and has established a separate public docket to receive written comments on that topic (see 81 FR 60299, September 1, 2016, available at: <http://www.fda.gov/NewsEvents/MeetingsConferencesWorkshops/ucm489499.htm>). As part of that separate proceeding, FDA is seeking input on a number of questions (see 81 FR 60299 at 60302–60303). To the extent the commenters wish to provide feedback on those questions rather than on the issues addressed here, that feedback should be submitted to that separate docket, which is open until April 19, 2017; however, we encourage commenters to submit to this docket their feedback on issues addressed in the separate docket to the extent that the feedback may also be pertinent to the final rule (including the preamble),



TABLE 2—ECONOMIC DATA WITH 1-YEAR EFFECTIVE DATE DELAY: COSTS AND BENEFITS STATEMENT—Continued

Category	Primary estimate	Low estimate	High estimate	Units			Notes
				Year dollars	Discount rate (%)	Period covered	
<b>Transfers</b>							
Federal Annualized Monetized \$millions/year					7		
					3		
From/To	From:			To:			
Other Annualized Monetized \$millions/year					7		
					3		
From/To	From:			To:			
Effects							
State, Local or Tribal Government: No Effect							
Small Business: No effect							
Wages: No estimated effect							
Growth: No estimated effect							

The full analysis of economic impacts is available in the docket for this final rule (FDA-2015-N-2002) and at <http://www.fda.gov/AboutFDA/ReportsManualsForms/Reports/EconomicAnalyses/default.htm>.

**V. References**

The following references are on display in the Division of Dockets Management (see ADDRESSES) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at <https://www.regulations.gov>. FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

1. *United States v. LA Rush*, 2:13-cr-00249, First Superseding Information (C.D. Cal. April 3, 2014).
2. *United States v. Carlson*, 12-cr-00305-DSD-LIB, Amended Superseding Indictment (D. Minn. Sept. 11, 2013).
3. *United States v. Carlson*, 12-cr-00305-DSD-LIB, Court's Instructions to the Jury, (D. Minn. Oct. 8, 2013).
4. *United States v. Bowen*, 14-cr-00169-PAB, Indictment (D. Colo. May 5, 2014).
5. *United States v. Bowen*, 14-cr-00169-PAB, Rule 11(c)(1)(A) and (B) Plea Agreement and Statement of Facts Relevant to Sentencing (D. Colo. Jan. 29, 2015).
6. *United States v. Zeyid*, 1:14-cr-0197, First Superseding Indictment (N.D. Ga. June 24, 2014).
7. U.S. Department of Justice, "Atlanta Man Convicted of Illegally Importing and Distributing Male Enhancement Products from China", Feb. 16, 2017, available at <https://www.justice.gov/usao-ndga/pr/atlanta-man-convicted-illegally-importing-and-distributing-male-enhancement-products>.

Dated: March 16, 2017.  
**Leslie Kux**,  
*Associate Commissioner for Policy.*  
 [FR Doc. 2017-05526 Filed 3-17-17; 8:45 am]  
**BILLING CODE 4164-01-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 22, 51, 124, 171, 300, and 770**

[FRL-9960-28-OP]

**Further Delay of Effective Dates for Five Final Regulations Published by the Environmental Protection Agency Between December 12, 2016 and January 17, 2017**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; further delay of effective dates.

**SUMMARY:** In accordance with the Presidential directive as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review," and the **Federal Register** document published by EPA on January 26, 2017, EPA is further delaying the effective dates for the five regulations listed in the table below.

**DATES:** This regulation is effective March 21, 2017. The effective date of each regulation listed in the table below is delayed to a new effective date of May 22, 2017.

**FOR FURTHER INFORMATION CONTACT:** Sarah Rees, Director, Office of Regulatory Policy and Management,

Office of Policy, Mail code 1804, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave NW., Washington, DC 20460; (202) 564-1986; [rees.sarah@epa.gov](mailto:rees.sarah@epa.gov).

**SUPPLEMENTARY INFORMATION:** On January 26, 2017, EPA published a document in the **Federal Register** entitled "Delay of Effective Date for 30 Final Regulations Published by the Environmental Protection Agency Between October 28, 2016 and January 17, 2017" (82 FR 8499) (January 26 Document). In that document, EPA delayed the effective dates of the five regulations listed in the table below to March 21, 2017, as requested in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review" (January 20 Memo). That memo directed the heads of Executive Departments and Agencies to temporarily postpone for 60 days from the date of the January 20 Memo the effective dates of all regulations that had been published in the **Federal Register** but had not yet taken effect.

The January 20 Memo also directs that where appropriate and as permitted by applicable law, agencies should consider a rule to delay the effective date for regulations beyond that 60-day period. In this document, EPA is taking action to further delay the effective dates for five regulations listed in the table below until May 22, 2017. EPA is taking this action to give recently arrived Agency officials the opportunity to learn more about these regulations and to decide whether they would like to conduct a substantive review of any of those regulations. If Agency officials decide to conduct a substantive review

of any of those regulations, EPA will take appropriate actions to conduct such a review, including, but not limited to, issuing a document in the **Federal Register** addressing any further delay of the effective date of such regulation. If Agency officials decide not to conduct a substantive review of a regulation listed in the table below, it will become effective on May 22, 2017.

The Agency's implementation of this action without opportunity for public comment is based on the good cause exception in 5 U.S.C. 553(b)(B). (The good cause exception is also referenced in section 307(d) of the Clean Air Act (CAA).) The Agency has determined that seeking public comment is impracticable, unnecessary and contrary to the public interest. The further temporary delay in effective date until May 22, 2017, is necessary to give Agency officials the opportunity to decide whether they would like to

conduct a substantive review of the five regulations, consistent with the January 20 Memo. The intent of the January 20 Memo was to delay the effective dates of rules that had recently been promulgated to give the new Administration time to review them. When that delay was implemented through the January 26 Document, the EPA believed 60 days would be sufficient time for incoming Agency officials to review rules recently promulgated by the EPA. However, given the length of the confirmation process for the EPA Administrator and the fact that the Agency lacks Senate-confirmed officials elsewhere, the new Administration has not had the time contemplated by the January 20 Memo for this review. Thus, the EPA is deferring the effective date for the five regulations listed in the table below for another 62 days to allow Agency officials to conduct this review. Given

the imminence of the effective date, seeking prior public comment on this further temporary delay would be impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. Specifically, the Agency has been faced with circumstances beyond its control; as was the case on January 26, it is difficult to predict when the appropriate officials might assume their responsibilities. Indeed, as noted above, even today the EPA has only one Senate-confirmed official in place. Furthermore, allowing these regulations to go into effect without first deciding whether to undertake a substantive review may create public confusion. In addition, to the extent this extension is a procedural rule, it is exempt from notice and comment under 5 U.S.C. 553(b)(A), which is also referenced in CAA section 307(d).

Federal Register citation	Title	Publication date	Original effective date	New effective date
82 FR 2760 .....	Addition of a Subsurface Intrusion Component to the Hazard Ranking System.	1/9/17	2/8/2017	5/22/2017
81 FR 89674 .....	Formaldehyde Emission Standards for Composite Wood Products.	12/12/16	2/10/2017	5/22/2017
82 FR 5182 .....	Revisions to the Guideline on Air Quality Models: Enhancements to the AERMOD Dispersion Modeling System and Incorporation of Approaches to Address Ozone and Fine Particulate Matter.	1/17/17	2/16/2017	5/22/2017
82 FR 952 .....	Pesticides; Certification of Pesticide Applicators .....	1/4/17	3/6/2017	5/22/2017
82 FR 2230 .....	Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits; Procedures for Decisionmaking.	1/9/17	3/10/2017	5/22/2017

For the foregoing reasons, the EPA relies on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3) to make today's action effective on March 21, 2017.

Dated: March 14, 2017.

**E. Scott Pruitt,**  
Administrator.

[FR Doc. 2017-05462 Filed 3-17-17; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 50**

[EPA-HQ-OAR-2016-0408; FRL-9958-29-OAR]

RIN 2060-AS89

**Technical Correction to the National Ambient Air Quality Standards for Particulate Matter**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to make a technical correction to equation 2 in appendix N to part 50, section 4.4(b) of the National Ambient Air Quality Standards (NAAQS) for Particulate Matter. Equation 2 in appendix N describes an intermediate step in the calculation of the design value for the annual PM<sub>2.5</sub> (particles

with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers) NAAQS. This action corrects Equation 2 to properly account for cases where a site has quarters without daily values and passes the minimum quarterly value data substitution test. This change accurately reflects the intended calculation of the annual PM<sub>2.5</sub> design value and is consistent with the text of section 4.1 in appendix N to part 50.

**DATES:** This final rule is effective on May 19, 2017.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2016-0408. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be

publicly available only in hard copy form. Publicly available docket materials are available electronically through <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Brett Gantt, Office of Air Quality Planning and Standards, Air Quality Assessment Division, Air Quality Analysis Group (Mail Code: C304-04), Environmental Protection Agency, 109 T.W. Alexander Drive, Research Triangle Park, NC 27711; telephone number: (919) 541-5274; email address: [gantt.brett@epa.gov](mailto:gantt.brett@epa.gov).

**SUPPLEMENTARY INFORMATION:**

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**I. General Information**

**A. Background**

On December 14, 2012, the EPA revised the NAAQS for Particulate Matter (78 FR 3086). As part of that action, the EPA also made corresponding revisions in appendix N to 40 CFR part 50, which describes the data handling conventions and computations necessary for determining when the NAAQS for PM<sub>2.5</sub> are met. Section 4.4 of appendix N describes the annual PM<sub>2.5</sub> design value calculations, with equations 1, 2, and 3 used to calculate the quarterly, annual, and 3-year average concentrations. Equation 2 erroneously describes the annual mean as the average of the four quarterly values despite the availability of a minimum quarterly value data substitution test that is applicable to

cases with quarters that do not have any daily values.

The minimum quarterly value data substitution test described in section 4.1(c)(i) allows for a valid annual PM<sub>2.5</sub> design value to be calculated when a test design value is greater than the level of the standard. This test design value is calculated by substituting quarter-specific minimum values for quarters not meeting data completeness requirements. If the minimum quarterly value data substitution test is passed, the annual PM<sub>2.5</sub> design value is calculated from annual means of the quarters with at least one daily value, which can range in number from one to four quarters for a specific year.

As currently written, Equation 2 is not appropriate for use in cases where the data completeness requirements of section 4.1(b) of appendix N have not been met, and where the minimum quarterly value data substitution test has been used in lieu of meeting those requirements for quarters without any daily values. Specifically, Equation 2 assumes there are four quarters with data and does not accurately reflect the intended calculation of the annual mean PM<sub>2.5</sub> concentration using only quarters with at least one daily value.

On August 11, 2016, the EPA issued a direct final action (81 FR 53006), along with a parallel proposal (81 FR 53097), to correct Equation 2. We received an adverse comment to the direct final rule suggesting a change in the definition of one of the parameters in the updated equation. Specifically, the commenter suggested that the variable  $n_{Q,y}$ , which represents the number of quarters used in the calculation of the annual mean, be changed from defining Q as a complete quarter to a quarter containing at least one valid 24-hour value. On September 29, 2016, we withdrew the direct final action and indicated our intent to address the comment in a final action based on the parallel proposal. We agree with the commenter and are incorporating the suggested definition in this final action.

**B. What action is the Agency taking?**

This action generalizes Equation 2 to account for cases where a site has quarters without daily values, but passes the minimum quarterly value data substitution test. This technical correction to Equation 2 is currently used by the EPA in the calculation of the annual PM<sub>2.5</sub> design value, is consistent with the text of section 4.1 within appendix N to part 50, and does not affect the EPA's calculation of annual mean PM<sub>2.5</sub> concentrations when four complete quarters of data are available. The annual PM<sub>2.5</sub> design

values calculated by the EPA and available at <https://www.epa.gov/air-trends/air-quality-design-values> are, therefore, not affected by this revision.

**C. Does this action apply to me?**

This action applies to you if you are calculating the annual PM<sub>2.5</sub> design value for a site which has quarters without daily values for a specific year and passes the minimum quarterly value data substitution test. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

**II. Statutory and Executive Order Reviews**

**A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review**

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

**B. Paperwork Reduction Act (PRA)**

This action does not impose an information collection burden under the PRA. This action clarifies the calculation of the annual PM<sub>2.5</sub> NAAQS design values and does not impose additional regulatory requirements on organizations monitoring air quality.

**C. Regulatory Flexibility Act (RFA)**

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This action corrects the calculation of annual mean PM<sub>2.5</sub> concentrations and does not impose additional regulatory requirements on sources.

**D. Unfunded Mandates Reform Act (UMRA)**

This action does not contain any unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531-1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local or tribal governments, or the private sector.

**E. Executive Order 13132: Federalism**

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

*F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This action does not have tribal implications, as specified in Executive Order 13175. This regulatory action corrects the calculation of annual mean PM<sub>2.5</sub> concentrations and imposes no requirements on tribal governments. Thus, Executive Order 13175 does not apply to this action.

*G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

*H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

*I. National Technology Transfer and Advancement Act*

This rulemaking does not involve technical standards.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This regulatory action is a technical correction to a previously promulgated regulatory action and does not have any impact on human health or the environment.

*K. Congressional Review Act*

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not “major rule” as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 50**

Air pollution control, Carbon monoxide, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

Dated: March 14, 2017.

**E. Scott Pruitt,**  
Administrator.

For the reasons stated in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

**PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS**

■ 1. The authority citation for part 50 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

■ 2. In appendix N to part 50, in section 4.4, paragraph (b), Equation 2 is revised to read as follows:

**Appendix N to Part 50—Interpretation of the National Ambient Air Quality Standards for PM<sub>2.5</sub>**

\* \* \* \* \*

4.4 Equations for the Annual PM<sub>2.5</sub> NAAQS

\* \* \* \* \*

(b) \* \* \*

Equation 2

$$\bar{X}_y = \frac{1}{n_{Q,y}} \sum_{q=1}^{n_{Q,y}} \bar{X}_{q,y}$$

Where:

$\bar{X}_y$  = the annual mean concentration for year  $y$  ( $y = 1, 2, \text{ or } 3$ );

$n_{Q,y}$  = the number of quarters  $Q$  in year  $y$  with at least one daily value; and

$\bar{X}_{q,y}$  = the mean for quarter  $q$  of year  $y$  (result of equation 1).

\* \* \* \* \*

[FR Doc. 2017–05474 Filed 3–17–17; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 271**

**[EPA–R04–RCRA–2016–0497; FRL–9959–14–Region 4]**

**Alabama: Final Authorization of State Hazardous Waste Management Program Revisions**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** Alabama has applied to the United States Environmental Protection Agency (EPA) for final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has

determined that these changes satisfy all requirements needed to qualify for final authorization, and is authorizing the State’s changes through this direct final rule. In the “Proposed Rules” section of today’s **Federal Register**, EPA is also publishing a separate document that serves as the proposal to authorize these changes. EPA believes this action is not controversial and does not expect comments that oppose it. Unless EPA receives written comments that oppose this authorization during the comment period, the decision to authorize Alabama’s changes to its hazardous waste program will take effect. If EPA receives comments that oppose this action, EPA will publish a document in the **Federal Register** withdrawing today’s direct final rule before it takes effect, and the separate document published in today’s “Proposed Rules” section of this **Federal Register** will serve as the proposal to authorize the changes.

**DATES:** This final authorization will become effective on May 19, 2017 unless EPA receives adverse written comment by April 19, 2017. If EPA receives such comment, EPA will publish a timely withdrawal of this direct final rule in the **Federal Register** and inform the public that this authorization will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R04–RCRA–2016–0497, by one of the following methods:

- **Federal eRulemaking Portal:** [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions for submitting comments.

- **Email:** [baker.audrey@epa.gov](mailto:baker.audrey@epa.gov).

- **Fax:** (404) 562–9964 (prior to faxing, please notify the EPA contact listed below).

- **Mail:** Send written comments to Audrey Baker, RCRA Programs and Materials Management Section, Materials and Waste Management Branch, Resource Conservation and Restoration Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.

- **Hand Delivery or Courier:** Deliver your comments to Audrey Baker, RCRA Programs and Materials Management Section, Materials and Waste Management Branch, Resource Conservation and Restoration Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office’s normal hours of operation, and special

arrangements should be made for deliveries of boxed information.

**Instructions:** EPA must receive your comments by April 19, 2017. Direct your comments to Docket ID No. EPA–R04–RCRA–2016–0497. EPA’s policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or email. The [www.regulations.gov](http://www.regulations.gov) Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your email address will be automatically captured and included as part of the comment that is placed in the public docket and made publicly available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. (For additional information about EPA’s public docket, visit the EPA Docket Center homepage at [www.epa.gov/epahome/dockets.htm](http://www.epa.gov/epahome/dockets.htm)).

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at [www.regulations.gov](http://www.regulations.gov), or in hard copy.

You may view and copy Alabama’s applications and associated publicly available materials from 8:00 a.m. to 4:00 p.m. at the following locations: EPA Region 4, Resource Conservation and Restoration Division, Atlanta Federal Center, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960; telephone number: (404) 562–8483; and the Alabama Department of Environmental

Management, 1400 Coliseum Boulevard, Montgomery, Alabama 36110–2059; telephone number: (334) 271–7700. Interested persons wanting to examine these documents should make an appointment with the office at least a week in advance.

**FOR FURTHER INFORMATION CONTACT:** Audrey Baker, RCRA Programs and Materials Management Section, Materials and Waste Management Branch, Resource Conservation and Restoration Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960; telephone number: (404) 562–8483; fax number: (404) 562–9964; email address: [baker.audrey@epa.gov](mailto:baker.audrey@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Why are revisions to state programs necessary?**

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA’s regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 268, 270, 273, and 279.

New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA) take effect in authorized States at the same time that they take effect in unauthorized States. Thus, EPA will implement those requirements and prohibitions in Alabama, including the issuance of new permits implementing those requirements, until the State is granted authorization to do so.

**B. What decisions has EPA made in this rule?**

On July 20, 2015 and August 15, 2016, Alabama submitted final complete program revision applications seeking authorization of changes to its hazardous waste program that correspond to certain Federal rules promulgated between July 1, 2006 through June 30, 2008, and July 1, 2011 through June 30, 2014 (also known as RCRA Clusters XVII through XVIII, and XXII through XXIII). EPA concludes that

Alabama’s applications to revise its authorized program meet all of the statutory and regulatory requirements established by RCRA, as set forth in RCRA section 3006(b), 42 U.S.C. 6926(b), and 40 CFR part 271. Therefore, EPA grants Alabama final authorization to operate its hazardous waste program with the changes described in the authorization applications, and as outlined below in Section G of this document.

Alabama has responsibility for permitting treatment, storage, and disposal facilities within its borders (except in Indian Country) and for carrying out the aspects of the RCRA program described in its revised program applications, subject to the limitations of HSWA, as discussed above.

**C. What is the effect of this authorization decision?**

The effect of this decision is that the changes described in Alabama’s authorization applications will become part of the authorized State hazardous waste program, and will therefore be federally enforceable. Alabama will continue to have primary enforcement authority and responsibility for its State hazardous waste program. EPA retains its authorities under RCRA sections 3007, 3008, 3013, and 7003, including its authority to:

- Conduct inspections, and require monitoring, tests, analyses, or reports;
- Enforce RCRA requirements, including authorized State program requirements, and suspend or revoke permits; and
- Take enforcement actions regardless of whether the State has taken its own actions.

This action does not impose additional requirements on the regulated community because the regulations for which Alabama is being authorized by today’s action are already effective and enforceable requirements under State law, and are not changed by today’s action.

**D. Why wasn’t there a proposed rule before today’s rule?**

Along with this direct final rule, EPA is publishing a separate document in the “Proposed Rules” section of today’s **Federal Register** that serves as the proposal to authorize these State program changes. EPA did not publish a proposed rule before today because EPA views this as a routine program change and does not expect comments that oppose this approval. EPA is providing an opportunity for public comment now, as described in Section E of this document.

**E. What happens if EPA receives comments that oppose this action?**

If EPA receives comments that oppose this authorization, EPA will withdraw today's direct final rule by publishing a document in the **Federal Register** before the rule becomes effective. EPA will base any further decision on the authorization of the State program changes on the proposed rule mentioned in the previous section, after considering all comments received during the comment period, and will address all such comments in a later final rule. You may not have another opportunity to comment on these State program changes. If you want to comment on this authorization, you must do so at this time.

If EPA receives comments that oppose only the authorization of a particular change to the State hazardous waste program, EPA will withdraw that part of today's direct final rule, but the authorization of the program changes that the comments do not oppose will become effective on the date specified above. The **Federal Register** withdrawal

document will specify which part of the authorization will become effective, and which part is being withdrawn.

**F. What has Alabama previously been authorized for?**

Alabama initially received final authorization on December 8, 1987, effective December 22, 1987 (52 FR 46466), to implement a hazardous waste management program. EPA granted authorization for changes to Alabama's program on the following dates: November 29, 1991, effective January 28, 1992 (56 FR 60926); May 13, 1992, effective July 12, 1992 (57 FR 20422); October 21, 1992, effective December 21, 1992 (57 FR 47996); March 17, 1993, effective May 17, 1993 (58 FR 20422); September 24, 1993, effective November 23, 1993 (58 FR 49932); February 1, 1994, effective April 4, 1994 (59 FR 4594); November 14, 1994, effective January 13, 1995 (59 FR 56407); August 14, 1995, effective October 13, 1995 (60 FR 41818); February 14, 1996, effective April 15, 1996 (61 FR 5718); April 25, 1996, effective June 24, 1996 (61 FR 5718); November 21, 1997, effective

February 10, 1998 (62 FR 62262); December 20, 2000, effective February 20, 2001 (65 FR 79769); March 15, 2005, effective May 16, 2005 (70 FR 12593); June 2, 2005, effective August 1, 2005 (70 FR 32247); September 13, 2006, effective November 13, 2006 (71 FR 53989); and April 2, 2008, effective June 2, 2008 (73 FR 17924).

**G. What changes is EPA authorizing with this action?**

On July 20, 2015 and August 15, 2016, Alabama submitted final complete program revision applications seeking authorization of its changes in accordance with 40 CFR 271.21. EPA now makes an immediate final decision, subject to receipt of written comments that oppose this action, that Alabama's hazardous waste program revisions are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all of the requirements necessary to qualify for final authorization. Therefore, EPA grants Alabama final authorization for the following program changes:

Description of Federal requirement	Federal Register date and page	Analogous state authority <sup>1</sup>
Checklist 214, Corrections to Errors in the Code of Federal Regulations.	71 FR 40254 7/14/06 .....	335-14-1-.02(117)(b); -02(167); -02(178); -02(180); -02(196); -02(205); -02(266); -02(273); 335-14-1-.03(2)(a)1.; -03(2)(d)1.(ii); -03(20)(a); -03(21); 335-14-2-.01(2)(c)1.(i); -01(3)(a)2.(i); -01(4)(a)20.(v); -01(4)(b)6.(i)(II); -01(4)(b)6.(ii); -01(4)(b)6.(ii)(IV)-(V); -01(4)(b)9.; -01(4)(e)2.(vi); -01(4)(e)3.(i); -01(6)(a)2.(ii)-(iv); -01(6)(c)2.; 335-14-2-.03(2)(a)3.; -03(2)(a)3.(i)-(ii); -03(2)(a)3.(ii)(I)-(IV); -03(2)(a)4.; -03(2)(a)4.(i); -03(2)(a)4.(i)(I)-(IV); -03(2)(a)4.(i)(IV) Notes 1-4; -03(5)(b); 335-14-2-.04(2)(a)/Table; -04(3)(a)/Table "K107" and "K069" entries; -04(4)(e); -04(4)(e)/Comment; -04(4)(e)/Table; -04(4)(f); -04(4)(f)/Table; 335-14-2 Appendices VII-VIII; 335-14-3-.03(5)(a)1.(iv); 335-14-3-.05(4)(b); -05(7)(b); -05(9)(a)1.; 335-14-3-.07(1); 335-14-3-.09(3)(a)1.(ii); -09(4)(b)1.(i); -09(4)(b)2.(i); -09(5)(e); -09(8)(a); -09(8)(a)5.; 335-14-5-.01(1)(g)2.; -01(4); 335-14-5-.02(4)(b)7.(iii)(II); -02(8)(b); -02(9)(b)2.(iii); 335-14-5-.06(8)(a)1.; -06(8)(a)1.(i); -06(8)(i)5.; -06(9)(a)2.; -06(9)(g)4.(i); -06(10)(h)2.; -06(12)(d); 335-14-5-.07(2)(c); -07(3)(b)8.; -07(6)-(7); -07(9)(c); -07(10)(b)1.(ii); 335-14-5-.08(1)(c); -08(3)(b)2.; -08(4)(b)7.; -08(4)(b)8.; -08(4)(e)5.; -08(6)(a)3.(i); -08(6)(d)6.; -08(6)(f)11.; -08(8)(h)1.; -08(12)(b); -08(12)(f); -08(12)(g) Letter From Chief Financial Officer; -08(12)(h)2. Guarantee For Liability Coverage; -08(12)(h)2. Recitals, Item 13(a) Certification of Valid Claim; -08(12)(h)2. Recitals, Item 14; -08(12)(i) Hazardous Waste Facility Liability Endorsement, Item 2(e); -08(12)(j) Hazardous Waste Facility Certificate of Liability Insurance, Item 2(d); -08(12)(k) Irrevocable Standby Letter of Credit; -08(12)(k) Certificate of Valid Claim; -08(12)(l); -08(12)(l) Certification of Valid Claim; -08(12)(m) Trust Agreement, Section 8(c); -08(12)(n)1. Standby Trust Agreement, Sections 3(c)(1), 3(e)(3), 12, and 16; 335-14-5-.09(6)(b)1.; 335-14-5-.10(4)(c)4. Note; -10(4)(d)4.; -10(4)(e)2.(ii)-(iii); -10(4)(e)2.(v)(I)-(II); -10(4)(e)3.(i)-(ii); -10(4)(g)1.(iii)-(iv); -10(4)(g)2.(i)(I);



Description of Federal requirement	Federal Register date and page	Analogous state authority <sup>1</sup>
		<p>335-14-5-.11(2)(c)1.(i)(II); -.11(2)(c)2.(ii); -.11(2)(e)1.; -.11(2)(e)2.(i)(II)-(III); -.11(4)(b)1.; -.11(7)(a)2.;</p> <p>335-14-5-.12(2)(a)2.(i)(I); -.12(3)(a)-(b); -.12(10)(b);</p> <p>335-14-5-.13(11)(c)7.; -.13(11)(d); -.13(14)(a);</p> <p>335-14-5-.14(2)(b)2.; -.14(3)(a); -.14(3)(b); -.14(5)(b)1.; -.14(15)(f)2.; -.14(18)(a);</p> <p>335-14-5-.15(5)(b);</p> <p>335-14-5-.19(3)(e)4.(iii); -.19(3)(e)4.(iv)(VI); -.19(3)(e)6.(iii)(V); -.19(4)(e); -.19(5)(a); -.19(6)(e)6.;</p> <p>335-14-5-.23(4)(a)1.; -.23(4)(a)4.(i); -.23(4)(a)5.; -.23(4)(b); -.23(4)(m)2.; -.23(4)(m)3.;</p> <p>335-14-5-.24(1); -.24(2)(a); -.24(2)(b)11.; -.24(2)(c)4.;</p> <p>335-14-5-.27(1); -.27(4)-(6);</p> <p>335-14-5-.28(1); -.28(9); -.28(15);</p> <p>335-14-5-.29(1); -.29(11);</p> <p>335-14-5-.30(2)(b)3.(iii); -.30(2)(c)3.; -.30(2)(c)3.(i); -.30(2)(d); -.30(3)(a);</p> <p>335-14-5-Appendix I/Table 1 and Table 2(d);</p> <p>335-14-6-.01(1)(c)4.; -.01(1)(c)6.;</p> <p>335-14-6-.02(3)(a)1.; -.02(5)(b)1.; -.02(7)(b); -.02(10)(c)2.;</p> <p>335-14-6-.04(7)(b);</p> <p>335-14-6-.06(1)(d);</p> <p>335-14-6-.07(1)(b)4.; -.07(2)(c); -.07(3)(b)5.; -.07(3)(d)4.(iii)-(iv); -.07(4)(b); -.07(4)(e)4.; -.07(8)(b); -.07(10)(b)1.(ii);</p> <p>335-14-6-.08(1)(b); -.08(1)(b)2.; -.08(3)(a); -.08(6)(e)11.; -.08(8)(a)1.(i); -.08(8)(b)1.(i)-(ii);</p> <p>335-14-6-.09(5);</p> <p>335-14-6-.10(4)(e)2.(v)(I)-(II); -.10(4)(i)2.; -.10(5)(b)1.; -.10(5)(b)2.;</p> <p>335-14-6-.10(8)(b); -.10(12)(c);</p> <p>335-14-6-.11(2)(d)2.(i)(I)-(II); -.11(5)(b)1.; -.11(9)(a)2.(iii)(IV); -.11(9)(b)2.; -.11(10)(b)2.; -.11(10)(b)3.;</p> <p>335-14-6-.12(6)(b); -.12(10)(b)1.;</p> <p>335-14-6-.13(11)(a)4.; -.13(12)(a)1.;</p> <p>335-14-6-.14(2)(a); -.14(2)(d); -.14(3)(b); -.14(4)(b)1.; -.14(13)(a)1.; -.14(15)(f)1.(ii); -.14(15)(g)2.; -.14(17); -.14(17)(c)-(d);</p> <p>335-14-6-.17(6)(a)1.(i);</p> <p>335-14-6-.23(2)(c); -.23(4)(a)4.(i); -.23(4)(b); -.23(6)(b);</p> <p>335-14-6-.27(4); -.27(6);</p> <p>335-14-6-.28(14);</p> <p>335-14-6-.29(1); -.29(6); -.29(8); -.29(11);</p> <p>335-14-6-.30(1)(d); -.30(2)(b)3.(i)(II); -.30(2)(b)3.(iii); -.30(2)(c)3.; -.30(2)(d);</p> <p>335-14-6-Appendix I/Tables 1 and 2;</p> <p>335-14-6-Appendix V/Table;</p> <p>335-14-6-Appendix VI;</p> <p>335-14-7-.06(1)(a);</p> <p>335-14-7-.07(1)(a)/Table;</p> <p>335-14-7-.08(1); -.08(3)-(4); -.08(7); -.08(10);</p> <p>335-14-7-.14 heading;</p> <p>335-14-7-Appendices III-VII, IX, and XIII;</p> <p>335-14-8-.01(1)(a)2.; -.01(1)(b); -.01(1)(c)1.; -.01(1)(c)3.(i);</p> <p>335-14-8-.02(1)(j)1.; -.02(2)(d)1.; -.02(2)(d)2.; -.02(4)(k)7.; -.02(5)(a); -.02(5)(b)11.(ii); -.02(5)(b)19.(iii); -.02(5)(b)21.; -.02(8)(f); -.02(9)(b); -.02(9)(g); -.02(11)(i)2.; -.02(17)(c)15.;</p> <p>335-14-8-.03(4)(b);</p> <p>335-14-8-.04(2)(c); -.04(3)(b)2.(ii)(I)-(II);</p> <p>335-14-8-.07(1)(a); -.07(3)(b)2.;</p> <p>335-14-9-.01(2); -.01(4); -.01(6)-(7);</p> <p>335-14-9-.02(5);</p> <p>335-14-9-.04(1); -.04(3); -.04(5)-(6); -.04(8)-(9);</p> <p>335-14-9-.05(1);</p> <p>335-14-9-Appendix VIII;</p> <p>335-14-11-.02(4)(b); -.02(5)(a);</p> <p>335-14-11-.03(5)(a);</p> <p>335-14-17-.02(1)(b)2.; -.02(2); -.02(2)/Table 1;</p> <p>335-14-17-.05(5)(c)3.(i); -.05(5)(c)5.; -.05(6)(a); -.05(6)(c)2.; -.05(7)(a);</p> <p>335-14-17-.06(3)(a)-(b); -.06(3)(b)1.(ii); -.06(3)(b)6.(ii)-(iii); -.06(6)(a); -.06(6)(a)2.(i)(II); -.06(7)(a)2.; -.06(8)(a)2.(iii); -.06(10);</p> <p>335-14-17-.07(4)(b)3.; -.07(5)(e); and</p> <p>335-14-17-.08(1)(b)1.</p>

Description of Federal requirement	Federal Register date and page	Analogous state authority <sup>1</sup>
Checklist 215, Cathode Ray Tubes Rule.	71 FR 42928, 7/28/06 .....	335-14-1-.02(28)-(31); 335-14-2-.01(4)(a)22.(i)-(iv); 335-14-2-.04(9); and 335-14-2-.05(1)-(3).
Checklist 218, F019 Exemption for Wastewater Treatment Sludges from Auto Manufacturing Zinc Phosphating Processes.	73 FR 31756, 6/4/08 .....	335-14-1-.02(1)(a)(158); 335-14-2-.04(2)(b)4.; -.04(2)(b)4.(i); and -.04(2)(a)/Table.
Checklist 228, Hazardous Waste Technical Corrections and Clarifications Rule.	77 FR 22229 ..... 4/13/12 .....	335-14-2-.04(3)(a) entry for K107; and 335-14-7-.03(1)(b).
Checklist 229, Conditional Exclusions for Solvent Contaminated Wipes.	78 FR 46448 ..... 7/31/13 .....	335-14-1-.02(1)(a)177.; -.02(1)(a)248.; -.02(1)(a)312.; 335-14-2-.01(4)(a)26.; -.01(4)(a)26.(i)-(v); -.01(4)(a)26.(v)(I)-(IV); -.01(4)(a)26.(vi); -.01(4)(b)(18); -.01(4)(b)(18)(i)-(v); -.01(4)(b)(18)(v)(I)-(IV); -.01(4)(b)(18)(vi); and -.01(4)(b)(18)(vi)(I)-(II).

<sup>1</sup> The Alabama provisions are from the Alabama Hazardous Waste Management Rules 335-14-1, effective May 27, 2008 (Checklists 214 and 215); March 31, 2009 (Checklist 218); March 26, 2013 (Checklist 228); and March 31, 2015 (Checklist 229).

**H. Where are the revised State rules different from the Federal rules?**

We consider the following State requirements to be more stringent than the Federal requirements: Rules 335-14-2-.01(4)(a)26.(v)(IV) and 335-14-2-.01(4)(b)(18)(v)(IV) (from RCRA Cluster XXIII, Checklist 229) because, in addition to the three types of records required by the federal regulation, the State requires generators to maintain in their onsite records, documentation that verifies that “no free liquids” were present in the container prior to shipment. The Federal requirements found at 40 CFR 261.4(a)(26)(v) and 261.4(b)(18)(v) do not include this record keeping requirement. These requirements are part of Alabama’s authorized program and are federally enforceable.

EPA cannot delegate the Federal requirements at 40 CFR 261.39(a)(5), 261.40, and 261.41 contained in the Cathode Ray Tubes Rule set forth in 71 FR 42928 (July 28, 2006). Although Alabama has adopted these requirements at Rules 335-14-2-.05(1)(a)5., 335-14-2-.05(2), and 335-14-2-.05(3), EPA will continue to implement those requirements.

**I. Who handles permits after the authorization takes effect?**

Alabama will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which EPA issued prior to the effective date of this authorization until they expire or are terminated. EPA will not issue any more permits or new portions of permits for the provisions listed in the Table above after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA

requirements for which Alabama is not authorized.

**J. How does today’s action affect Indian Country (18 U.S.C. 1151) in Alabama?**

Alabama is not authorized to carry out its hazardous waste program in Indian Country within the State, which includes the Poarch Band of Creek Indians. EPA will continue to implement and administer the RCRA program in these lands.

**K. What is codification and is EPA codifying Alabama’s hazardous waste program as authorized in this rule?**

Codification is the process of placing the State’s statutes and regulations that comprise the State’s authorized hazardous waste program into the Code of Federal Regulations. EPA does this by referencing the authorized State rules in 40 CFR part 272. EPA is not codifying the authorization of Alabama’s changes at this time. However, EPA reserves the amendment of 40 CFR part 272, subpart B, for the authorization of Alabama’s program changes at a later date.

**L. Administrative Requirements**

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond

that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA section 3006(b), EPA grants a State’s application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the

requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the “Attorney General’s Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This action will be effective May 19, 2017, unless objections to this authorization are received.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: March 9, 2017.

**V. Anne Heard,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 2017-05464 Filed 3-17-17; 8:45 am]

**BILLING CODE 6560-50-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 Regulation

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Interim final rule; further delay of effective date with comment.

**SUMMARY:** The Health Resources and Services Administration (HRSA) administers section 340B of the Public Health Service Act (PHSA), which is referred to as the “340B Drug Pricing Program” or the “340B Program.” The January 5, 2017 final rule sets forth the calculation of the ceiling price and application of civil monetary penalties, and applies to all drug manufacturers that are required to make their drugs available to covered entities under the 340B Program. This interim final rule delays the effective date of the final rule published in the **Federal Register** (82 FR 1210, (January 5, 2017)) to May 22, 2017. Commenters are also invited to provide their views on whether a longer delay of the effective date to October 1, 2017, would be more appropriate.

**DATES:** As of March 20, 2017, the effective date of the final rule published in the **Federal Register** (82 FR 1210, January 5, 2017) is further delayed to May 22, 2017. Comments on the delay of the effective date to May 22, 2017, as well as comments on alternatively delaying the effective date further to October 1, 2017, must be submitted on or before April 19, 2017.

**ADDRESSES:** You may submit comments, identified by the Regulatory Information Number (RIN) 0906-AA89, by any of the following methods. Please submit your comments in only one of these ways to minimize the receipt of duplicate submissions. The first is the preferred method.

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow instructions for submitting comments. This is the preferred method for the submission of comments.

- **Email:** [340BCMPNPRM@hrsa.gov](mailto:340BCMPNPRM@hrsa.gov). Include 0906-AA89 in the subject line of the message.

- **Mail:** Office of Pharmacy Affairs (OPA), Healthcare Systems Bureau (HSB), Health Resources and Services Administration (HRSA), 5600 Fishers Lane, Mail Stop 08W05A, Rockville, MD 20857.

All submitted comments will be available to the public in their entirety.

Please do not submit confidential commercial information or personal identifying information that you do not want in the public domain.

**FOR FURTHER INFORMATION CONTACT:** CAPT Krista Pedley, Director, OPA, HSB, HRSA, 5600 Fishers Lane, Mail Stop 08W05A, Rockville, MD 20857, or by telephone at 301-594-4353.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In September 2010, HHS published an advanced notice of proposed rulemaking (ANPRM) in the **Federal Register**, “340B Drug Pricing Program Manufacturer Civil Monetary Penalties” (75 FR 57230, (September 20, 2010)). HHS subsequently published a notice of proposed rulemaking (NPRM) in June 2015 to implement civil monetary penalties (CMPs) for manufacturers who knowingly and intentionally charge a covered entity more than the ceiling price for a covered outpatient drug; to provide clarity on the requirement that manufacturers calculate the 340B ceiling price on a quarterly basis; and to establish the requirement that a manufacturer charge a \$.01 (penny pricing policy) for drugs when the calculation equals zero (80 FR 34583, (June 17, 2015)). The public comment period closed in August 2015, and HRSA received approximately 35 comments. After review of the initial comments, HHS reopened the comment period (81 FR 22960, (April 19, 2016)) to invite additional comment on specific areas of the NPRM: 340B ceiling price calculations that result in a ceiling price that equals zero (penny pricing); the methodology that manufacturers utilize when estimating the ceiling price for a new covered outpatient drug; and the definition of the “knowing and intentional” standard to be applied when assessing a CMP on manufacturers who overcharge a covered entity. The comment period closed May 19, 2016, and HHS received approximately 70 additional comments.

On January 5, 2017, HHS published a final rule in the **Federal Register** (82 FR 1210, (January 5, 2017)) and comments from both the NPRM and the reopening notice were considered in the development of the final rule. The provisions of that rule were to be effective March 6, 2017; however, HHS issued a subsequent final rule (82 FR 12508, (March 6, 2017)) delaying the effective date to March 21, 2017, in accordance with a January 20, 2017, memorandum from the Assistant to the President and Chief of Staff, entitled

“Regulatory Freeze Pending Review.”<sup>1</sup> In the January 2017 final rule, HHS recognized that the effective date fell in the middle of a quarter and that stakeholders needed time to adjust systems and update their policies and procedures. As such, HHS stated that it intended to enforce the requirements of the final rule at the start of the next quarter, which began April 1, 2017. However, after further consideration and to provide affected parties sufficient time to make needed changes to facilitate compliance, and because there are substantive questions raised, we intend to engage in longer rulemaking. In addition, HHS believes that it is important to ensure that this rulemaking—as well as the implementation of this rule—is coordinated with and takes into consideration overall 340B Program implementation. HHS has therefore decided to delay the effective date of the final rule to May 22, 2017, and is inviting comments on whether to delay that date further to October 1, 2017. As the effective date of the final rule has been moved to May 22, 2017, and may be further delayed, enforcement will be correspondingly delayed. HHS believes that the delay of the effective date is necessary to consider questions of fact, law, and policy raised in the rule, consistent with the “Regulatory Freeze Pending Review” memorandum. In addition, HHS believes that the delay of the effective date is necessary to provide regulated entities sufficient time to implement the requirements of the rule.

## II. Good Cause for Interim Final Rulemaking

Under Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*), a general notice of proposed rulemaking is not required when an agency, for good cause, finds that notice and public comment thereon are impracticable, unnecessary, or contrary to the public interest. Pursuant to 5 U.S.C. 553(b)(3)(B), HHS finds that good cause exists to waive normal rulemaking requirements for the immediate delay of the effective date to May 22, 2017. HHS believes that a notice-and-comment procedure, in this limited instance, is impracticable, unnecessary, and contrary to the public interest.

In order to promote the public interest in fulfilling the “Regulatory Freeze Pending Review” memorandum instruction to agencies to review substantial questions of fact, law, and

policy in regulations not currently in effect, HHS feels that it is necessary to delay immediately the effective date of this rule. In addition, the January 20, 2017, Executive Order entitled, “Minimizing the Economic Burden of the Patient Protection and Affordable Care Act Pending Repeal,” specifically instructs HHS and all other heads of executive offices to utilize all authority and discretion available to delay the implementation of certain provisions or requirements of the Patient Protection and Affordable Care Act.<sup>2</sup> The January 2017 final rule is based on changes made to the 340B Program by the Patient Protection and Affordable Care Act. It is impracticable to gather comments prior to the effective date of March 21, 2017. HHS continues to be concerned that the previously announced effective date for the January 2017 final rule does not allow for a sufficient amount of time to consider the regulatory burdens that may be posed by this issuance and does not provide regulated entities sufficient time to come into compliance with the requirements of the rule.

The provisions of the APA that ordinarily require a notice of proposed rulemaking do not apply here because public health, safety, and welfare could be harmed by allowing the final rule to go into effect without a delay. There are substantive questions raised, and HHS will be further considering questions of fact, law, and policy presented by the rule consistent with the “Regulatory Freeze Pending Review” memorandum. In this unique circumstance, allowing the regulation to become effective while further consideration is ongoing, prior to further proper consideration of all the relevant facts, would exacerbate the burdens conveyed in comments submitted in the prior rulemaking. Requiring manufacturers to make targeted and potentially costly changes to pricing systems and business procedures in order to come into compliance with a rule that is itself subject to further agency consideration and for which there are substantive questions raised would be disruptive. Given the comments, it appears that objections regarding the timing and challenges of compliance with the rule, 82 FR 1211, as well as other objections to the rule, may not have been adequately considered, thereby requiring additional time and public comment before the rule goes into effect. Providing a public comment period before delaying the effective date is

impracticable given the impending deadline.

HHS also finds that good cause exists for immediate implementation of this interim final rule and waiver of the Administrative Procedure Act’s 30-day delay in the effective date. The 30-day delay is normally intended to give affected parties time to adjust their business practices and make preparations before a final rule takes effect. Because the action being taken delays the effective date to May 22, 2017, at the earliest, a 30-day delay in effect of this action is unnecessary. The effective date delay will permit those subject to the rule extra time to comply with the rule until at least May 22, 2017.

## III. Regulatory Impact Analysis

HHS has examined the effects of this interim final rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 8, 2011), the Regulatory Flexibility Act (Pub. L. 96–354, September 19, 1980), the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), and Executive Order 13132 on Federalism (August 4, 1999).

### *Executive Orders 12866 and 13563*

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in Executive Order 12866, emphasizing the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Section 3(f) of Executive Order 12866 defines a “significant regulatory action” as an action that is likely to result in a rule: (1) Having an annual effect on the economy of \$100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities (also referred to as “economically significant”); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees,

<sup>1</sup> See: <https://www.whitehouse.gov/the-press-office/2017/01/20/memorandum-heads-executive-departments-and-agencies>.

<sup>2</sup> See: <https://www.whitehouse.gov/the-press-office/2017/01/20/executive-order-minimizing-economic-burden-patient-protection-and>

or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects (\$100 million or more in any 1 year), and a "significant" regulatory action is subject to review by the Office of Management and Budget (OMB).

HHS does not believe that the proposal to delay the effective date of the January 5, 2017, final rule will have an economic impact of \$100 million or more, and is therefore not designated as an "economically significant" interim final rule under section 3(f)(1) of the Executive Order 12866. Therefore, the economic impact of having no rule in place related to the policies addressed in the final rule is believed to be minimal, as the policies would not yet be required or enforceable.

#### *The Regulatory Flexibility Act (RFA)*

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) and the Small Business Regulatory Enforcement and Fairness Act of 1996, which amended the RFA, require HHS to analyze options for regulatory relief of small businesses. If a rule has a significant economic effect on a substantial number of small entities, the Secretary must specifically consider the economic effect of the rule on small entities and analyze regulatory options that could lessen the impact of the rule. HHS will use an RFA threshold of at least a 3 percent impact on at least 5 percent of small entities.

For purposes of the RFA, HHS considers all health care providers to be small entities either by meeting the Small Business Administration (SBA) size standard for a small business, or for being a nonprofit organization that is not dominant in its market. The current SBA size standard for health care providers ranges from annual receipts of \$7 million to \$35.5 million. As of January 1, 2017, over 12,000 covered entities participate in the 340B Program, which represent safety-net health care providers across the country. HHS has determined, and the Secretary certifies, that this interim final rule will not have a significant impact on the operations of a substantial number of small manufacturers; therefore, we are not preparing an analysis of impact for this RFA. HHS estimates that the economic impact on small entities and small manufacturers will be minimal. HHS welcomes comments concerning the impact of this interim final rule on

small manufacturers and small health care providers.

#### *Unfunded Mandates Reform Act*

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing "any rule that includes any Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year." In 2013, that threshold level was approximately \$141 million. HHS does not expect this rule to exceed the threshold.

#### *Executive Order 13132—Federalism*

HHS has reviewed this interim final rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have "federalism implications." This interim final rule would not "have substantial direct effects on the States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This interim final rule would not adversely affect the following family elements: Family safety, family stability, marital commitment; parental rights in the education, nurture, and supervision of their children; family functioning, disposable income or poverty; or the behavior and personal responsibility of youth, as determined under Section 654(c) of the Treasury and General Government Appropriations Act of 1999.

#### *Paperwork Reduction Act*

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that OMB approve all collections of information by a federal agency from the public before they can be implemented. This interim final rule is projected to have no impact on current reporting and recordkeeping burden for manufacturers under the 340B Program. This interim final rule would result in no new reporting burdens. Comments are welcome on the accuracy of this statement.

Dated: March 13, 2017.

**James Macrae,**

*Acting Administrator, Health Resources and Services Administration.*

Approved: March 15, 2017.

**Thomas E. Price,**

*Secretary, Department of Health and Human Services.*

[FR Doc. 2017-05491 Filed 3-17-17; 8:45 am]

**BILLING CODE 4165-15-P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Federal Emergency Management Agency**

#### **44 CFR Part 67**

[Docket ID FEMA-2016-0002]

#### **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 Sacbibt, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646-7659, or (email) [patrick.sacbibt@fema.dhs.gov](mailto:patrick.sacbibt@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [www.floodmaps.fema.gov/fhm/fmx\\_main.html](http://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: December 21, 2016.

**Roy E. Wright,**

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

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
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**Tazewell County, Illinois and Incorporated Areas  
Docket No.: FEMA-B-1120**

Bull Run Creek .....	Approximately 900 feet upstream of the Prairie Creek confluence.	+655	Unincorporated Areas of Tazewell County, Village of Morton.
Dempsey Creek .....	At the upstream side of Idlewood Street extended .....	+680	Unincorporated Areas of Tazewell County.
	Approximately 1.4 miles upstream of the Farm Creek confluence.	+541	
Farm Creek .....	Approximately 2.56 miles upstream of the Farm Creek confluence.	+603	Unincorporated Areas of Tazewell County.
	Approximately 770 feet upstream of the railroad bridge ....	+740	
Fond Du Lac Creek .....	At the downstream side of Diebel Road .....	+742	City of East Peoria, Unincorporated Areas of Tazewell County.
	At the Farm Creek confluence .....	+492	
Illinois River .....	At the downstream side of East Washington Street (State Route 8).	+508	City of Pekin, Unincorporated Areas of Tazewell County.
	At the upstream side of Mason Road extended .....	+454	
Lick Creek .....	Approximately 1,950 feet upstream of State Route 9 .....	+457	City of Pekin.
	Approximately 480 feet downstream of Parkway Drive .....	+472	
Mackinaw Creek .....	Approximately 680 feet upstream of Parkway Drive .....	+476	Village of Mackinaw.
	Approximately 0.97 mile downstream of Dee Mac Road (County Highway 6).	+588	
Prairie Creek .....	Approximately 0.78 mile downstream of Dee Mac Road (County Highway 6).	+591	Unincorporated Areas of Tazewell County.
	Approximately 0.49 mile downstream of the Bull Run Creek confluence.	+648	
School Creek .....	Approximately 650 feet downstream of Farm Road .....	+657	City of East Peoria, Unincorporated Areas of Tazewell County.
	At the Farm Creek confluence .....	+496	

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
	Approximately 0.91 mile upstream of Gravel Pit Access Road.	+640	

\* 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 East Peoria

Maps are available for inspection at City Hall, 100 South Main Street, East Peoria, IL 61611.

##### City of Pekin

Maps are available for inspection at City Hall, 111 South Capitol Street, Pekin, IL 61554.

##### Unincorporated Areas of Tazewell County

Maps are available for inspection at McKenzie Building, 11 South 4th Street, 4th Floor, Pekin, IL 61554.

##### Village of Mackinaw

Maps are available for inspection at Village Hall, 100 East East Avenue, Mackinaw, IL 61755.

##### Village of Morton

Maps are available for inspection at Village Hall, 120 North Main Street, Morton, IL 61550.

[FR Doc. 2017-05452 Filed 3-17-17; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2016-0002]

#### 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](mailto:patrick.sacbibit@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [www.floodmaps.fema.gov/fhm/fmx\\_main.html](http://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.

Date: December 21, 2016.

**Roy E. Wright,**

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

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
<b>Otsego County, New York (All Jurisdictions)</b> <b>Docket No.: FEMA-B-1098</b>			
Charlotte Creek .....	At the confluence with the Susquehanna River ..... Approximately 1,000 feet upstream of the confluence with the Susquehanna River.	+1,102 +1,102	Town of Oneonta.
Glenwood Creek .....	At the confluence with the Susquehanna River ..... Approximately 40 feet downstream of I-88 .....	+1,085 +1,085	City of Oneonta, Town of Oneonta.
Mill Race .....	At the confluence with the Susquehanna River ..... Approximately 450 feet upstream of River Street .....	+1,078 +1,078	City of Oneonta.
Otsdawa Creek .....	At the confluence with the Susquehanna River ..... Approximately 870 feet upstream of Main Street .....	+1,056 +1,056	Town of Otego, Village of Otego.
Otsego Lake .....	Entire shoreline .....	+1,193	Town of Middlefield, Town of Otsego, Town of Springfield.
Susquehanna River .....	Approximately 1,325 feet downstream of State Highway 8 Approximately 3,840 feet upstream of State Highway 28 ..	+987 +1,123	Town of Milford, City of Oneonta, Town of Oneonta, Town of Otego, Town of Unadilla, Village of Otego, Village of Unadilla.
Unadilla River .....	At the confluence with the Susquehanna River ..... Approximately 1.7 mile upstream of State Highway 80 .....	+987 +1,101	Town of Butternuts, Town of Morris, Town of Pittsfield, Town of Unadilla, Village of Unadilla.

\* 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 Oneonta**

Maps are available for inspection at 258 Main Street, Oneonta City Hall, Oneonta, NY 13820.

**Town of Butternuts**

Maps are available for inspection at 3 Vale Street, Butternuts Town Hall, Gilbertsville, NY 13776.

**Town of Middlefield**

Maps are available for inspection at 2209 County Highway 33, Middlefield Town Hall, Cooperstown, NY 13326.

**Town of Milford**

Maps are available for inspection at 2859 State Route 28, Milford Town Hall, Milford, NY 13834.

**Town of Morris**

Maps are available for inspection at 93 Main Street, Morris Town Hall, Morris, NY 13808.

**Town of Oneonta**

Maps are available for inspection at 3966 State Highway 12, Oneonta Town Hall, West Oneonta, NY 13861.

**Town of Otego**

Maps are available for inspection at 3526 State Highway 7, Otego Town Hall, Otego, NY 13825.

**Town of Otsego**

Maps are available for inspection at 811 County Highway 26, Otsego Town Hall, Fly Creek, NY 13337.

**Town of Pittsfield**

Maps are available for inspection at 366 State Highway 80, Pittsfield Town Hall, New Berlin, NY 13411.

**Town of Springfield**

Maps are available for inspection at 8104 State Highway 80, Springfield Town Hall, Springfield Center, NY 13468.

**Town of Unadilla**

Maps are available for inspection at 1648 State Highway 7, Unadilla Town Hall, Unadilla, NY 13849.

**Village of Otego**



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
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Maps are available for inspection at 4 River Street, Otego Village Hall, Otego, NY 13825.

**Village of Unadilla**

Maps are available for inspection at 193 Main Street, Unadilla Village Hall, Unadilla, NY 13849.

[FR Doc. 2017-05453 Filed 3-17-17; 8:45 am]

BILLING CODE 9110-12-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 54 and 69**

[WC Docket Nos. 10-90, 14-58; CC Docket No. 01-92; FCC 16-33]

**Connect America Fund, ETC Annual Reports and Certifications, Developing a Unified Intercarrier Compensation Regime**

**AGENCY:** Federal Communications Commission.

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

**SUMMARY:** This document corrects errors in the supplementary information and final rules portions of a **Federal Register** document adopting significant reforms to place the universal service program on solid footing for the next decade to “preserve and advance” voice and broadband service in areas served by rate-of-return carriers. The summary was published in the **Federal Register** on April 25, 2016.

**DATES:** Effective March 20, 2017.

**FOR FURTHER INFORMATION CONTACT:** Alexander Minard, Wireline Competition Bureau, (202) 418-7400.

**SUPPLEMENTARY INFORMATION:** This summary contains corrections and technical amendments to the supplementary information portion of a **Federal Register** summary, 81 FR 24282 (April 25, 2016). The full text of the Commission’s Report and Order, Order and Order on Reconsideration in WC Docket Nos. 10-90, 14-58; CC Docket No. 01-92; FCC 16-33, released on March 30, 2016 is available for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 12th Street SW., Washington, DC 20554.

**Corrections**

In final rule FR Doc. 2016-08375, published April 25, 2016 (81 FR 24282),

make the following preamble corrections:

1. On page 24286, in the first column, in paragraph 24, twenty first, twenty second, twenty third, twenty fourth, twenty fifth, twenty sixth, twenty seventh, twenty eighth, twenty ninth, thirtieth and thirty first lines, replace “The Commission does not set interim milestones for the deployment of broadband speeds of 25/3 Mbps; the Commission requires carriers receiving model-based support to offer to at least 25/3 Mbps broadband service carriers to 25 percent or 75 percent of the requisite locations by the end of the 10-year term, depending upon the state-level density discussed above” with “The Commission does not set interim milestones for the deployment of broadband speeds of 25/3 Mbps; the Commission requires carriers receiving model-based support to offer to at least 25/3 Mbps broadband service to 25 percent or 75 percent of the requisite locations by the end of the 10-year term, depending upon the state-level density discussed above.”

2. On page 24286, in the third column, in paragraph 28, third line, replace “final version A-CAM” with “final version of A-CAM.”

3. On page 24287, in the first column, in paragraph 29, thirteenth line, replace “where the incumbent” with “where an incumbent.”

4. On page 24296, in the second column, in paragraph 93, first and second lines, replace “Within 30 days of the effective date of this Report and Order” with “Within 30 days of the release of a Public Notice announcing that the Commission has obtained the appropriate Paperwork Reduction Act approval.”

5. On page 24300, in the first column, replace the current chart with the corrected chart below.

Competitive ratio (%)	Reduction ratio (%)
0-20 .....	N/A
25 .....	3.3
30 .....	6.7

Competitive ratio (%)	Reduction ratio (%)
35 .....	10.0
40 .....	13.3
45 .....	16.7
50 .....	20.0
55 .....	25.0
60 .....	30.0
65 .....	35.0
70 .....	40.0
75 .....	45.0
80 .....	50.0
85 .....	62.5
90 .....	75
95 .....	87.5
100 .....	100

6. On page 24303, in the second column, in paragraph 142, twelfth and thirteenth lines, replace “specific five-year” with “specific amount of.”

7. On page 24304, in the third column, in paragraph 152, fifteenth line, replace “\$647.42” with “\$647.87.”

8. On page 24304, in the third column, eighteenth line, replace “\$744.53” with “\$745.06” and “\$62.04” with “\$62.09.”

**Technical Amendments**

**List of Subjects**

*47 CFR Part 54*

Communications common carriers, Health facilities, Infants and children, Internet, Libraries, Reporting and recordkeeping requirements, Schools, Telecommunications, Telephone.

*47 CFR Part 69*

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Accordingly, 47 CFR parts 54 and 69 are corrected by making the following correcting amendments:

**PART 54—UNIVERSAL SERVICE**

■ 1. The authority citation for part 54 continues to read as follows:

**Authority:** 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 254, 303(r), 403, and 1302 unless otherwise noted.

■ 2. In § 54.302, revise paragraphs (b) and (c) to read as follows:

**§ 54.302 Monthly per-line limit on universal service support.**

\* \* \* \* \*

(b) For purposes of this section, universal service support is defined as the sum of the amounts calculated pursuant to §§ 54.1304, 54.1310, 54.305, and 54.901 through 54.904. Line counts for purposes of this section shall be as of the most recent line counts reported pursuant to § 54.903(a)(1).

(c) The Administrator, in order to limit support to \$250 for affected carriers, shall reduce safety net additive support, high-cost loop support, safety valve support, and Connect America Fund Broadband Loop Support in proportion to the relative amounts of each support the study area would receive absent such limitation.

■ 3. In § 54.303, revise paragraphs (a)(1), (b), (e), and (f)(1) to read as follows:

**§ 54.303 Eligible Capital Investment and Operating Expenses.**

(a) \* \* \*

(1) Total eligible annual operating expenses per location shall be limited as follows: Calculate  $Exp(\hat{Y} + 1.5 * \text{mean square error of the regression})$ , where  $\hat{Y} = \hat{\alpha} + \hat{\beta}_1 X_1 + \hat{\beta}_2 X_2 + \hat{\beta}_3 X_3$

$\hat{\alpha}$ ,  $\hat{\beta}_1$ ,  $\hat{\beta}_2$ , and  $\hat{\beta}_3$  are the coefficients from the regression,

$X_1$  is the natural log of the number of housing units in the study area,

$X_2$  is the natural log of the number of density (number of housing units per square mile), and

$X_3$  is the square of the natural log of the density

\* \* \* \* \*

(b) *Loop Plant Investment allowances.* Data submitted by rate-of-return carriers for purposes of obtaining high-cost support under subparts K and M of this part may include any Loop Plant Investment as described in paragraph (c)(1) of this section and any Excess Loop Plant Investment as described in paragraph (h) of this section, but may not include amounts in excess of the Annual Allowed Loop Plant Investment (AALPI) as described in paragraph (d) of this section. Amounts in excess of the AALPI will be removed from the categories or accounts described in paragraph (c)(1) of this section either on a direct basis when the amounts of the new loop plant investment can be directly assigned to a category or account, or on a pro-rata basis in accordance with each category or account's proportion to the total amount in each of the categories and accounts described in paragraph (c)(1) of this section when the new loop plant cannot

be directly assigned. This limitation shall apply only with respect to Loop Plant Investment incurred after the effective date of this rule. If a carrier's required Loop Plant Investment exceeds the limitations set forth in this section as a result of deployment obligations in § 54.308(a)(2), the carrier's AALPI will be increased to the actual Loop Plant Investment required by the carrier's deployment obligations, subject to the limitations of the Construction Allowance Adjustment in paragraph (f) of this section.

(c) \* \* \*

(2) *Total Loop Plant Investment* equals amounts booked to the categories described in paragraph (c)(1) of this section, adjusted for inflation using the Department of Commerce's Gross Domestic Product Chain-type Price Index (GDP-CPI), as of December 31 of the Reference Year. Inflation adjustments shall be based on vintages where possible or otherwise calculated based on the year plant was put in service.

\* \* \* \* \*

(e) *Broadband Deployment AALPI adjustment:* The AALPI calculated in paragraph (d) of this section shall be adjusted by the Administrator based upon the difference between a carrier's broadband availability for each study area as reported on that carrier's most recent Form 477, and the weighted national average broadband availability for all rate-of-return carriers based on Form 477 data, as announced annually by the Wireline Competition Bureau in a Public Notice. For every percentage point that the carrier's broadband availability exceeds the weighted national average broadband availability for the Reference Year, that carrier's AALPI will be reduced by one percentage point. For every percentage point that the carrier's broadband availability is below the weighted national average broadband availability for the Reference Year, that carrier's AALPI will be increased by one percentage point.

(f) \* \* \*

(1) Maximum Average Per Location Construction Project Loop Plant Investment Limitation equals the inflation adjusted equivalent to \$10,000 in the Reference Year calculated by multiplying \$10,000 times the applicable annual GDP-CPI. This inflation adjusted amount will be normalized across all study areas by multiplying the product above by (the Loop Cap Adjustment Factor times the Construction Limit Factor)

Where:

The Loop Cap Adjustment Factor equals the lesser of 1.0 or the annualized monthly per loop limit described in § 54.302 (*i.e.*, \$3,000) divided by the unadjusted per loop support amount for the study area (the annual HCLS and CAF-BLS support amount per loop in the study not capped by § 54.302)

and the

Construction Limitation Factor equals the study area Total Loop Investment per Location divided by the overall Total Loop Investment per Location for all rate-of-return study areas.

\* \* \* \* \*

■ 4. In § 54.308, revise paragraph (a)(2)(iii)(B) to read as follows:

**§ 54.308 Broadband public interest obligations for recipients of high-cost support.**

(a) \* \* \*

(2) \* \* \*

(iii) \* \* \*

(B) No rate-of-return carrier shall deploy terrestrial wireline technology to unserved locations to meet this obligation if that would exceed the per location/per project capital investment allowance set forth in § 54.303(f)(1).

\* \* \* \* \*

■ 5. In § 54.311, revise paragraph (d) to read as follows:

**§ 54.311 Connect America Fund Alternative-Connect America Cost Model Support.**

\* \* \* \* \*

(d) *Interim deployment milestones.* Recipients of CAF-ACAM model-based support must complete deployment to 40 percent of fully funded locations by the end of 2020, to 50 percent of fully funded locations by the end of 2021, to 60 percent of fully funded locations by the end of 2022, to 70 percent of fully funded locations by the end of 2023, to 80 percent of fully funded locations by the end of 2024, to 90 percent of fully funded locations by the end of 2025, and to 100 percent of fully funded locations by the end of 2026. By the end of 2026, carriers must complete deployment of broadband meeting a standard of at least 25 Mbps downstream/3 Mbps upstream to the requisite number of locations specified in § 54.308(a)(1)(i). Compliance shall be determined based on the total number of fully funded locations in a state. Carriers that complete deployment to at least 95 percent of the requisite number of locations will be deemed to be in compliance with their deployment obligations. The remaining locations that receive capped support are subject

to the standard specified in § 54.308(a)(1)(ii).

\* \* \* \* \*

■ 6. In § 53.316, revise paragraph (c)(1)(i) to read as follows:

**§ 54.316 Broadband deployment reporting and certification requirements for high-cost recipients.**

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(i) An eligible telecommunications carrier that files after the March 1 deadline, but by March 8, will have its support reduced in an amount equivalent to seven days in support;

\* \* \* \* \*

■ 7. In § 54.319, revise paragraphs (a) and (g)(1) through (5) to read as follows:

**§ 54.319 Elimination of high-cost support in areas with 100 percent coverage by an unsubsidized competitor.**

(a) High-cost universal service support provided pursuant to subparts K and M of this part shall be eliminated in an incumbent rate-of-return local exchange carrier study area where an unsubsidized competitor, or combination of unsubsidized competitors, as defined in § 54.5, offer(s) to 100 percent of the residential and business locations in the study area voice and broadband service at speeds of at least 10 Mbps downstream/1 Mbps upstream, with latency suitable for real-time applications, including Voice over

Internet Protocol, and usage capacity that is reasonably comparable to comparable offerings in urban areas, at rates that are reasonably comparable to rates for comparable offerings in urban areas.

\* \* \* \* \*

(g) \* \* \*

(1) In the first year, 83 percent of the incumbent's disaggregated support for the competitive census blocks will be provided;

(2) In the second year, 66 percent of the incumbent's disaggregated support for the competitive census blocks will be provided;

(3) In the third year, 49 percent of the incumbent's disaggregated support for the competitive census blocks will be provided;

(4) In the fourth year, 32 percent of the incumbent's disaggregated support the competitive census block will be provided;

(5) In the fifth year, 15 percent of the incumbent's disaggregated support the competitive census blocks will be provided;

\* \* \* \* \*

■ 8. In § 54.901, revise paragraph (c)(2) to read as follows:

**§ 54.901 Calculation of Connect America Fund Broadband Loop Support.**

\* \* \* \* \*

(c) \* \* \*

(2) The portion of the monthly per-loop amount computed pursuant to

§ 54.1308(a)(4)(ii) that would be allocated to the Interstate Common Line Revenue Requirement or Consumer Broadband-only Loop Revenue Requirement pursuant to § 69.409 of this chapter.

\* \* \* \* \*

**PART 69—ACCESS CHARGES**

■ 9. The authority citation for part 69 continues to read as follows:

**Authority:** 47 U.S.C. 154, 201, 202, 203, 205, 218, 220, 254, 403.

■ 10. In § 69.311, revise paragraph (b)(1) to read as follows:

**§ 69.311 Consumer Broadband-Only Loop investment.**

\* \* \* \* \*

(b) \* \* \*

(1) To determine the investment in Common Line facilities as if 100 percent were allocated to the interstate jurisdiction, a carrier shall use 100 percent as the interstate allocator in determining investment and the allocation of investment to the common line category under part 36 of this chapter and this part.

\* \* \* \* \*

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

[FR Doc. 2017-04715 Filed 3-17-17; 8:45 am]

**BILLING CODE 6712-01-P**

# Proposed Rules

Federal Register

Vol. 82, No. 52

Monday, March 20, 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.

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[EPA-R04-RCRA-2016-0497; FRL-9959-13-Region 4]

#### Alabama: Final Authorization of State Hazardous Waste Management Program Revisions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** Alabama has applied to the Environmental Protection Agency (EPA) for final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). These changes correspond to certain Federal rules promulgated between July 1, 2006 through June 30, 2008, and July 1, 2011 through June 30, 2014 (also known as RCRA Clusters XVII through XVIII, and XXII through XXIII). With this proposed rule, EPA is proposing to grant final authorization to Alabama for these changes.

**DATES:** Send your written comments by April 19, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-RCRA-2016-0497, by one of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions for submitting comments.

- *Email:* [baker.audrey@epa.gov](mailto:baker.audrey@epa.gov).
- *Fax:* (404) 562-9964 (prior to faxing, please notify the EPA contact listed below).

- *Mail:* Send written comments to Audrey Baker, RCRA Programs and Materials Management Section, Materials and Waste Management Branch, Resource Conservation and Restoration Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960.

- *Hand Delivery or Courier:* Deliver your comments to Audrey Baker, RCRA

Programs and Materials Management Section, Materials and Waste Management Branch, Resource Conservation and Restoration Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Please see the direct final rule in the "Rules and Regulations" section of today's **Federal Register** for detailed instructions on how to submit comments.

#### FOR FURTHER INFORMATION CONTACT:

Audrey Baker, RCRA Programs and Materials Management Section, Materials and Waste Management Branch, Resource Conservation and Restoration Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960; telephone number: (404) 562-8483; fax number: (404) 562-9964; email address: [baker.audrey@epa.gov](mailto:baker.audrey@epa.gov).

**SUPPLEMENTARY INFORMATION:** Along with this proposed rule, EPA is publishing a direct final rule in the "Rules and Regulations" section of today's **Federal Register** pursuant to which EPA is authorizing these changes. EPA did not issue a proposed rule before today because EPA believes this action is not controversial and does not expect comments that oppose it. EPA has explained the reasons for this authorization in the direct final rule. Unless EPA receives written comments that oppose this authorization during the comment period, the direct final rule in today's **Federal Register** will become effective on the date it establishes, and EPA will not take further action on this proposal. If EPA receives comments that oppose this action, EPA will withdraw the direct final rule and it will not take effect. EPA will then respond to public comments in a later final rule based on this proposed rule. You may not have another opportunity to comment on these State program changes. If you want to comment on this action, you must do so at this time. For additional information, please see the direct final rule published in the "Rules and Regulations" section of today's **Federal Register**.

Dated: March 9, 2017.

**V. Anne Heard,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 2017-05466 Filed 3-17-17; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HOMELAND SECURITY

### 48 CFR Parts 3001, 3002, 3004, 3024, 3039 and 3052

[Docket No. DHS-2017-0006, DHS-2017-0007, DHS-2017-0008]

RIN 1601-AA76; 1601-AA78; 1601-AA79

#### Homeland Security Acquisition Regulation (HSAR); Safeguarding of Controlled Unclassified Information (HSAR Case 2015-001); Information Technology Security Awareness Training (HSAR Case 2015-002); Privacy Training (HSAR Case 2015-003)—Extension of Comment Periods

**AGENCY:** Office of the Chief Procurement Officer, Department of Homeland Security (DHS).

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

**SUMMARY:** DHS is extending the comment periods for the following three notices of proposed rulemaking (proposed rules) published on January 19, 2017: "Safeguarding of Controlled Unclassified Information," "Information Technology Security Awareness Training," and "Privacy Training." DHS is extending the comment period by 30 days to ensure the public has sufficient time to review and provide comment on these proposed rules.

**DATES:** The comment periods for the proposed rules published in the **Federal Register** of January 19, 2017 (81 FR 6425, 81 FR 6429, and 81 FR 6446), are extended. Comments on the proposed rules should be submitted in writing to one of the addresses shown below on or before April 19, 2017.

**ADDRESSES:** Submit comments identified by HSAR Case 2015-001, Safeguarding of Controlled Unclassified Information; HSAR Case 2015-002, Information Technology Security Awareness Training; and HSAR Case 2015-003, Privacy Training using any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>.
- *Fax:* (202) 447-0520.

• *Mail:* Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, ATTN: Ms. Candace Lightfoot, 245 Murray Drive, Bldg. 410 (RDS), Washington, DC 20528.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

To avoid duplication, please use only one of these three methods. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Candace Lightfoot, Procurement Analyst, DHS, Office of the Chief Procurement Officer, Acquisition Policy and Legislation at (202) 447-0882 or email [HSAR@hq.dhs.gov](mailto:HSAR@hq.dhs.gov). When using email, include HSAR Case 2015-001, HSAR Case 2015-002, or HSAR Case 2015-003 in the “Subject” line.

**SUPPLEMENTARY INFORMATION:**

**I. Public Participation and Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

*A. Submitting Comments*

If you submit a comment, please include the docket number for the applicable rulemaking (DHS-2017-0006, DHS-2017-0007, or DHS-2017-0008), indicate the specific section of

each document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online, by fax or mail, but please use only one of these means. We recommend that you include your name and a mailing address, an email address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and insert the applicable docket number (DHS-2017-0006, DHS-2017-0007, or DHS-2017-0008) in the “Search” box. Click on “Submit a Comment” in the “Actions” column. If you submit your comments by mail, 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. We will consider all comments and material received during the comment period and may change the proposed rules based on your comments.

*B. 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 applicable docket number (DHS-2017-0006, DHS-2017-0007, or DHS-2017-0008) in the “Search” box. Click “Search.” Click the “Open Docket Folder” in the “Actions” column.

**II. Regulatory History and Information**

On January 19, 2017, DHS published the following three proposed rules: “Safeguarding of Controlled Unclassified Information (HSAR Case 2015-001),” “Information Technology Security Awareness Training (HSAR Case 2015-002),” and “Privacy Training

(HSAR Case 2015-003)” (82 FR 6429, 82 FR 6446, and 82 FR 6425 respectively). The three rules propose to amend the HSAR in the following ways: (1) Ensure contractors understand their responsibilities with regard to safeguarding controlled unclassified information (CUI); (2) ensure contractor and subcontractor employees complete information technology (IT) security awareness training before DHS provides them with access to DHS information systems and information resources or contractor-owned and/or operated information systems and information resources where CUI is collected, processed, stored or transmitted on behalf of the agency; (3) ensure that contractor and subcontractor employees sign the DHS Rules of Behavior before DHS provides them with access to DHS information systems, information resources, or contractor-owned and/or operated information systems and information resources where CUI is collected, processed, stored or transmitted on behalf of the agency; and (4) ensure contractor and subcontractor employees complete privacy training before accessing a Government system of records; handling personally identifiable information (PII) and/or sensitive PII information; or designing, developing, maintaining, or operating a system of records on behalf of the Government.

Comments on these proposed rules were originally due by March 20, 2017. However, a number of parties have requested additional time to review the proposed rules and submit comments. Thus, to ensure the public has sufficient time to review the proposed rules and submit comments, DHS is extending the comment periods by 30 days.

**Dennis Smiley,**

*Deputy Chief Procurement Officer,  
Department of Homeland Security.*

[FR Doc. 2017-05510 Filed 3-17-17; 8:45 am]

**BILLING CODE 9110-9B-P**

# Notices

Federal Register

Vol. 82, No. 52

Monday, March 20, 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 15, 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 the 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 19, 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 20503. Commenters are encouraged to submit their comments to OMB via email to: [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8681.

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.

### Grain Inspection, Packers & Stockyards Administration

*Title:* “Clear Title”—Protection for Purchasers of Farm Products.

*OMB Control Number:* 0580–0016.

*Summary of Collection:* Grain Inspection, Packers and Stockyards Administration (GIPSA) have the responsibility for the Clear Title Program (Section 1324 of the Food Security Act of 1985). Clear Title Program was enacted to facilitate interstate commerce in farm products and protect purchasers of farm products by enabling States to establish central filing systems. The Clear Title Program purpose is to remove burden on and obstruction to interstate commerce in farm products such as double payment for the products, once at the time of purchase and again when the seller fails to repay the lender. The Food Security Act of 1985 permits the states to establish “central filing systems”. These central filing systems notify buyers of farm products of any mortgages or liens on the products.

*Need and Use of the Information:* A state submits information one time to GIPSA when applying for certification. The type of information required by the regulations includes how the system will operate, information to be submitted to the State for inclusion in the central filing system, information on storage, retrieval, and distribution of information contained in the central filing system. GIPSA reviews the information submitted by the states to certify that those central filing systems meet the criteria set forth in section 1324 of the Food Security Act of 1985. The information received from the State is available for public inspection.

*Description of Respondents:* State, Local or Tribal Government.

*Number of Respondents:* 1.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 80.

**Charlene Parker,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2017–05425 Filed 3–17–17; 8:45 am]

**BILLING CODE 3410-KD-P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

March 15, 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 required 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 the 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 19, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725–17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: [OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV) or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

### Farm Service Agency

*Title:* (7 CFR part 767), Farm Loan Program—Inventory Property Management.

OMB Control Number: 0560-0234.

*Summary of Collection:* The Farm Loan Program provides supervised credit in the form of loans to family farmers to purchase real estate and equipment and finance agricultural production. Authority to establish the regulatory requirements contained in 7 CFR 767 is provided under section 302 of the Act (7 U.S.C. 1922) which provides that “the Secretary is authorized to make and insure under this title to farmers . . .” Section 339 of the Act (7 U.S.C. 1989) further provides that “the Secretary is authorized to make such rules and regulations, prescribe the terms and conditions for making . . . loans, security instruments and agreements, except as otherwise specified herein, and to make such delegations of authority as he deems necessary to carry out this title.”

*Need and use of the Information:* Information collections are submitted by applicants to the local agency office serving the country in which their business is headquartered. The information is necessary to thoroughly evaluate an applicant’s request to purchase inventory property and is used by the agency to determine an applicant’s eligibility to lease or purchase inventory property and to ensure payment of the lease or purchase amount.

*Description of respondents:* Business or other for-profit; Farms.

*Number of respondents:* 351.

*Frequency of responses:* Reporting: On occasion; Annually.

*Total burden hours:* 616.

**Ruth Brown,**

Departmental Information Collection Clearance Officer.

[FR Doc. 2017-05421 Filed 3-17-17; 8:45 am]

**BILLING CODE 3410-05-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-909]

#### **Certain Steel Nails From the People’s Republic of China: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments and Final Partial Rescission; 2014–2015**

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

**SUMMARY:** The Department of Commerce (the Department) published the *Preliminary Results* of the seventh administrative review of the antidumping duty order on certain steel

nails from the People’s Republic of China (PRC) on September 12, 2016. We gave interested parties an opportunity to comment on the *Preliminary Results*. Based upon our analysis of the comments and information received, we made changes to the margin calculation for these final results regarding one of the mandatory respondents, Stanley. We also continue to find that the other mandatory respondent, Tianjin Lianda Group Co. Ltd. (Tianjin Lianda), is not eligible for separate rate status and, thus, is part of the PRC-wide entity. The final dumping margins are listed below in the “Final Results of Administrative Review” section of this notice. The period of review (“POR”) is August 1, 2014, through July 31, 2015.

**DATES:** Effective March 20, 2017.

**FOR FURTHER INFORMATION CONTACT:** Susan Pulongbarit or Omar Qureshi, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone 202-482-4031 or 202-482-5307, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The Department published the *Preliminary Results*<sup>1</sup> on September 12, 2016.<sup>2</sup> On December 1, 2016, the Department extended the deadline in this proceeding by 60 days.<sup>3</sup> The revised deadline for the final results of this review is now March 13, 2017.<sup>4</sup>

In accordance with 19 CFR 351.309, we invited parties to comment on our *Preliminary Results*. On October 31, 2016, Certified Products International,<sup>5</sup> Midwest Air Technologies, Inc.,<sup>6</sup> Origin Point Brands,<sup>7</sup> Mid Continent Steel & Wire, Inc. (Petitioner),<sup>8</sup> The Stanley Works (Langfang) Fastening Systems Co., Ltd. and Stanley Black & Decker

<sup>1</sup> See *Certain Steel Nails From the People’s Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2014–2015*, 81 FR 62710 (September 12, 2016) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See *Preliminary Results*.

<sup>3</sup> See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, from Susan Pulongbarit, Senior International Trade Analyst, Antidumping and Countervailing Duty Operations, “Certain Steel Nails from the People’s Republic of China: Extension of the Deadline for the Final Results of the Seventh Antidumping Duty Administrative Review,” dated December 1, 2016.

<sup>4</sup> *Id.*

<sup>5</sup> Certified Products International (CPI)

<sup>6</sup> Midwest Air Technologies, Inc. (MAT)

<sup>7</sup> Origin Point Brands (OPB)

<sup>8</sup> Mid Continent Steel & Wire, Inc. (Petitioner).

Inc.,<sup>9</sup> and Tianjin Lianda Group Co., Ltd.<sup>10</sup> submitted timely filed case briefs, pursuant to our regulations.<sup>11</sup> Additionally, on November 9, 2016, Petitioner, Stanley,<sup>12</sup> and Tianjin Lianda submitted timely-filed rebuttal briefs.<sup>13</sup>

##### **Scope of the Order**

The merchandise covered by the order includes certain steel nails having a shaft length up to 12 inches. Certain steel nails subject to the order are currently classified under the Harmonized Tariff Schedule of the United States (“HTSUS”) subheadings 7317.00.55, 7317.00.65, 7317.00.75, and 7907.00.6000.<sup>14</sup> While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order, which is contained in the accompanying Issues and Decision Memorandum (“I&D Memo”), is dispositive.<sup>15</sup>

##### **Analysis of Comments Received**

We addressed all issues raised in the case and rebuttal briefs by parties to this review in the I&D Memo. Attached to this notice, in Appendix I, is a list of the issues which parties raised. The I&D Memo is a public document and is on file in the Central Records Unit (“CRU”), Room B8024 of the main Department of Commerce building, as

<sup>9</sup> The Stanley Works (Langfang) Fastening Systems Co., Ltd. and Stanley Black & Decker Inc. (Stanley).

<sup>10</sup> Tianjin Lianda Group Co., Ltd. (Tianjin Lianda).

<sup>11</sup> See e.g., Letter to the Secretary, from CPI, regarding “Case Brief: Seventh Administrative Review of the Antidumping Duty Order on Certain Steel Nails from the People’s Republic of China,” dated October 31, 2016.

<sup>12</sup> The Stanley Works (Langfang) Fastening Systems Co., Ltd. and Stanley Black & Decker, Inc. (collectively, Stanley).

<sup>13</sup> See e.g., Letter to the Secretary, from Petitioner, regarding “Certain Steel Nails from the People’s Republic of China: Petitioner’s Rebuttal Brief,” dated November 9, 2016.

<sup>14</sup> The Department recently added the Harmonized Tariff Schedule category 7907.00.6000, “Other articles of zinc: Other,” to the language of the *Order*. See Memorandum to Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, through James C. Doyle, Director, Office 9, Antidumping and Countervailing Duty Operations, regarding “Certain Steel Nails from the People’s Republic of China: Cobra Anchors Co. Ltd. Final Scope Ruling,” (September 19, 2013).

<sup>15</sup> 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 Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, “Certain Steel Nails from the People’s Republic of China: Issues and Decision Memorandum for the Final Results of the Seventh Antidumping Duty Administrative Review” (March 13, 2017) (“I&D Memo”) which is adopted by this notice.

well as 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 CRU. In addition, a complete version of the I&D Memo can be accessed directly on the internet at <http://enforcement.trade.gov/frn/index.html>. The signed I&D Memo and the electronic versions of the I&D Memo are identical in content.

**Changes Since the Preliminary Results**

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results*, and for the reasons explained in the I&D Memo, we revised the margin calculation for Stanley. Accordingly, for the final results, the Department has updated the margin to be assigned to companies eligible for a separate rate as the revised calculated margin of the sole mandatory respondent, Stanley, whose margin is not zero, *de minimis*, or based on facts available, unlike the other mandatory respondent, Tianjin Lianda, whose margin is the PRC-wide entity rate of 118.04 percent. The Surrogate

Values Memo contains further explanation of our changes to the surrogate values selected for Stanley's factors of production.<sup>16</sup> For a list of all issues addressed in these final results, please refer to Appendix I accompanying this notice.

**Final Determination of No Shipments**

In the *Preliminary Results*, the Department preliminarily determined that Besco Machinery Industry (Zhejiang) Co., Ltd. ("Besco"), Jining Huarong Hardware Products Co., Ltd., Nanjing Yuechang Hardware Co., Ltd., PT Enterprise Inc., Shanxi Tuci Broad Wire Products Co., Ltd., and Zhejiang Gem-Chun Hardware Accessory Co., Ltd. did not have any reviewable transactions during the POR.<sup>17</sup> Consistent with the Department's assessment practice in non-market economy ("NME") cases, we completed the review with respect to the above-named companies. Based on the certifications submitted by the aforementioned companies, and our analysis of CBP information, we continue to determine that these companies did not have any reviewable transactions during the POR. As noted in the "Assessment Rates" section

below, the Department intends to issue appropriate instructions to CBP for the above-named companies based on the final results of this review.

**Final Partial Rescission of Antidumping Duty Administrative Review**

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90-days of the date of publication of notice of initiation of the requested review. Petitioner withdrew its request for an administrative review on CPI, Chiieh Yung Metal Industrial Corporation, Mingguang Abundant Hardware Products Co., Ltd., and Shandong Oriental Cherry Hardware Group; no other party requested a review of these companies.<sup>18</sup>

Accordingly, we are rescinding this review, in part, with respect to these companies, pursuant to 19 CFR 351.213(d)(1).<sup>19</sup>

**Final Results of Administrative Review**

The weighted-average dumping margins for the administrative review are as follows:

Exporter	Weighted-average margin (percent)
The Stanley Works (Langfang) Fastening Systems Co., Ltd. and Stanley Black & Decker, Inc .....	6.22
Dezhou Hualude Hardware Products Co., Ltd .....	6.22
Hebei Cangzhou New Century Foreign Trade Co., Ltd .....	6.22
Mingguang Ruifeng Hardware Products Co., Ltd .....	6.22
Nanjing Caiqing Hardware Co., Ltd .....	6.22
Qingdao D&L Group Ltd .....	6.22
SDC International Aust. PTY. Ltd .....	6.22
Shandong Dinglong Import & Export Co., Ltd .....	6.22
Shanghai Curvet Hardware Products Co., Ltd. ....	6.22
Shanghai Yueda Nails Industry Co., Ltd .....	6.22
Shanxi Hairui Trade Co., Ltd. ....	6.22
Shanxi Pioneer Hardware Industrial Co., Ltd .....	6.22
Shanxi Tianli Industries Co., Ltd .....	6.22
S-Mart (Tianjin) Technology Development Co., Ltd .....	6.22
Suntec Industries Co., Ltd .....	6.22
Tianjin Jinchu Metal Products Co., Ltd .....	6.22
Tianjin Jinghai County Hongli Industry & Business Co., Ltd .....	6.22
Tianjin Universal Machinery Imp. & Exp. Corporation. <sup>20</sup> .....	6.22

<sup>16</sup> See Memorandum to the File, through Paul Walker, Program Manager, Office V, Enforcement and Compliance, from Susan Pulongbarit, Senior International Trade Analyst, Office V, Enforcement and Compliance, regarding Seventh Antidumping Administrative Review of Certain Steel Nails from the People's Republic of China: Surrogate Values for the Final Results, dated concurrently with and hereby adopted by this notice (Surrogate Values Memo).

<sup>17</sup> The Department inadvertently included Certified Products International Inc.; Xi'an Metals & Minerals Import & Export Co., Ltd.; and Shandong Oriental Cherry Hardware Import & Export Co., Ltd.

in the no shipments category in the *Preliminary Results*. Therefore, the Department removed these companies from the no shipments category, as discussed in Comment 4 in the Issues and Decision Memorandum.

<sup>18</sup> See Issues and Decision Memorandum at Comment 4.

<sup>19</sup> The Department notes that CPI; Chiieh Yung Metal Industrial Corporation; Mingguang Abundant Hardware Products Co., Ltd.; and Shandong Oriental Cherry Hardware Group were inadvertently added to the separate rate category in the *Preliminary Results*. As discussed in Comment

4 of the I&D Memo, Petitioner timely withdrew its request for reviews on these companies. Therefore, the Department removed these companies from the separate rate category.

<sup>20</sup> Although, the Department initiated this administrative review on Tianjin Universal Machinery Import and Export Corp., the company name, Tianjin Universal Machinery Imp. & Exp. Corporation, was the only name listed in the business license that was submitted in the separate rate application. Accordingly, the Department is granting a separate rate to Tianjin Universal Machinery Imp. & Exp. Corporation.



### Assessment Rates

Pursuant to section 751(a)(2)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.212(b), the Department has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of this administrative review.

Where the respondent reported reliable entered values, we calculated importer- (or customer-) specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer).<sup>21</sup> Where the Department calculated a weighted-average dumping margin by dividing the total amount of dumping for reviewed sales to that party by the total sales quantity associated with those transactions, the Department will direct CBP to assess importer-specific assessment rates based on the resulting per-unit rates.<sup>22</sup> Where an importer- (or customer-) specific *ad valorem* or per-unit rate is greater than *de minimis* (i.e., 0.50 percent), the Department will instruct CBP to collect the appropriate duties at the time of liquidation.<sup>23</sup> Where an importer- (or customer-) specific *ad valorem* or per-unit rate is zero or *de minimis*, the Department will instruct CBP to liquidate appropriate entries without regard to antidumping duties.<sup>24</sup> We intend to instruct CBP to liquidate entries containing subject merchandise exported by the PRC-wide entity at the PRC-wide rate.

Pursuant to the Department's assessment practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide entity rate. Additionally, if the Department determines that an exporter 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 entity rate.<sup>25</sup>

<sup>21</sup> See 19 CFR 351.212(b)(1).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> See 19 CFR 351.106(c)(2).

<sup>25</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be the rate established in the final results of review (except, if the rate is zero or *de minimis*, a zero cash deposit rate will be required for that company); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-Wide rate of 118.04 percent; 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 exporters that supplied that non-PRC exporter. The deposit requirements, when imposed, shall remain in effect until further notice.

### Disclosure

We intend to disclose the calculations performed regarding these final results within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

### Notification to Importers

This notice also serves as a final 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 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.

### Administrative Protective Orders

This notice also serves as a 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(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written

notification of the return or 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.

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

Dated: March 13, 2017.

**Ronald Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

### Appendix I—Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Issues
  - Comment 1: Differential Pricing Methodology
  - Comment 2: Calculation of Separate Rate Margin
  - Comment 3: Clarification of the Scope of the Order
  - Comment 4: Rescission for Certain Companies
  - Comment 5: Tianjin Lianda's Separate Rate Status
  - Comment 6: Treatment of Stanley's Scrap
  - Comment 7: Surrogate Financial Ratio Calculation
  - Comment 8: Surrogate Value for Stanley's Paper Tape
  - Comment 9: Surrogate Value for Stanley's Sealing Tape
  - Comment 10: Surrogate Value for Stanley's Plastic Granules
  - Comment 11: Surrogate Value for Stanley's Cardboard Corner Board
  - Comment 12: Surrogate Value for Stanley's Insert Paper Board
  - Comment 13: Surrogate Value for Stanley's Pallet Board
- V. Conclusion

[FR Doc. 2017-05429 Filed 3-17-17; 8:45 a.m.]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-048]

#### Certain Carbon and Alloy Steel Cut-to-Length Plate From the People's Republic of China: Countervailing Duty Order

**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 a countervailing duty order on Certain Carbon and Alloy Steel Cut-to-Length

Plate (CTL plate) from the People's Republic of China (PRC).

**DATES:** Effective March 20, 2017.

**FOR FURTHER INFORMATION CONTACT:** Ryan Mullen, 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) 482-5260.

**SUPPLEMENTARY INFORMATION:**

### Background

In accordance with section 705(d) of the Tariff Act of 1930, as amended (the Act), on January 26, 2017, the Department published its affirmative final determination in the countervailable investigation of CTL plate from the PRC.<sup>1</sup> On March 13, 2017, the ITC notified the Department of its final determination pursuant to section 705(b)(1)(A) of the Act, that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of CTL plate from the PRC.<sup>2</sup>

### Scope of the Order

The products covered by this order are certain carbon and alloy steel hot-rolled or forged flat plate products not in coils, whether or not painted, varnished, or coated with plastics or other non-metallic substances (cut-to-length plate). Subject merchandise includes plate that is produced by being cut-to-length from coils or from other discrete length plate and plate that is rolled or forged into a discrete length. The products covered include (1) Universal mill plates (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, and of a thickness of not less than 4 mm, which are not in coils and without patterns in relief), and (2) hot-rolled or forged flat steel products of a thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are not in coils, whether or not with patterns in relief. The covered products described above may be rectangular, square, circular or other shapes and include products of either rectangular or

non-rectangular cross-section where such non-rectangular cross-section is achieved subsequent to the rolling process, *i.e.*, products which have been "worked after rolling" (*e.g.*, products which have been beveled or rounded at the edges).

For purposes of the width and thickness requirements referenced above, the following rules apply:

(1) except where otherwise stated where the nominal and actual thickness or width measurements vary, a product from a given subject country is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above; and

(2) where the width and thickness vary for a specific product (*e.g.*, the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, *etc.*), the measurement at its greatest width or thickness applies.

Steel products included in the scope of this order are products in which: (1) Iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less by weight.

Subject merchandise includes cut-to-length plate that has been further processed in the subject country or a third country, including but not limited to pickling, oiling, levelling, annealing, tempering, temper rolling, skin passing, painting, varnishing, trimming, cutting, punching, beveling, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the order if performed in the country of manufacture of the cut-to-length plate.

All products that meet the written physical description, are within the scope of this order unless specifically excluded or covered by the scope of an existing order. The following products are outside of, and/or specifically excluded from, the scope of this order:

(1) Products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances;

(2) military grade armor plate certified to one of the following specifications or to a specification that references and incorporates one of the following specifications:

- MIL-A-12560,
- MIL-DTL-12560H,
- MIL-DTL-12560J,
- MIL-DTL-12560K,
- MIL-DTL-32332,
- MIL-A-46100D,
- MIL-DTL-46100-E,
- MIL-46177C,
- MIL-S-16216K Grade HY80,
- MIL-S-16216K Grade HY100,

- MIL-S-24645A HSLA-80;
- MIL-S-24645A HSLA-100,
- T9074-BD-GIB-010/0300 Grade HY80,
- T9074-BD-GIB-010/0300 Grade HY100,
- T9074-BD-GIB-010/0300 Grade HSLA80,
- T9074-BD-GIB-010/0300 Grade HSLA100, and
- T9074-BD-GIB-010/0300 Mod. Grade HSLA115,

except that any cut-to-length plate certified to one of the above specifications, or to a military grade armor specification that references and incorporates one of the above specifications, will not be excluded from the scope if it is also dual- or multiple-certified to any other non-armor specification that otherwise would fall within the scope of this order;

(3) stainless steel plate, containing 10.5 percent or more of chromium by weight and not more than 1.2 percent of carbon by weight;

(4) CTL plate meeting the requirements of ASTM A-829, Grade E 4340 that are over 305 mm in actual thickness;

(5) Alloy forged and rolled CTL plate greater than or equal to 152.4 mm in actual thickness meeting each of the following requirements:

(a) Electric furnace melted, ladle refined & vacuum degassed and having a chemical composition (expressed in weight percentages):

- Carbon 0.23-0.28,
- Silicon 0.05-0.20,
- Manganese 1.20-1.60,
- Nickel not greater than 1.0,
- Sulfur not greater than 0.007,
- Phosphorus not greater than 0.020,
- Chromium 1.0-2.5,
- Molybdenum 0.35-0.80,
- Boron 0.002-0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm;

(b) With a Brinell hardness measured in all parts of the product including mid thickness falling within one of the following ranges:

- (i) 270-300 HBW,
- (ii) 290-320 HBW, or
- (iii) 320-350 HBW;

(c) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.5, B not exceeding 1.0, C not exceeding 0.5, D not exceeding 1.5; and

(d) Conforming to ASTM A578-S9 ultrasonic testing requirements with acceptance criteria 2 mm flat bottom hole;

<sup>1</sup> See *Certain Carbon and Alloy Steel Cut-to-Length Plate from the People's Republic of China: Final Affirmative Countervailing Duty Determination*, 82 FR 8507 (January 26, 2017).

<sup>2</sup> See Letter to Ronald Lorentzen, Acting Assistant Secretary of Commerce for Enforcement and Compliance, from Rhonda K. Schmidlein, Chairman of the U.S. International Trade Commission, regarding CTL plate from the PRC (March 13, 2017). See also *Carbon and Alloy Steel Cut-to-Length Plate from China (Investigation Nos. 701-TA-560 and 731-TA-1320 (Final))*, USITC Publication 4675, March 2017.

(6) Alloy forged and rolled steel CTL plate over 407 mm in actual thickness and meeting the following requirements:

(a) Made from Electric Arc Furnace melted, Ladle refined & vacuum degassed, alloy steel with the following chemical composition (expressed in weight percentages):

- Carbon 0.23–0.28,
- Silicon 0.05–0.15,
- Manganese 1.20–1.50,
- Nickel not greater than 0.4,
- Sulfur not greater than 0.010,
- Phosphorus not greater than 0.020,
- Chromium 1.20–1.50,
- Molybdenum 0.35–0.55,
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm;

(b) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.5, B not exceeding 1.5, C not exceeding 1.0, D not exceeding 1.5;

(c) Having the following mechanical properties:

(i) With a Brinell hardness not more than 237 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 75ksi min and UTS 95ksi or more, Elongation of 18% or more and Reduction of area 35% or more; having charpy V at –75 degrees F in the longitudinal direction equal or greater than 15 ft. lbs (single value) and equal or greater than 20 ft. lbs (average of 3 specimens) and conforming to the requirements of NACE MR01–75; or

(ii) With a Brinell hardness not less than 240 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 90 ksi min and UTS 110 ksi or more, Elongation of 15% or more and Reduction of area 30% or more; having charpy V at –40 degrees F in the longitudinal direction equal or greater than 21 ft. lbs (single value) and equal or greater than 31 ft. lbs (average of 3 specimens);

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 3.2 mm flat bottom hole; and

(e) Conforming to magnetic particle inspection in accordance with AMS 2301;

(7) Alloy forged and rolled steel CTL plate over 407 mm in actual thickness and meeting the following requirements:

(a) Made from Electric Arc Furnace melted, ladle refined & vacuum degassed, alloy steel with the following chemical composition (expressed in weight percentages):

- Carbon 0.25–0.30,

- Silicon not greater than 0.25,
- Manganese not greater than 0.50,
- Nickel 3.0–3.5,
- Sulfur not greater than 0.010,
- Phosphorus not greater than 0.020,
- Chromium 1.0–1.5,
- Molybdenum 0.6–0.9,
- Vanadium 0.08 to 0.12
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm.

(b) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.0(t) and 0.5(h), B not exceeding 1.5(t) and 1.0(h), C not exceeding 1.0(t) and 0.5(h), and D not exceeding 1.5(t) and 1.0(h);

(c) Having the following mechanical properties: A Brinell hardness not less than 350 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 145ksi or more and UTS 160ksi or more, Elongation of 15% or more and Reduction of area 35% or more; having charpy V at –40 degrees F in the transverse direction equal or greater than 20 ft. lbs (single value) and equal or greater than 25 ft. lbs (average of 3 specimens);

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 3.2 mm flat bottom hole; and

(e) Conforming to magnetic particle inspection in accordance with AMS 2301.

The products subject to the order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers:

7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7225.40.1110, 7225.40.1180, 7225.40.3005, 7225.40.3050, 7226.20.0000, and 7226.91.5000.

The products subject to the order may also enter under the following HTSUS

item numbers: 7208.40.6060, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.19.1500, 7211.19.2000, 7211.19.4500, 7211.19.6000, 7211.19.7590, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7214.10.0000, 7214.30.0010, 7214.30.0080, 7214.91.0015, 7214.91.0060, 7214.91.0090, 7225.11.0000, 7225.19.0000, 7225.40.5110, 7225.40.5130, 7225.40.5160, 7225.40.7000, 7225.99.0010, 7225.99.0090, 7226.11.1000, 7226.11.9060, 7226.19.1000,

7226.19.9000, 7226.91.0500, 7226.91.1530, 7226.91.1560, 7226.91.2530, 7226.91.2560, 7226.91.7000, 7226.91.8000, and 7226.99.0180.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the order is dispositive.

### Countervailing Duty Order

In accordance with sections 705(b)(1)(A) and 705(d) of the Act, the ITC has notified the Department of its final determination in this investigation, in which it found that imports of CTL plate from the PRC are materially injuring or threatening material injury to a U.S. industry.<sup>3</sup> Therefore, in accordance with section 705(c)(2) of the Act, we are publishing this countervailing duty order.

As a result of the ITC's final determinations, 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 CTL plate from the PRC entered, or withdrawn from warehouse, for consumption on or after September 13, 2016, the date on which the Department published its preliminary countervailing duty determinations in the **Federal Register**,<sup>4</sup> and before January 11, 2017, the date on which the Department instructed CBP to discontinue the suspension of liquidation 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 CTL plate made on or after January 11, 2017, 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 January 11, 2017, of the suspension of liquidation.

### Suspension of Liquidation

In accordance with section 706 of the Act, the Department will instruct CBP to reinstitute the suspension of liquidation of subject merchandise from the PRC, effective on the date of publication of the ITC's notice of final determinations

<sup>3</sup> *Id.*

<sup>4</sup> See *Certain Carbon and Alloy Steel Cut-to-Length Plate from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination*, 81 FR 62871 (September 13, 2016).

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 determinations 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. The all-others rate applies to all producers and exporters of subject merchandise not specifically listed below.

Exporter/producer	Subsidy rate (percent)
Jiangyin Xingcheng Special Steel Works Co. Ltd .....	251.00
Hunan Valin Xiangtan Iron & Steel .....	251.00
Viewer Development Co., Ltd	251.00
All Others .....	251.00

#### Notification to Interested Parties

This notice constitutes the countervailing duty order with respect to CTL plate from the PRC pursuant to section 706(a) of the Act. Interested parties may contact the Department's Central Records Unit, Room B8024 of the main Commerce Building, for copies of an updated list of countervailing duty orders currently in effect.

This order is issued and published in accordance with section 706(a) of the Act and 19 CFR 351.211(b).

Dated: March 14, 2017.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2017-05441 Filed 3-17-17; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-921]

#### Lightweight Thermal Paper From the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review; 2015

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

**SUMMARY:** The Department of Commerce is rescinding the administrative review of the countervailing duty order on lightweight thermal paper from the People's Republic of China. The period

of review is January 1, 2015, through December 31, 2015.

**DATES:** Effective March 20, 2017.

**FOR FURTHER INFORMATION CONTACT:** Aimee Phelan at (202) 482-0697, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

#### Background

On November 4, 2016, the Department of Commerce (the Department) published a notice of opportunity to request an administrative review of the countervailing duty order on lightweight thermal paper (LWTP) from the People's Republic of China (PRC) for the period of review (POR) of January 1, 2015, through December 31, 2015.<sup>1</sup> The Department received a timely-filed request from Appvion, Inc. (Appvion), in accordance with 19 CFR 351.213(b), for an administrative review of three producers/exporters of lightweight thermal paper from the PRC: Sailing International Limited, Shenzhen Formers Printing Co., Ltd., and Suzhou Xiandai Paper Production Co.<sup>2</sup> On January 13, 2017, the Department published a notice of initiation.<sup>3</sup> Subsequent to the *Initiation Notice*, the Department requested from U.S. Customs and Border Protection (CBP) data for U.S. imports of subject merchandise during the POR for the companies for which an administrative review was requested.<sup>4</sup> The CBP data demonstrated that there were no entries of subject merchandise exported by these companies during the POR.<sup>5</sup> The Department solicited interested party comments,<sup>6</sup> and we received no comments.

#### Rescission of Review

It is the Department's practice to rescind an administrative review of a countervailing duty order, pursuant to 19 CFR 351.213(d)(3), when there are no

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 81 FR 76920 (November 4, 2016).

<sup>2</sup> See Letter to the Secretary from Appvion, "Lightweight Thermal Paper From The People's Republic Of China: Request For Administrative Review," dated November 30, 2016.

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 4294 (January 13, 2017) (*Initiation Notice*).

<sup>4</sup> See Memorandum to the File, "Administrative Review of Certain Lightweight Thermal Paper from the People's Republic of China: Request for U.S. Customs and Border Protection Data," dated February 15, 2017.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

reviewable entries of subject merchandise during the POR for which liquidation is suspended.<sup>7</sup> Normally, upon completion of an administrative review, the suspended entries are liquidated at the countervailing duty assessment rate calculated for the review period. See 19 CFR 351.212(b)(1). Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that the Department can order CBP to liquidate at the newly calculated countervailing duty assessment rate. Accordingly, in the absence of suspended entries of subject merchandise during the period of this administrative review (January 1, 2015 through December 31, 2015), we are now rescinding this administrative review of the countervailing duty order on LWTP from the PRC, pursuant to 19 CFR 351.213(d)(3).

This notice is issued and published pursuant to section 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: March 14, 2017.

**Gary Taverman,**

*Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2017-05430 Filed 3-17-17; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-047]

#### Certain Carbon and Alloy Steel Cut-to-Length Plate From the People's Republic of China: Antidumping Duty Order

**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 an antidumping duty order on Certain Carbon and Alloy Steel Cut-to-Length Plate (CTL plate) from the People's Republic of China (PRC).

**DATES:** Effective March 20, 2017.

**FOR FURTHER INFORMATION CONTACT:** Irene Gorelik, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue

<sup>7</sup> See, e.g., *Lightweight Thermal Paper From the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review*, 81 FR 50683 (August 2, 2016).

NW., Washington, DC 20230; telephone: (202) 482-6905.

#### SUPPLEMENTARY INFORMATION:

##### Background

In accordance with section 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on January 26, 2017, the Department published its affirmative final determination in the less than fair value (LTFV) investigation of CTL plate from the PRC.<sup>1</sup> On March 13, 2017, the ITC notified the Department of its final determination pursuant to section 735(b)(1)(A)(i) of the Act, that an industry in the United States is materially injured or threatened with material injury by reason of imports of CTL plate from the PRC.<sup>2</sup>

##### Scope of the Order

The products covered by this order are certain carbon and alloy steel hot-rolled or forged flat plate products not in coils, whether or not painted, varnished, or coated with plastics or other non-metallic substances (cut-to-length plate). Subject merchandise includes plate that is produced by being cut-to-length from coils or from other discrete length plate and plate that is rolled or forged into a discrete length. The products covered include (1) Universal mill plates (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, and of a thickness of not less than 4 mm, which are not in coils and without patterns in relief), and (2) hot-rolled or forged flat steel products of a thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are not in coils, whether or not with patterns in relief. The covered products described above may be rectangular, square, circular or other shapes and include products of either rectangular or non-rectangular cross-section where such non-rectangular cross-section is achieved subsequent to the rolling process, *i.e.*, products which have been "worked after rolling" (*e.g.*, products which have been beveled or rounded at

the edges). For purposes of the width and thickness requirements referenced above, the following rules apply:

(1) except where otherwise stated where the nominal and actual thickness or width measurements vary, a product from a given subject country is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above unless the product is already covered by an order existing on that specific country (*e.g.*, *Notice of the Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From the People's Republic of China*, 66 FR 59561 (November 29, 2001)); and

(2) where the width and thickness vary for a specific product (*e.g.*, the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, *etc.*), the measurement at its greatest width or thickness applies.

Steel products included in the scope of this order are products in which: (1) Iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less by weight.

Subject merchandise includes cut-to-length plate that has been further processed in the subject country or a third country, including but not limited to pickling, oiling, levelling, annealing, tempering, temper rolling, skin passing, painting, varnishing, trimming, cutting, punching, beveling, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the order if performed in the country of manufacture of the cut-to-length plate.

All products that meet the written physical description, are within the scope of this order unless specifically excluded or covered by the scope of an existing order. The following products are outside of, and/or specifically excluded from, the scope of this order:

(1) Products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances;

(2) military grade armor plate certified to one of the following specifications or to a specification that references and incorporates one of the following specifications:

- MIL-A-12560,
- MIL-DTL-12560H,
- MIL-DTL-12560J,
- MIL-DTL-12560K,
- MIL-DTL-32332,
- MIL-A-46100D,
- MIL-DTL-46100-E,
- MIL-46177C,
- MIL-S-16216K Grade HY80,
- MIL-S-16216K Grade HY100,
- MIL-S-24645A HSLA-80;

- MIL-S-24645A HSLA-100,
- T9074-BD-GIB-010/0300 Grade HY80,
- T9074-BD-GIB-010/0300 Grade HY100,
- T9074-BD-GIB-010/0300 Grade HSLA80,
- T9074-BD-GIB-010/0300 Grade HSLA100, and
- T9074-BD-GIB-010/0300 Mod. Grade HSLA115,

except that any cut-to-length plate certified to one of the above specifications, or to a military grade armor specification that references and incorporates one of the above specifications, will not be excluded from the scope if it is also dual- or multiple-certified to any other non-armor specification that otherwise would fall within the scope of this order;

(3) stainless steel plate, containing 10.5 percent or more of chromium by weight and not more than 1.2 percent of carbon by weight;

(4) CTL plate meeting the requirements of ASTM A-829, Grade E 4340 that are over 305 mm in actual thickness;

(5) Alloy forged and rolled CTL plate greater than or equal to 152.4 mm in actual thickness meeting each of the following requirements:

(a) Electric furnace melted, ladle refined & vacuum degassed and having a chemical composition (expressed in weight percentages):

- Carbon 0.23-0.28,
- Silicon 0.05-0.20,
- Manganese 1.20-1.60,
- Nickel not greater than 1.0,
- Sulfur not greater than 0.007,
- Phosphorus not greater than 0.020,
- Chromium 1.0-2.5,
- Molybdenum 0.35-0.80,
- Boron 0.002-0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm;

(b) With a Brinell hardness measured in all parts of the product including mid thickness falling within one of the following ranges:

- (i) 270-300 HBW,
- (ii) 290-320 HBW, or
- (iii) 320-350 HBW;

(c) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.5, B not exceeding 1.0, C not exceeding 0.5, D not exceeding 1.5; and

(d) Conforming to ASTM A578-S9 ultrasonic testing requirements with acceptance criteria 2 mm flat bottom hole;

(6) Alloy forged and rolled steel CTL plate over 407 mm in actual thickness and meeting the following requirements:

<sup>1</sup> See *Certain Carbon and Alloy Steel Cut-To-Length Plate from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value*, 82 FR 8510 (January 26, 2017).

<sup>2</sup> See Letter to Ronald Lorentzen, Acting Assistant Secretary of Commerce for Enforcement and Compliance, from Rhonda K. Schmidlein, Chairman of the U.S. International Trade Commission, regarding CTL plate from the PRC, dated March 13, 2017 (ITC Notification). See also *Carbon and Alloy Steel Cut-to-Length Plate from China (Investigation Nos. 701-TA-560 and 731-TA-1320 (Final))*, USITC Publication 4675, March 2017.

(a) Made from Electric Arc Furnace melted, Ladle refined & vacuum degassed, alloy steel with the following chemical composition (expressed in weight percentages):

- Carbon 0.23–0.28,
- Silicon 0.05–0.15,
- Manganese 1.20–1.50,
- Nickel not greater than 0.4,
- Sulfur not greater than 0.010,
- Phosphorus not greater than 0.020,
- Chromium 1.20–1.50,
- Molybdenum 0.35–0.55,
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm;

(b) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.5, B not exceeding 1.5, C not exceeding 1.0, D not exceeding 1.5;

(c) Having the following mechanical properties:

(i) With a Brinell hardness not more than 237 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 75ksi min and UTS 95ksi or more, Elongation of 18% or more and Reduction of area 35% or more; having charpy V at –75 degrees F in the longitudinal direction equal or greater than 15 ft. lbs (single value) and equal or greater than 20 ft. lbs (average of 3 specimens) and conforming to the requirements of NCFE MR01–75; or

(ii) With a Brinell hardness not less than 240 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 90 ksi min and UTS 110 ksi or more, Elongation of 15% or more and Reduction of area 30% or more; having charpy V at –40 degrees F in the longitudinal direction equal or greater than 21 ft. lbs (single value) and equal or greater than 31 ft. lbs (average of 3 specimens);

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 3.2 mm flat bottom hole; and

(e) Conforming to magnetic particle inspection in accordance with AMS 2301;

(7) Alloy forged and rolled steel CTL plate over 407 mm in actual thickness and meeting the following requirements:

(a) Made from Electric Arc Furnace melted, ladle refined & vacuum degassed, alloy steel with the following chemical composition (expressed in weight percentages):

- Carbon 0.25–0.30,
- Silicon not greater than 0.25,
- Manganese not greater than 0.50,

- Nickel 3.0–3.5,
- Sulfur not greater than 0.010,
- Phosphorus not greater than 0.020,
- Chromium 1.0–1.5,
- Molybdenum 0.6–0.9,
- Vanadium 0.08 to 0.12
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm.

(b) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.0(t) and 0.5(h), B not exceeding 1.5(t) and 1.0(h), C not exceeding 1.0(t) and 0.5(h), and D not exceeding 1.5(t) and 1.0(h);

(c) Having the following mechanical properties: A Brinell hardness not less than 350 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 145ksi or more and UTS 160ksi or more, Elongation of 15% or more and Reduction of area 35% or more; having charpy V at –40 degrees F in the transverse direction equal or greater than 20 ft. lbs (single value) and equal or greater than 25 ft. lbs (average of 3 specimens);

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 3.2 mm flat bottom hole; and

(e) Conforming to magnetic particle inspection in accordance with AMS 2301.

Excluded from the scope of the antidumping duty order on cut-to-length plate from the People's Republic of China are any products covered by the existing antidumping duty order on certain cut-to-length carbon steel plate from the People's Republic of China. *See Suspension Agreement on Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China; Termination of Suspension Agreement and Notice of Antidumping Duty Order*, 68 FR 60,081 (Dep't Commerce Oct. 21, 2003), as amended, *Affirmative Final Determination of Circumvention of the Antidumping Duty Order on Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China*, 76 FR 50,996, 50,996–97 (Dep't of Commerce Aug. 17, 2011). On August 17, 2011, the U.S. Department of Commerce found that the order covered all imports of certain cut-to-length carbon steel plate products with 0.0008 percent or more boron, by weight, from China not meeting all of the following requirements: aluminum level of 0.02 percent or greater, by weight; a ratio of 3.4 to 1 or greater, by weight, of titanium to nitrogen; and a hardenability test (*i.e.*, Jominy test) result indicating a boron factor of 1.8 or greater.

The products subject to the order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers:

7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7225.40.1110, 7225.40.1180, 7225.40.3005, 7225.40.3050, 7226.20.0000, and 7226.91.5000.

The products subject to the order may also enter under the following HTSUS item numbers: 7208.40.6060, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.19.1500, 7211.19.2000, 7211.19.4500, 7211.19.6000, 7211.19.7590, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7214.10.0000, 7214.30.0010, 7214.30.0080, 7214.91.0015, 7214.91.0060, 7214.91.0090, 7225.11.0000, 7225.19.0000, 7225.40.5110, 7225.40.5130, 7225.40.5160, 7225.40.7000, 7225.99.0010, 7225.99.0090, 7226.11.1000, 7226.11.9060, 7226.19.1000, 7226.19.9000, 7226.91.0500, 7226.91.1530, 7226.91.1560, 7226.91.2530, 7226.91.2560, 7226.91.7000, 7226.91.8000, and 7226.99.0180.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the order is dispositive.

### Antidumping Duty Order

In accordance with sections 735(b)(1)(A)(i) and 735(d) of the Act, the ITC has notified the Department of its final determination in this investigation, in which it found that imports of CTL plate from the PRC are materially injuring or threatening material injury to a U.S. industry.<sup>3</sup> 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 CTL plate from the PRC. These antidumping duties will be assessed on unliquidated entries from the PRC entered, or withdrawn from

<sup>3</sup> See ITC Notification.

warehouse, for consumption on or after November 14, 2016, the date on which the Department published the *Preliminary Determination*,<sup>4</sup> but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination, as further described below.

### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct CBP to continue to suspend liquidation on entries of subject merchandise from the PRC. We will also instruct CBP to require cash deposits equal to the estimated amount by which the normal value exceeds the U.S. price as indicated in the chart below. These instructions suspending liquidation will remain in effect until further notice.

Accordingly, effective on the date of publication of the ITC's final affirmative injury determination, 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 antidumping duty margin as discussed above.<sup>5</sup> The "PRC-wide" rate applies to all exporters of subject merchandise not specifically listed.

### Provisional Measures

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months except where exporters representing a significant proportion of exports of the subject merchandise request the Department to extend that four-month period to no more than six months. However, the Department did not extend the four-month period in the underlying investigation. In the underlying investigation, the Department published the *Preliminary Determination* on November 14, 2016. Thus, the four-month period beginning on the date of the publication of the *Preliminary Determination* ended on March 14, 2017. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the

<sup>4</sup> See *Certain Carbon and Alloy Steel Cut-To-Length Plate from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 81 FR 79450 (November 14, 2016) (*Preliminary Determination*).

<sup>5</sup> See sections 736(a)(3), 772(c)(1)(C) and 777A(f) of the Act.

suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of CTL plate from the PRC entered, or withdrawn from warehouse, for consumption after March 14, 2017, the date the provisional measures expired, and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**.

### Estimated Dumping Margin

The Department determines that the estimated final dumping margin is as follows:

Exporter	Margin (percent)
PRC-Wide Entity .....	68.27

### Notification to Interested Parties

This notice constitutes the antidumping duty order with respect to CTL plate from the PRC, pursuant to section 736(a) of the Act. Interested parties may contact the Department's Central Records Unit, Room B8024 of the main Commerce building, for copies of an updated list of antidumping duty orders currently in effect.

This order is issued and published in accordance with sections 736(a) of the Act and 19 CFR 351.211(b).

Dated: March 14, 2017.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2017-05440 Filed 3-17-17; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XF293**

### 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 Herring 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 Wednesday, April 5, 2017 at 9 a.m.

### ADDRESSES:

**Meeting address:** The meeting will be held at the Wentworth by the Sea, 588 Wentworth Road, New Castle, NH 03854; telephone: (781) 245-9300.

**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.

### SUPPLEMENTARY INFORMATION:

#### Agenda

The Committee will discuss alternatives being considered in Amendment 8 to the Atlantic Herring Fishery Management Plan. Measures include alternative Acceptable Biological Catch (ABC) control rules and measures to address potential localized depletion and user conflicts in the herring fishery. The Committee will also review preliminary outcomes from the external peer review of the Management Strategy Evaluation of Atlantic herring ABC control rules held in March 2017. They will also review the proposed action for the herring fishery in the Omnibus Industry Funded Monitoring (IFM) Amendment and make any necessary clarifications or adjustments. The Committee will review preliminary analysis of portside data, including a presentation by NMFS of its evaluation of incorporating portside data into herring catch cap quota monitoring, prepared in response to a previous Council request. Other business will be discussed as necessary.

### Special Accommodations

This meeting is physically accessible to people with disabilities. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request. 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.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: March 15, 2017.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2017-05444 Filed 3-17-17; 8:45 am]

**BILLING CODE 3510-22-P**



**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

RIN 0648–XF297

**Pacific Fishery Management Council (Pacific Council); Public Meetings**

**AGENCY:** National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice of public meetings.

**SUMMARY:** The Pacific Fishery Management Council (Pacific Council) and its advisory entities will hold public meetings.

**DATES:** The Pacific Council and its advisory entities will meet April 6–11, 2017. The Pacific Council meeting will begin on Friday, April 7, 2017 at 9 a.m. Pacific Daylight Time (PDT), reconvening at 8 a.m. each day through Tuesday, April 11, 2017. All meetings are open to the public, except a closed session will be held from 8 a.m. to 9 a.m., Friday, April 7 to address litigation and personnel matters. The Pacific Council will meet as late as necessary each day to complete its scheduled business.

**ADDRESSES:** The meetings of the Pacific Council and its advisory entities will be held at the Doubletree by Hilton Hotel Sacramento, 2001 Point West Way, Sacramento, CA; telephone: (916) 929–8855.

*Council address:* Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220. Instructions for attending the meeting via live stream broadcast are given under **SUPPLEMENTARY INFORMATION**, below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Chuck Tracy, Executive Director; telephone: (503) 820–2280 or (866) 806–7204 toll-free; or access the Pacific Council Web site, <http://www.pcouncil.org> for the current meeting location, proposed agenda, and meeting briefing materials.

**SUPPLEMENTARY INFORMATION:** The April 6–11, 2017 meeting of the Pacific Council will be streamed live on the Internet. The broadcasts begin initially at 9 a.m. PT Friday, April 8, 2017 and continue at 8 a.m. daily through Tuesday, April 11, 2017. Broadcasts end daily at 6 p.m. PT or when business for the day is complete. Only the audio portion and presentations displayed on the screen at the Pacific Council meeting will be broadcast. The audio portion is listen-only; you will be unable to speak to the Pacific Council

via the broadcast. To access the meeting online please use the following link: <http://www.gotomeeting.com/online/webinar/join-webinar> and enter the April Webinar ID, 897–986–459, and your email address. You can attend the webinar online using a computer, tablet, or smart phone, using the GoToMeeting application. It is recommended that you use a computer headset to listen to the meeting, but you may use your telephone for the audio portion only of the meeting. The audio portion may be attended using a telephone by dialing the toll number 1–562–247–8422 (not a toll-free number), audio access code 862–846–290, and enter the audio pin shown after joining the webinar.

The following items are on the Pacific Council agenda, but not necessarily in this order. Agenda items noted as “Final Action” refer to actions requiring the Council to transmit a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under Sections 304 or 305 of the Magnuson-Stevens Fishery Conservation and Management Act. Additional detail on agenda items, Council action, advisory entity meeting times, and meeting rooms are described in Agenda Item A.4, Proposed Council Meeting Agenda, and will be in the advance April 2017 briefing materials and posted on the Pacific Council Web site at [www.pcouncil.org](http://www.pcouncil.org) no later than Friday, March 24, 2017.

**A. Call to Order**

1. Opening Remarks
2. Roll Call
3. Executive Director’s Report
4. Approve Agenda

**B. Open Comment Period**

1. Comments on Non-Agenda Items

**C. Administrative Matters**

1. Marine Planning Update
2. Legislative Matters
3. Membership Appointments and Council Operating Procedures
4. Future Council Meeting Agenda and Workload Planning

**D. Habitat**

1. Current Habitat Issues

**E. Salmon Management**

1. Sacramento River Winter Chinook Harvest Control Rule Review
2. Methodology Review Preliminary Topic Selection
3. Tentative Adoption of 2017 Ocean Salmon Management Measures for Analysis
4. Clarify Council Direction on 2017 Management Measures
5. Final Action on 2017 Salmon Management Measures

**F. Groundfish Management**

1. National Marine Fisheries Service

Report

2. Final Action on Electronic Monitoring of Non-Whiting Midwater and Bottom Trawl Fisheries Regulations and Update on Exempted Fishing Permit (EFP)
  3. Salmon Endangered Species Act (ESA) Consultation Recommendations
  4. Trawl Catch Shares and Intersector Allocation Progress Reports and Cost Recovery Report
  5. Groundfish Non-Salmon Endangered Species Workgroup Report
  6. Final Action on Inseason Adjustments
  7. Updated Coordinates for the 125 Fathom Rockfish Conservation Area Line in California
  8. Sablefish Electronic Ticket Reporting Requirements
- G. Coastal Pelagic Species Management**
1. National Marine Fisheries Service Report
  2. Central Subpopulation of the Northern Anchovy (CSNA) Overfishing Limit (OFL) Process
  3. Methodology Review Planning
  4. Small-Scale Fishery Management Final Action
  5. Final Action on Sardine Assessment, Specifications, and Management Measures
- H. Pacific Halibut Management**
1. Final Incidental Landing Restrictions for the 2017–2018 Salmon Troll Fishery

**Advisory Body Agendas**

Advisory body agendas will include discussions of relevant issues that are on the Pacific Council agenda for this meeting, and may also include issues that may be relevant to future Council meetings. Proposed advisory body agendas for this meeting will be available on the Pacific Council Web site <http://www.pcouncil.org/council-operations/council-meetings/current-briefing-book/> no later than Friday, March 24, 2017.

**Schedule of Ancillary Meetings**

*Day 1—Thursday, April 6, 2017*

Groundfish Electronic Monitoring PAC & TAC—8 a.m.  
 Habitat Committee—8 a.m.  
 Salmon Advisory Subpanel—8 a.m.  
 Salmon Technical Team—8 a.m.  
 Sacramento River Winter Chinook Workgroup—8 a.m.  
 Model Evaluation Workgroup—8 a.m.  
 Scientific and Statistical Committee—10:30 a.m.  
 Legislative Committee—2 p.m.  
 Tribal Policy Group—Ad Hoc  
 Tribal and Washington Technical Group—Ad Hoc



*Day 2—Friday, April 7, 2017*

California State Delegation—7 a.m.  
 Oregon State Delegation—7 a.m.  
 Washington State Delegation—7 a.m.  
 Coastal Pelagic Species Advisory Subpanel—8 a.m.  
 Coastal Pelagic Species Management Team—8 a.m.  
 Groundfish Advisory Subpanel—8 a.m.  
 Groundfish Management Team—8 a.m.  
 Salmon Advisory Subpanel—8 a.m.  
 Salmon Technical Team—8 a.m.  
 Scientific and Statistical Committee—8 a.m.  
 Enforcement Consultants—3 p.m.  
 Tribal Policy Group—Ad Hoc  
 Tribal and Washington Technical Group—Ad Hoc

*Day 3—Saturday, April 8, 2017*

California State Delegation—7 a.m.  
 Oregon State Delegation—7 a.m.  
 Washington State Delegation—7 a.m.  
 Coastal Pelagic Species Advisory Subpanel—8 a.m.  
 Coastal Pelagic Species Management Team—8 a.m.  
 Groundfish Advisory Subpanel—8 a.m.  
 Groundfish Management Team—8 a.m.  
 Salmon Advisory Subpanel—8 a.m.  
 Salmon Technical Team—8 a.m.  
 Enforcement Consultants—Ad Hoc  
 Tribal Policy Group—Ad Hoc  
 Tribal and Washington Technical Group—Ad Hoc

*Day 4—Sunday, April 9, 2017*

California State Delegation—7 a.m.  
 Oregon State Delegation—7 a.m.  
 Washington State Delegation—7 a.m.  
 Coastal Pelagic Species Advisory Subpanel—8 a.m.  
 Coastal Pelagic Species Management Team—8 a.m.  
 Groundfish Advisory Subpanel—8 a.m.  
 Groundfish Management Team—8 a.m.  
 Salmon Advisory Subpanel—8 a.m.  
 Salmon Technical Team—8 a.m.  
 Enforcement Consultants—Ad Hoc  
 Tribal Policy Group—Ad Hoc  
 Tribal and Washington Technical Group—Ad Hoc

*Day 5—Monday, April 10, 2017*

California State Delegation—7 a.m.  
 Oregon State Delegation—7 a.m.  
 Washington State Delegation—7 a.m.  
 Groundfish Advisory Subpanel—8 a.m.  
 Groundfish Management Team—8 a.m.  
 Salmon Advisory Subpanel—8 a.m.  
 Salmon Technical Team—8 a.m.  
 Enforcement Consultants—Ad Hoc  
 Tribal Policy Group—Ad Hoc  
 Tribal and Washington Technical Group—Ad Hoc

*Day 6—Tuesday, April 11, 2017*

California State Delegation—7 a.m.  
 Oregon State Delegation—7 a.m.

Washington State Delegation—7 a.m.  
 Groundfish Advisory Subpanel—8 a.m.  
 Groundfish Management Team—8 a.m.  
 Salmon Technical Team—8 a.m.  
 Enforcement Consultants—Ad Hoc

Although non-emergency issues not contained in this agenda may come before the Pacific Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed 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 Pacific Council's intent to take final action to address the emergency.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820-2280, ext. 411 at least 10 business days prior to the meeting date.

Dated: March 15, 2017.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2017-05445 Filed 3-17-17; 8:45 am]

**BILLING CODE 3510-22-P**

**CONSUMER PRODUCT SAFETY COMMISSION****Sunshine Act Meeting Notice**

**TIME AND PLACE:** Thursday, March 23 2017, 1:00 p.m.–3:00 p.m.

**PLACE:** Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

**STATUS:** Commission Meeting—Open to the Public.

**MATTER TO BE CONSIDERED:**

**BRIEFING MATTER:** Safety Standard Addressing Blade-Contact Injuries on Table Saws—Notice of Proposed Rulemaking

A live webcast of the Meeting can be viewed at [www.cpsc.gov/live](http://www.cpsc.gov/live).

**CONTACT PERSON FOR MORE INFORMATION:**

Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504-7923.

Dated: March 15, 2017.

**Todd A. Stevenson,**  
*Secretary.*

[FR Doc. 2017-05495 Filed 3-16-17; 11:15 am]

**BILLING CODE 6355-01-P**

**DEPARTMENT OF DEFENSE****Department of the Navy****Meeting of the Board of Advisors (BOA) to the President of the Naval War College (NWC) Subcommittee**

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given that the following meeting of the Board of Advisors to the President of the Naval War College will be held. This meeting will be open to the public.

**DATES:** The meeting will be held on Thursday, April 6, 2017 from 8:00 a.m. to 4:00 p.m. and on Friday, April 7, 2017 from 8:30 a.m. to 11:00 a.m. Eastern Time Zone.

**ADDRESSES:** The meeting will be held at the U.S. Naval War College, 686 Cushing Road, Newport, RI.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jaye Panza, Designated Federal Official, 1 University Circle, Code 00G, Monterey, CA 93943-5001, telephone number 831-656-2514.

**SUPPLEMENTARY INFORMATION:** The purpose of the Board is to advise and assist the President, NWC, in educational and support areas, providing independent advice and recommendations on items such as, but not limited to, organizational management, curricula, methods of instruction, facilities, and other matters of interest. The agenda for Thursday is as follows:

8:00 a.m.–8:30 a.m. Welcome  
 8:30 a.m.–10:00 a.m.—College Update with Deans  
 10:15 a.m.–11:45 a.m.—Attend Classes (S&P/JMO)  
 12:00 p.m.–1:30 p.m.—Meet with Students  
 1:30 p.m.–2:15 p.m.—Tour Learning Commons  
 2:15 p.m.–3:00 p.m.—NWC Foundation Discussion  
 3:00 p.m.–4:00 p.m.—Meet with Faculty  
 4:00 p.m.–4:30 p.m.—Tour Wargaming Facility

The agenda for Friday is as follows:  
 8:30 a.m.–10:00 a.m.—Board Business and Discussion  
 11:00 a.m.—Meeting Adjourn

Individuals without a DoD Government Common Access Card require an escort at the meeting location. For access, information, or to send written statements for consideration at the committee meeting must contact Dr. Thomas Gibbons, Professor of Professional Military Education, Naval War College, 686 Cushing Road, Newport, RI 02841-1207 or by fax 401-841-7375 by March 31, 2017.

Dated: March 13, 2017.

**A.M. Nichols,**

*Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 2017-05371 Filed 3-17-17; 8:45 am]

**BILLING CODE 3810-FF-P**

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## DEPARTMENT OF EDUCATION

[Docket No.: ED-2017-ICCD-0035]

### Agency Information Collection Activities; Comment Request; Special Education—Individual Reporting on Regulatory Compliance Related to the Personnel Development Program's Service Obligation and the Government Performance and Results Act (GPRA)

**AGENCY:** Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before May 19, 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-0035. 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 226-62, Washington, DC 20202-4537.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Bonnie Jones, 202-245-7395.

**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:* Special Education—Individual Reporting on Regulatory Compliance Related to the Personnel Development Program's Service Obligation and the Government Performance and Results Act (GPRA).

*OMB Control Number:* 1820-0686.

*Type of Review:* A revision of an existing information collection.

*Respondents/Affected Public:* Individual or Households; Private Sector.

*Total Estimated Number of Annual Responses:* 34,523.

*Total Estimated Number of Annual Burden Hours:* 11,313.

*Abstract:* This data collection serves three purposes for the Office of Special Education Program's Personnel Development Program (PD). First, data from three sources (grantees, scholars, and employers) are necessary to assess the performance of the PDP on its Government Performance Results Act (GPRA) measures. Second, data from all three sources are necessary to determine if scholars comply with the service obligation requirements. And finally,

project-specific performance data are collected from PDP grantees for project monitoring and program improvement. The forms in this package are updates to existing Office of Management and Budget approved forms (1820-0686) which expire on 5/31/2017.

Dated: March 14, 2017.

**Tomakie Washington,**

*Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.*

[FR Doc. 2017-05413 Filed 3-17-17; 8:45 am]

**BILLING CODE 4000-01-P**

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## DEPARTMENT OF EDUCATION

[Docket ID ED-2017-FSA-0034]

### Privacy Act of 1974; Computer Matching Program

**AGENCY:** Department of Education.

**ACTION:** Notice of a Modified Matching Program.

**SUMMARY:** This document provides notice of the continuation of a computer matching program between the Department of Education and the Department of Homeland Security, U.S. Citizenship and Immigration Services.

**DATES:** We must receive your comments on or before April 19, 2017.

The re-established matching program will be effective on the latest of the following three dates: (A) April 18, 2017; (B) 30 days from the date on which the Department of Education (ED) publishes a Computer Matching Notice in the **Federal Register**, as required by 5 U.S.C. 552a(e)(12) and Office of Management and Budget (OMB) Circular No. A-108, assuming that ED receives no public comments or receives public comments but makes no changes to the Computer Matching Notice as a result of the public comments, or 30 days from the date on which ED publishes a Revised Computer Matching Notice in the **Federal Register**, assuming that ED receives public comments and revises the Computer Matching Notice as a result of public comments; or (C) 60 days from the date on which ED transmits the report of the matching program, as required by 5 U.S.C. 552a(r) and OMB Circular No. A-108, to OMB, the U.S. House Committee on Oversight and Government Reform, and the U.S. Senate Committee on Homeland Security and Governmental Affairs, unless OMB waives any days of the 60-day review period for compelling reasons, in which case 60 days minus the number of days waived by OMB from the date of ED's transmittal of the report of the matching program.

The matching program will continue for 18 months after the effective date and may be extended for an additional 12 months thereafter, if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

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

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

- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about these proposed regulations, address them to Marya Dennis, Management and Program Analyst, U.S. Department of Education, Federal Student Aid, Union Center Plaza, 830 First Street NE., Washington, DC 20002–5345.

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

**FOR FURTHER INFORMATION CONTACT:** Ms. Marya Dennis, Management and Program Analyst, U.S. Department of Education, Federal Student Aid, Union Center Plaza, 830 First Street NE., Washington, DC 20002–5345. Telephone: (202) 377–3385.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** We provide this notice in accordance with Privacy Act of 1974, as amended (5 U.S.C. 552a); OMB Final Guidance Interpreting the Provisions of Public Law 100–503 the Computer Matching and Privacy Protection Act of 1988, 54 FR 25818 (June 19, 1989); and OMB Circular No. A–108, available at: [https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/OMB/circulars/a108/omb\\_circular\\_a-108.pdf](https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/OMB/circulars/a108/omb_circular_a-108.pdf).

*Participating Agencies:* The U.S. Department of Education and the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).

*Authority for Conducting the Matching Program:* The information contained in the USCIS database is referred to as the Verification Information System (VIS), which is authorized by section 274A(b) of the Immigration and Nationality Act, 8 U.S.C. 1324a(b). ED seeks access to the VIS for the purpose of confirming the immigration status of applicants for assistance, as authorized by section 484(g) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. 1091(g), and consistent with the title IV student eligibility requirements of section 484(a)(5) of the HEA, 20 U.S.C. 1091(a)(5). USCIS is authorized to participate in this immigration status verification by section 103 of the Immigration and Nationality Act, 8 U.S.C. 1103.

*Purpose(S):* The matching program entitled “Verification Division USCIS/ED” will permit ED to confirm the immigration status of alien applicants for, or recipients of, financial assistance under title IV of the HEA, as authorized by section 484(g) of the HEA (20 U.S.C. 1091(g)). The title IV, HEA programs that are covered by the agreement include: The Federal Pell Grant Program, the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program, the Iraq and Afghanistan Service Grant Program, the Federal Perkins Loan Program, the Federal Work-Study Program, the Federal Supplemental Educational Opportunity Grant Program, and the William D. Ford Federal Direct Loan Program.

*Categories of Individuals:* The individuals included in this matching program are those who provide an Alien Registration Number when completing the Free Application for Federal Student Aid (FAFSA), to determine their eligibility for title IV, HEA program assistance.

*Categories of Records:* Data that are sent from ED to DHS include the individual’s: Alien registration number, first and last name, date of birth, current Social Security number, and gender. This action will initiate a search for corresponding data elements in a USCIS Privacy Act system of records. When a match of records occurs, the USCIS system will add the following data to the record and return the file to ED: The primary or secondary verification number, the date of entry into the U.S., the country of birth and the USCIS status code of the alien applicant or

recipient. ED translates the code to determine whether the applicant is an eligible non-citizen or that this determination could not be made.

In accordance with 5 U.S.C. 552a(p), ED will not suspend, terminate, reduce, or make a final denial of any title IV, HEA program assistance to the individual, or take other adverse action against the individual, as a result of information produced by the match, until ED has independently verified the information, or ED’s Data Integrity Board determines, in accordance with guidance issued by the Director of the OMB, that: (1) The information is limited to identification and amount of benefits paid by ED under a Federal benefit program; and (2) there is a high degree of confidence that the information provided to ED is accurate. In addition, the individual must first receive a notice from ED containing a statement of its findings and informing the individual of the opportunity to contest those findings by submitting documentation demonstrating a satisfactory immigration status within 30 days of receipt of the notice. After 30 days from the date of the individual’s receipt of such notice, ED may take adverse action against an individual as a result of information produced by the match.

*System(S) of Records:* ED system of Records: Federal Student Aid Application File (18–11–01), (76 FR 46774). DHS–USCIS system of records: Systematic Alien Verification for Entitlements (SAVE) System of Records, (81 FR 78619).

*Accessible Format:* Individuals with disabilities can obtain this document in an accessible format (such as, braille, large print, audiotape, or compact disc) on request to the contact person listed in the preceding paragraph.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available through the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Authority:** 5 U.S.C. 552a.

**Dated:** March 16, 2017.

**James W. Runcie,**

*Chief Operating Officer Federal Student Aid.*

[FR Doc. 2017-05551 Filed 3-17-17; 8:45 am]

**BILLING CODE 4000-01-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:* EG17-77-000.

*Applicants:* Sweetwater Solar, LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Sweetwater Solar, LLC.

*Filed Date:* 3/13/17.

*Accession Number:* 20170313-5175.

*Comments Due:* 5 p.m. ET 4/3/17.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER17-528-001.

*Applicants:* Baltimore Gas and Electric Company, PJM Interconnection, L.L.C.

*Description:* Tariff Amendment: BGE Response to February 9, 2017 Deficiency Letter to be effective 2/11/2017.

*Filed Date:* 3/13/17.

*Accession Number:* 20170313-5110.

*Comments Due:* 5 p.m. ET 4/3/17.

*Docket Numbers:* ER17-1024-001.

*Applicants:* Southwest Power Pool, Inc.

*Description:* Tariff Amendment: 1154R13 Substitute Associated Electric Cooperative NITSA and NOA to be effective 2/1/2017.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5249.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Numbers:* ER17-1154-000.

*Applicants:* Mattawoman Energy, LLC.

*Description:* Petition of Mattawoman Energy, LLC for Limited Waiver of the PJM Interconnection, L.L.C. Open Access Transmission Tariff, Request for Shortened Comment Period, and Request for Action by April 10, 2017.

*Filed Date:* 3/9/17.

*Accession Number:* 20170309-5252.

*Comments Due:* 5 p.m. ET 3/23/17.

*Docket Numbers:* ER17-1159-000.

*Applicants:* Consumers Energy Company, CMS Energy Resource Management Company.

*Description:* Application of the Consumers Energy Company, et al. for

Waiver of Affiliate Restrictions Related to the MISO 2018 Planning Year Auction for Capacity.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5231.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Numbers:* ER17-1160-000.

*Applicants:* Entergy Arkansas, Inc.

*Description:* § 205(d) Rate Filing: EAI MSS-4 Amended PPAs to be effective 5/9/2017.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5269.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Numbers:* ER17-1162-000.

*Applicants:* Midcontinent

Independent System Operator, Inc.

MidAmerican Energy Company.

*Description:* § 205(d) Rate Filing: 2017-03-13 Revisions to MidAmerican Attachment O-27A Depreciation Rates to be effective 6/1/2017.

*Filed Date:* 3/13/17.

*Accession Number:* 20170313-5169.

*Comments Due:* 5 p.m. ET 4/3/17.

*Docket Numbers:* ER17-1163-000.

*Applicants:* Southern California Edison Company.

*Description:* § 205(d) Rate Filing: Notice of Cancellation of FTS Agreement, Fourth Revised Rate Schedule No. 131 to be effective 3/31/2017.

*Filed Date:* 3/13/17.

*Accession Number:* 20170313-5213.

*Comments Due:* 5 p.m. ET 4/3/17.

*Docket Numbers:* ER17-1167-000.

*Applicants:* New York Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: NYISO tariff revision re: implement the BoP TCC Auction structure to be effective 12/31/9998.

*Filed Date:* 3/13/17.

*Accession Number:* 20170313-5234.

*Comments Due:* 5 p.m. ET 4/3/17.

*Docket Numbers:* ER17-1168-000.

*Applicants:* Southern California Edison Company.

*Description:* § 205(d) Rate Filing: Amendment to Appendix II to be effective 3/31/2017.

*Filed Date:* 3/13/17.

*Accession Number:* 20170313-5243.

*Comments Due:* 5 p.m. ET 4/3/17.

*Docket Numbers:* ER17-1170-000.

*Applicants:* Duke Energy Progress, LLC, Duke Energy Florida, LLC, Duke Energy Carolinas, LLC.

*Description:* § 205(d) Rate Filing: OATT Attachment C-1 Intra-Day Amendment Filing to be effective 6/1/2017.

*Filed Date:* 3/13/17.

*Accession Number:* 20170313-5247.

*Comments Due:* 5 p.m. ET 4/3/17.

*Docket Numbers:* ER17-1171-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original Service Agreement No. 4645, Queue No. AA1-049/AA1-132 to be effective 2/13/2017.

*Filed Date:* 3/13/17.

*Accession Number:* 20170313-5259.

*Comments Due:* 5 p.m. ET 4/3/17.

*Docket Numbers:* ER17-1172-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Cancellation: Notice of Cancellation of First Revised Service Agreement No. 4288 to be effective 4/22/2017.

*Filed Date:* 3/13/17.

*Accession Number:* 20170313-5261.

*Comments Due:* 5 p.m. ET 4/3/17.

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:** March 13, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-05436 Filed 3-17-17; 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 exempt wholesale generator filings:

*Docket Number:* EG17-74-000.

*Applicants:* Radford's Run Wind Farm, LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Radford's Run Wind Farm, LLC.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5030.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* EG17-75-000.  
*Applicants:* Bruenning's Breeze Wind Farm, LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Bruenning's Breeze Wind Farm, LLC.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5035.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* EG17-76-000.

*Applicants:* Techren Solar, LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Techren Solar, LLC.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5103.

*Comments Due:* 5 p.m. ET 3/31/17.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER13-1485-007; ER10-3253-007; ER14-1777-006. ER10-3237-007; ER10-3240-007; ER10-3230-007. ER10-3231-006; ER15-2722-003; ER10-3232-007. ER10-3233-006; ER10-3239-007; ER14-2871-010. ER16-182-005; ER10-3243-010; ER17-47-002. ER10-3245-009; ER10-3249-009; ER10-3250-009. ER10-3251-010; ER14-2382-010; ER15-621-009. ER11-2639-010; ER15-622-009; ER15-463-009. ER16-72-005; ER15-110-009; ER17-48-002. ER13-1586-011; ER10-1992-017; ER16-902-001.

*Applicants:* Wheelabrator Baltimore, L.P., Wheelabrator Bridgeport, L.P., Wheelabrator Falls Inc., Wheelabrator Frackville Energy Company Inc., Wheelabrator North Andover Inc., Wheelabrator Portsmouth Inc., Wheelabrator Ridge Energy Inc., Wheelabrator Saugus Inc., Wheelabrator Shasta Energy Company Inc., Wheelabrator South Broward Inc., Wheelabrator Westchester, L.P., Cameron Ridge, LLC, Cameron Ridge II, LLC, Chandler Wind Partners, LLC, DifWind Farms LTD VI, Foote Creek II, LLC, Foote Creek III, LLC, Foote Creek IV, LLC, Oak Creek Wind Power, LLC, ON Wind Energy LLC, Pacific Crest Power, LLC, Ridge Crest Wind Partners, LLC, Ridgetop Energy, LLC, San Gorgonio Westwinds II, LLC, San Gorgonio Westwinds II—Windustries, LLC, Terra-Gen Energy Services, LLC, Terra-Gen Mojave Windfarms, LLC, TGP Energy Management, LLC, Victory Garden Phase IV, LLC, Voyager Wind I, LLC.

*Description:* Notice of Change in Status of the ECP MBR Sellers.

*Filed Date:* 3/9/17.

*Accession Number:* 20170309-5251.

*Comments Due:* 5 p.m. ET 3/30/17.

*Docket Number:* ER17-1140-000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: 3128 NorthWestern Energy NITSA and NOA to be effective 10/1/2015.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5032.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* ER17-1141-000.

*Applicants:* Midcontinent Independent System Operator, Inc., MidAmerican Energy Company.

*Description:* § 205(d) Rate Filing: 2017-03-09 SA 2996 MidAmerican-North English E&P (J475 J555) to be effective 3/15/2017.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5033.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* ER17-1142-000.

*Applicants:* Midcontinent Independent System Operator, ALLETE, Inc.

*Description:* § 205(d) Rate Filing: 2017-03-10 SA 2700 Minnesota Power-Manitoba-Minnesota Power GNNTL Assignment to be effective 3/11/2017.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5038.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* ER17-1143-000.

*Applicants:* CMS Energy Resource Management Company.

*Description:* Compliance filing: Compliance with Letter Order to be effective 10/7/2016.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5044.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* ER17-1144-000.

*Applicants:* ALLETE, Inc.

*Description:* Initial rate filing: Cost Sharing Agreement Filing to be effective 12/31/9998.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5052.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Numbers:* ER17-1145-000.

*Applicants:* ALLETE, Inc.

*Description:* Initial rate filing: Interim Transmission Owners Governance Agreement to be effective 12/31/9998.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5054.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* ER17-1146-000.

*Applicants:* ALLETE, Inc.

*Description:* Initial rate filing: Project Development Agreement to be effective 12/31/9998.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5055.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* ER17-1147-000.

*Applicants:* ALLETE, Inc.

*Description:* Initial rate filing: Construction Management Agreement to be effective 3/11/2017.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5058.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* ER17-1148-000.

*Applicants:* ALLETE, Inc.

*Description:* Initial rate filing: Transmission Capacity Exchange Agreement to be effective 5/10/2017.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5060.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* ER17-1149-000.

*Applicants:* ALLETE, Inc.

*Description:* Initial rate filing: Operation and Maintenance Agreement to be effective 5/10/2017.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5061.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* ER17-1150-000.

*Applicants:* ALLETE, Inc.

*Description:* Initial rate filing: System Improvements Agreement to be effective 5/10/2017.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5063.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* ER17-1151-000.

*Applicants:* ADG Group Inc.

*Description:* Baseline eTariff Filing: ADG Group Inc. Application for Market-Based Rate Authority to be effective 5/10/2017.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5072.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* ER17-1152-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Amendment to Various Service Agreements re: MAIT Integration into PJM to be effective 2/27/2007.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5090.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* ER17-1153-000.

*Applicants:* Southern California Edison Company.

*Description:* § 205(d) Rate Filing: GIA and DSA Ellwood Storage Project, SA Nos. 941 & 942 to be effective 3/13/2017.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5092.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* ER17-1155-000.

*Applicants:* ITC Midwest LLC.

*Description:* § 205(d) Rate Filing: Filing of Interconnection Facilities Agreement with IL&P to be effective 5/9/2017.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5107.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* ER17-1156-000.

*Applicants:* Southern California Edison Company.

*Description:* Tariff Cancellation: Notices of Cancellation under SCE's WDAT to be effective 5/10/2017.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5143.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* ER17-1157-000.

*Applicants:* Southern California Edison Company.

*Description:* Tariff Cancellation: Notices of Cancellation under SCE's TO Tariff to be effective 5/10/2017.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5160.

*Comments Due:* 5 p.m. ET 3/31/17.

*Docket Number:* ER17-1158-000.

*Applicants:* Deseret Generation & Transmission Co-operative Inc.

*Description:* § 205(d) Rate Filing: 2017 Member Renewal RS A Tariff Filing to be effective 1/1/2017.

*Filed Date:* 3/10/17.

*Accession Number:* 20170310-5161.

*Comments Due:* 5 p.m. ET 3/31/17.

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: March 10, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-05435 Filed 3-17-17; 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:* EC17-89-000.

*Applicants:* Comanche Solar PV, LLC.

*Description:* Application for Authorization under Section 203 of the Federal Power Act and Request for

Waivers, Confidential Treatment, Expedited Action and Shortened Comment Period of Comanche Solar PV, LLC.

*Filed Date:* 3/9/17.

*Accession Number:* 20170309-5249.

*Comments Due:* 5 p.m. ET 3/30/17.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG17-73-000.

*Applicants:* Midway Solar, LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Midway Solar, LLC.

*Filed Date:* 3/9/17.

*Accession Number:* 20170309-5094.

*Comments Due:* 5 p.m. ET 3/30/17.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10-2669-010; ER10-2670-010; ER14-1219-003; ER13-2477-008; ER10-2674-010; ER10-2585-006; ER11-3589-004; ER15-1596-003; ER15-1597-002; ER15-1598-003; ER15-1599-003; ER14-1569-004; ER15-1600-002; ER15-1602-002; ER10-2619-006; ER15-1603-002; ER15-1604-002; ER10-2616-010; ER15-1605-002; ER11-4398-006; ER10-2590-005; ER10-2593-005; ER11-4400-007; ER15-1958-002; ER15-1606-002; ER15-1607-002; ER15-1608-002; ER10-3247-011; ER10-1547-010; ER14-922-004; ER14-883-005; ER14-924-004; ER13-2475-008; ER11-3866-013; ER12-192-011; ER11-3867-013; ER15-2535-001; ER11-3857-013; ER14-1699-003; ER10-1974-018; ER10-1550-011; ER10-1975-019; ER10-2619-007; ER10-2677-010; ER11-4266-012; ER10-2613-006; ER10-2678-009.

*Applicants:* ANP Bellingham Energy Company, LLC, Northeastern Power Company, Sithe/Independence Power Partners, L.P., Richland-Stryker Generation LLC, Pleasants Energy, LLC, Ontelaunee Power Operating Company, LLC, Milford Power, LLC, Milford Power Company, LLC, Midwest Electric Power, Inc., MASSPOWER, Liberty Electric Power, LLC, Lake Road Generating Company, L.P., Kincaid Generation, L.L.C., Illinois Power Resources Generating, LLC, Illinois Power Marketing Company, Illinois Power Generating Company, Hopewell Cogeneration Limited Partnership, Electric Energy, Inc., Dynegy Zimmer, LLC, Dynegy Stuart, LLC, Dynegy Resources Management, LLC, Dynegy Power Marketing, LLC, Dynegy Oakland, LLC, Dynegy Moss Landing, LLC, Dynegy Midwest Generation, LLC, Dynegy Miami Fort, LLC, Dynegy

Marketing and Trade, LLC, Dynegy Lee II, LLC, Dynegy Killen, LLC, Dynegy Kendall Energy, LLC, Dynegy Fayette II, LLC, Dynegy Energy Services, LLC, Dynegy Energy Services (East), LLC, Dynegy Dicks Creek, LLC, Dynegy Conesville, LLC, Dynegy Commercial Asset Management, LLC, Dighton Power, LLC, Casco Bay Energy Company, LLC, Calumet Energy Team, LLC, Brayton Point Energy, LLC, Armstrong Power, LLC, ANP Blackstone Energy Company, LLC, Dynegy Hanging Rock II, LLC, Dynegy Washington II, LLC, Northeast Energy Associates, A Limited Partnership, North Jersey Energy Associates, A Limited Partnership., Troy Energy, LLC.

*Description:* Notification of Change in Status of the Dynegy MBR Sellers.

*Filed Date:* 3/9/17.

*Accession Number:* 20170309-5248.

*Comments Due:* 5 p.m. ET 3/30/17.

*Docket Numbers:* ER17-1137-000.

*Applicants:* Florida Power & Light Company.

*Description:* § 205(d) Rate Filing: FPL and New Hope Power Company Standard LGIA Service Agreement No. 336 to be effective 2/28/2017.

*Filed Date:* 3/9/17.

*Accession Number:* 20170309-5214.

*Comments Due:* 5 p.m. ET 3/30/17.

*Docket Numbers:* ER17-1138-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Revisions to the OATT and RAA RE External Capacity Performance Enhancements to be effective 5/9/2017.

*Filed Date:* 3/9/17.

*Accession Number:* 20170309-5215.

*Comments Due:* 5 p.m. ET 3/30/17.

Take notice that the Commission received the following qualifying facility filings:

*Docket Numbers:* QF17-742-000.

*Applicants:* Department of Veteran Affairs, VHA.

*Description:* Form 556 of Department of Veteran Affairs, VHA.

*Filed Date:* 3/9/17.

*Accession Number:* 20170309-5240.

*Comments Due:* None Applicable.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: March 10, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-05434 Filed 3-17-17; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER17-1151-000]

#### **ADG Group Inc.; 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 ADG Group Inc.'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 30, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the

Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: March 10, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-05439 Filed 3-17-17; 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:* PR17-30-000.

*Applicants:* Kinder Morgan Keystone Gas Storage LLC.

*Description:* Tariff filing per 284.123(b),(e)+(g): Index Price Update Filing to be effective 5/1/17; Filing Type: 1300.

*Filed Date:* 3/1/17.

*Accession Number:* 201703015166.

*Comments Due:* 5 p.m. ET 3/21/17.

*284.123(g) Protests Due:* 5 p.m. ET 5/1/17.

*Docket Number:* PR17-31-000.

*Applicants:* Southern California Gas Company.

*Description:* Tariff filing per 284.123(b),(e)+(g): Revision to rates for Offshore Delivery (OSHD) Refile to be effective 1/1/2017; Filing Type: 1300.

*Filed Date:* 3/2/17.

*Accession Number:* 201703025201.

*Comments Due:* 5 p.m. ET 3/23/17.

*284.123(g) Protests Due:* 5 p.m. ET 5/1/17.

*Docket Number:* PR17-32-000.

*Applicants:* Enbridge Pipelines (North Texas) L.P.

*Description:* Tariff filing per 284.123(b),(e)/: Re-collation for Tariff Shark to be effective 3/3/2017; Filing Type: 980.

*Filed Date:* 3/3/17.

*Accession Number:* 201703035026.

*Comments/Protests Due:* 5 p.m. ET 3/24/17.

*Docket Number:* PR17-33-000.

*Applicants:* Enbridge Pipelines (East Texas) L.P.

*Description:* Tariff filing per 284.123(b),(e)/: Enbridge Pipelines (East Texas) L.P. Re-collation filing for Tariff Shark to be effective 3/3/2017; Filing Type: 980.

*Filed Date:* 3/3/17.

*Accession Number:* 201703035027.

*Comments/Protests Due:* 5 p.m. ET 3/24/17.

*Docket Number:* PR17-34-000.

*Applicants:* Enbridge Pipelines (Oklahoma Transmission) L.L.C.

*Description:* Tariff filing per 284.123(b),(e)/: ECOP Re-collation Filing for Tariff Shark to be effective 3/3/2017; Filing Type: 980.

*Filed Date:* 3/3/17.

*Accession Number:* 201703035028.

*Comments/Protests Due:* 5 p.m. ET 3/24/17.

*Docket Numbers:* RP17-407-001.

*Applicants:* National Fuel Gas Supply Corporation.

*Description:* National Fuel Gas Supply Corporation submits tariff filing per 154.205(b): Filing Tracker—Supply Amend (Effective 5-1-17) to be effective 5/1/2017.

*Filed Date:* 03/07/2017.

*Accession Number:* 20170307-5207.

*Comment Date:* 5:00 p.m. Eastern Time on Monday, March 20, 2017.

*Docket Numbers:* RP17-520-000.

*Applicants:* Natural Gas Pipeline Company of America.

*Description:* Natural Gas Pipeline Company of America LLC submits tariff filing per 154.204: Tenaska Negotiated Rate to be effective 4/1/2017.

*Filed Date:* 03/07/2017.

*Accession Number:* 20170307-5039.

*Comment Date:* 5:00 p.m. Eastern Time on Monday, March 20, 2017.

*Docket Numbers:* RP17-521-000.

*Applicants:* Gulf South Pipeline Company, LP

*Description:* Gulf South Pipeline Company, LP submits tariff filing per 154.204: Amendments to Neg Rate Agmts (FPL 41618-23, 41619-12) to be effective 3/6/2017.

*Filed Date:* 03/07/2017.

*Accession Number:* 20170307-5046.

*Comment Date:* 5:00 p.m. Eastern Time on Monday, March 20, 2017.

*Docket Numbers:* RP17-522-000.

*Applicants:* Vector Pipeline L.P  
*Description:* Annual Fuel Use Report for 2016 of Vector Pipeline L.P

*Filed Date:* 03/07/2017.



*Accession Number:* 20170307–5151.  
*Comment Date:* 5:00 p.m. Eastern Time on Monday, March 20, 2017.

*Docket Numbers:* RP17–523–000.  
*Applicants:* ANR Pipeline Company.  
*Description:* ANR Pipeline Company submits tariff filing per 154.601: 2–1–17 Negotiated Rate Agreements to be effective 2/1/2017.

*Filed Date:* 03/07/2017.

*Accession Number:* 20170307–5209.  
*Comment Date:* 5:00 p.m. Eastern Time on Monday, March 20, 2017.

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: March 9, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017–05437 Filed 3–17–17; 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:* PR17–35–000.  
*Applicants:* Hope Gas, Inc.  
*Description:* Tariff filing per 284.123(b)(1)+(g): HGI—Certification of Unchanged State Rate to be effective 3/9/2017; Filing Type: 1260.  
*Filed Date:* 3/9/17.  
*Accession Number:* 201703095198.  
*Comments Due:* 5 p.m. ET 3/30/17.  
*284.123(g) Protests Due:* 5 p.m. ET 5/8/17.

*Docket Number:* CP17–75–000.  
*Applicants:* American Midstream (Bamagas Intrastate) LLC.

*Description:* Application for Limited Jurisdiction Blanket Certificate and Request for Expedited Action of American Midstream(Babagas Intrastate), LLC.

*Filed Date:* 03/10/2017.

*Accession Number:* 20170310–5223.  
*Comment Date:* 5:00 p.m. Eastern Time on Monday, March 27, 2017.

*Docket Number:* RP17–524–000.

*Applicants:* Bear Creek Storage Company, L.L.C.  
*Description:* Bear Creek Storage Company, L.L.C. submits tariff filing per 154.203: Annual Report on Operational Transactions.

*Filed Date:* 03/09/2017.

*Accession Number:* 20170309–5020.  
*Comment Date:* 5:00 p.m. Eastern Time on Tuesday, March 21, 2017.

*Docket Number:* RP17–525–000.

*Applicants:* Equitrans, L.P.  
*Description:* Equitrans, L.P. submits tariff filing per 154.204: Updated Initial Retainage 4–1–2017 to be effective 4/1/2017.

*Filed Date:* 03/10/2017.

*Accession Number:* 20170310–5010.  
*Comment Date:* 5:00 p.m. Eastern Time on Wednesday, March 22, 2017.

*Docket Number:* RP17–526–000.

*Applicants:* Equitrans, L.P.  
*Description:* Equitrans, L.P. submits tariff filing per 154.204: Equitrans' Clean-Up Filing—March 2017 to be effective 4/10/2017.

*Filed Date:* 03/10/2017.

*Accession Number:* 20170310–5011.  
*Comment Date:* 5:00 p.m. Eastern Time on Wednesday, March 22, 2017.

*Docket Number:* RP17–527–000.

*Applicants:* ANR Pipeline Company.  
*Description:* ANR Pipeline Company submits tariff filing per 154.203: Compliance to CP17–25–000 to be effective 2/28/2017.

*Filed Date:* 03/10/2017.

*Accession Number:* 20170310–5012.  
*Comment Date:* 5:00 p.m. Eastern Time on Wednesday, March 22, 2017.

*Docket Number:* RP17–528–000.

*Applicants:* Equitrans, L.P.  
*Description:* Equitrans, L.P. submits tariff filing per 154.204: Negotiated Rate Service Agreement—Mercuria Energy America, Inc. to be effective 4/1/2017.

*Filed Date:* 03/10/2017.

*Accession Number:* 20170310–5013.  
*Comment Date:* 5:00 p.m. Eastern Time on Wednesday, March 22, 2017.

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: March 13, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017–05438 Filed 3–17–17; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2016–0686; FRL 9960–12–OW]

### Request for Public Comments on Peer Review Candidates for Proposed Modeling Approaches for a Health-Based Benchmark for Lead in Drinking Water

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of request for public comment.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) requests comments on the candidates being considered as expert peer reviewers for the draft modeling report entitled, “Proposed Modeling Approaches for a Health-Based Benchmark for Lead in Drinking Water” (lead modeling report). EPA is seeking comment and information about the expertise and qualifications of the candidates. See section II of the **SUPPLEMENTARY INFORMATION** section of this notice for the interim list of candidates.

**DATES:** Comments on the interim list of potential peer review candidates must be received on or before April 19, 2017.

**ADDRESSES:** Submit your comments on the interim list of potential peer review candidates to EPA's peer review contractor, ERG, Inc., no later than April 19, 2017 by one of the following methods:

- *Email:* [peerreview@erg.com](mailto:peerreview@erg.com) (subject line: Lead in Drinking Water Peer Review).

- *Mail:* ERG, Inc., 110 Hartwell Avenue, Lexington, MA 02421, ATTN: Laurie Waite (must arrive by the comment period deadline).



Please be advised that public comments are subject to release under the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning the interim list of expert peer reviewers should be directed to ERG, Inc., 110 Hartwell Avenue, Lexington, MA 02421; by email [peerreview@erg.com](mailto:peerreview@erg.com) (subject line: Lead in Drinking Water Peer Review); or by phone: (781) 674-7362 (ask for Laurie Waite).

**SUPPLEMENTARY INFORMATION:**

**I. Process of Obtaining Candidates for Consideration**

EPA's contractor, ERG, is assembling a panel of scientific experts to evaluate the "Proposed Modeling Approaches for a Health-Based Benchmark for Lead in Drinking Water" report. EPA, through its contractor, is seeking peer reviewers who possess a strong background and demonstrated expertise in one or more of the following areas: (1) Physiologically Based Pharmacokinetic modeling, particularly with regard to lead, (2) environmental lead exposure analyses, particularly with regard to probabilistic modeling. EPA published a request for nominations of peer reviewers in a January 19, 2017, **Federal Register** notice (82 FR 6546). The nomination period closed on February 21, 2017. ERG also conducted an independent search for scientific experts to augment the list of publically-nominated candidates. In total, ERG evaluated 26 candidates that were nominated during the public nomination period or identified independently by ERG.

*Screening Process*

ERG considered and screened all candidates against the selection criteria, which include the following: (1) Demonstrated expertise through relevant peer reviewed publications; (2) professional accomplishments and recognition by professional societies; (3) demonstrated ability to work constructively and effectively in a committee setting; (4) absence of financial conflicts of interest; (5) no actual conflicts of interest or appearance of lack of impartiality; (6) willingness to commit adequate time for the thorough review of the draft report; and (7) availability to participate in-person in a one-day or two-day peer review meeting in the Washington, DC, metro area, projected to occur in the summer of 2017 (exact date will be published in the **Federal Register** at least 30 days prior to the external peer review meeting). Following the screening process, the contractor narrowed the list

of potential reviewers to 13 candidates. EPA is now soliciting comments on this interim list. EPA requests that the public provide relevant information or documentation on the expertise that the contractor should consider in evaluating these candidates. ERG will consider all comments received in response to this notice in the selection of the final peer review panel, which will collectively provide appropriate expertise spanning the subject matter areas covered by the report and, to the extent feasible, best provide a balance of perspectives. See section II of the **SUPPLEMENTARY INFORMATION** section of this notice for the interim list of candidates.

*Responsibilities of Peer Reviewers*

Peer reviewers will be charged with evaluating and preparing written comments on the lead modeling report. ERG will provide reviewers with a summary and compilation of public comments on the report submitted to EPA's docket (ID number EPA-HQ-OW-2016-0686) for consideration. Reviewers will participate in the public meeting expected to be held in the Washington, DC, metro area in the summer of 2017 (exact date to be determined), to discuss the scientific basis supporting these materials. Following the meeting, ERG will provide a report to EPA of the peer reviewer's evaluation of the scientific and technical merit of the lead modeling report and their responses to the charge questions. EPA will make the final expert peer review report available to the public (exact date to be determined). In preparing the final lead modeling report, EPA will consider the expert peer review report as well as the written public comments submitted to the docket.

**II. Interim List of Peer Reviewers**

ERG is considering the following candidates for the peer review panel. Biosketches are available through the docket at <https://www.regulations.gov> (Docket ID No. EPA-HQ-OW-2016-0686). After review and consideration of public comments on the interim list of candidates being considered, ERG will select the final peer reviewers from this interim list, who will, collectively, best provide expertise spanning the areas of knowledge and experience described in the **Federal Register** notice (82 FR 6546) and, to the extent feasible, best provide a balance of perspectives. EPA will announce the peer review panel meeting date, location and observer registration details, along with the final list of peer reviewers selected by ERG, at least 30 days prior to the meeting.

**Name of Nominee, Degree, Place of Employment**

1. Stuart Batterman, Ph.D., University of Michigan
2. Teresa Bowers, Ph.D., Gradient Corporation
3. Panos Georgopoulos, Ph.D., Rutgers University
4. Philip Goodrum, Ph.D., Integral Consulting, Inc.
5. Bruce Lanphear, Ph.D., Simon Fraser University
6. France Lemieux, MCE, Government (Canada)
7. Anne Loccisano, Ph.D., Exponent, Inc.
8. Allan H. Marcus, Ph.D., Private Consultant
9. Marc A. Nascarella, Ph.D., Massachusetts Department of Public Health
10. Michele Provost, Ph.D., Polytechnique Montreal
11. Barry Ryan, Ph.D., Emory University
12. Ian von Lindern, Ph.D., TerraGraphics International
13. Kathleen Vork, Ph.D., California Office of Environment Health Hazard

Dated: March 7, 2017.

**Michael H. Shapiro,**

*Acting Assistant Administrator, Office of Water.*

[FR Doc. 2017-05465 Filed 3-17-17; 8:45 am]

**BILLING CODE 6560-50-P**

**FEDERAL COMMUNICATIONS COMMISSION**

[OMB 3060-0674 and 3060-0787]

**Information Collections 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 19, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Nicholas A. Fraser, OMB, via email [Nicholas.A.Fraser@omb.eop.gov](mailto:Nicholas.A.Fraser@omb.eop.gov); and to Cathy Williams, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov). Include in the comments the OMB control number as shown in the

**SUPPLEMENTARY INFORMATION** below.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <<http://www.reginfo.gov/public/do/PRAMain>>, (2) look for the section of the Web page called “Currently Under Review,” (3) click on the downward-pointing arrow in the “Select Agency” box below the “Currently Under Review” heading, (4) select “Federal Communications Commission” from the list of agencies presented in the “Select Agency” box, (5) click the “Submit” button to the right of the “Select Agency” box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

**SUPPLEMENTARY INFORMATION:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission’s burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

**OMB Control Number:** 3060–0674.

**Title:** Section 76.1618, Basic Tier Availability.

**Type of Review:** Extension of a currently approved collection.

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

**Number of Respondents and Responses:** 8,250 respondents; 8,250 responses.

**Estimated Time per Response:** 2.25 hours.

**Frequency of Response:** Third party disclosure requirement.

**Obligation to Respond:** Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Section 4(i) and Section 632 of the Communications Act of 1934, as amended.

**Total Annual Burden:** 18,563 hours.

**Total Annual Cost:** None.

**Privacy Act Impact Assessment:** No impact(s).

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

**Needs and Uses:** The information collection requirements contained in 47 CFR 76.1618 state that a cable operator shall provide written notification to subscribers of the availability of basic tier service to new subscribers at the time of installation. This notification shall include the following information: (a) That basic tier service is available; (b) the cost per month for basic tier service; and (c) a list of all services included in the basic service tier. These notification requirements are to ensure the subscribers are made aware of the availability of basic cable service at the time of installation.

**OMB Control Number:** 3060–0787.

**Title:** Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers’ Long Distance Carriers, CC Docket No. 94–129, FCC 07–223.

**Form Number:** N/A.

**Type of Review:** Extension of a currently approved collection.

**Respondents:** Individuals or household; Business or other for-profit; State, Local or Tribal Government.

**Number of Respondents and Responses:** 4,160 respondents; 22,330 responses.

**Estimated Time per Response:** 30 minutes (.50 hours) to 10 hours.

**Frequency of Response:**

Recordkeeping requirement; Biennial, on occasion and one-time reporting requirements; Third party disclosure requirement.

**Obligation to Respond:** Required to obtain or retain benefits. The statutory authority for the information collection requirements is found at Sec. 258 [47 U.S.C. 258] Illegal Changes In Subscriber Carrier Selections, Public Law 104–104, 110 Stat. 56.

**Total Annual Burden:** 91,547 hours.

**Total Annual Cost:** 51,285,000.

**Nature and Extent of Confidentiality:** Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC’s system of records notice (SORN), FCC/CGB–1, “Informal Complaints, Inquiries and Requests for Dispute Assistance.” As required by the Privacy Act, 5 U.S.C. 552a, the Commission also published a SORN, FCC/CGB–1 “Informal Complaints, Inquiries and Requests for Dispute Assistance”, in the **Federal Register** on August 15, 2014 (79 FR 48152) which became effective on September 24, 2014.

**Privacy Impact Assessment:** No impacts(s).

**Needs and Uses:** Section 258 of the Telecommunications Act of 1996 (1996 Act) directed the Commission to prescribe rules to prevent the unauthorized change by telecommunications carriers of consumers’ selections of telecommunications service providers (slamming). On March 17, 2003, the FCC released the Third Order on Reconsideration and Second Further Notice of Proposed Rulemaking, CC Docket No. 94–129, FCC 03–42 (Third Order on Reconsideration), in which the Commission revised and clarified certain rules to implement section 258 of the 1996 Act. On May 23, 2003, the Commission released an Order (CC Docket No. 94–129, FCC 03–116) clarifying certain aspects of the Third Order on Reconsideration. On January 9, 2008, the Commission released the Fourth Report and Order, CC Docket No. 94–129, FCC 07–223, revising its requirements concerning verification of a consumer’s intent to switch carriers.

The Fourth Report and Order modified the information collection requirements contained in § 64.1120(c)(3)(iii) of the Commission's rules to provide for verifications to elicit "confirmation that the person on the call understands that a carrier change, not an upgrade to existing service, bill consolidation, or any other misleading description of the transaction, is being authorized."

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2017-05472 Filed 3-17-17; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0029]

### Information Collection Being Reviewed by the Federal Communications Commission

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

**DATES:** Written comments should be submitted on or before May 19, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

**Supplementary Information:** As part of its continuing effort to reduce paperwork burdens, and as required by the PRA of 1995 (44 U.S.C. 3501-3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

Contact Cathy Williams at (202) 418-2918.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-0029.

*Title:* Application for Construction Permit for Reserved Channel Noncommercial Educational Broadcast Station, FCC Form 340.

*Form Number:* FCC Form 340.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities, not for profit institutions and State, local or Tribal Government.

*Number of Respondents and Responses:* 2,765 respondents; 2,765 responses.

*Estimated Time per Response:* 1-6 hours.

*Frequency of Response:* On occasion reporting requirement and Third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 154(i), 303 and 308 of the Communications Act of 1934, as amended.

*Total Annual Burden:* 7,150 hours.

*Total Annual Cost:* \$29,079,700.

*Privacy Act Impact Assessment:* No impact(s).

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

*Needs and Uses:* FCC Form 340 is used by licensees and permittees to apply for authority to construct a new noncommercial educational ("NCE") FM and DTV broadcast station (including a DTS facility), or to make changes in the existing facilities of such a station. FCC Form 340 is only used if the station will operate on a channel that is reserved exclusively for NCE use, or in the situation where applications for NCE stations on non-reserved channels are mutually exclusive only with one another. Also, FCC Form 340 is used by Native American Tribes and Alaska Native Villages ("Tribes"), tribal consortia, or entities owned or controlled by Tribes when qualifying for the "Tribal Priority" under 47 CFR 73.7000, 73.7002.

FCC Form 340 also contains a third party disclosure requirement, pursuant to Section 73.3580. This rule requires a party applying for a new broadcast station, or making a major change to an existing station, to give local public notice of this filing in a newspaper of general circulation in the community in which the station is located. This local public notice must be completed within 30 days of tendering the application. This notice must be published at least twice a week for two consecutive weeks in a three-week period. In addition, a copy of this notice must be placed in the station's public inspection file along with the application, pursuant to Section 73.3527. This recordkeeping information collection requirement is contained in OMB Control No. 3060-0214, which covers Section 73.3527.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2017-05470 Filed 3-17-17; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL LABOR RELATIONS AUTHORITY

### Senior Executive Service Performance Review Board

**AGENCY:** Federal Labor Relations Authority.

**ACTION:** Notice.

**SUMMARY:** The Federal Labor Relations Authority (FLRA) publishes the names of the persons selected to serve on its

SES Performance Review Board (PRB). This notice supersedes all previous notices of the PRB membership.

**DATES:** Upon publication.

**ADDRESSES:** Written comments about this final rule can be emailed to [engagetheFLRA@flra.gov](mailto:engagetheFLRA@flra.gov) or sent to the Case Intake and Publication Office, Federal Labor Relations Authority, 1400 K Street NW., Washington, DC 20424. All written comments will be available for public inspection during normal business hours at the Case Intake and Publication Office.

**FOR FURTHER INFORMATION CONTACT:** Gina Grippando, Counsel for Regulatory and Public Affairs, Federal Labor Relations Authority, Washington, DC 20424, (202) 218-7776.

**SUPPLEMENTARY INFORMATION:** Section 4314(c) of Title 5, U.S.C. requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more PRBs. The PRB shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any response by the senior executive, and make recommendations to the final rating authority relative to the performance of the senior executive.

The persons named below have been selected to serve on the FLRA's PRB.

PRB Chairman: James Abbott, Chief Counsel to the Acting Chairman.

PRB Members: Bruce Gipe, Chief Operating Officer, Office of Special Counsel (External Member); Richard Jones, Director, Atlanta Regional Office; Kimberly Moseley, Executive Director, Federal Service Impasses Panel; Peter Sutton, Acting General Counsel; William Tobey, Chief Counsel to Member DuBester.

Dated: March 6, 2017.

**Michael Jeffries,**

*Acting Executive Director.*

[FR Doc. 2017-05433 Filed 3-17-17; 8:45 am]

**BILLING CODE P**

## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

### Sunshine Act Notice

March 16, 2017.

**TIME AND DATE:** 10:00 a.m., Thursday, March 30, 2017.

**PLACE:** The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon

the following in open session: *Secretary of Labor v. Nally & Hamilton, Inc.*, Docket Nos. KENT 2012-749, et al. (Issues include whether the Judge erred in concluding that two violations dealing with highwall requirements were not significant and substantial.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

#### CONTACT PERSON FOR MORE INFO:

Emogene Johnson (202) 434-9935/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll free.

#### PHONE NUMBER FOR LISTENING TO

**ARGUMENT:** 1-(866) 867-4769. Passcode: 129-339

**Sarah L. Stewart,**

*Deputy General Counsel.*

[FR Doc. 2017-05559 Filed 3-16-17; 4:15 pm]

**BILLING CODE 6735-01-P**

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### Sunshine Act; Notice of Board Member Meeting

#### Federal Retirement Thrift Investment Board

77 K Street NE., 10th Floor Board Room, Washington, DC 20002.

#### Agenda

Federal Retirement Thrift Investment Board Member Meeting, March 27, 2017, In Person, 8:30 a.m.

#### Open Session

1. Approval of the minutes for the February 27, 2017 Board Member Meeting
2. Monthly Reports
  - (a) Participant Activity Report
  - (b) Legislative Report
  - (c) Investment Report
3. OCFO Report
4. Vendor Financials
5. Blended Retirement Update

#### Closed Session

6. Information covered under 5 U.S.C. 552b(c)(4) and (c)(9)(B).

#### Adjourn

Kimberly Weaver, Director, Office of External Affairs, (202) 942-1640

Dated: March 16, 2017.

**Dharmesh Vashee,**

*Acting General Counsel, Federal Retirement Thrift Investment Board.*

[FR Doc. 2017-05542 Filed 3-16-17; 4:15 pm]

**BILLING CODE 6760-01-P**

## GENERAL SERVICES ADMINISTRATION

[Notice-MG-2017-01; Docket No. 2017-0002; Sequence No. 2]

### Office of Federal High-Performance Green Buildings; Green Building Advisory Committee; Notification of Upcoming Public Committee Meeting and Conference Calls

**AGENCY:** Office of Government-wide Policy (OGP), General Services Administration (GSA).

**ACTION:** Meeting notice.

**SUMMARY:** Notice of this meeting and these conference calls is being provided according to the requirements of the Federal Advisory Committee Act. This notice provides the agenda and schedule for the June 7, 2017 meeting of the Green Building Advisory Committee (the Committee) and schedule for a series of conference calls, supplemented by Web meetings, for two new task groups of the Committee. The meeting is open to the public and the site is accessible to individuals with disabilities. The conference calls are open for the public to listen in. Interested individuals must register to attend as instructed below under Supplementary Information.

**DATES:** *Meeting date:* The meeting will be held on Wednesday, June 7, 2017, starting at 9:00 a.m., Eastern Daylight Time (EDT), and ending no later than 3:30 p.m., EDT.

*Task group conference call dates:* The conference calls will be held according to the following schedule:

The *High Performance Building Adoption task group* will hold recurring, weekly conference calls on Thursdays beginning April 6 through July 20, 2017 from 3:00 p.m., EDT to 4:00 p.m., EDT.

The *Health and Wellness task group* will hold recurring, weekly conference calls on Wednesdays beginning April 5 through July 19, 2017 from 11:00 a.m., EDT, to 12:00 p.m., EDT.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ken Sandler, Designated Federal Officer, Office of Federal High-Performance Green Buildings, OGP, GSA, 1800 F Street NW., Washington, DC 20405, telephone 202-219-1121 (*note:* This is not a toll-free number). Additional information about the Committee, including meeting materials and updates on the task groups and their schedules, will be available on-line at <http://www.gsa.gov/gbac>.

#### SUPPLEMENTARY INFORMATION:

*Procedures for Attendance and Public Comment:* Contact Mr. Ken Sandler at

ken.sandler@gsa.gov to register to attend the meeting and/or listen in to any or all of these conference calls. To attend the meeting and/or conference calls, submit your full name, organization, email address, and phone number, and which you would like to attend. Requests to attend the June 7, 2017 meeting must be received by 5:00 p.m., EDT, on Friday, May 26, 2017. Requests to listen in to the conference calls must be received by 5:00 p.m., EDT, on Tuesday, April 4, 2017. (GSA will be unable to provide technical assistance to any listener experiencing technical difficulties. Testing access to the Web meeting site in advance of calls is recommended.)

Contact Ken Sandler at ken.sandler@gsa.gov to register to comment during the June 7, 2017 meeting public comment period. Registered speakers/organizations will be allowed a maximum of five minutes each, and will need to provide written copies of their presentations. Requests to comment at the meeting must be received by 5:00 p.m., EDT, on Friday, May 26, 2017. Written comments also may be provided to Mr. Sandler at ken.sandler@gsa.gov by the same deadline.

**Background:** The Administrator of GSA established the Committee on June 20, 2011 (**Federal Register**/Vol. 76, No. 118) pursuant to Section 494 of the Energy Independence and Security Act of 2007 (EISA, 42 U.S.C. 17123). Under this authority, the Committee provides independent policy advice and recommendations to GSA to increase the economic and operational performance of the federal building portfolio and its positive impact on organizational effectiveness, human health and wellbeing.

The Committee has recently proposed two new task groups. The *High Performance Building Adoption task group* will pursue the motion of a committee member to provide recommendations to “accelerate the adoption of high performance [Federal] buildings.” The *Health and Wellness task group* will pursue the motion of a committee member to “develop guidelines to integrate health and wellness features into government facilities programs.”

The conference calls will allow the task groups to coordinate the development of consensus recommendations to the full Committee, which will, in turn, decide whether to proceed with formal advice to GSA based upon these recommendations.

*June 7, 2017 Meeting Agenda:*

- Welcome, Introductions, Updates & Plans for Today
- High Performance Building Adoption: Task Group Report & Discussion

- Working Lunch (with Presentation)
- Health and Wellness: Task Group Report & Discussion
- Topics Proposed by Committee Members
- Public Comment Period
- Closing comments
- Adjourn

Detailed agendas, background information, and updates for the meeting and conference calls will be posted on GSA’s Web site at <http://www.gsa.gov/gbac>.

**Meeting Access:** The Committee will convene its June 7, 2017 meeting at GSA, Room 1153, 1800 F Street NW., Washington DC 20405, and the site is accessible to individuals with disabilities.

Dated: March 13, 2017.

**Kevin Kampschroer,**

*Federal Director, Office of Federal High-Performance Green Buildings, General Services Administration.*

[FR Doc. 2017-05416 Filed 3-17-17; 8:45 am]

**BILLING CODE 6820-14-P**

## OFFICE OF GOVERNMENT ETHICS

### Request for Public Input on the Application of the Criminal Conflict of Interest Prohibition to Certain Beneficial Interests in Discretionary Trusts; Extension of Comment Period

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Notice of request for public comments; extension of comment period.

**SUMMARY:** On January 3, 2017, OGE published in the **Federal Register**, 82 FR 122 (Jan. 3, 2017), a request for public input on the application of the criminal conflict of interest prohibition to certain beneficial interests in discretionary trusts. The public comment period closed on March 6, 2017. OGE is extending the comment period to April 20, 2017.

**DATES:** To be assured consideration, comments must be received at the address provided below, by April 20, 2017, though OGE may have some limited ability to review late submissions if workload and other considerations permit.

**ADDRESSES:** You may submit comments, in writing, to OGE regarding this notice and request by any of the following methods:

*Email:* [usoge@oge.gov](mailto:usoge@oge.gov). Include the reference “Request for Input on Discretionary Trusts” in the subject line of the message.

*Fax:* (202) 482-9237.

*Mail/Hand Delivery/Courier:* U.S. Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, Attention: “Request for Input on Discretionary Trusts.”

*Instructions:* All submissions must include OGE’s agency name and the words “Discretionary Trusts.” All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Comments may be posted on OGE’s Web site, [www.oge.gov](http://www.oge.gov). Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments generally will not be edited to remove any identifying or contact information.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer A. Matis, Assistant Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917; Telephone: 202-482-9300; TTY: 800-877-8339; FAX: 202-482-9237.

**SUPPLEMENTARY INFORMATION:** To be considered, any submission exceeding five (5) pages in length must include a one-page summary of key points and conclusions. Commenters are requested to state briefly the nature of their expertise in trust law. A copy of the original notice of request for public comments, 82 FR 122 (Jan. 3, 2017), is available at: <https://www.gpo.gov/fdsys/pkg/FR-2017-01-03/pdf/2016-31583.pdf>.

Approved: March 14, 2017.

**Walter M. Shaub, Jr.,**

*Director, U.S. Office of Government Ethics.*

[FR Doc. 2017-05454 Filed 3-17-17; 8:45 am]

**BILLING CODE 6345-03-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2016-N-0001]

#### Identification and Characterization of the Infectious Disease Risks of Human Cells, Tissues, and Cellular and Tissue-Based Products; Public Workshop; Correction

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of public workshop; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of Thursday, December 29, 2016. The document announced a

public workshop entitled “Identification and Characterization of the Infectious Disease Risks of Human Cells, Tissues, and Cellular and Tissue-based Products.” The document was published with an error in the Web site address to access the transcript of the workshop. This document corrects that error.

**FOR FURTHER INFORMATION CONTACT:**

Monica Kapoor, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3111C, Silver Spring, MD 20993, [CBERPublicEvents@fda.hhs.gov](mailto:CBERPublicEvents@fda.hhs.gov); or Staci Revette, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3109B, Silver Spring, MD 20993, [CBERPublicEvents@fda.hhs.gov](mailto:CBERPublicEvents@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of Thursday, December 29, 2016, in FR Doc. 2016–31628, on page 96008, the following correction is made:

On page 96008, in the second column under the *Transcripts* caption of section III, *Participating in the Public Workshop*, the third sentence in the fourth paragraph is corrected to read, “Please be advised that as soon as a transcript of the public workshop is available, it will be accessible at: <http://www.fda.gov/BiologicsBloodVaccines/NewsEvents/WorkshopsMeetingsConferences/ucm525001.htm>.”

Dated: March 14, 2017.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2017–05417 Filed 3–17–17; 8:45 am]

**BILLING CODE 4164–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA–2016–N–4620]

**Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Devices; Reports of Corrections and Removals**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are

required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the submission of reports of corrections and removals that are associated with medical and radiation emitting products regulated by FDA’s Center for Devices and Radiological Health.

**DATES:** Submit either electronic or written comments on the collection of information by May 19, 2017.

**ADDRESSES:** 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–2016–N–4620 for “Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Devices; Reports of Corrections and Removals.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov/> or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov/>. Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.fda.gov/regulatoryinformation/dockets/default.htm>.

*Docket:* For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov/> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** FDA PRA Staff, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, [PRAStaff@fda.hhs.gov](mailto:PRAStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA’s functions, including whether the information will have practical utility; (2) the accuracy of FDA’s estimate of the burden of the proposed collection of information, 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 respondents, including through the use of automated collection techniques,

when appropriate, and other forms of information technology.

**Medical Devices; Reports of Corrections and Removals—21 CFR Part 806**

*OMB Control Number 0910–0359—Extension*

FDA is requesting approval for the collection of information regarding reports of corrections and removals required under part 806 (21 CFR part 806), which implements section 519(g) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360i(g)), as amended by the Food and Drug Modernization Act of 1997 (FDAMA) (Pub. L. 105–115). A description of the information collection requirements are provided as follows:

Under § 806.10 (21 CFR 806.10), within 10 working days of initiating any action to correct or remove a device to reduce a risk to health posed by the device or to remedy a violation of the FD&C Act caused by the device which may present a risk to health, device manufacturers or importers must submit a written report to FDA of the correction or removal.

Under § 806.20(a), device manufacturers or importers that initiate a correction or removal that is not required to be reported to FDA must keep a record of the correction or removal.

The information collected in the reports of corrections and removals will be used by FDA to identify marketed devices that have serious problems and to ensure that defective devices are removed from the market. This will assure that FDA has current and

complete information regarding these corrections and removals to determine whether recall action is adequate. Failure to collect this information would prevent FDA from receiving timely information about devices that may have a serious effect on the health of users of the devices.

Reports of corrections and removals may be submitted to FDA via mail or using FDA’s Electronic Submission Gateway (ESG). We estimate that approximately 99 percent of submitters will use the ESG. Our estimate of the reporting and recordkeeping burden is based on Agency records and our experience with this program, as well as similar programs that utilize FDA’s ESG.

For respondents for who submit corrections and removals using the electronic process, the operating and maintenance costs associated with this information collection are approximately \$30 per year to purchase a digital verification certificate (certificate must be valid for 1 to 3 years). This burden may be minimized if the respondent has already purchased a verification certificate for other electronic submissions to FDA. However, FDA is assuming that all respondents who submit corrections and removals using the electronic process will be establishing a new WebTrader account and purchasing a digital verification certificate. We therefore estimate the total operating and maintenance costs to be \$30,660 annually (1,022 respondents × \$30).

FDA estimates the burden of this collection of information as follows:

**TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN <sup>1</sup>**

Activity (21 CFR part)	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours <sup>2</sup>	Total operating and maintenance costs
Electronic process setup <sup>3</sup> .....	1,022	1	1,022	3.08	3,148	30,660
Submission of corrections and removals (part 806) .....	1,033	1	1,033	10	10,330	

<sup>1</sup> There are no capital costs associated with this collection of information.

<sup>2</sup> Totals may not sum due to rounding.

<sup>3</sup> We estimate that approximately 99 percent of respondents will submit corrections and removals using the electronic process. The actual burden hours for setup of the electronic process listed in the reporting burden table are divided by 3 to avoid double counting in the Office of Information and Regulatory Affairs Consolidated Information System. However, the one-time Average Burden per Response is 9.25 hours, resulting in a total one-time burden of 9,454 hours for the setup of the electronic process.

**TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN <sup>1</sup>**

Activity (21 CFR part)	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Records of corrections and removals (part 806) .....	93	1	93	10	930

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.



Dated: March 14, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017-05415 Filed 3-17-17; 8:45 am]

BILLING CODE 4164-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2011-N-0017]

#### Agency Information Collection Activities; Proposed Collection; Comment Request; Voluntary National Retail Food Regulatory Program Standards

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of the Voluntary National Retail Food Regulatory Program Standards.

**DATES:** Submit either electronic or written comments on the collection of information by May 19, 2017.

**ADDRESSES:** 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-2011-N-0017 for "Agency Information Collection Activities; Proposed Collection; Comment Request; Voluntary National Retail Food Regulatory Program Standards." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential"

will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <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.

**FOR FURTHER INFORMATION CONTACT:** FDA PRA Staff, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, [PRAStaff@fda.hhs.gov](mailto:PRAStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501-3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, 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 respondents, including through the use of automated collection techniques,



when appropriate, and other forms of information technology.

**Voluntary National Retail Food Regulatory Program Standards**

*OMB Control Number 0910-0621—Extension*

The Voluntary National Retail Food Regulatory Program Standards (the Program Standards) define nine essential elements of an effective regulatory program for retail food establishments, establish basic quality control criteria for each element, and provide a means of recognition for the State, local, territorial, tribal and Federal regulatory programs that meet the Program Standards. The program elements addressed by the Program Standards are as follows: (1) Regulatory foundation; (2) trained regulatory staff; (3) inspection program based on Hazard Analysis and Critical Control Point (HACCP) principles; (4) uniform inspection program, (5) foodborne illness and food defense preparedness and response; (6) compliance and enforcement; (7) industry and community relations; (8) program support and resources; and (9) program assessment. Each standard includes a list of records needed to document conformance with the standard (referred to in the Program Standards document as “quality records”) and has one or more corresponding forms and worksheets to facilitate the collection of information needed to assess the retail food regulatory program against that standard. The respondents are State, local, territorial, tribal, and potentially other Federal regulatory agencies. Regulatory agencies may use existing available records or may choose to develop and use alternate forms and worksheets that capture the same information.

In the course of their normal activities, State, local, territorial, tribal, and Federal regulatory agencies already collect and keep on file many of the records needed as quality records to document compliance with each of the Program Standards. Although the detail and format in which this information is collected and recorded may vary by

jurisdiction, records that are kept as a usual and customary part of normal Agency activities include inspection records, written quality assurance procedures, records of quality assurance checks, staff training certificates and other training records, a log or database of food-related illness or injury complaints, records of investigations resulting from such complaints, an inventory of inspection equipment, records of outside audits, and records of outreach efforts (e.g., meeting agendas and minutes, documentation of food safety education activities). No new recordkeeping burden is associated with these existing records, which are already a part of usual and customary program recordkeeping activities by State, local, territorial, tribal and Federal regulatory agencies, and which can serve as quality records under the Program Standards.

In April 2016, the Conference for Food Protection (CFP) recommended that FDA make a change in Program Standard #4—Uniform Inspection Program, more specifically to change Program Standard #4’s Program Self-Assessment and Verification Audit Form. Once changes have been incorporated into the 2017 version, it will be available on FDA’s Web site.

With this change, in order to achieve conformance to Program Standard #4, jurisdictions must achieve an overall inspection program performance rating for 20 elements as opposed to 10 elements that were previously required. The previous 10 elements had several criteria under one program element. The change to 20 elements allows the Standard to clearly delineate out each criterion individually rather than having several criteria under one program element. This streamlines and clarifies the process in meeting the Standard. As a result, the assessment review of each inspector’s work will now be required for three joint inspections as opposed to the previously required two.

State, local, territorial, tribal and Federal regulatory agencies that enroll in the Program Standards and seek listing in the FDA National Registry are required to report to FDA on the

completion of the following three management tasks outlined in the Program Standards: (1) Conducting a program self-assessment; (2) conducting a risk factor study of the regulated industry; and (3) obtaining an independent outside audit (verification audit). The results are reported on forms formerly known as Form FDA 3519 and Form FDA 3520. Currently FDA is working to consolidate both Forms FDA 3519 “FDA National Registry Report” and FDA 3520 “Permission to Publish in National Registry” into one form thereby reducing the burden by 50 percent. The new Form FDA 3958 will be provided in the Program Standards document, and will also be provided on FDA’s Web site at: <http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/ProgramStandards/default.htm>. If a regulatory agency follows all the recordkeeping recommendations in the individual standards and their sample worksheets, it will have all the information needed to complete the forms.

**Recordkeeping**

FDA’s recordkeeping burden estimate includes time required for a state, local, territorial, tribal, or Federal agency to review the instructions in the Program Standards, compile information from existing sources, and create any records recommended in the Program Standards that are not already kept in the normal course of the agency’s usual and customary activities. Sample worksheets are provided to assist in this compilation. In estimating the time needed for the program self-assessment (Program Standards 1 through 8, shown in table 1), FDA considered responses from four State and three local jurisdictions that participated in an FDA Program Standards Pilot study. Table 2 shows the estimated recordkeeping burden for the completion of the baseline data collection, and table 3 shows the estimated recordkeeping burden for the verification audit.

FDA estimates the burden of this collection of information as follows:

TABLE 1—SELF-ASSESSMENT

Standard	Recordkeeping activity	Hours per record
No. 1: Regulatory Foundation .....	Self-Assessment: Completion of worksheet recording results of evaluations and comparison on worksheets <sup>1</sup> .	16
No. 2: Trained Regulatory Staff .....	Self-Assessment: Completion of CFP Field Training Manual and Documentation of Successful Completion—Field Training Process; completion of summary worksheet of each employee training records <sup>1 2</sup> .	19.3
No. 3: HACCP Principles .....	Self-Assessment: Completion of worksheet documentation <sup>1</sup> .....	4

TABLE 1—SELF-ASSESSMENT—Continued

Standard	Recordkeeping activity	Hours per record
No. 4: Uniform Inspection Program .....	Self-Assessment: Completion of worksheet documentation of jurisdiction's quality assurance procedures <sup>1,2</sup> .	19
No. 5: Foodborne Illness Investigation .....	Self-Assessment: Completion of worksheet documentation <sup>1</sup> .....	5
No. 6: Compliance Enforcement .....	Self-Assessment: Selection and review of 20 to 70 establishment files at 25 minutes per file. Estimate is based on a mean number of 45. Completion of worksheet <sup>1</sup> .	19
No. 7: Industry & Community Relations ....	Self-Assessment: Completion of worksheet <sup>1</sup> .....	2
No. 8: Program Support and Resources ...	Self-Assessment: Selection and review of establishment files <sup>1</sup> .....	8
Total .....	.....	92.3

<sup>1</sup> Or comparable documentation.

<sup>2</sup> Estimates will vary depending on number of regulated food establishments and the number of inspectors employed by the jurisdiction.

TABLE 2—BASELINE DATA COLLECTION

Standard	Recordkeeping activity	Hours per record
No. 9: Program Assessment .....	Risk Factor Study and Intervention Strategy <sup>1</sup> .....	333

<sup>1</sup> Calculation based on mean sample size of 39 and average FDA inspection time for each establishment type. Estimates will vary depending on number of regulated food establishments within a jurisdiction and the number of inspectors employed by the jurisdiction.

TABLE 3—VERIFICATION AUDIT

Activity	Recordkeeping activity	Hours per record
Administrative Procedures .....	Verification Audit <sup>1</sup> .....	46.15

<sup>1</sup> We estimate that no more than 50% of time spent to complete self-assessment of all nine standards is spent completing verification audit worksheets. Time will be considerably less if less than nine standards require verification audits.

TABLE 4—ESTIMATED ANNUAL RECORDKEEPING BURDEN<sup>1</sup>

Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping (hours)	Total Hours
Recordkeeping for FDA Worksheets <sup>2</sup> .....	500	1	500	94.29	47,145

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

<sup>2</sup> Or comparable documentation.

FDA bases its estimates of the number of recordkeepers and the hours per record on its experience with the Program Standards over the past 16 years. As of September 30, 2016, 711 jurisdictions were enrolled in the Program Standards. However, based upon the level of ongoing support provided by FDA to enrolled jurisdictions and the number of forms submitted annually, FDA estimates that no more than 500 jurisdictions actively participate in the Program Standards during any given year. There are approximately 3,000 jurisdictions in the United States and its territories that have retail food regulatory programs. Enrollment in the Program Standards is voluntary and, therefore, FDA does not expect all jurisdictions to participate.

FDA bases its estimate of the hours per record on the recordkeeping estimates for the management tasks of self-assessment, risk factor study, and

verification audit (tables 1, 2, and 3 of this document) that enrolled jurisdictions must perform a total of 471.45 hours (92.3 + 333 + 46.15 = 471.45). Enrolled jurisdictions must conduct the work described in tables 1, 2, and 3 over a 5-year period. Therefore FDA estimates that, annually, 500 recordkeepers will spend 94.29 hours (471.45 ÷ 5 = 94.29) performing the required recordkeeping for a total of 47,145 hours as shown in table 4.

**Reporting**

Previously, FDA required regulatory jurisdictions that participate in the Program Standards to submit two forms annually: Form FDA 3519, "FDA National Registry Report," and Form FDA 3520, "Permission to Publish in National Registry." FDA created a new consolidated FDA Form 3958 that has four parts: Part 1 requires the name and address of the jurisdiction; name and

contact information for the contact person for this jurisdiction; the jurisdiction's Web site address and if the jurisdiction is willing to serve as an auditor for another jurisdiction. Part 2 requires information about enrollment, whether this jurisdiction is a new enrollee and the date of enrollment; indication whether this jurisdiction would like to be removed from the jurisdiction listing; indication of updated findings to the self-assessment or verification audit. Part 3 requires information about self-assessment findings and verification audit findings; dates when self-assessment was completed; which standards have been met as determined by the self-assessment; which standards have been met as verified by a verification audit including the completion dates. Part 4 requires permission to publish information on FDA's Web site by

checking the appropriate box(es) to indicate what information FDA may publish on the Web site.

The reporting burden in table 5 includes only the time necessary to fill

out and send the form, as compiling the underlying information (including self-assessment reports, Risk Factor Study data collection, outside audits, and supporting documentation) is accounted

for under the recordkeeping estimates in table 4.

FDA estimates the reporting burden for this collection of information as follows:

TABLE 5—ESTIMATED ANNUAL REPORTING BURDEN <sup>1</sup>

Activity	FDA form	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (hours)	Total hours
Submission of "FDA National Registry Report".	3598 .....	500	1	500	0.1 (6 minutes)	50
Request for documentation of successful completion of staff training.	Conference for Food Protection Training Plan and Log.	500	3	1,500	0.1 (6 minutes)	150
Total .....	.....	.....	.....	.....	.....	200

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA bases its estimates of the number of respondents and the hours per response on its experience with the Program Standards. As explained previously in this document, FDA estimates that no more than 500 Regulatory jurisdictions will participate in the Program Standards in any given year. FDA estimates a total of 6 minutes annually for each enrolled jurisdiction to complete the form. FDA bases its estimate on the small number of data elements on the form and the ease of availability of the information. FDA estimates that, annually, 500 regulatory jurisdictions will submit one Form FDA 3598 for a total of 500 annual responses. Each submission is estimated to take 0.1 hour (or 6 minutes) per response for a total of 50 hours. In addition, FDA estimates that, annually, 500 regulatory jurisdictions will submit three requests for documentation of successful completion of staff training using the CFP Training Plan and Log for a total of 1,500 annual responses. Each submission is estimated to take 0.1 hour (or 6 minutes) per response for a total of 150 hours. Thus, the total reporting burden for this information collection is 200 hours.

Dated: March 14, 2017.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2017-05414 Filed 3-17-17; 8:45 am]

**BILLING CODE 4164-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Substance Abuse and Mental Health Services Administration**

**Agency Information Collection Activities: Proposed Collection; Comment Request**

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276-1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

**Proposed Project: Notification of Intent To Use Schedule III, IV, or V Opioid Drugs for the Maintenance and Detoxification Treatment of Opiate Addiction by a "Qualifying Other Practitioner"—(OMB No. 0930-0369)—Revision**

The Substance Abuse and Mental Health Services Administration (SAMHSA) is requesting a revision from the Office of Management and Budget (OMB) for approval of the Notification of Intent to Use Schedule III, IV, or V Opioid Drugs for the Maintenance and Detoxification Treatment of Opiate Addiction by a "Qualifying Other Practitioner. The Notification of Intent would allow SAMHSA to determine whether other practitioners are eligible to prescribe certain approved narcotic treatment medications for the maintenance or detoxification treatment of opioid addiction.

This Notification of Intent is a result of the Comprehensive Addiction and Recovery Act (Pub. L. 114-198), which was signed into law on July 22, 2016. The law establishes criteria for nurse practitioners (NPs) and physician assistants (PAs) to qualify for a waiver to prescribe covered medications. To be eligible for a waiver, the NP or PA must: Be licensed under State law to prescribe schedule III, IV, or V medications for the treatment of pain; fulfill qualification requirements in the law for training and experience; and fulfill qualification requirements in the law for appropriate supervision by a qualifying physician. SAMHSA has the responsibility to receive, review, approve, or deny waiver requests.

Practitioners who meet the statutory requirements will be eligible to prescribe only those opioid treatment medications that are controlled in Schedules III, IV, or V, under the

Controlled Substance Act (CSA), that are specifically approved by the Food and Drug Administration (FDA) for the treatment of opioid addiction, and are not the subject of an "adverse determination." The only medications that currently fulfill these requirements are ones that contain the active ingredient buprenorphine.

Below are the following changes:

*Use of Term of "Qualifying Practitioners" (NOI Sections 1, 2, 6, and 11)*

The Statute Section 823(g)(2)(B)(i) refers to both physicians and mid-level providers as "qualifying practitioners." Therefore in order to avoid confusion and redundancy, the revised NOI refers to "other qualifying practitioners," simply as "practitioners".

*Patient Limits (See NOI Section 6: Purpose of Notification)*

Language was added allowing practitioners who have treated 30

patients for at least one year to increase their patient limit to 100. This second notification to treat 100 patients was omitted in the original NOI form.

*Identification of Training Providers*

The previous NOI required that the practitioner to write in the name of training provider(s) name(s). The revised NOI allows practitioners to select training providers from a list.

The following table is the estimated hour burden:

Purpose of submission	Number of respondents	Responses/ respondent	Burden hours	Total burden hours
Notification of Intent for Qualifying Other Practitioner to Use Schedule III, IV, or V Opioid Drugs for the Maintenance and Detoxification Treatment of Opiate Addiction by a "Qualifying Other Practitioner" under 21 USC § 823(g)(2)—Nurse Practitioners .....	816	1	.066	54
Notification of Intent for Qualifying Other Practitioner to Use Schedule III, IV, or V Opioid Drugs for the Maintenance and Detoxification Treatment of Opiate Addiction by a "Qualifying Other Practitioner" under 21 USC § 823(g)(2)—Physician Assistants .....	590	1	.066	39
Total .....	1,406	.....	.....	93

Send comments to Summer King, SAMHSA Reports Clearance Officer, 5600 Fishers Lane, Room 15E57-B, Rockville, Maryland 20857, OR email a copy to [summer.king@samhsa.hhs.gov](mailto:summer.king@samhsa.hhs.gov). Written comments should be received by May 19, 2017.

**Summer King,**  
*Statistician.*

[FR Doc. 2017-05419 Filed 3-17-17; 8:45 am]

**BILLING CODE 4162-20-P**

**DEPARTMENT OF HOMELAND SECURITY**

**U.S. Customs and Border Protection**

**Accreditation and Approval of Camin Cargo Control, Inc., as a Commercial Gauger and Laboratory**

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Notice of accreditation and approval of Camin Cargo Control, Inc., as a commercial gauger and laboratory.

**SUMMARY:** Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc., has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of May 26, 2016.

**DATES:** The accreditation and approval of Camin Cargo Control, Inc., as commercial gauger and laboratory became effective on May 26, 2016. The next triennial inspection date will be scheduled for May 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 Camin Cargo Control, Inc., 31 Fulton St. Unit A, New Haven, CT 06513, has been approved to gauge 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. Camin Cargo Control, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
1 .....	Vocabulary.
3 .....	Tank gauging.
7 .....	Temperature Determination.
8 .....	Sampling.
11 .....	Physical Properties Data.
12 .....	Calculations.
17 .....	Maritime Measurements.

Camin Cargo Control, Inc., 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 .....	D287	Standard Test Method for API Gravity of crude Petroleum and Petroleum Products
27-08 .....	D86	Standard Test Method for Distillation of Petroleum Products
27-11 .....	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids
27-13 .....	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry
27-20 .....	D4057	Standard Practice for Manual Sampling of Petroleum and Petroleum Products
27-48 .....	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter
27-50 .....	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester

CBPL No.	ASTM	Title
27-53 .....	D2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge
27-54 .....	D1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method
27-58 .....	D5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method)
N/A .....	D97	Standard Test Method for Pour Point of Petroleum Products
N/A .....	D130	Standard Test Method for Corrosiveness to Copper from Petroleum Products by Copper Strip Test
N/A .....	D482	Standard Test Method for Ash from Petroleum Products
N/A .....	D524	Standard Test Method for Ramsbottom Carbon Residue of Petroleum Products
N/A .....	D1319	Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption
N/A .....	D2500	Standard Test Method for Cloud Point of Petroleum Products
N/A .....	D2624	Standard Test Methods for Electrical Conductivity of Aviation and Distillate Fuels
N/A .....	D3606	Standard Test Method for Determination of Benzene, Toluene, Ethylbenzene, p/m-Xylene, o-Xylene, C9 and Heavier Aromatics, and Total Aromatics in Finished Gasoline by Gas Chromatography
N/A .....	D4815	Standard Test Method for Determination of MTBE, ETBE, TAME, DIPE, tertiary-Amyl Alcohol and C1 to C4 Alcohols in Gasoline by Gas Chromatography
N/A .....	D5453	Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Spark Ignition Engine Fuel, Diesel Engine Fuel, and Engine Oil by Ultraviolet Fluorescence

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 [cbp.labhq@dhs.gov](mailto:cbp.labhq@dhs.gov). Please reference the Web site listed below for the current CBP Approved Gaugers and Accredited Laboratories List. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

Dated: March 14, 2017.

**Ira S. Reese,**

*Executive Director, Laboratories and Scientific Services Directorate.*

[FR Doc. 2017-05458 Filed 3-17-17; 8:45 am]

**BILLING CODE 9111-14-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4287-DR; Docket ID FEMA-2017-0001]

#### Kansas; Amendment No. 4 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA-4287-DR), dated October 20, 2016, and related determinations.

**DATES:** Effective Date: February 22, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2833.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Michael L. Parker, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Kathy D. Fields as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**Robert J. Fenton,**

*Acting Administrator, Federal Emergency Management Agency.*

[FR Doc. 2017-05457 Filed 3-17-17; 8:45 am]

**BILLING CODE 9111-23-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID FEMA-2016-0002; Internal Agency Docket No. FEMA-B-1669]

#### Changes in Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, part 65 of the Code of Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

**DATES:** These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report

in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

**ADDRESSES:** The affected communities are listed in the table below. Revised flood hazard information for each community is 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](http://www.msc.fema.gov) for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as 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](mailto:patrick.sacbibit@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [www.floodmaps.fema.gov/fhm/fmx\\_main.html](http://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the 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 National Flood Insurance Program (NFIP).

These 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. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is 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](http://www.msc.fema.gov) for comparison.

(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.*

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Alaska: Fairbanks North Star Borough.	Fairbanks North Star Borough (16-10-1346P).	The Honorable Karl Kassel, Mayor, Fairbanks North Star Borough, P.O. Box 71267, Fairbanks, AK 99707.	Department of Community Planning, Borough Administrative Center, 809 Pioneer Road, Fairbanks, AK 99701.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 3, 2017 .....	025009
Arizona: Maricopa .....	City of Chandler (16-09-2684P).	The Honorable Jay Tibshraeny, Mayor, City of Chandler, City Hall, 175 South Arizona Avenue, Chandler, AZ 85225.	Public Works Department, 215 East Buffalo Street, Chandler, AZ 85244.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 10, 2017 ....	040040
Maricopa .....	City of Scottsdale (16-09-1225P).	The Honorable W.J. "Jim" Lane, Mayor, City of Scottsdale, 3939 North Drinkwater Boulevard, Scottsdale, AZ 85251.	Planning Records, 7447 East Indian School Road, Suite 100, Scottsdale, AZ 85251.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 23, 2017 ....	045012
Maricopa .....	Town of Gilbert (16-09-2684P).	The Honorable Jenn Daniels, Mayor, Town of Gilbert, 50 East Civic Center Drive, Gilbert, AZ 85296.	Municipal Center, 50 East Civic Center Drive, Gilbert, AZ 85296.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 10, 2017 ....	040044
Maricopa .....	Town of Wickenburg (16-09-1385P).	The Honorable John Cook, Mayor, Town of Wickenburg, 155 North Tegner Street, Suite A, Wickenburg, AZ 85390.	Town Hall, 155 North Tegner Street, Wickenburg, AZ 85390.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 17, 2017 ....	040056
Maricopa .....	Unincorporated Areas of Maricopa County (16-09-1225P).	The Honorable Clint L. Hickman, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 23, 2017 ....	040037

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Maricopa .....	Unincorporated Areas of Maricopa County (16-09-1385P).	The Honorable Clint L. Hickman, Chairman, Board of Supervisors, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 17, 2017 ....	040037
Pima .....	City of Tucson (16-09-0670P).	The Honorable Jonathan Rothschild, Mayor, City of Tucson, City Hall, 255 West Alameda Street, 10th Floor, Tucson, AZ 85701.	Planning and Development Services, 201 North Stone Avenue, 1st Floor, Tucson, AZ 85701.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 3, 2017 .....	040076
Pima .....	Town of Marana (16-09-1535P).	The Honorable Ed Honea, Mayor, Town of Marana, 11555 West Civic Center Drive, Marana, AZ 85653.	Pima County Flood Control District, 201 North Stone Avenue, 9th Floor, Tucson, AZ 85701.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 14, 2017 ....	040118
California:						
Orange .....	City of Mission Viejo (16-09-1691P).	The Honorable Frank Ury, Mayor, City of Mission Viejo, 200 Civic Center, Mission Viejo, CA 92691.	City Hall, 200 Civic Center, Mission Viejo, CA 92691.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 20, 2017 ....	060735
Placer .....	City of Rocklin (16-09-1095P).	The Honorable Greg Janda, Mayor, City of Rocklin, 3970 Rocklin Road, Rocklin, CA 95677.	Engineering Department, 3970 Rocklin Road, Rocklin, CA 95677.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 10, 2017 ....	060242
Placer .....	Town of Loomis (16-09-1095P).	The Honorable Brian Baker, Mayor, Town of Loomis, 3665 Taylor Road, Loomis, CA 95650.	Town Hall, 3665 Taylor Road, Loomis, CA 95650.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 10, 2017 ....	060721
Riverside .....	City of Moreno Valley (16-09-2170P).	The Honorable Yxstian Gutierrez, Mayor, City of Moreno Valley, 14177 Frederick Street, Moreno Valley, CA 92553.	Public Works Department, 14177 Frederick Street, Moreno Valley, CA 92553.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 6, 2017 .....	065074
Riverside .....	City of Riverside (16-09-2070P).	The Honorable Rusty Bailey, Mayor, City of Riverside, 3900 Main Street, Riverside, CA 92501.	Planning and Building Department, 3900 Main Street, Riverside, CA 92501.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 20, 2017 ....	060260
Riverside .....	Unincorporated Areas of Riverside County (16-09-2070P).	The Honorable John Benoit, Chairman, Board of Supervisors, Riverside County, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92502.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 20, 2017 ....	060245
San Benito .....	City of Hollister (16-09-0929P).	The Honorable Ignacio Velazquez, Mayor, City of Hollister, 375 5th Street, Hollister, CA 95023.	City Hall, 375 5th Street, Hollister, CA 95023.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Feb. 27, 2017 ....	060268
San Benito .....	Unincorporated Areas of San Benito County (16-09-0929P).	The Honorable Robert Rivas, Chairman, Board of Supervisors, San Benito County, 481 4th Street, 1st Floor, Hollister, CA 95023.	San Benito County Planning Department, 2301 Technology Parkway, Hollister, CA 95023.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Feb. 27, 2017 ....	060267
Santa Clara ....	City of Milpitas (16-09-1351P).	The Honorable Jose Esteves, Mayor, City of Milpitas, 455 East Calaveras Boulevard, Milpitas, CA 95035.	Engineering Division, 455 East Calaveras Boulevard, Milpitas, CA 95035.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Feb. 21, 2017 ....	060344
Colorado:						
Boulder .....	Town of Jamestown (16-08-0630P).	The Honorable Tara Schoedinger, Mayor, Town of Jamestown, P.O. Box 298, Jamestown, CO 80455.	Town Hall, 118 Main Street, Jamestown, CO 80455.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Feb. 23, 2017 ....	080216
Boulder .....	Unincorporated Areas of Boulder County (16-08-0630P).	The Honorable Elise Jones, Chair, Boulder County Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Transportation Department, 2525 13th Street, Suite 203, Boulder, CO 80306.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Feb. 23, 2017 ....	080023

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Hawaii: Maui .....	Maui County (16-09-0721P).	The Honorable Alan Arakawa, Mayor, County of Maui, 200 South High Street, Kalana O Maui Building 9th Floor, Wailuku, HI 96793.	Planning Department, 2200 Main Street, Suite 315, Wailuku, HI 96793.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 14, 2017 ....	150003
Idaho: Ada .....	City of Eagle (16-10-1265P).	The Honorable Stan Ridgeway, Mayor, City of Eagle, P.O. Box 1520, Eagle, ID 83616.	City Hall, 310 East State Street, Eagle, ID 83616.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 23, 2017 ....	160003
Illinois:						
Cook .....	Village of Westchester (16-05-5494P).	The Honorable Sam D. Pulia, Village President, Village of Westchester, 10300 West Roosevelt Road, Westchester, IL 60154.	Building Department, 10300 West Roosevelt Road, Westchester, IL 60154.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 16, 2017 ....	170170
La Salle .....	City of Peru (16-05-4827P).	The Honorable Scott J. Harl, Mayor, City of Peru, 1901 4th Street, Peru, IL 61354.	City Hall, 1901 4th Street, Peru, IL 61354.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 16, 2017 ....	170406
Will .....	City of Lockport (16-05-6547P).	The Honorable Steven Streit, Mayor, City of Lockport, 222 East 9th Street, Lockport, IL 60441.	Public Works and Engineering, 17112 South Prime Boulevard, Lockport, IL 60441.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 17, 2017 ....	170703
Indiana: Allen .....	City of Fort Wayne (16-05-3584P).	The Honorable Tom, Henry, Mayor, City of Fort Wayne, 200 East Berry Street Suite 420, Fort Wayne, IN 46802.	Department of Planning Services, 200 East Berry Street, Suite 150, Fort Wayne, IN 46802.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 10, 2017 ....	180003
Kansas:						
Pottawatomie	Unincorporated Areas of Pottawatomie County (16-07-1702P).	The Honorable Robert Reece, County Administrator Pottawatomie County, 207 North 1st Street, Westmoreland, KS 66549.	County Office Building, 207 North 1st Street, Westmoreland, KS 66549.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 10, 2017 ....	200621
Riley .....	City of Manhattan (16-07-0749P).	The Honorable Usha Reddi, Mayor, City of Manhattan, 1101 Poyntz Avenue, Manhattan, KS 66502.	City Hall, 1101 Poyntz Avenue, Manhattan, KS 66502.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Feb. 17, 2017 ....	200300
Riley .....	City of Manhattan (16-07-1702P).	The Honorable Usha Reddi, Mayor, City of Manhattan, 1101 Poyntz Avenue, Manhattan, KS 66502.	City Hall, 1101 Poyntz Avenue, Manhattan, KS 66502.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 10, 2017 ....	200300
Riley .....	Unincorporated Areas of Riley County (16-07-0749P).	The Honorable Ben Wilson, Chair, Riley County Commissioner, 2488 Woodside Lane, Manhattan, KS 66503.	Riley County Office Building, 110 Courthouse Plaza, Manhattan, KS 66502.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Feb. 17, 2017 ....	200298
Michigan:						
Macomb .....	Charter Township of Clinton (16-05-3582P).	The Honorable Bob Cannon, Township Supervisor Clinton Township, 40700 Romeo Plank Road, Clinton Township, MI 48038.	City Hall, 40700 Romeo Plank Road, Clinton Township, MI 48038.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Feb. 9, 2017 .....	260121
Macomb .....	City of Sterling Heights (16-05-3582P).	The Honorable Michael C. Taylor, Mayor, City of Sterling Heights, 40555 Utica Road, Sterling Heights, MI 48313.	City Hall, 40555 Utica Road, Sterling Heights, MI 48313.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Feb. 9, 2017 .....	260128
Minnesota:						
Anoka .....	City of Blaine (16-05-6101P).	The Honorable Thomas Ryan, Mayor, City of Blaine, 12147 Radisson Road Northeast, Blaine, MN 55449.	City Hall Offices, 10801 Town Square Drive Northeast, Blaine, MN 55449.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 3, 2017 .....	270007
Mower .....	City of Austin (16-05-4681P).	The Honorable Tom Stiehm, Mayor, City of Austin, 500 4th Avenue Northeast, Austin, MN 55912.	City Hall, 500 4th Avenue Northeast, Austin, MN 55912.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Feb. 22, 2017 ....	275228
St. Louis .....	City of Duluth (16-05-5620P).	The Honorable Emily Larson, Mayor, City of Duluth, 411 West 1st Street Room 402, Duluth, MN 55802.	City Hall, 411 West 1st Street, Room 201, Duluth, MN 55802.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 22, 2017 ....	270421



State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Missouri: St. Louis	City of Chesterfield (16-07-1325P).	The Honorable Bob Nation, Mayor, City of Chesterfield, 690 Chesterfield Parkway West, Chesterfield, MO 63017.	City Hall, 690 Chesterfield Parkway West, Chesterfield, MO 63017.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 9, 2017 .....	290896
Nevada: Clark .....	City of Henderson (16-09-1303P).	The Honorable Andy A. Hafen, Mayor, City of Henderson, City Hall, 240 South Water Street, Henderson, NV 89015.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Feb. 28, 2017 ....	320005
Clark .....	City of Henderson (16-09-2671P).	The Honorable Andy A. Hafen, Mayor, City of Henderson, City Hall, 240 South Water Street, Henderson, NV 89015.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 7, 2017 .....	320005
Clark .....	City of Henderson (16-09-2725P).	The Honorable Andy A. Hafen, Mayor, City of Henderson, City Hall, 240 South Water Street, Henderson, NV 89015.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 22, 2017 ....	320005
Clark .....	Unincorporated Areas of Clark County (16-09-1303P).	The Honorable Steve Sisolak, Chairman, Board of Supervisors, Clark County, 500 South Grand Central Parkway, 6th Floor, Las Vegas, NV 89106.	Office of the Director of Public Works, 500 South Grand Central Parkway, Las Vegas, NV 89155.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Feb. 28, 2017 ....	320003
New York: Ulster ...	Town of Ulster (16-02-1921P).	The Honorable James E. Quigley 3rd, Supervisor, Town of Ulster, 1 Town Hall Drive, Lake Katrine, NY 12449.	Town Hall, 1 Town Hall Drive, Lake Katrine, NY 12449.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Apr. 5, 2017 .....	360866
Ohio: Delaware .....	Unincorporated Areas of Delaware County (16-05-4340P).	The Honorable Barb Lewis, Delaware County Board of Commissioners, 101 North Sandusky Street, Delaware, OH 43015.	Code Compliance Building, 50 Channing Street South Wing, Delaware, OH 43015.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 15, 2017 ....	390146
Texas: Dallas .....	City of Mesquite (16-06-3624P).	The Honorable Stan Pickett, Mayor, City of Mesquite, 757 North Galloway Avenue, Mesquite, TX 75149.	City Engineering Services, 1515 North Galloway Avenue, Mesquite, TX 75185.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 9, 2017 .....	485490
Dallas .....	City of Mesquite (16-06-3625P).	The Honorable Stan Pickett, Mayor, City of Mesquite, 757 North Galloway Avenue, Mesquite, TX 75149.	City Engineering Services, 1515 North Galloway Avenue, Mesquite, TX 75185.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 10, 2017 ....	485490
Dallas .....	Unincorporated Areas of Dallas County (16-06-3625P).	The Honorable Clay L. Jenkins, County Judge, Dallas County, 411 Elm Street, Dallas, TX 75202.	City Hall, 320 East Jefferson Boulevard, Room 321, Dallas, TX 75203.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 10, 2017 ....	480165
Wisconsin: Dane .....	City of Madison (16-05-6112P).	The Honorable Paul R. Soglin, Mayor, City of Madison, 210 Martin Luther King Jr. Boulevard, Room 403, Madison, WI 53703.	City Hall, 210 Martin Luther King Jr. Boulevard, Room 403, Madison, WI 53703.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 10, 2017 ....	550083
Kenosha .....	Village of Pleasant Prairie (16-05-7542P).	The Honorable John Steinbrink, President, Village of Pleasant Prairie, Village Hall, 9915 39th Avenue, Pleasant Prairie, WI 53158.	Village Hall, 9915 39th Avenue, Pleasant Prairie, WI 53158.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a>	Mar. 23, 2017 ....	550613

**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 May 16, 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](http://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](mailto:patrick.sacbibit@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [www.floodmaps.fema.gov/fhm/fmx\\_main.html](http://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](http://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. Watershed-based studies:

Community	Community map repository address
<b>Quinnipiac Watershed</b>	
<b>Hartford County, Connecticut (All Jurisdictions)</b> <b>Docket No.: FEMA-B-1550</b>	
City of Bristol .....	Engineering Division, 111 North Main Street, Bristol, CT 06010.
City of New Britain .....	Public Works Department, 27 West Main Street, Room 501, New Britain, CT 06051.
Town of Plainville .....	Office of Technical Services, 1 Central Square, Plainville, CT 06062.
Town of Southington .....	Planning Department, 196 North Main Street, Southington, CT 06489.
<b>New Haven County, Connecticut (All Jurisdictions)</b> <b>Docket No.: FEMA-B-1550</b>	
City of Ansonia .....	Town and City Clerk's Office, 253 Main Street, Ansonia, CT 06401.
City of Derby .....	Building Department, 1 Elizabeth Street, Derby, CT 06418.
City of Meriden .....	City Clerk's Office, 142 East Main Street, Meriden, CT 06450.
City of Milford .....	Parsons Government Center, 70 West River Street, Milford, CT 06460.
Town of Branford .....	Engineering Department, 1019 Main Street, Branford, CT 06405.
Town of Cheshire .....	Town Clerk's Office, 84 South Main Street, Cheshire, CT 06410.
Town of East Haven .....	Engineering Department, 461 North High Street, East Haven, CT 06512.
Town of Hamden .....	Planning and Zoning Department, 2750 Dixwell Avenue, Hamden, CT 06518.
Town of North Branford .....	Engineering Department, 909 Foxon Road, North Branford, CT 06471.
Town of North Haven .....	Town Clerk's Office, 18 Church Street, North Haven, CT 06473.
Town of Orange .....	Public Works Department, 617 Orange Center Road, Orange, CT 06477.
Town of Wallingford .....	Planning Department, 45 South Main Street, Wallingford, CT 06492.
Town of Woodbridge .....	Town Clerk's Office, 11 Meetinghouse Lane, Woodbridge, CT 06525.

Community	Community map repository address
<b>Lower Big Blue Watershed</b>	
<b>Marshall County, Kansas and Incorporated Areas</b> <b>Docket No.: FEMA-B-1532</b>	
City of Axtell .....	City Hall, 306 Maple Street, Axtell, KS 66403.
City of Beattie .....	City Hall, 302 Center Street, Beattie, KS 66406.
City of Blue Rapids .....	City Hall, 04 Public Square, Blue Rapids, KS 66411.
City of Frankfort .....	City Hall, 109 North Kansas Avenue, Frankfort, KS 66427.
City of Marysville .....	City Hall, 209 North 8th Street, Marysville, KS 66508.
City of Oketo .....	City Hall, 106 Center Street, Oketo, KS 66518.
City of Vermillion .....	City Hall, 102 Main Street, Vermillion, KS 66544.
City of Waterville .....	City Hall, 136 East Commercial Street, Waterville, KS 66548.
Unincorporated Areas of Marshall County .....	Marshall County Courthouse, 1201 Broadway Street, Marysville, KS 66508.

<b>Lower Catawba Watershed</b>	
<b>Chester County, South Carolina and Incorporated Areas</b> <b>Docket No.: FEMA-B-1550</b>	
Unincorporated Areas of Chester County .....	Chester County Government Complex, 1476 J.A. Cochran Bypass, Suite 63, Chester, SC 29706.

<b>Lancaster County, South Carolina and Incorporated Areas</b> <b>Docket No.: FEMA-B-1550</b>	
City of Lancaster .....	City Hall, 216 South Catawba Street, Lancaster, SC 29720.
Unincorporated Areas of Lancaster County .....	Lancaster County Zoning Department, 101 North Main Street, Lancaster, SC 29720.

<b>York County, South Carolina and Incorporated Areas</b> <b>Docket No.: FEMA-B-1550</b>	
City of Rock Hill .....	City Hall, 155 Johnston Street, Rock Hill, SC 29730.
Town of Fort Mill .....	Engineering Department, 131 East Elliott Street, Fort Mill, SC 29715.
Unincorporated Areas of York County .....	York County Planning and Development Services Department, 1070 Heckle Boulevard, Building 107, Rock Hill, SC 29732.

II. Non-watershed-based studies:

Community	Community map repository address
<b>Calaveras County, California and Incorporated Areas</b> <b>Docket No.: FEMA-B-1553</b>	
Unincorporated Areas of Calaveras County .....	Calaveras County Planning Department, 891 Mountain Ranch Road, San Andreas, CA 95249.

<b>San Luis Obispo County, California and Incorporated Areas</b> <b>Docket No.: FEMA-B-1602</b>	
City of Grover Beach .....	City Hall, 154 South 8th Street, Grover Beach, CA 93433.
City of Morro Bay .....	Public Works & Community Development Department, 955 Shasta Avenue, Morro Bay, CA 93442.
City of Pismo Beach .....	City Hall, 760 Mattie Road, Pismo Beach, CA 93449.
Unincorporated Areas of San Luis Obispo County .....	San Luis Obispo County Government Center, Public Works Department, 976 Osos Street, Room 207, San Luis Obispo, CA 93408.

<b>Cass County, Iowa and Incorporated Areas</b> <b>Docket No.: FEMA-B-1602</b>	
City of Anita .....	City Hall, 744 Main Street, Anita, IA 50020.
City of Atlantic .....	City Hall, 23 East 4th Street, Atlantic, IA 50022.
City of Cumberland .....	City Hall, 207 Main Street, Cumberland, IA 50843.
City of Griswold .....	City Building, 601 2nd Street, Griswold, IA 51535.
City of Lewis .....	City Hall, 416 West Main Street, Lewis, IA 51544.
City of Marne .....	City Council Chambers, 403 Washington Street, Marne, IA 51552.
City of Massena .....	City Hall, 100 Main Street, Massena, IA 50853.
City of Wiota .....	City Hall, 311 Center Street, Wiota, IA 50274.

Community	Community map repository address
Unincorporated Areas of Cass County .....	Cass County Courthouse, Engineer's Office, 5 West 7th Street, Atlantic, IA 50022.

**Pocahontas County, Iowa and Incorporated Areas  
Docket No.: FEMA-B-1602**

City of Fonda .....	City Hall, 104 West 2nd Street, Fonda, IA 50540.
City of Havelock .....	City Hall, 858 Wood Street, Havelock, IA 50546.
City of Laurens .....	City Hall, 272 North 3rd Street, Laurens, IA 50554.
City of Pocahontas .....	City Hall, 23 West Elm Avenue, Pocahontas, IA 50574.
City of Rolfe .....	City Hall, 319 Garfield Street, Rolfe, IA 50581.
Unincorporated Areas of Pocahontas County .....	Pocahontas County Courthouse, 99 Court Square, Pocahontas, IA 50574.

[FR Doc. 2017-05451 Filed 3-17-17; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[FWS-R8-ES-2016-N235;  
FXES1113080000-178-FF08EVEN00]

**Receipt of Application for Incidental Take Permit; Low-Effect Habitat Conservation Plan for California Flats Solar Project Operations and Maintenance Activities, Monterey and San Luis Obispo Counties, California**

**AGENCY:** Fish and Wildlife Service, Interior

**ACTION:** Notice of receipt of permit application; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, have received a request from California Flats Solar, LLC, for an incidental take permit under the Endangered Species Act of 1973, as amended. The permit would authorize take of the federally endangered San Joaquin kit fox and the threatened California red-legged frog, California tiger salamander, and vernal pool fairy shrimp, incidental to otherwise lawful activities associated with the California Flats Solar Project Operations and Maintenance Activities Habitat Conservation Plan. We invite public comment.

**DATES:** Written comments should be received on or before April 19, 2017.

**ADDRESSES:** You may download a copy of the draft habitat conservation plan and draft low-effect screening form and environmental action statement on the internet at <http://www.fws.gov/ventura/>, or you may request copies of the documents by U.S. mail to our Ventura office, or by phone (see **FOR FURTHER INFORMATION CONTACT**). Please address written comments to Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife

Service, 2493 Portola Road, Suite B, Ventura, CA 93003. You may alternatively send comments by facsimile to (805) 644-3958.

**FOR FURTHER INFORMATION CONTACT:** Christopher Diel, Fish and Wildlife Biologist, at the above address or by calling (805) 644-1766.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (Service), have received a request from California Flats Solar, LLC (applicant), for an incidental take permit under the Endangered Species Act of 1973, as amended (Act). The applicant has agreed to follow all of the conditions in the habitat conservation plan for the project. The permit would authorize take of the federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*) and the threatened California red-legged frog (*Rana draytonii*), California tiger salamander (*Ambystoma californiense*), and vernal pool fairy shrimp (*Branchinecta lynchi*), incidental to otherwise lawful activities associated with the California Flats Solar Project Operations and Maintenance Activities Habitat Conservation Plan (HCP). We invite public comment on the application and related documents.

**Background**

The San Joaquin kit fox was listed by the Service as endangered on January 24, 1997. The California red-legged frog, California tiger salamander, and vernal pool fairy shrimp were listed by the Service as threatened on May 23, 1996, August 4, 2004, and September 19, 1994, respectively. Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations prohibit the “take” of fish or wildlife species listed as endangered or threatened. “Take” is defined under the Act to include the following activities: “[T]o harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the Act, we may issue

permits to authorize incidental take of listed species. “Incidental Take” is defined by the Act as take that is incidental to, and not the purpose of, carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are, respectively, in the Code of Federal Regulations at 50 CFR 17.32 and 17.22. Under the Act, protections for federally listed plants differ from the protections afforded to federally listed animals. Issuance of an incidental take permit also must not jeopardize the existence of federally listed fish, wildlife, or plant species. All species included in the incidental take permit would receive assurances under our “No Surprises” regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

The applicants have applied for a permit for incidental take of the San Joaquin kit fox, California red-legged frog, California tiger salamander, and vernal pool fairy shrimp. The potential taking would occur by activities associated with the operations and maintenance of the California Flats Solar Project in suitable habitat for the covered species. Incidental take coverage for construction of the California Flats Solar Project was exempted under previous consultation with the U.S. Army Corps of Engineers under section 7 of the Act.

**Our Preliminary Determination**

The Service has made a preliminary determination that issuance of the permit is neither a major Federal action that will significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*; NEPA), nor will it individually or cumulatively have more than a negligible effect on the species covered in the HCP. Therefore, the permit qualifies for a categorical exclusion under NEPA as provided by the Department of Interior Manual (516 DM 2, Appendix 1 and 516 DM 8.5).

**Public Comments**

If you wish to comment on the permit applications, plans, and associated documents, you may submit comments by any one of the methods in ADDRESSES.

**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 view, we cannot guarantee that we will be able to do so.

**Authority:** We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: March 14, 2017.

**Stephen P. Henry,**

*Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.*

[FR Doc. 2017-05426 Filed 3-17-17; 8:45 am]

**BILLING CODE 4333-15-P**

**DEPARTMENT OF THE INTERIOR**

[17XD4523WS/DWSN00000.000000/DS61200000/DP61203]

**Invasive Species Advisory Committee**

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given of a meeting of the Invasive Species Advisory Committee (ISAC). The purpose of the ISAC is to provide advice to the National Invasive Species Council (NISC) on a broad array of issues related to preventing the introduction of invasive species and providing for their control and minimizing the economic, ecological, and human health impacts that invasive species cause.

**DATES:** The meeting will take place from 1:30 p.m. to 3:00 p.m. on Monday, March 29, 2017 (times are Eastern Daylight Time).

**ADDRESSES:** The meeting will be held via teleconference. The toll-free conference phone number and access code can be obtained by calling (202) 208-4122, or visiting the NISC Secretariat's Web site at [www.invasivespecies.gov](http://www.invasivespecies.gov). Please note that the maximum capacity for the teleconference is 100 participants. For record keeping purposes, participants will be required to provide their name and contact information to the operator before being connected.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kelsey Brantley, Operations and ISAC Coordinator, National Invasive Species Council Secretariat, 1849 C Street, MS 3530, NW., Washington, DC 20240; telephone (202) 208-4122; fax (202) 208-4118; email [kelsey\\_brantley@ios.doi.gov](mailto:kelsey_brantley@ios.doi.gov).

**SUPPLEMENTARY INFORMATION:** The ISAC is established by the Secretary of the Interior, as authorized by Executive Order 13751, and is regulated by the Federal Advisory Committee Act (5 U.S.C. Appendix 2). The purpose of the ISAC is to provide advice to the NISC on a broad array of issues related to preventing the introduction of invasive species and providing for their control and minimizing the economic, ecological, and human health impacts that invasive species cause. The NISC is co-chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The NISC provides national leadership regarding invasive species issues.

The purpose of a meeting is to convene the full ISAC to discuss and consider adoption of white papers generated by ISAC task teams on: (1) Federal-State Coordination, and (2) Federal-Tribal Coordination.

The meeting is open to the public. Members of the public are welcome to participate by accessing the teleconference line. Up to 15 minutes will be set aside for public comment. Persons wishing to make a comment are asked to provide a written request with a description of the general subject to Ms. Brantley at the above address no later than March 24, 2017. Any member of the public may submit written information and/or comments to Ms. Brantley for distribution at the ISAC meeting.

**Public Disclosure of Comments.** Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: March 14, 2017.

**Jamie K. Reaser,**

*Executive Director, National Invasive Species Council Secretariat.*

[FR Doc. 2017-05423 Filed 3-17-17; 8:45 am]

**BILLING CODE 4334-63-P**

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-1029]

**Certain Mobile Electronic Devices; Commission Determination Not to Review an Initial Determination Terminating the Investigation Based Upon a Settlement Agreement and Withdrawal of the Complaint; Termination of the Investigation**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 8) of the presiding administrative law judge (“ALJ”), granting a motion to terminate the above-captioned investigation in its entirety based upon a settlement agreement between complainant Qualcomm Incorporated (“Qualcomm”) of San Diego, California and respondents Zhuhai Meizu Technology Co., Ltd. and Zhuhai Meizu Telecom Equipment Co., Ltd. (collectively, “Meizu”), both of Zhuhai, Guangdong, China; and withdrawal of the complaint as to the remaining respondents.

**FOR FURTHER INFORMATION CONTACT:** Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2392. 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 on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on November 18, 2016, based on a complaint filed on behalf of Qualcomm. 81 FR 81807 (Nov. 18, 2016). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of certain claims of the

following U.S. Patent Nos.: 8,095,082; 7,999,384; 7,548,407; 8,497,928; and 7,949,367. The complaint further alleges that a domestic industry exists. The Commission's notice of investigation named Meizu; Overseas Electronics, Inc. ("Overseas") of Chicago, IL; Dest Technology Limited of Shenzhen, China; and LGYD Limited of Shenzhen, China as respondents. The Office of Unfair Import Investigations did not participate in the investigation.

On January 27, 2017, Qualcomm, Meizu, and Overseas filed an unopposed motion to terminate the investigation as to Meizu under Commission Rule 210.21(a)(2), 19 CFR 210.21(a)(2), based on a Settlement Agreement, and to terminate the investigation as to the remaining respondents under Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), based on a withdrawal of the complaint. Order No. 8 at 1.

On February 13, 2017, the ALJ issued the subject ID granting the motion and terminating the investigation in its entirety. *Id.* at 3. The ALJ found that the motion complies with the Commission Rules, and that no public interest factors prohibit the termination of this investigation. *Id.* at 1–2; see 19 CFR 210.50(b)(2). The ALJ also found that no extraordinary circumstances prevent termination of the investigation based on withdrawal of the complaint. *Id.* at 3.

No petitions for review were filed. The Commission has determined not to review the 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 15, 2017.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2017-05424 Filed 3-17-17; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-989]

### Certain Automated Teller Machines, ATM Modules, Components Thereof, and Products Containing the Same; Notice of Request for Statement on the Public Interest

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the presiding administrative law judge has issued a recommended determination on remedy and bonding in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief, specifically a limited exclusion order against certain automated teller machines, ATM modules, components thereof, and products containing the same imported by respondents Diebold, Incorporated and Diebold Self-Service Systems both of North Canton, Ohio (collectively, "Diebold"). The ALJ also recommended issuance of cease and desist orders directed to Diebold. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

#### FOR FURTHER INFORMATION CONTACT:

Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-3042. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>, and 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 (<https://www.usitc.gov>). The public record for this investigation may be viewed on 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 on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public are invited to file submissions of no more

than five pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's recommended determination on remedy and bonding issued in this investigation on March 13, 2017. Comments should address whether issuance of a limited exclusion order in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers. In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the limited exclusion order would impact consumers in the United States.

Written submissions must be filed no later than by close of business on April 20, 2017. Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (Inv. No. 337-TA-989) in a prominent place on the cover page, the first page, or both. (See Handbook for Electronic Filing Procedures, [https://www.usitc.gov/secretary/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary at (202) 205-2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents

for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,<sup>1</sup> solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50).

By order of the Commission.

Issued: March 15, 2017.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2017-05448 Filed 3-17-17; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[USITC SE-17-010]

### Government in the Sunshine Act Meeting Notice

**AGENCY HOLDING THE MEETING:** United States International Trade Commission

**TIME AND DATE:** March 23, 2017 at 9:30 a.m.

**PLACE:** Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205-2000.

**STATUS:** Open to the public.

### Matters To Be Considered

1. *Agendas for future meetings:* None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. No. 731-TA-1313 (Final) (1,1,1,2-Tetrafluoroethane (R-134a) from China). The Commission is currently scheduled to complete and file its determination and views of the Commission by April 14, 2017.
5. *Outstanding action jackets:* None.

<sup>1</sup> All contract personnel will sign appropriate nondisclosure agreements.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: March 16, 2017.

**William R. Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2017-05577 Filed 3-16-17; 4:15 pm]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On March 13, 2017, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Massachusetts in the lawsuit entitled *United States v. Clean Rentals, Inc.*, Civil Action No. 1:17-cv-10419.

The United States filed this lawsuit under the Clean Air Act. The United States' complaint seeks injunctive relief and civil penalties for violations of the regulations that govern construction of new sources of air pollution. The complaint alleges that Clean Rentals, Inc. failed to implement pollution controls and apply for the requisite permit when it built its New Bedford, MA industrial laundry facility. The consent decree requires Clean Rentals, Inc. to perform injunctive relief and pay a \$200,000 civil penalty.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Clean Rentals, Inc.*, D.J. Ref. No. 90-5-2-1-11182. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: <https://www.justice.gov/enrd/consent-decrees>.

[www.justice.gov/enrd/consent-decrees](https://www.justice.gov/enrd/consent-decrees). We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$6.25 (25 cents per page reproduction cost) payable to the United States Treasury.

**Robert E. Maher, Jr.,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2017-05400 Filed 3-17-17; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

[OMB Number 1121-NEW]

### Agency Information Collection Activities; Request for Comments; Revision of the BJS Confidentiality Pledge

**AGENCY:** Bureau of Justice Statistics, U.S. Department of Justice.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Justice Statistics (BJS), a component of the Office of Justice Programs (OJP) in the U.S. Department of Justice (DOJ), is seeking comments on revisions to the confidentiality pledge it provides to its respondents. These revisions are required by the passage and implementation of provisions of the federal Cybersecurity Enhancement Act of 2015, which requires the Secretary of the Department of Homeland Security (DHS) to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. More details on this announcement are presented in the **SUPPLEMENTARY INFORMATION** section below.

**DATES:** Comments are encouraged and will be accepted for 60 days until May 19, 2017.

**ADDRESSES:** Questions about this notice should be addressed to the Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, ATTN: Devon Adams, 810 7th Street NW., Washington, DC 20531 (email: [Devon.Adams@usdoj.gov](mailto:Devon.Adams@usdoj.gov); telephone: 202-307-0765 (this is not a toll-free number)).

**FOR FURTHER INFORMATION CONTACT:** Allina Lee by telephone at 202-305-0765 (this is not a toll-free number); by email at [Allina.Lee@usdoj.gov](mailto:Allina.Lee@usdoj.gov); or by

mail or courier to the Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, ATTN: Allina Lee, 810 7th Street NW., Washington, DC 20531. Because of delays in the receipt of regular mail related to security screening, respondents are encouraged to use electronic communications.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

Federal statistics provide key information that the Nation uses to measure its performance and make informed choices about budgets, employment, health, investments, taxes, and a host of other significant topics. Most federal surveys are completed on a voluntary basis. Respondents, ranging from businesses to households to institutions, may choose whether or not to provide the requested information. Many of the most valuable federal statistics come from surveys that ask for highly sensitive information such as proprietary business data from companies or particularly personal information or practices from individuals. BJS protects all personally identifiable information collected under its authority under the confidentiality provisions of 42 U.S.C. 3789g. Strong and trusted confidentiality and exclusively statistical use pledges under Title 42 U.S.C. 3789g and similar statutes are effective and necessary in honoring the trust that businesses, individuals, and institutions, by their responses, place in statistical agencies.

Under statistical confidentiality protection statutes, federal statistical agencies make statutory pledges that the information respondents provide will be seen only by statistical agency personnel or their agents and will be used only for statistical purposes. These statutes protect such statistical information from administrative, law enforcement, taxation, regulatory, or any other non-statistical use and immunize the information submitted to statistical agencies from legal process. Moreover, many of these statutes carry monetary fines and/or criminal penalties for conviction of a knowing and willful unauthorized disclosure of covered information. Any person violating the confidentiality provisions of 42 U.S.C. 3789g may be punished by a fine of up to \$10,000, in addition to any other penalties imposed by law.

As part of the Consolidated Appropriations Act for Fiscal Year 2016 (Pub. L. 114–113) signed on December 17, 2015, the Congress included the Federal Cybersecurity Enhancement Act of 2015 (codified in relevant part at 6 U.S.C. 151). This act, among other

provisions, permits and requires the Secretary of Homeland Security to provide federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. The technology currently used to provide this protection against cyber malware is known as Einstein 3A. Einstein 3A electronically searches internet traffic in and out of federal civilian agencies in real time for malware signatures.

When such a signature is found, the internet packets that contain the malware signature are shunted aside for further inspection by DHS personnel. Because it is possible that such packets entering or leaving a statistical agency's information technology system may contain a small portion of confidential statistical data, statistical agencies can no longer promise their respondents that their responses will be seen only by statistical agency personnel or their agents. However, federal statistical agencies can promise, in accordance with provisions of the Federal Cybersecurity Enhancement Act of 2015, that such monitoring can be used only to protect information and information systems from cybersecurity risks, thereby, in effect, providing stronger protection to the integrity of the respondents' submissions.

Consequently, with the passage of the Federal Cybersecurity Enhancement Act of 2015, the federal statistical community has an opportunity to welcome the further protection of its confidential data offered by DHS' Einstein 3A cybersecurity protection program. The DHS cybersecurity program's objective is to protect federal civilian information systems from malicious malware attacks. The federal statistical system's objective is to endeavor to ensure that the DHS Secretary performs those essential duties in a manner that honors the statistical agencies' statutory promises to the public to protect their confidential data. DHS and the federal statistical system have been successfully engaged in finding a way to balance both objectives and achieve these mutually reinforcing objectives.

However, pledges of confidentiality made pursuant to 42 U.S.C. 3789g and similar statutes assure respondents that their data will be seen only by statistical agency personnel or their agents. Because it is possible that DHS personnel could see some portion of those confidential data in the course of examining the suspicious Internet packets identified by Einstein 3A sensors, statistical agencies are revising their confidentiality pledges to reflect this process change. Therefore, BJS is

providing this notice to alert the public to these confidentiality pledge revisions in an efficient and coordinated fashion.

##### II. Method of Collection

The following is the revised statistical confidentiality pledge for applicable BJS data collections, with the new line added to address the new cybersecurity monitoring activities bolded for reference only:

*“The Bureau of Justice Statistics (BJS) is authorized to conduct this data collection under 42 U.S.C. 3732. BJS is dedicated to maintaining the confidentiality of your personally identifiable information, and will protect it to the fullest extent under federal law. BJS, BJS employees, and BJS data collection agents will use the information you provide for statistical or research purposes only, and will not disclose your information in identifiable form without your consent to anyone outside of the BJS project team. All personally identifiable data collected under BJS's authority are protected under the confidentiality provisions of 42 U.S.C. 3789g, and any person who violates these provisions may be punished by a fine up to \$10,000, in addition to any other penalties imposed by law. **Further, per the Cybersecurity Enhancement Act of 2015 (codified in relevant part at 6 U.S.C. 151), federal information systems are protected from malicious activities through cybersecurity screening of transmitted data.** For more information on the federal statutes, regulations, and other authorities that govern how BJS, BJS employees, and BJS data collection agents collect, handle, store, disseminate, and protect your information, see the BJS Data Protection Guidelines—([https://www.bjs.gov/content/pub/pdf/BJS\\_Data\\_Protection\\_Guidelines.pdf](https://www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf)).”*

The following listing shows the current BJS Paperwork Reduction Act (PRA) OMB numbers and information collection titles whose confidentiality pledges will change to reflect the statutory implementation of DHS' Einstein 3A monitoring for cybersecurity protection purposes.

OMB control No.	Information collection title
1121–0094 ...	Deaths in Custody Reporting Program.
1121–0065 ...	National Corrections Reporting Program.

*Affected Public:* Survey respondents to applicable BJS information collections.



*Total Respondents:* Unchanged from current collection.

*Frequency:* Unchanged from current collection.

*Total Responses:* Unchanged from current collection.

*Average Time per Response:* Unchanged from current collection.

*Estimated Total Burden Hours:* Unchanged from current collection.

*Estimated Total Cost:* Unchanged from current collection.

BJS has also added information about the Cybersecurity Enhancement Act and Einstein 3A to the BJS Data Protection Guidelines to provide more details to interested respondents about the new cybersecurity monitoring requirements. The following text has been added to Section V. Information System Security and Privacy Requirements:

*“The Cybersecurity Enhancement Act of 2015 (codified in relevant part at 6 U.S.C. 151) required the Department of Homeland Security (DHS) to provide cybersecurity protection for federal civilian agency information technology systems and to conduct cybersecurity screening of the Internet traffic going in and out of these systems to look for viruses, malware, and other cybersecurity threats. DHS has implemented this requirement by instituting procedures such that, if a potentially malicious malware signature were found, the Internet packets that contain the malware signature would be further inspected, pursuant to any required legal process, to identify and mitigate the cybersecurity threat. In accordance with the Act’s provisions, DHS conducts these cybersecurity screening activities solely to protect federal information and information systems from cybersecurity risks. To comply with the Act’s requirements and to increase the protection of information from cybersecurity threats, OJP facilitates, through the DOJ Trusted Internet Connection and DHS’s EINSTEIN 3A system, the inspection of all information transmitted to and from OJP systems including, but not limited to, respondent data collected and maintained by BJS.”*

The Census Bureau collects data on behalf of BJS for BJS’s National Crime Victimization Survey (NCVS) and its supplements. These collections are protected under Title 13 U.S.C. 9. The Census Bureau issued a **Federal Register** notice (FRN) to revise its confidentiality pledge language to address the new cybersecurity screening requirements (new line bolded for reference only):

*“The U.S. Census Bureau is required by law to protect your information. The Census Bureau is not permitted to*

*publicly release your responses in a way that could identify you. Per the Federal Cybersecurity Enhancement Act of 2015, your data are protected from cybersecurity risks through screening of the systems that transmit your data.”*

The following listing includes the BJS information collections that are administered by the Census Bureau whose confidentiality pledge will be revised.

OMB control No.	Information collection title
1121-0111 ...	NCVS.
1121-0184 ...	School Crime Supplement to the NCVS.
1121-0317 ...	Identity Theft Supplement to the NCVS.
1121-0260 ...	Police Public Contact Supplement to the NCVS.
1121-0302 ...	Supplemental Victimization Survey to the NCVS.

*Affected Public:* Survey respondents to applicable BJS information collections.

*Total Respondents:* Unchanged from current collection.

*Frequency:* Unchanged from current collection.

*Total Responses:* Unchanged from current collection.

*Average Time per Response:* Unchanged from current collection.

*Estimated Total Burden Hours:* Unchanged from current collection.

*Estimated Total Cost:* Unchanged from current collection.

The 60-day FRN submitted by the Census Bureau can be accessed at <https://www.federalregister.gov/documents/2016/12/23/2016-30959/agency-information-collection-activities-request-for-comments-revision-of-the-confidentiality-pledge>. The Census Bureau will publish a 30-day FRN to solicit additional public comment. Comments on the Census Bureau’s revised confidentiality pledge should be submitted directly to the point-of-contact listed in the notice.

### III. Data

*OMB Control Number:* 1121-0358.

*Legal Authority:* 44 U.S.C. 3506(e) and 42 U.S.C. 3789g.

*Form Number(s):* None.

### IV. Request for Comments

Comments are invited on the efficacy of BJS’s revised confidentiality pledge above. Comments submitted in response to this notice will become a matter of public record. If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice

Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: March 15, 2017.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2017-05422 Filed 3-17-17; 8:45 am]

**BILLING CODE 4410-18-P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (17-014)]

### NASA Advisory Council; Science Committee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Science Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

**DATES:** Wednesday, April 12, 2017, 9:30 a.m.–5:00 p.m.; and Thursday, April 13, 2017, 8:30 a.m.–1:00 p.m., Local Time.

**ADDRESSES:** NASA Headquarters, MIC-5A (Room 5H41-A), 300 E Street SW., Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Ms. KarShelia Henderson, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-2355, fax (202) 358-2779, or [khenderson@nasa.gov](mailto:khenderson@nasa.gov).

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the capacity of the room. This meeting will also be available telephonically and by WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the toll free number 1-888-592-9603 or toll number 1-312-470-7407, passcode 5588797, on both days, to participate in this meeting by telephone. The WebEx link is <https://nasa.webex.com/>; the meeting number is 991 353 215 and the password is SC@Apr2017 for both days. The agenda for the meeting includes the following topics:

—Science Mission Directorate Missions and Programs  
—TRAPPIST-1 Exoplanets Discovery

—Research and Analysis  
—Big Data Task Force

Attendees will be requested to sign a register and to comply with NASA Headquarters security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Due to the Real ID Act, Public Law 109–13, any attendees with driver's licenses issued from non-compliant states/territories must present a second form of ID. [Federal employee badge; passport; active military identification card; enhanced driver's license; U.S. Coast Guard Merchant Mariner card; Native American tribal document; school identification accompanied by an item from LIST C (documents that establish employment authorization) from the "List of the Acceptable Documents" on Form I–9]. Non-compliant states/territories are: Maine, Minnesota, Missouri, Montana, and Washington. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: Full name; gender; date/place of birth; citizenship; passport information (number, country, telephone); visa information (number, type, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees that are U.S. citizens and Permanent Residents (green card holders) are requested to provide full name and citizenship status 3 working days in advance. Information should be sent to Ms. KarSheila Henderson, via email at [khenderson@nasa.gov](mailto:khenderson@nasa.gov) or by fax at (202) 358–2779. It is imperative that the meeting be held on these dates to the scheduling priorities of the key participants.

**Patricia D. Rausch,**

*Advisory Committee Management Officer,  
National Aeronautics and Space  
Administration.*

[FR Doc. 2017–05460 Filed 3–17–17; 8:45 am]

**BILLING CODE 7510–13–P**

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**POSTAL REGULATORY COMMISSION**

[Docket No. CP2017–132]

**New Postal Products**

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Notice.

**SUMMARY:** The Commission is noticing recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing,

invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* March 22, 2017.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

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

**SUPPLEMENTARY INFORMATION:**

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- I. Introduction
- II. Docketed Proceeding(s)

**I. Introduction**

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern

competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

**II. Docketed Proceeding(s)**

1. *Docket No(s):* CP2017–132; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* March 14, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* March 22, 2017.

This notice will be published in the **Federal Register**.

**Stacy L. Ruble,**  
*Secretary.*

[FR Doc. 2017–05420 Filed 3–17–17; 8:45 am]

**BILLING CODE 7710–FW–P**

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**POSTAL REGULATORY COMMISSION**

[Docket Nos. CP2016–223; CP2017–130; CP2017–131]

**New Postal Products**

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Notice.

**SUMMARY:** The Commission is noticing recent Postal Service filings for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* March 21, 2017.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

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

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. Introduction
- II. Docketed Proceeding(s)

**I. Introduction**

The Commission gives notice that the Postal Service filed request(s) for the

Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

## II. Docketed Proceeding(s)

1. *Docket No(s)*: CP2016–223; *Filing Title*: Notice of the United States Postal Service of Filing Modification to Global Expedited Package Services 3 Negotiated Service Agreement; *Filing Acceptance Date*: March 13, 2017; *Filing Authority*: 39 CFR 3015.5; *Public Representative*: Kenneth R. Moeller; *Comments Due*: March 21, 2017.

2. *Docket No(s)*: CP2017–130; *Filing Title*: Notice of United States Postal Service of Filing Functionally Equivalent Inbound Competitive Multi-Service Agreement with a Foreign Postal Operator, and Application for Non-Public Treatment of Materials; *Filing Acceptance Date*: March 13, 2017; *Filing Authority*: 39 CFR 3015.5; *Public*

*Representative*: Natalie R. Ward; *Comments Due*: March 21, 2017.

3. *Docket No(s)*: CP2017–131; *Filing Title*: Notice of United States Postal Service of Filing Functionally Equivalent Inbound Competitive Multi-Service Agreement with a Foreign Postal Operator, and Application for Non-Public Treatment of Materials; *Filing Acceptance Date*: March 13, 2017; *Filing Authority*: 39 CFR 3015.5; *Public Representative*: Natalie R. Ward; *Comments Due*: March 21, 2017.

This notice will be published in the **Federal Register**.

**Ruth Ann Abrams**,

*Acting Secretary*.

[FR Doc. 2017–05412 Filed 3–17–17; 8:45 am]

**BILLING CODE 7710–FW–P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80244; File No. SR–Phlx–2017–24]

### Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Pricing for NDX and MNX

March 14, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on March 9, 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,”<sup>3</sup> to amend pricing related to options overlying NDX<sup>4</sup> and MNX.<sup>5</sup>

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.

##### 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 pricing related to NDX and MNX by adopting Options Transaction Charges for NDX and MNX and also eliminating the Marketing Fee for NDX and MNX.<sup>6</sup> The Exchange notes that both NDX and MNX are transitioning to be exclusively listed on the Exchange and its affiliated markets in 2017.<sup>7</sup>

Today, the Exchange assesses transactions in NDX and MNX the following Options Transaction Charges for non-Penny Pilot Options: A \$0.75 per contract for electronic Professional<sup>8</sup> transactions and \$0.25 per contract for floor Professional transactions; \$0.25 per contract for Specialist<sup>9</sup> and Market Maker<sup>10</sup> electronic transactions and

<sup>6</sup> The Exchange initially filed the proposed pricing change on February 28, 2017 (SR–Phlx–2017–20). On March 8, 2017, the Exchange withdrew that filing and submitted this filing.

<sup>7</sup> The Exchange will exclusively list NDX and MNX in the near future upon expiration of open expiries in these products on other markets.

<sup>8</sup> The term “Professional” applies to transactions for the accounts of Professionals, as defined in Exchange Rule 1000(b)(14).

<sup>9</sup> The term “Specialist” applies to transactions for the account of a Specialist (as defined in Exchange Rule 1020(a)).

<sup>10</sup> The term “Market Maker” describes fees and rebates applicable to Registered Options Traders (“ROT”), Streaming Quote Traders (“SQT”) and Remote Streaming Quote Traders (“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. A ROT includes SQTs and RSQTs as well as on and off-floor ROTs. 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 1014(b)(ii)(B) as an ROT that

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> These fees include options overlying equities, ETFs, ETNs and indexes which are Multiply Listed.

<sup>4</sup> NDX represents options on the Nasdaq 100 Index traded under the symbol NDX (“NDX”).

<sup>5</sup> MNX represents options on one-tenth the value of the Nasdaq 100 Index traded under the symbol MNX (“MNX”).

\$0.35 per contract for Specialist and Market Maker floor transactions; \$0.75 per contract for Broker-Dealer<sup>11</sup> electronic transactions and \$0.25 per contract for floor Broker-Dealer transactions; and \$0.75 per contract for Firm<sup>12</sup> electronic transactions and \$0.25 per contract for Firm floor transactions. Today, Customers<sup>13</sup> are not assessed a non-Penny Options Transaction Charge for NDX and MNX transactions. Also, today, all Non-Customers<sup>14</sup> are assessed a \$0.25 per contract surcharge in NDX and MNX.

The Exchange proposes to indicate that the Options Transaction charges for non-Penny Pilot Options will not apply to NDX and MNX transactions and instead adopt new pricing for NDX and MNX. The Exchange proposes to adopt the following Options Transaction Charges for NDX and MNX. Customers will continue to not be assessed an Options Transaction Charge for NDX and MNX. Professionals will be assessed the same \$0.75 per contract electronic Options Transaction Charge and an increased floor Options Transaction Charge of \$0.75 per contract<sup>15</sup> for NDX and MNX transactions. A Specialist and Market Maker will be assessed an increased electronic Options Transaction Charge of \$0.75 per contract<sup>16</sup> and the same \$0.35 per contract floor Options Transaction Charge for NDX and MNX transactions. A Broker-Dealer will be assessed the same \$0.75 per contract electronic

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).

<sup>11</sup> The term "Broker-Dealer" applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

<sup>12</sup> 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.

<sup>13</sup> 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)).

<sup>14</sup> The term "Non-Customer" applies to transactions for the accounts of Specialists, Market Makers, Firms, Professionals, Broker-Dealers and Joint Back Office.

<sup>15</sup> Today, a Professional is assessed a \$0.25 per contract floor Options Transaction Charge when transacting NDX and MNX.

<sup>16</sup> Today, a Specialist and Market Maker are assessed a \$0.25 per contract floor Options Transaction Charge when transacting NDX and MNX.

Options Transaction Charge and an increased floor Options Transaction Charge of \$0.75 per contract<sup>17</sup> for NDX and MNX transactions. Finally, a Firm will be assessed the same \$0.75 per contract electronic Options Transaction Charge and an increased floor Options Transaction Charge of \$0.75 per contract<sup>18</sup> for NDX and MNX transactions. The Exchange will continue to assess Non-Customers an Options Surcharge for NDX and MNX of \$0.25 per contract as is the case today.<sup>19</sup> The Exchange is proposing to relocate the surcharge to a new note 5 within the Pricing Schedule instead of stating the pricing within the current table in Section II of the Pricing Schedule.

The Exchange is also proposing to note that a Marketing Fee<sup>20</sup> will not be assessed on NDX and MNX. Today, for trades resulting from either Directed or non-Directed Orders that are delivered electronically and executed on the Exchange, Specialists, Market Makers and Directed ROTs are assessed certain fees on those trades when the Specialist unit or Directed ROT elects to participate in the marketing program. Specifically, the Exchange assesses options that are trading in the Penny Pilot Program \$0.25 per contract and the remaining equity options are assessed \$0.70 per contract (including NDX and MNX). No Marketing Fees are assessed on trades that are not delivered electronically. No Marketing Fees are assessed on Professional orders. Marketing Fees are assessed on transactions resulting from Customer orders and are available to be disbursed by the Exchange according to the

<sup>17</sup> Today, a Broker-Dealer is assessed a \$0.25 per contract floor Options Transaction Charge when transacting NDX and MNX.

<sup>18</sup> Today, a Firm is assessed a \$0.25 per contract floor Options Transaction Charge when transacting NDX and MNX.

<sup>19</sup> For clarity, the Exchange is amending the Customer charge from "N/A" to "\$0.00." The Exchange believes that \$0.00 is more appropriate to reflect no charge.

<sup>20</sup> The Exchange's Marketing Fee helps its Specialists and Directed Registered Options Traders ("Directed ROTs") establish payment arrangements with an order flow provider in exchange for that order flow provider directing some or all of its order flow to that Specialist or Directed ROT. This program is funded through fees paid by Registered Options Traders ("ROTs"), Specialists and Directed ROTs and assessed on transactions resulting from customer orders. A Registered Option Trader 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. See Exchange Rule 1014 (b)(i) and (ii). A "Directed ROT" is an ROT who is a Directed Participant. The term "Directed Participant" applies to transactions for the account of a Specialist or ROT resulting from a customer order that is (1) directed to it by an order flow provider, and (2) executed by it electronically on Phlx XL II.

instructions of the Specialist units/ Specialists or Directed ROTs to order flow providers who are members or member organizations, who submit, as agent, Customer orders to the Exchange or non-members or non-member organizations who submit, as agent, Customer orders to the Exchange through a member or member organization who is acting as agent for those Customer orders.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>21</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>22</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The 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."<sup>23</sup>

Likewise, in *NetCoalition v. Securities and Exchange Commission*<sup>24</sup> ("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.<sup>25</sup> 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."<sup>26</sup>

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-

<sup>21</sup> 15 U.S.C. 78f(b).

<sup>22</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>23</sup> Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

<sup>24</sup> *NetCoalition v. SEC*, 615 F.3d 525 (D.C. Cir. 2010).

<sup>25</sup> See *NetCoalition*, at 534–535.

<sup>26</sup> *Id.* at 537.

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'. . . .'<sup>27</sup> 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.

The Exchange's proposal to increase the floor Options Transaction Charges for Professionals, Firms and Broker-Dealers from \$0.25 to \$0.75 per contract for NDX and MNX is reasonable because the Exchange is assessing the same transaction fee whether the transaction occurred electronically or on the Exchange's trading floor for these market participants. The Exchange's increase for this proprietary product is competitive when compared with similar proprietary products.<sup>28</sup>

With respect to Specialists and Market Makers, the electronic Options Transaction Charge for NDX and MNX will be \$0.75 per contract, similar to other Non-Customer market participants. The Exchange believes that it is reasonable to assess Specialists and Market Makers the same electronic Options Transactions Charge in NDX and MNX as other market participants, except Customers. The Exchange's increase for this proprietary product is competitive when compared with similar proprietary products.<sup>29</sup> The Specialist and Market Maker floor Options Transaction Charge is not being amended and will remain at \$0.35 per contract. The Exchange will continue to assess a Specialist and Market Maker Options Transaction Charge of \$0.35 per contract for floor transactions in NDX and MNX because the Exchange desires to incentivize Specialists and Market Makers to continue to make markets in

the NDX and MNX products on the trading floor.

The Exchange's proposal to increase the floor Options Transaction Charges for Professionals, Firms and Broker-Dealers from \$0.25 to \$0.75 per contract for NDX and MNX is equitable and not unfairly discriminatory because the Exchange will uniformly assess a \$0.75 per contract Options Transaction Charges for all market participants, except for Customers, Specialists and Market Makers transacting on the floor, regardless of whether the transaction is submitted electronically or on the floor. The Exchange believes that assessing Customers no transaction fee for NDX and MNX is equitable and not unfairly discriminatory because Customer orders bring valuable liquidity to the market, which liquidity benefits other market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

With respect to Specialists and Market Makers, the electronic Options Transaction Charge for NDX and MNX will be \$0.75 per contract, similar to other market participants. While this fee is increasing from \$0.25 to \$0.75 per contract, the Exchange, as proposed herein, will no longer assess a Marketing Fee for transactions in NDX and MNX, thereby effectively lowering the rate. For example, today, a Specialist or Market Maker transacting an electronic order in NDX or MNX will be assessed a \$0.25 per contract Options Transaction Charge in non-Penny Pilot Options, a \$0.25 per contract Options Surcharge and a \$0.70 per contract Marketing Fee for a total charge of \$1.20. With this proposal, a Specialist or Market Maker transacting an electronic order for NDX or MNX will be assessed a \$0.75 per contract Options Transaction Charge and a \$0.25 per contract Options Surcharge for a total charge of \$1.00. No Marketing Fee would be assessed. While all Non-Customer market participants would be assessed an electronic Options Transaction Charge of \$0.75 per contract for NDX or MNX, a Specialist or Market Maker will be assessed a lower total transaction charge as explained above, compared to today.

The Exchange believes that assessing Specialist and Market Makers a lower floor Options Transaction Charge of \$0.35 per contract for options overlying NDX and MNX and a higher electronic

Options Transaction Charge of \$0.75 per contract is equitable and not unfairly discriminatory. Unlike other market participants, Specialists and Market Makers have obligations to the market and regulatory requirements, which normally do not apply to other market participants.<sup>30</sup> They have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings. The differentiation as between Specialists and Market Makers and all other market participants recognizes the differing contributions made to the liquidity and trading environment on the Exchange by these market participants. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. Further, Specialists and Market Makers have a time and place advantage on the trading floor with respect to orders, unlike other market participants. A Professional, Broker-Dealer or a Firm would necessarily require a floor broker to represent their trading interest on the trading floor as compared to a Specialist or Market Maker that could directly transact such orders on the trading floor. For these reasons, the Exchange is encouraging Specialists and Market Makers to transact NDX and MNX on the trading floor and recognizing the obligations of these market participants as compared to other market participants.

The Exchange notes that the proposed rule changes are reasonable, equitable and not unfairly discriminatory as NDX and MNX transition to exclusively listed products. Similar to other proprietary products, the Exchange seeks to recoup the operational costs<sup>31</sup> for listing proprietary products. Also, pricing by symbol is a common practice on many U.S. options exchanges as a means to incentivize order flow to be sent to an exchange for execution in particular products. Other options exchanges price by symbol.<sup>32</sup> Further, the Exchange notes that with its products, market participants are offered an opportunity to either transact options overlying NDX and MNX or separately execute options

<sup>27</sup> *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)).

<sup>28</sup> See Chicago Board Options Exchange, Incorporated's ("CBOE") Fees Schedule. Russell 2000 Index ("RUT") options transactions on CBOE, except customers, are assessed a \$0.45 per contract surcharge. CBOE assesses Professionals and Broker-Dealers a manual and AIM transaction fee of \$0.25 per contract and a non-AIM transaction fee of \$0.65 per contract. CBOE assesses Clearing Trade Permit Holders a transaction fee of \$0.22 [sic] per contract, subject to a sliding scale.

<sup>29</sup> See CBOE's Fees Schedule. RUT transactions on CBOE, except customers, are assessed a \$0.45 per contract surcharge. CBOE assesses market makers a manual and AIM transaction fee of \$0.25 per contract for RUT transactions. CBOE assesses market makers a non-AIM electronic transaction fee of \$0.65 per contract for RUT transactions.

<sup>30</sup> See Phlx Rule 1014.

<sup>31</sup> By way of example, in analyzing an obvious error, the Exchange would have additional data points available in establishing a theoretical price for a Multiply Listed Option as compared to a proprietary product, which requires additional analysis and administrative time to comply with Exchange rules to resolve an obvious error.

<sup>32</sup> See pricing for RUT on CBOE's Fees Schedule.

overlying PowerShares QQQ Trust (“QQQ”).<sup>33</sup> Offering products such as QQQ provides market participants with a variety of choices in selecting the product they desire to utilize to transact NDX and MNX.<sup>34</sup> When exchanges are able to recoup costs associated with offering proprietary products, it incentivizes growth and competition for the innovation of additional products.

The Exchange’s proposal to eliminate the Marketing Fee for NDX and MNX is reasonable because in light of the transition of NDX and MNX to exclusively listed products and new pricing, the Exchange is increasing the Specialist and Market Maker electronic Options Transaction Charges for options overlying NDX and MNX. By removing the Marketing Fee, Specialists and Market Makers will avoid an increase in costs.

The Exchange’s proposal to eliminate the Marketing Fee for NDX and MNX is equitable and not unfairly discriminatory because in light of the transition of NDX and MNX to exclusively listed products and new pricing, the elimination of this fee will cause Specialists and Market Makers to continue to be assessed a lower total charge for the transaction as compared to other market participants.

#### *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’s proposal to increase the floor Options Transaction Charges for Professionals, Firms and Broker-Dealers from \$0.25 to \$0.75 per contract for NDX and MNX does not impose an undue burden on intra-market competition because the Exchange will uniformly assess a \$0.75 per contract Options Transaction Charge for all market participants, except for Customers and Specialists and Markets transacting on the floor, regardless of whether the transaction is submitted electronically or on the floor. The Exchange believes that assessing Customers no transaction fee for NDX and MNX does not impose an undue burden on intra-market competition because Customer orders bring valuable liquidity to the market, which liquidity benefits other market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attract Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. It is also important to note that despite the fee increases with respect to NDX, members may continue to separately execute options overlying PowerShares QQQ Trust (“QQQ”).<sup>35</sup>

With respect to Specialists and Market Makers, increasing the electronic Options Transaction Charge for NDX and MNX from \$0.25 to \$0.75 per contract, the Exchange, as proposed herein, does not impose an undue burden on intra-market competition as the Exchange will no longer assess a Marketing Fee for on NDX and MNX, thereby effectively lowering the rate. The Exchange believes that assessing Specialists and Market Makers a lower floor Options Transaction Charge of \$0.35 per contract for NDX and MNX and a higher electronic Options Transaction Charge of \$0.75 per contract does not impose an undue burden on

intra-market competition. Unlike other market participants, Specialists and Market Makers have obligations to the market and regulatory requirements, which normally do not apply to other market participants.<sup>36</sup> They have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings. The differentiation as between Specialists and Market Makers and all other market participants recognizes the differing contributions made to the liquidity and trading environment on the Exchange by these market participants. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. Further, Specialists and Market Makers have a time and place advantage on the trading floor with respect to orders, unlike other market participants. A Professional, Broker-Dealer or a Firm would necessarily require a floor broker to represent their trading interest on the trading floor as compared to a Specialist or Market Maker that could directly transact such orders on the trading floor. For these reasons, the Exchange is encouraging Specialists and Market Makers to transact NDX and MNX on the trading floor and recognizing the obligations of these market participants as compared to other market participants.

The Exchange’s proposal to eliminate the Marketing Fee for NDX and MNX does not impose an undue burden on intra-market competition because the elimination of this fee will cause Specialists and Market Makers to continue to be assessed a lower total charge for the transaction as compared to other market participants.

#### *C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>37</sup>

At any time within 60 days of the filing of the proposed rule change, the

<sup>33</sup> QQQ is an exchange-traded fund based on the Nasdaq-100 Index®.

<sup>34</sup> By comparison, a market participant may trade options overlying RUT or separately the market participant has the choice of trading iShares Russell 2000 Index Fund (“IWM”) Exchange-Traded Fund Shares options, which are also multiply listed.

<sup>35</sup> By comparison, a market participant may trade options overlying RUT or separately the market participant has the choice of trading iShares Russell 2000 Index Fund (“IWM”) Exchange-Traded Fund Shares options, which are also multiply listed.

<sup>36</sup> See note 28.

<sup>37</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-Phlx-2017-24 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-2017-24. 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-2017-24, and should be submitted on or before April 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>38</sup>

**Robert W. Errett,**

*Deputy Secretary.*

[FR Doc. 2017-05409 Filed 3-17-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80243; File No. SR-Phlx-2017-23]

### Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Address of the Exchange and Its Shareholder

March 14, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on March 3, 2017, NASDAQ PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the addresses for Phlx and its shareholder, Nasdaq, Inc.

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.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

Phlx is planning to relocate from its current location at 1900 Market Street in Philadelphia, Pennsylvania to a new location at FMC Tower, 2929 Walnut Street in Philadelphia, Pennsylvania. The relocation is currently scheduled to occur in April 2017.

The purpose of this rule change is to amend the Second Amended Limited Liability Company Agreement of NASDAQ PHLX LLC as well as Rule 60, entitled "Sanctions for Breach of Regulations" to amend the addresses referenced therein for Phlx. In addition, the Second Amended Limited Liability Company Agreement lists the address of Phlx's shareholder, Nasdaq, Inc. The Exchange proposes to amend that address as well. The description for each change is below.

##### Change to 1900 Market Street Address

As noted above, Phlx will relocate in April 2017 to a new address at FMC Tower, 2929 Walnut Street in Philadelphia, Pennsylvania. The Second Amended Limited Liability Company Agreement and Rule 60 currently contain references to Phlx's current address at 1900 Market Street. The Exchange proposes to amend the Phlx address as of April 1, 2017 to the new address at FMC Tower, 2929 Walnut Street in Philadelphia, Pennsylvania.

##### Change to Nasdaq, Inc. Address

Nasdaq, Inc., the sole shareholder of Phlx, is currently listed in the Second Amended Limited Liability Company Agreement with an address of 1900 Market Street, Philadelphia, Pennsylvania. At this time the Exchange proposes to list the address of its shareholder at One Liberty Plaza, New York, NY 10006. This address is the headquarters of Nasdaq, Inc.

The Exchange proposes that the Phlx address rule change will become operative on April 1, 2017.

##### 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>3</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>4</sup>

<sup>38</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78f(b).

<sup>4</sup> 15 U.S.C. 78f(b)(5).



in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by amending its Second Amended Limited Liability Company Agreement and Rule 60 to properly reflect the addresses of Phlx and its shareholder. It is consistent with the Act to maintain accurate information in its Rulebook as to the address of the Exchange. The shareholder information in the Second Amended Limited Liability Company Agreement is being amended to more accurately reflect the address of the shareholder.

#### *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. The proposed rule changes will accurately reflect the addresses of Phlx and its shareholder and will not impose an undue burden on competition.

#### *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**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>5</sup> and subparagraph (f)(6) of Rule 19b-4 thereunder.<sup>6</sup>

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act<sup>7</sup> normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)<sup>8</sup>

permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Exchange to update the address for Phlx and its sole shareholder, Nasdaq, Inc., as of April 1, 2017 to coincide with the relocation plans. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.<sup>9</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-Phlx-2017-23 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-2017-23. 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/>

<sup>9</sup> For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[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-2017-23 and should be submitted on or before April 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>10</sup>

**Robert W. Errett,**  
*Deputy Secretary.*

[FR Doc. 2017-05408 Filed 3-17-17; 8:45 am]

**BILLING CODE 8011-01-P**

### **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-80241; File No. SR-Phlx-2017-04]

#### **Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Permit the Listing and Trading of P.M.-Settled NASDAQ-100 Index® Options on a Pilot Basis**

March 14, 2017.

On January 18, 2017, NASDAQ PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to permit the listing and trading of P.M.-settled NASDAQ-100 Index® options on a pilot basis. The proposed rule change was published for comment in the **Federal Register** on February 3,

<sup>10</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>5</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>6</sup> 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.

<sup>7</sup> 17 CFR 240.19b-4(f)(6).

<sup>8</sup> 17 CFR 240.19b-4(f)(6)(iii).



2017.<sup>3</sup> The Commission has received no comment letters on the proposal.

Section 19(b)(2) of the Act<sup>4</sup> provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is March 20, 2017.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider and take action on the Exchange's proposed rule change.

Accordingly, pursuant to Section 19(b)(2) of the Act<sup>5</sup> and for the reasons stated above, the Commission designates May 4, 2017, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-Phlx-2017-04).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>6</sup>

**Robert W. Errett,**  
*Deputy Secretary.*

[FR Doc. 2017-05406 Filed 3-17-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80235; File No. SR-FICC-2017-001]

### Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To (1) Implement the Margin Proxy, (2) Modify the Calculation of the Coverage Charge in Circumstances Where the Margin Proxy Applies, and (3) Make Certain Technical Corrections

March 14, 2017.

On February 2, 2017, Fixed Income Clearing Corporation ("FICC") filed

with the Securities and Exchange Commission ("Commission") proposed rule change SR-FICC-2017-001 ("Proposed Rule Change") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> to establish a supplemental Value-at-Risk charge ("VaR Charge") calculation in FICC's Government Securities Division ("GSD") margin model.<sup>3</sup> The proposed rule change was published for comment in the **Federal Register** on February 9, 2017.<sup>4</sup> The Commission received three comment letters to the Proposed Rule Change.<sup>5</sup>

Section 19(b)(2) of the Act<sup>6</sup> provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is March 26, 2017.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> On February 2, 2017, FICC also filed this proposed rule change as advance notice SR-FICC-2017-801 ("Advance Notice") with the Commission pursuant to Section 806(e)(1) of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act of 2010, 12 U.S.C. 5465(e)(1), and Rule 19b-4(n)(1)(i) of the Act, 17 CFR 240.19b-4(n)(1)(i). Notice of filing of the Advance Notice was published for comment in the **Federal Register** on March 8, 2017. Securities Exchange Act Release No. 80139 (March 2, 2017), 82 FR 13026 (March 8, 2017) (SR-FICC-2017-801). The Commission shall have until April 3, 2017 to object or not object to the Advance Notice. The proposal in the Proposed Rule Change and the Advance Notice shall not take effect until all regulatory actions required with respect to the proposal are completed.

<sup>4</sup> Securities Exchange Act Release No. 79958 (February 3, 2017), 82 FR 10117 (February 9, 2017) (SR-FICC-2017-001).

<sup>5</sup> See letter from Robert E. Pooler, Chief Financial Officer, Ronin Capital LLC ("Ronan"), dated February 24, 2017, to Eduardo A. Aleman, Assistant Secretary, Commission ("Ronin Letter"); letter from Alan Levy, Managing Director, Industrial and Commercial Bank of China Financial Services LLC ("ICBCFS"), dated February 24, 2017 ("ICBCFS Letter"); and letter from Timothy J. Cuddihy, Managing Director, FICC, dated March 8, 2017, to Eduardo A. Aleman, Assistant Secretary, Commission ("FICC Letter"), available at <https://www.sec.gov/comments/sr-ficc-2017-001/ficc2017001.htm>. Since the proposal contained in the Proposed Rule Change was also filed as an Advance Notice, Release No. 80139, *supra* note 3, the Commission is considering all public comments received on the proposal regardless of whether the comments are submitted to the Proposed Rule Change or the Advance Notice.

<sup>6</sup> 15 U.S.C. 78s(b)(2).

The Commission is extending this 45-day time period.

In order to provide the Commission with sufficient time to consider the Proposed Rule Change, the Commission finds that it is appropriate to designate a longer period within which to take action on the Proposed Rule Change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>7</sup> designates May 10, 2017 as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove proposed rule change SR-FICC-2017-001.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>8</sup>

**Robert W. Errett,**  
*Deputy Secretary.*

[FR Doc. 2017-05402 Filed 3-17-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80245; File No. 265-29]

### Equity Market Structure Advisory Committee

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** The Securities and Exchange Commission Equity Market Structure Advisory Committee is providing notice that it will hold a public meeting on Wednesday, April 5, 2017, in Multi-Purpose Room LL-006 at the Commission's headquarters, 100 F Street NE., Washington, DC. The meeting will begin at 9:30 a.m. (EDT) and will be open to the public. The public portions of the meeting will be webcast on the Commission's Web site at [www.sec.gov](http://www.sec.gov). Persons needing special accommodations to take part because of a disability should notify the contact person listed below. The public is invited to submit written statements to the Committee. The meeting will focus on potential recommendations and updates from the four subcommittees.

**DATES:** The public meeting will be held on Wednesday, April 5, 2017. Written statements should be received on or before March 29, 2017.

**ADDRESSES:** The meeting will be held at the Commission's headquarters, 100 F Street NE., Washington, DC. Written statements may be submitted by any of the following methods:

<sup>7</sup> *Id.*

<sup>8</sup> 17 CFR 200.30-3(a)(31).

<sup>3</sup> See Securities Exchange Act Release No. 79894 (January 30, 2017), 82 FR 9259.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> 15 U.S.C. 78s(b)(2).

<sup>6</sup> 17 CFR 200.30-3(a)(31).

*Electronic Statements*

- Use the Commission's Internet submission form (<http://www.sec.gov/rules/other.shtml>); or

- Send an email message to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number 265–29 on the subject line; or

*Paper Statements*

- Send paper statements in triplicate to Brent J. Fields, Federal Advisory Committee Management Officer, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. 265–29. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method. The Commission will post all statements on the Commission's Internet Web site at SEC Web site at (<http://www.sec.gov/comments/265-29/265-29.shtml>).

Statements also will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Room 1580, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All statements received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:** Arisa Tinaves Kettig, Senior Special Counsel, at (202) 551–5676, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–7010.

**SUPPLEMENTARY INFORMATION:** In accordance with Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C.–App. 1, and the regulations thereunder, Heather Seidel, Designated Federal Officer of the Committee, has ordered publication of this notice.

Dated: March 14, 2017.

**Brent J. Fields,**

*Committee Management Officer.*

[FR Doc. 2017–05398 Filed 3–17–17; 8:45 am]

**BILLING CODE 8011–01–P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34–80237; File No. SR–NASDAQ–2017–025]

**Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Proposed Rule Change To List and Trade Exchange-Traded Managed Funds**

March 14, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on March 1, 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 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 list and trade under Nasdaq Rule 5745 (Exchange-Traded Managed Fund Shares (“NextShares”)) the common shares (“Shares”) of the exchange-traded managed fund described herein (the “Fund”).<sup>3</sup>

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

The Exchange proposes to list and trade the Shares of the Fund under Nasdaq Rule 5745, which governs the listing and trading of exchange-traded managed fund shares, as defined in Nasdaq Rule 5745(c)(1), on the Exchange.<sup>4</sup> The Trust listed below will be registered with the Commission as an open-end investment company and has filed a registration statement on Form N–1A (“Registration Statement”) with the Commission. The Fund is a series of a Trust and will be advised by an investment adviser registered under the Investment Advisers Act of 1940 (“Adviser”), as described below. The Fund will be actively managed and will pursue the principal investment strategy, as noted below.<sup>5</sup>

I. Hartford Funds NextShares™ Trust

Hartford Funds NextShares™ Trust (“Hartford Funds Trust”) will be registered with the Commission as an open-end investment company and has filed a Registration Statement with the Commission.<sup>6</sup> The following Fund is a series of Hartford Funds Trust.<sup>7</sup>

Hartford Funds Management Company, LLC (the “Adviser”) will be the adviser to the Fund and Wellington Management Company LLP will the sub-adviser to the Fund (the “Sub-Adviser”). Each of the Adviser and the Sub-Adviser is a registered broker-dealer or affiliated with a broker-dealer, and each of the Adviser and the Sub-Adviser has implemented a fire wall with respect to its affiliated broker-dealer regarding access to information concerning the composition and/or

<sup>4</sup> The Commission approved Nasdaq Rule 5745 in Securities Exchange Act Release No. 34–73562 (Nov. 7, 2014), 79 FR 68309 (Nov. 14, 2014) (SR–NASDAQ–014–020) [sic].

<sup>5</sup> Additional information regarding the Fund will be available on the free public Web site for the Fund and in the Registration Statements [sic] for the Fund.

<sup>6</sup> See initial Registration Statement on Form N–1A for Hartford Funds NextShares Trust dated November 30, 2016 (File Nos. 333–214842 and 811–23215). The descriptions of the Fund and the Shares contained herein conform to the initial Registration Statement.

<sup>7</sup> The Commission has issued an order granting Hartford Funds NextShares Trust and certain affiliates exemptive relief under the Investment Company Act. See Investment Company Act Release No. 31607 (May 19, 2015) (File No. 812–14439).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> Except for the specific Fund information set forth below, this rule filing conforms to the rule filing, as modified by amendments 1 and 2 thereto, relating to the listing and trading on Nasdaq of the shares of 18 series of the Eaton Vance ETMF Trust and the Eaton Vance ETMF Trust II, as approved by the Commission in Securities Exchange Act Release No. 75499 (July 21, 2015) (SR–NASDAQ–2015–036).

changes to the Fund's portfolio.<sup>8</sup> In the future event that (a) the Adviser or the Sub-Adviser registers as a broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new adviser or a sub-adviser to the Fund is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, if applicable, regarding access to information concerning the composition and/or changes to the Fund's portfolio and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

ALPS Distributors, Inc. ("ALPS") will be the principal underwriter and distributor of the Fund's Shares. Hartford Funds Management Company, LLC will act as the administrator and accounting agent to the Fund; State Street Bank and Trust Company will act as sub-administrator, sub-accounting agent, transfer agent and custodian to the Fund.

The Fund will be actively managed and will pursue the principal investment strategy described below.<sup>9</sup>

Hartford Global Impact NextShares™ Fund

The investment objective of the Fund is long-term capital appreciation. The Fund seeks to achieve its objective by investing all of its assets in shares of the Global Impact Master Portfolio (the "Master Portfolio;" references to the

<sup>8</sup> An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the "Advisers Act"). As a result, each of the Adviser and the Sub-Adviser, and its related personnel, are subject to the provisions of Rule 204A-1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A-1 under the Advisers Act. In addition, Rule 206(4)-7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

<sup>9</sup> Additional information regarding the Fund will be available on a free public Web site for the Fund ([www.hartfordfunds.com](http://www.hartfordfunds.com) or [www.nextshares.com](http://www.nextshares.com)) and in the Registration Statement for the Fund.

"Fund" include, where applicable, the Master Portfolio), which has the same investment objective and strategy as the Fund. The Fund invests in equity securities of issuers located throughout the world, including non-dollar securities and securities of emerging market issuers. The Fund seeks to invest in companies that focus their operations in areas that the Sub-Adviser believes are likely to address major social and environmental challenges. The Fund may invest in companies of any market capitalization, including small capitalization securities.

#### Creations and Redemptions of Shares

Shares will be issued and redeemed on a daily basis at the Fund's next-determined net asset value ("NAV")<sup>10</sup> in specified blocks of Shares called "Creation Units." A Creation Unit will consist of at least 25,000 Shares. Creation Units may be purchased and redeemed by or through "Authorized Participants."<sup>11</sup> Purchases and sales of Shares in amounts less than a Creation Unit may be effected only in the secondary market, as described below, and not directly with the Fund.

The creation and redemption process for the Fund may be effected "in kind," in cash, or in a combination of securities and cash. Creation "in kind" means that an Authorized Participant—usually a brokerage house or large institutional investor—purchases the Creation Unit with a basket of securities equal in value to the aggregate NAV of the Shares in the Creation Unit. When an Authorized Participant redeems a Creation Unit in kind, it receives a basket of securities equal in value to the aggregate NAV of the Shares in the Creation Unit.<sup>12</sup>

<sup>10</sup> As with other registered open-end investment companies, NAV generally will be calculated daily Monday through Friday as of the close of regular trading on the New York Stock Exchange, normally 4:00 p.m. Eastern Time. NAV will be calculated by dividing the Fund's net asset value by the number of Shares outstanding. Information regarding the valuation of investments in calculating the Fund's NAV will be contained in the Registration Statement for its Shares.

<sup>11</sup> "Authorized Participants" will be either: (1) "participating parties," *i.e.*, brokers or other participants in the Continuous Net Settlement System ("CNS System") of the National Securities Clearing Corporation ("NSCC"), a clearing agency registered with the Commission and affiliated with the Depository Trust Company ("DTC"), or (2) DTC participants, which in either case have executed participant agreements with the Fund's distributor and transfer agent regarding the creation and redemption of Creation Units. Investors will not have to be Authorized Participants in order to transact in Creation Units, but must place an order through and make appropriate arrangements with an Authorized Participant for such transactions.

<sup>12</sup> In compliance with Nasdaq Rule 5745(b)(5), which applies to Shares based on an international or global portfolio, Hartford Funds Trust's application for exemptive relief under the

#### Composition File

As defined in Nasdaq Rule 5745(c)(3), the Composition File is the specified portfolio of securities and/or cash that the Fund will accept as a deposit in issuing a Creation Unit of Shares, and the specified portfolio of securities and/or cash that the Fund will deliver in a redemption of a Creation Unit of Shares. The Composition File will be disseminated through the NSCC once each business day before the open of trading in Shares on such day and also will be made available to the public each day on a free Web site.<sup>13</sup> Because the Fund seeks to preserve the confidentiality of its current portfolio trading program, the Fund's Composition File generally will not be a pro rata reflection of the Fund's investment positions. Each security included in the Composition File will be a current holding of the Fund, but the Composition File generally will not include all of the securities in the Fund's portfolio or match the weightings of the included securities in the portfolio. Securities that the Adviser or the Sub-Adviser is in the process of acquiring for the Fund generally will not be represented in the Fund's Composition File until their purchase has been completed. Similarly, securities that are held in the Fund's portfolio but in the process of being sold may not be removed from its Composition File until the sale program is substantially completed. To the extent that the Fund creates or redeems Shares in kind, it will use cash amounts to supplement the in-kind transactions to the extent necessary to ensure that Creation Units are purchased and redeemed at NAV. The Composition File also may consist entirely of cash, in which case it will not include any of the securities in the Fund's portfolio.<sup>14</sup>

Investment Company Act states that the Trust will comply with the federal securities laws in accepting securities for deposits and satisfying redemptions with securities, including that the securities accepted for deposits and the securities used to satisfy redemption requests are sold in transactions that would be exempt from registration under the Securities Act of 1933, as amended (15 U.S.C. 77a) ("Securities Act").

<sup>13</sup> The free Web site containing the Composition File will be [www.hartfordfunds.com](http://www.hartfordfunds.com) or [www.nextshares.com](http://www.nextshares.com) [sic].

<sup>14</sup> In determining whether the Fund will issue or redeem Creation Units entirely on a cash basis, the key consideration will be the benefit that would accrue to the Fund and its investors. For instance, in bond transactions, the Adviser or the Sub-Adviser may be able to obtain better execution for the Fund than Authorized Participants because of the Adviser's or Sub-Adviser's size, experience and potentially stronger relationships in the fixed-income markets.

## Transaction Fees

All persons purchasing or redeeming Creation Units are expected to incur a transaction fee to cover the estimated cost to the Fund of processing the transaction, including the costs of clearance and settlement charged to it by NSCC or DTC, and the estimated trading costs (*i.e.*, brokerage commissions, bid-ask spread and market impact) to be incurred in converting the Composition File to or from the desired portfolio holdings. The transaction fee is determined daily and will be limited to amounts approved by the board of trustees of the Fund and determined by the Adviser to be appropriate to defray the expenses that the Fund incurs in connection with the purchase or redemption of Creation Units. The purpose of transaction fees is to protect the Fund's existing shareholders from the dilutive costs associated with the purchase and redemption of Creation Units. Transaction fees may vary over time for the Fund depending on the estimated trading costs for its portfolio positions and Composition File, processing costs and other considerations. To the extent that the Fund specifies greater amounts of cash in its Composition File, it may impose higher transaction fees. In addition, to the extent that the Fund includes in its Composition File instruments that clear through DTC, it may impose higher transaction fees than when the Composition File consists solely of instruments that clear through NSCC, because DTC may charge more than NSCC in connection with Creation Unit transactions.<sup>15</sup> The transaction fees applicable to the Fund's purchases and redemptions on a given business day will be disseminated through the NSCC prior to the open of market trading on that day and also will be made available to the public each day on a free Web site.<sup>16</sup> In all cases, the transaction fees will be limited in accordance with the requirements of the Commission applicable to open-end management investment companies offering redeemable securities.

<sup>15</sup> Authorized Participants that participate in the CNS System of the NSCC are expected to be able to use the enhanced NSCC/CNS process for effecting in-kind purchases and redemptions of ETFs (the "NSCC Process") to purchase and redeem Creation Units of the Fund that limit the composition of its baskets to include only NSCC Process-eligible instruments (generally domestic equity securities and cash). Because the NSCC Process is generally more efficient than the DTC clearing process, NSCC is likely to charge the Fund less than DTC to settle purchases and redemptions of Creation Units.

<sup>16</sup> The free Web site will be [www.hartfordfunds.com](http://www.hartfordfunds.com) or [www.nextshares.com](http://www.nextshares.com).

## NAV-Based Trading

Because Shares will be listed and traded on the Exchange, Shares will be available for purchase and sale on an intraday basis. Shares will be purchased and sold in the secondary market at prices directly linked to the Fund's next-determined NAV using a new trading protocol called "NAV-Based Trading."<sup>17</sup> All bids, offers and execution prices of Shares will be expressed as a premium/discount (which may be zero) to the Fund's next-determined NAV (*e.g.*, NAV – \$0.01, NAV + \$0.01). The Fund's NAV will be determined each business day, normally as of 4:00 p.m. Eastern Time. Trade executions will be binding at the time orders are matched on Nasdaq's facilities, with the transaction prices contingent upon the determination of NAV.

## Trading Premiums and Discounts

Bid and offer prices for Shares will be quoted throughout the day relative to NAV. The premium or discount to NAV at which Share prices are quoted and transactions are executed will vary depending on market factors, including the balance of supply and demand for Shares among investors, transaction fees and other costs in connection with creating and redeeming Creation Units of Shares, the cost and availability of borrowing Shares, competition among market makers, the Share inventory positions and inventory strategies of market makers, the profitability requirements and business objectives of market makers, and the volume of Share trading. Reflecting such market factors, prices for Shares in the secondary market may be above, at or below NAV. Funds with higher transaction fees may trade at wider premiums or discounts to NAV than Funds with lower transaction fees, reflecting the added costs to market makers of managing their Share inventory positions through purchases and redemptions of Creation Units.

Because making markets in Shares will be simple to manage and low risk, competition among market makers seeking to earn reliable, low-risk profits should enable the Shares to routinely trade at tight bid-ask spreads and narrow premiums/discounts to NAV. As noted below, the Fund will maintain a

<sup>17</sup> Aspects of NAV-Based Trading are protected intellectual property subject to issued and pending U.S. patents held by NextShares Solutions LLC ("NextShares Solutions"), a wholly owned subsidiary of Eaton Vance Corp. Nasdaq has entered into a license agreement with NextShares Solutions to allow for NAV-Based Trading on the Exchange of exchange-traded managed funds that have themselves entered into license agreements with NextShares Solutions.

public Web site that will be updated on a daily basis to show current and historical trading spreads and premiums/discounts of Shares trading in the secondary market.<sup>18</sup>

*Transmitting and Processing Orders.* Member firms will utilize certain existing order types and interfaces to transmit Share bids and offers to Nasdaq, which will process Share trades like trades in shares of other listed securities.<sup>19</sup> In the systems used to transmit and process transactions in Shares, the Fund's next-determined NAV will be represented by a proxy price (*e.g.*, 100.00) and a premium/discount of a stated amount to the next-determined NAV to be represented by the same increment/decrement from the proxy price used to denote NAV (*e.g.*, NAV – \$0.01 would be represented as 99.99; NAV + \$0.01 as 100.01).

To avoid potential investor confusion, Nasdaq will work with member firms and providers of market data services to seek to ensure that representations of intraday bids, offers and execution prices of Shares that are made available to the investing public follow the "NAV – \$0.01/NAV + \$0.01" (or similar) display format. All Shares listed on the Exchange will have a unique identifier associated with their ticker symbols, which would indicate that the Shares are traded using NAV-Based Trading. Nasdaq makes available to member firms and market data services certain proprietary data feeds that are designed to supplement the market information disseminated through the consolidated tape ("Consolidated Tape"). Specifically, the Exchange will use the NASDAQ Basic and NASDAQ Last Sale data feeds to disseminate intraday price and quote data for Shares in real time in the "NAV – 0.01/NAV + \$0.01" (or similar) display format. Member firms could use the NASDAQ Basic and NASDAQ Last Sale data feeds to source intraday Share prices for presentation to the investing public in the "NAV – \$0.01/NAV + \$0.01" (or similar) display format. Alternatively, member firms could source intraday Share prices in proxy price format from the Consolidated Tape and other Nasdaq data feeds (*e.g.*, Nasdaq TotalView and Nasdaq Level 2) and use a simple algorithm to convert prices into the

<sup>18</sup> The Web site containing this information will be [www.hartfordfunds.com](http://www.hartfordfunds.com) or [www.nextshares.com](http://www.nextshares.com).

<sup>19</sup> As noted below, all orders to buy or sell Shares that are not executed on the day the order is submitted will be automatically cancelled as of the close of trading on such day. Prior to the commencement of trading in a Fund, the Exchange will inform its members in an Information Circular of the effect of this characteristic on existing order types.

“NAV – \$0.01/NAV + \$0.01” (or similar) display format. As noted below, prior to the commencement of trading in the Fund, the Exchange will inform its members in an Information Circular of the identities of the specific Nasdaq data feeds from which intraday Share prices in proxy price format may be obtained.

*Intraday Reporting of Quotes and Trades.* All bids and offers for Shares and all Share trade executions will be reported intraday in real time by the Exchange to the Consolidated Tape<sup>20</sup> and separately disseminated to member firms and market data services through the Exchange data feeds listed above. The Exchange will also provide the member firms participating in each Share trade with a contemporaneous notice of trade execution, indicating the number of Shares bought or sold and the executed premium/discount to NAV.<sup>21</sup>

*Final Trade Pricing, Reporting and Settlement.* All executed Share trades will be recorded and stored intraday by Nasdaq to await the calculation of the Fund’s end-of-day NAV and the determination of final trade pricing. After the Fund’s NAV is calculated and provided to the Exchange, Nasdaq will price each Share trade entered into during the day at the Fund’s NAV plus/minus the trade’s executed premium/discount. Using the final trade price, each executed Share trade will then be disseminated to member firms and market data services via an FTP file to be created for exchange-traded managed funds and confirmed to the member firms participating in the trade to supplement the previously provided information to include final pricing.<sup>22</sup> After the pricing is finalized, Nasdaq will deliver the Share trading data to NSCC for clearance and settlement, following the same processes used for the clearance and settlement of trades in other exchange-traded securities.

<sup>20</sup> Due to systems limitations, the Consolidated Tape will report intraday execution prices and quotes for Shares using a proxy price format. As noted, Nasdaq will separately report real-time execution prices and quotes to member firms and providers of market data services in the “NAV – \$0.01/NAV+\$0.01” (or similar) display format, and otherwise seek to ensure that representations of intraday bids, offers and execution prices for Shares that are made available to the investing public follow the same display format.

<sup>21</sup> All orders to buy or sell Shares that are not executed on the day the order is submitted will be automatically cancelled as of the close of trading on that day.

<sup>22</sup> File Transfer Protocol (“FTP”) is a standard network protocol used to transfer computer files on the Internet. Nasdaq will arrange for the daily dissemination of an FTP file with executed Share trades to member firms and market data services.

#### Availability of Information

Prior to the commencement of market trading in Shares, the Fund will be required to establish and maintain a public Web site through which its current prospectus may be downloaded.<sup>23</sup> The Web site will include additional Fund information updated on a daily basis, including the prior business day’s NAV, and the following trading information for such business day expressed as premiums/discounts to NAV: (a) Intraday high, low, average and closing prices of Shares in Exchange trading; (b) the midpoint of the highest bid and lowest offer prices as of the close of Exchange trading, expressed as a premium/discount to NAV (the “Closing Bid/Ask Midpoint”); and (c) the spread between highest bid and lowest offer prices as of the close of Exchange trading (the “Closing Bid/Ask Spread.”). The Web site will also contain charts showing the frequency distribution and range of values of trading prices, Closing Bid/Ask Midpoints and Closing Bid/Ask Spreads over time.

The Composition File will be disseminated through the NSCC before the open of trading in Shares on each business day and also will be made available to the public each day on a free Web site as noted above. Consistent with the disclosure requirements that apply to traditional open-end investment companies, a complete list of current Fund portfolio positions will be made available at least once each calendar quarter, with a reporting lag of not more than 60 days. The Fund may provide more frequent disclosures of portfolio positions at its discretion.

Reports of Share transactions will be disseminated to the market and delivered to the member firms participating in the trade contemporaneous with execution. Once the Fund’s daily NAV has been calculated and disseminated, Nasdaq will price each Share trade entered into during the day at the Fund’s NAV plus/minus the trade’s executed premium/discount. Using the final trade price, each executed Share trade will then be disseminated to member firms and market data services via an FTP file to be created for exchange-traded managed funds and confirmed to the member firms participating in the trade to supplement the previously provided information to include final pricing.

Information regarding NAV-based trading prices, best bids and offers for Shares, and volume of Shares traded will be continuously available on a real-

time basis throughout each trading day on brokers’ computer screens and other electronic services.

#### Initial and Continued Listing

Shares will conform to the initial and continued listing criteria as set forth under Nasdaq Rule 5745. A minimum of 50,000 Shares and no less than two Creation Units of the Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily (on each day the New York Stock Exchange is open for trading) and provided to Nasdaq via the Mutual Fund Quotation Service (“MFQS”) by the fund accounting agent. As soon as the NAV is entered into MFQS, Nasdaq will disseminate the value to market participants and market data vendors via the Mutual Fund Dissemination Service (“MFDS”) so all firms will receive the data element at the same time. The Reporting Authority<sup>24</sup> also will ensure that the Composition File will implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding each Fund’s portfolio positions and changes in the positions.

For each series of Shares, an estimated value of an individual Share, defined in Nasdaq Rule 5745(c)(2) as the “Intraday Indicative Value,” will be calculated and disseminated at intervals of not more than 15 minutes throughout the Regular Market Session<sup>25</sup> when Shares trade on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the IIV will be calculated on an intraday basis and provided to Nasdaq for dissemination via the Nasdaq Global Index Service (“GIDS”).

The IIV will be based on current information regarding the value of the securities and other assets held by the Fund.<sup>26</sup> The purpose of the IIVs is to enable investors to estimate the next-determined NAV so they can determine the number of Shares to buy or sell if they want to transact in an approximate dollar amount (e.g., if an investor wants

<sup>24</sup> See Nasdaq Rule 5745(c)(4).

<sup>25</sup> See Nasdaq Rule 4120(b)(4) (describing the three trading sessions on the Exchange: (1) Pre-Market Session from 4 a.m. to 9:30 a.m. E.T.; (2) Regular Market Session from 9:30 a.m. to 4 p.m. or 4:15 p.m. E.T.; and (3) Post-Market Session from 4 p.m. or 4:15 p.m. to 8 p.m. E.T.).

<sup>26</sup> IIVs disseminated throughout each trading day would be based on the same portfolio as used to calculate that day’s NAV. The Fund will reflect purchases and sales of portfolio positions in its NAV the next business day after trades are executed.

<sup>23</sup> The Web site containing this information will be [www.hartfordfunds.com](http://www.hartfordfunds.com) or [www.nextshares.com](http://www.nextshares.com).

to acquire approximately \$5,000 of a Fund, how many Shares should the investor buy?).<sup>27</sup>

Neither the Adviser nor the Sub-Adviser [sic] is a registered broker-dealer, although each is affiliated with a broker-dealer. Each of the Adviser and the Sub-Adviser has implemented a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the Fund's portfolio. In the future event that (a) the Adviser or the Sub-Adviser registers as a broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new adviser or a sub-adviser to the Fund is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, if applicable, regarding access to information concerning the composition and/or changes to the Fund's portfolio and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

#### Trading Halts

The Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in Shares. Nasdaq will halt trading in Shares under the conditions specified in Nasdaq Rules 4120 and in Nasdaq Rule 5745(d)(2)(C). Additionally, Nasdaq may cease trading Shares if other unusual conditions or circumstances exist which, in the opinion of Nasdaq, make further dealings on Nasdaq detrimental to the maintenance of a fair and orderly market. To manage the risk of a non-regulatory Share trading halt, Nasdaq has in place back-up processes and procedures to ensure orderly trading. Because, in NAV-Based Trading, all trade execution prices are linked to end-of-day NAV, buyers and sellers of Shares should be less exposed to risk of loss due to intraday trading halts than buyers and sellers of conventional exchange-traded funds ("ETFs") and other exchange-traded securities.

Every order to trade Shares of the Funds [sic] is subject to the proxy price protection threshold of plus/minus

\$1.00, which determines the lower and upper threshold for the life of the order and whereby the order will be cancelled at any point if it exceeds \$101.00 or falls below \$99.00, the established thresholds.<sup>28</sup> With certain exceptions, each order also must contain the applicable order attributes, including routing instructions and time-in-force information, as described in Nasdaq Rule 4703.<sup>29</sup>

#### Trading Rules

Nasdaq deems Shares to be equity securities, thus rendering trading in Shares to be subject to Nasdaq's existing rules governing the trading of equity securities. Nasdaq will allow trading in Shares from 9:30 a.m. until 4:00 p.m. Eastern Time.

#### Surveillance

The Exchange represents that trading in Shares will be subject to the existing trading surveillances, administered by both Nasdaq and the Financial Industry Regulatory Authority, Inc. ("FINRA") on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.<sup>30</sup> The Exchange represents that these procedures are adequate to properly monitor trading of Shares on the Exchange and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed with other markets and other entities that are members of the Intermarket Surveillance Group ("ISG")<sup>31</sup> regarding trading in Shares, and in exchange-traded securities and instruments held by the Fund (to the extent such exchange-traded securities and instruments are known through the

publication of the Composition File and periodic public disclosures of the Fund's portfolio holdings), and FINRA may obtain trading information regarding such trading from other markets and other entities. In addition, the Exchange may obtain information regarding trading in Shares, and in exchange-traded securities and instruments held by the Fund (to the extent such exchange-traded securities and instruments are known through the publication of the Composition File and periodic public disclosures of a [sic] Fund's portfolio holdings), from markets and other entities that are members of ISG, which includes securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement.

In addition, the Exchange also has a general policy prohibiting the distribution of material non-public information by its employees.

#### Information Circular

Prior to the commencement of trading in the Fund, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and noting that Shares are not individually redeemable); (2) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in Shares to customers; (3) how information regarding the IIV and Composition File is disseminated; (4) the requirement that members deliver a prospectus to investors purchasing Shares prior to or concurrently with the confirmation of a transaction; and (5) information regarding NAV-Based Trading protocols.

As noted above, all orders to buy or sell Shares that are not executed on the day the order is submitted will be automatically cancelled as of the close of trading on such day. The Information Circular will discuss the effect of this characteristic on existing order types. The Information Circular also will identify the specific Nasdaq data feeds from which intraday Share prices in proxy price format may be obtained.

In addition, the Information Circular will advise members, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Fund. Members purchasing Shares from the Fund for resale to investors will deliver a summary prospectus to such investors. The Information Circular will also

<sup>28</sup> See Nasdaq Rule 5745(h).

<sup>29</sup> See Nasdaq Rule 5745(b)(6).

<sup>30</sup> FINRA provides surveillance of trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

<sup>31</sup> For a list of the current members of ISG, see [www.isgportal.org](http://www.isgportal.org). The Exchange notes that not all components of the Fund's portfolio may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

<sup>27</sup> Because, in NAV-Based Trading, prices of executed trades are not determined until the reference NAV is calculated, buyers and sellers of Shares during the trading day will not know the final value of their purchases and sales until the end of the trading day. The Fund's Registration Statement, Web site and any advertising or marketing materials will include prominent disclosure of this fact. Although IIVs may provide useful estimates of the value of intraday trades, they cannot be used to calculate with precision the dollar value of the Shares to be bought or sold.

discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act.

The Information Circular also will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares and the applicable NAV calculation time for the Shares. The Information Circular will disclose that information about the Shares will be publicly available on the Fund's Web site.

Information regarding Fund trading protocols will be disseminated to Nasdaq members in accordance with current processes for newly listed products. Nasdaq intends to provide its members with a detailed explanation of NAV-Based Trading through a Trading Alert issued prior to the commencement of trading in Shares on the Exchange.

#### Continued Listing Representations

All statements and representations made in this filing regarding (a) the description of the portfolio, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange rules and surveillance procedures shall constitute continued listing requirements for listing the Shares on the Exchange. In addition, the issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under the Nasdaq 5800 Series.

#### 2. Statutory Basis

Nasdaq believes that the proposal is consistent with Section 6(b) of the Act<sup>32</sup> in general, and Section 6(b)(5) of the Act<sup>33</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative

acts and practices in that the Shares would be listed and traded on the Exchange pursuant to the initial and continued listing criteria in Nasdaq Rule 5745. The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of Shares on Nasdaq and to deter and detect violations of Exchange rules and the applicable federal securities laws. Each of the Adviser and the Sub-Adviser is a registered broker-dealer or affiliated with a broker-dealer, and each of the Adviser and the Sub-Adviser has implemented a fire wall with respect to its affiliated broker-dealer regarding access to information concerning the composition and/or changes to the Fund's portfolio. The Exchange may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement, to the extent necessary.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest. The Exchange will obtain a representation from each issuer of Shares that the NAV per Share will be calculated on each business day that the New York Stock Exchange is open for trading and that the NAV will be made available to all market participants at the same time. In addition, a large amount of information would be publicly available regarding the Fund and the Shares, thereby promoting market transparency.

Prior to the commencement of market trading in Shares, the Fund will be required to establish and maintain a public Web site through which its current prospectus may be downloaded. The Web site will display additional Fund information updated on a daily basis, including the prior business day's NAV, and the following trading information for such business day expressed as premiums/discounts to NAV: (a) Intraday high, low, average and closing prices of Shares in Exchange trading; (b) the Closing Bid/Ask Midpoint; and (c) the Closing Bid/Ask Spread. The Web site will also contain charts showing the frequency distribution and range of values of trading prices, Closing Bid/Ask Midpoints and Closing Bid/Ask Spreads over time.

The Composition File will be disseminated through the NSCC before the open of trading in Shares on each business day and also will be made available to the public each day on a free Web site. The Exchange will obtain a representation from the issuer of the Shares that the IIV will be calculated

and disseminated on an intraday basis at intervals of not more than 15 minutes during trading on the Exchange and provided to Nasdaq for dissemination via GIDS. A complete list of current portfolio positions for the Fund will be made available at least once each calendar quarter, with a reporting lag of not more than 60 days. The Fund may provide more frequent disclosures of portfolio positions at its discretion.

Transactions in Shares will be reported to the Consolidated Tape at the time of execution in proxy price format and will be disseminated to member firms and market data services through Nasdaq's trading service and market data interfaces, as defined above. Once the Fund's daily NAV has been calculated and the final price of its intraday Share trades has been determined, Nasdaq will deliver a confirmation with final pricing to the transacting parties. At the end of the day, Nasdaq will also post a newly created FTP file with the final transaction data for the trading and market data services. The Exchange expects that information regarding NAV-based trading prices and volumes of Shares traded will be continuously available on a real-time basis throughout each trading day on brokers' computer screens and other electronic services. Because Shares will trade at prices based on the next-determined NAV, investors will be able to buy and sell individual Shares at a known premium or discount to NAV that they can limit by transacting using limit orders at the time of order entry. Trading in Shares will be subject to Nasdaq Rules 5745(d)(2)(B) and (C), which provide for the suspension of trading or trading halts under certain circumstances, including if, in the view of the Exchange, trading in Shares becomes inadvisable.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of the Fund, which seeks to provide investors with access to an actively managed investment strategy in a structure that offers the cost and tax efficiencies and shareholder protections of ETFs, while removing the requirement for daily portfolio holdings disclosure to ensure a tight relationship between market trading prices and NAV.

For the above reasons, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

<sup>32</sup> 15 U.S.C. 78f(b).

<sup>33</sup> 15 U.S.C. 78f(b)(5).



### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange 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. In fact, the Exchange believes that the introduction of the Fund would promote competition by making available to investors an actively managed investment strategy in a structure that offers the cost and tax efficiencies and shareholder protections of ETFs, while removing the requirement for daily portfolio holdings disclosure to ensure a tight relationship between market trading prices and NAV. Moreover, the Exchange believes that the proposed method of Share trading would provide investors with transparency of trading costs, and the ability to control trading costs using limit orders, that is not available for conventionally traded ETFs.

These developments could significantly enhance competition to the benefit of the markets and investors.

### 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 Exchange consents, the Commission shall: (a) by order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NASDAQ-2017-025 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-2017-025. 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-2017-025 and should be submitted on or before April 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>34</sup>

**Robert W. Errett,**

*Deputy Secretary.*

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**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80234; File No. SR-FICC-2017-002]

### Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of Proposed Rule Change To Implement the Capped Contingency Liquidity Facility in the Government Securities Division Rulebook

March 14, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on March 1, 2017, Fixed Income Clearing Corporation ("FICC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency.<sup>3</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to FICC's Government Securities Division ("GSD") Rulebook (the "GSD Rules")<sup>4</sup> in order to include a committed liquidity resource (referred to as the "Capped Contingency Liquidity Facility" ("CCLF")). This facility would provide FICC with additional liquid financial resources to meet its cash settlement obligations in the event of a default of the largest family of affiliated Netting Members<sup>5</sup> (an "Affiliated Family") of GSD, as described in greater detail below.

#### II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> On March 1, 2017, FICC filed this proposed rule change as an advance notice (SR-FICC-2017-802) ("Advance Notice Filing") with the Commission pursuant to Section 806(e)(1) of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act of 2010, 12 U.S.C. 5465(e)(1), and Rule 19b-4(n)(1)(i) of the Exchange Act, 17 CFR 240.19b-4(n)(1)(i). A copy of the advance notice is available at <http://www.dtcc.com/legal/sec-rule-filings.aspx>.

<sup>4</sup> GSD Rules, available at [www.dtcc.com/legal/rules-and-procedures.aspx](http://www.dtcc.com/legal/rules-and-procedures.aspx). Capitalized terms used herein and not otherwise defined shall have the meaning assigned to such terms in the GSD Rules.

<sup>5</sup> As defined in the GSD Rules, the term "Netting Member" means a Member that is a Member of the Comparison System and the Netting System. *Id.*

<sup>34</sup> 17 CFR 200.30-3(a)(12).



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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

FICC is proposing to amend the GSD Rules to include CCLF, which would be a rules-based committed liquidity facility designed to help ensure that FICC maintains sufficient liquid financial resources to meet its cash settlement obligations in the event of a default of the Affiliated Family to which FICC has the largest exposure in extreme but plausible market conditions, as required by Rule 17Ad-22(b)(3)<sup>6</sup> of the Exchange Act. This proposal is also designed to comply with newly adopted Rule 17Ad-22(e)(7) under the Exchange Act.<sup>7</sup> As of April 11, 2017, Rule 17Ad-22(e)(7) will require FICC to have policies and procedures reasonably designed to effectively monitor, measure, and manage liquidity risk.

A. Background

FICC occupies an important role in the securities settlement system by interposing itself as a central counterparty between Netting Members that are counterparties to transactions cleared by GSD ("GSD Transactions"), thereby reducing the risk faced by Netting Members.<sup>8</sup> To manage the counterparty risk, FICC requires each Netting Member to deposit margin (referred to in the GSD Rules as "Required Fund Deposits") into the Clearing Fund, which constitutes the financial resources that FICC could use to cover potential losses resulting from a Netting Member default. In addition to collecting and maintaining financial resources to cover default losses, FICC also maintains liquid resources to satisfy its settlement obligations in the

event of a Netting Member default. Upon regulatory approval and completion of a 12-month phase-in period, as described below, CCLF would become an additional liquid resource available to FICC as part of its liquidity risk management framework for GSD.<sup>9</sup>

B. Overview of the Proposal

CCLF would only be invoked if FICC declared a "CCLF Event," that is, if FICC has ceased to act for a Netting Member in accordance to GSD Rule 22A<sup>10</sup> (referred to as a "default") and subsequent to such default, FICC determines that it does not have the ability to obtain sufficient liquidity from GSD's Clearing Fund, by entering into repurchase transactions using securities in the Clearing Fund or securities that were destined to the defaulting Netting Member, or through uncommitted bank loans with its Clearing Agent Banks. Upon declaration of a CCLF Event, each Netting Member may be called upon to enter into repurchase transactions with FICC ("CCLF Transactions") up to a previously determined capped dollar amount, as described below.

1. Declaration of a CCLF Event

Following a default, FICC would first obtain liquidity through other available liquid resources, as described above. If and only if, FICC determines that these sources of liquidity are not able to generate sufficient cash to pay the non-defaulting Netting Members, FICC would declare a CCLF Event by issuing an Important Notice informing all Netting Members of FICC's need to make such a declaration and enter into CCLF Transactions, as necessary.<sup>11</sup>

2. CCLF Transactions

During a CCLF Event, FICC would meet its liquidity need by initiating CCLF Transactions with non-defaulting Netting Members. Each CCLF Transaction would be governed by the terms of the September 1996 Securities Industry and Financial Markets Association Master Repurchase

Agreement,<sup>12</sup> which would be incorporated by reference into the GSD Rules as a master repurchase agreement between FICC as seller and each Netting Member as buyer with certain modifications as outlined in the GSD Rules (the "CCLF MRA").

Each Netting Member would be obligated to enter into CCLF Transactions up to a capped dollar amount. FICC would first identify the non-defaulting Netting Members that are obligated to deliver securities destined for the defaulting Netting Member ("Direct Affected Members") and FICC's cash payment obligation to such Direct Affected Member that FICC would need to finance through CCLF to cover the defaulting Netting Member's failure to deliver cash (the "Financing Amount"). FICC would notify each Direct Affected Member of its Financing Amount and whether such Direct Affected Member should deliver to FICC or suppress any securities that were destined for the defaulting Netting Member. FICC would then initiate CCLF Transactions with each Direct Affected Member for its purchase of the securities (the "Financed Securities") that were destined for the defaulting Netting Member.<sup>13</sup> The aggregate purchase price of the CCLF Transactions with the Direct Affected Member would equal but never exceed its maximum funding obligation (the "Individual Total Amount").<sup>14</sup>

If any Direct Affected Member's Financing Amount exceeds its Individual Total Amount (the "Remaining Financing Amount"), FICC would advise (A) each other Direct Affected Member whose Financing Amount is less than its Individual Total Amount, and (B) each Netting Member that has not otherwise entered into CCLF Transactions with FICC (the

<sup>12</sup> The September 1996 Securities Industry and Financial Markets Association Master Repurchase Agreement (the "SIFMA MRA") is available at <http://www.sifma.org/services/standard-forms-and-documentation/mra-gmra-msla-and-msftas/>. The SIFMA MRA would be incorporated by reference into the GSD Rules without referenced annexes, other than in the case of any Netting Member that is a registered investment company, then Annex VII would be applicable to such Member. At the time of this filing, there are no registered investment companies that are also GSD Netting Members. If a registered investment company would become a GSD Netting Member, then Annex VII would be applicable to such Member.

<sup>13</sup> It should be noted that FICC would have the authority to initiate CCLF Transactions in respect of any securities that are in the Direct Affected Member's portfolio which are bound to the defaulting Netting Member.

<sup>14</sup> As described in Section C. herein, a Netting Member's Individual Total Amount represents such Member's maximum liquidity funding obligation. The Individual Total Amount would be based on a Netting Member's observed peak historical liquidity need.

<sup>9</sup> In 2012, FICC amended MBSD's Clearing Rules (the "MBSD Rules") to create a CCLF for managing MBSD's liquidity risk. FICC is proposing to amend the GSD Rules to create a CCLF for managing GSD's liquidity risk. Because this CCLF is for GSD only, the description of the proposal should be understood within the framework of the GSD Rules. See Securities Exchange Act Release No. 34-66550 (March 9, 2012), 77 FR 15155 (March 14, 2012) (SR-FICC-2008-01); MBSD Rule 17, MBSD Rules, available at [www.dtcc.com/legal/rules-and-procedures.aspx](http://www.dtcc.com/legal/rules-and-procedures.aspx).

<sup>10</sup> GSD Rules, *supra* note 4.

<sup>11</sup> Such Important Notice would also advise Netting Members to review their most recent liquidity funding reports to determine their respective maximum funding obligations.

<sup>6</sup> See 17 CFR 240.17Ad7-22(b)(3).

<sup>7</sup> See 17 CFR 240.17Ad-22(e)(7).

<sup>8</sup> FICC operates two divisions—GSD and the Mortgage-Backed Securities Division ("MBSD"). GSD provides trade comparison, netting, risk management, settlement and central counterparty services for the U.S. government securities market, while MBSD provides the same services for the U.S. mortgage-backed securities market. Because GSD and MBSD are separate divisions of FICC, each division maintains its own rules, members, margin from their respective members, Clearing Fund, and liquid resources.

“Indirect Affected Members,” and together with the Direct Affected Members, “Affected Members”) that FICC intends to initiate CCLF Transactions with them for the Remaining Financing Amount.

The order in which FICC would enter into CCLF Transactions for the Remaining Financing Amount would be based upon the Affected Members that have the most funding available within their Individual Total Amounts. No Affected Member would be obligated to enter into CCLF Transactions greater than its Individual Total Amount.

During a CCLF Event, FICC would engage its investment advisor subject to the approval of its Board and seek to minimize liquidation losses on the Financed Securities through hedging, strategic dispositions, or other investment transactions as determined by FICC under relevant market conditions. Once FICC completes the liquidation of the underlying securities by selling them to a new buyer, FICC would instruct the Affected Member to close the repo trade and deliver the Financed Securities to FICC to complete settlement on the contractual settlement date of the liquidating trade. FICC would endeavor to unwind the CCLF Transactions based on the order that it enters into the Liquidating Trades. Each CCLF Transaction would remain open until the earlier of (x) such time that FICC has liquidated the Affected Member’s Financed Securities, (y) such time that FICC has obtained liquidity through its available liquid resources or (z) 30 or 60 calendar days after entry into the CCLF Transaction for U.S. government bonds and mortgage-backed securities, respectively.

The original GSD Transactions, which FICC is obligated to settle, are independent from the CCLF Transactions. The proposed rule change would clarify that, under the original GSD Transaction, FICC’s obligation to pay cash to a Direct Affected Member, and the Direct Affected Member’s obligation to deliver securities, would be deemed satisfied by entry into CCLF Transactions, and that such settlement would be final.

### C. CCLF Sizing and Allocation

As noted above, FICC would only enter into CCLF Transactions with a Netting Member in an amount that is up to such Netting Member’s maximum funding obligation. This amount would be based on each Netting Member’s observed peak historical liquidity need. Initially, FICC would calculate the Netting Member’s peak historical liquidity need based on a six-month look-back period.

FICC’s liquidity need during a CCLF Event would be determined by the cash settlement obligations presented by the default of a Netting Member and an Affiliated Family. FICC would include an additional amount (*i.e.*, a buffer) to account for changes in Netting Members’ cash settlement obligations that may not be observed during the six-month look-back period during which CCLF would be sized. The buffer would also account for the possibility that the defaulting Netting Member is the largest CCLF contributor. FICC would allocate its observed liquidity need among all Netting Members based on their historical settlement activity. Netting Members that present the highest cash settlement obligations would be required to maintain higher funding obligations.

Listed below are the steps that FICC would take to size and allocate each Netting Member’s CCLF requirement.

#### Step 1: CCLF Sizing

##### Historical Cover 1 Liquidity Requirement

FICC’s historical liquidity need for the six-month look-back period would be an amount equal to the dollar amount of the largest sum of an Affiliated Family’s obligation to receive GSD eligible securities plus the net dollar amount of its Funds-Only Settlement Amount<sup>15</sup> (collectively, the “Historical Cover 1 Liquidity Requirement”). FICC believes that it is appropriate to calculate the Historical Cover 1 Liquidity Requirement in this manner because the default of the largest Affiliated Family would generate the highest liquidity need for FICC.

##### Liquidity Buffer

The Historical Cover 1 Liquidity Requirement would be based on the largest Affiliated Family’s activity during a six-month look-back period. However, FICC is cognizant that the Historical Cover 1 Liquidity Requirement would not account for changes in a Netting Member’s current trading behavior, which may result in a liquidity need that is greater than the Historical Cover 1 Liquidity Requirement. As a result, FICC proposes

to add an additional amount to the Historical Cover 1 Liquidity Requirement as a buffer (the “Liquidity Buffer”) to arrive at FICC’s anticipated total liquidity need for GSD during a CCLF Event.

Under the proposed rule change, the Liquidity Buffer would be 20% to 30% of the Historical Cover 1 Liquidity Requirement, subject to a minimum amount of \$15 billion. FICC believes that 20% to 30% of the Historical Cover 1 Liquidity Requirement is appropriate based on its analysis of the calculated coefficient of variation<sup>16</sup> with respect to Affiliated Families’ liquidity needs throughout 2015 and 2016.<sup>17</sup> FICC also believes that the \$15 billion minimum dollar amount is necessary to cover changes in a Netting Member’s trading activity that could exceed the amount that is implied by the calculated coefficient of variation.

FICC would have the discretion to adjust the Liquidity Buffer based on its analysis of the stability of the Historical Cover 1 Liquidity Requirement over the look-back periods of 3-, 6-, 12-, and 24-months. Should FICC observe changes in the stability of the Historical Cover 1 Liquidity Requirements, FICC would have the discretion to increase the six-month look-back period to help ensure that the calculation of its liquidity need appropriately accounts for variability in the Historical Cover 1 Liquidity Requirement. This would help FICC to ensure that its liquidity resources are sufficient under a wide range of potential market scenarios that may lead to a change in Netting Member behavior. FICC would also analyze the trading behavior of Netting Members that present larger liquidity needs than the majority of the Netting Members (as described below).

#### Aggregate Total Amount

FICC’s anticipated total liquidity need during a CCLF Event (*i.e.*, the sum of the Historical Cover 1 Liquidity Requirement plus the Liquidity Buffer)

<sup>16</sup> The “coefficient of variation” is a statistical measurement that is calculated as the standard deviation divided by the mean. It is a typical approach used to compare variability across different data sets.

<sup>17</sup> In connection with this proposed rule change, the coefficient of variation would be used to set the Liquidity Buffer by quantifying the variance of each Affiliated Family’s daily liquidity need. During this period, FICC observed that the coefficient of variation ranged from an average of 15%–19% for Affiliated Families with liquidity needs above \$50 billion, and an average of 18%–21% for Affiliated Families with liquidity needs above \$35 billion. Based on the calculated coefficient of variation, FICC believes that an amount equaling 20% to 30% of the Historical Cover 1 Liquidity Requirement subject to a minimum of \$15 billion would be an appropriate Liquidity Buffer.

<sup>15</sup> The Funds-Only Settlement Amount reflects the amount that FICC collects and passes to the contra-side once FICC marks the securities in a Netting Member’s portfolio to the current market value. This amount is the difference between the contract value vs. the current market value of a Netting Member’s GSD portfolio. FICC would consider this amount when calculating the Historical Cover 1 Liquidity Requirement because in the event that an Affiliated Family defaults, the Funds-Only Settlement Amount would also reflect the cash obligation to non-defaulting Netting Members.

would be referred to as the “Aggregate Total Amount.”

Step 2: FICC’s Allocation of the Aggregate Total Amount Among Netting Members

(A) FICC’s Allocation of the Aggregate Regular Amount Among Netting Members

After FICC determines the Aggregate Total Amount, which initially would be set to the Historical Cover 1 Liquidity Requirement plus the greater of 20% of the Historical Cover 1 Liquidity Requirement or \$15 billion. FICC would allocate the Aggregate Total Amount among Netting Members in order to arrive at each Netting Member’s Individual Total Amount. FICC would take a two-tiered approach in its allocation of the Aggregate Total Amount. First, FICC would determine the portion of the Aggregate Total Amount that should be allocated among all Netting Members (“Aggregate Regular Amount”). Then, FICC would allocate the remainder of the Aggregate Total Amount (the “Aggregate Supplemental Amount”) among Netting Members that incur liquidity needs above the Aggregate Regular Amount within the six-month look-back period. FICC believes that this two-tiered approach reflects FICC’s consideration of fairness, transparency and the burdens of the funding obligations on each Netting Member’s management of its own liquidity.

Under the proposed rule change, FICC would set the Aggregate Regular Amount at \$15 billion. FICC believes that this amount is appropriate because FICC observed that from 2015 to 2016, the average Netting Member’s liquidity need was approximately \$7 billion, with a majority of Netting Members’ liquidity needs not exceeding an amount of \$15 billion.<sup>18</sup> Based on that analysis, FICC believes that the Aggregate Regular Amount should capture the liquidity needs of a majority of the Netting Members. Thus, FICC believes that setting the Aggregate Regular Amount at \$15 billion is appropriate.

Under the proposal, the Aggregate Regular Amount would be allocated among all Netting Members, but Netting Members with larger Receive Obligations would be required to contribute a larger amount. FICC believes that this approach is appropriate because a defaulting Netting

Member’s Receive Obligations are the primary cash settlement obligations that FICC would have to satisfy as a result of the default of a Netting Member or an Affiliated Family. However, FICC also believes that some portion of the Aggregate Regular Amount should be allocated based on Netting Members’ aggregate Deliver Obligations since FICC guarantees both sides of a GSD Transaction and all Netting Members benefit from FICC’s risk mitigation. As a result, FICC is proposing to allocate the Aggregate Regular Amount based on a scaling factor. Given that the Aggregate Regular Amount is sized at \$15 billion and covers approximately 80% of Netting Members’ observed liquidity needs, FICC proposes to set the scaling factor in the range of 65%–85% to the value of Netting Members’ Receive Obligations and set the scaling factor in the range of 15%–35% to the value of Netting Members’ Deliver Obligations.

Initially, FICC would assign a 20% weighting percentage to a Netting Member’s aggregate Deliver Obligations (the “Deliver Scaling Factor”) and the remaining percentage difference, 80% in this case, to a Netting Member’s aggregate Receive Obligations (“Receive Scaling Factor”). FICC would have the discretion to adjust these scaling factors based on a quarterly analysis that would, in part, assess Netting Members’ observed liquidity needs that are at or below \$15 billion. This assessment would ensure that the Aggregate Regular Amount would be appropriately allocated across all Netting Members.

FICC would calculate a Netting Member’s portion of the Aggregate Regular Amount (its “Individual Regular Amount”) by adding (a) and (b) below.

(a) FICC would (x) divide the absolute value of a Netting Member’s peak Receive Obligations by the absolute value of the sum of all Netting Members’ peak Receive Obligations, then (y) multiply such resulting value by the Aggregate Regular Amount, then (z) multiply the resulting value by the Receive Scaling Factor (which would initially be 80%).

(b) FICC would (x) divide the absolute value of a Netting Member’s peak Deliver Obligations by the absolute value of the sum of all Netting Members’ peak Deliver Obligations, then (y) multiply such resulting value by the Aggregate Regular Amount, then (z) multiply the resulting value by the Deliver Scaling Factor (which would initially be 20%).

(B) FICC’s Allocation of the Aggregate Supplemental Amount Among Netting Members

The remainder of the Aggregate Total Amount (*i.e.*, the Aggregate Supplemental Amount) would be allocated among Netting Members that present liquidity needs in excess of the Aggregate Regular Amount.

FICC would allocate the Aggregate Supplemental Amount across liquidity tiers (“Liquidity Tiers”). The allocation to each Liquidity Tier would be based on how many times (*i.e.*, “observations”) the Netting Members’ daily liquidity needs have reached the respective Liquidity Tier. This assignment would result in a larger proportion of the Aggregate Supplemental Amount being borne by those Netting Members who present the highest liquidity needs.

FICC would set the Liquidity Tiers in \$5 billion increments. FICC believes that this increment would appropriately distinguish Netting Members that present the highest liquidity needs on a frequent basis and allocate more of the Individual Supplemental Amount to Netting Members in the top Liquidity Tiers. Increments set to an amount greater than \$5 billion would provide FICC with less ability to allocate the Aggregate Supplemental Amount to Netting Members with the highest liquidity needs.<sup>19</sup>

FICC would have the discretion to reduce any one or all of the Liquidity Tiers to \$2.5 billion if FICC determines that the majority of the Netting Members’ liquidity needs in such Liquidity Tiers are above or below the midpoint of the Liquidity Tier.

Once the Liquidity Tiers are set, FICC would first allocate the Aggregate Supplemental Amount to each Liquidity Tier in proportion to the total number of observations across all Liquidity Tiers. Next, FICC would allocate the Individual Supplemental Amount to each Netting Member in accordance with each Netting Member’s liquidity needs within each Liquidity Tier. This allocation would be based on such Netting Member’s number of observations within each Liquidity Tier in proportion to the aggregate of all

<sup>18</sup> From 2015 to 2016, 59% of all Netting Members presented average liquidity needs between \$0 to \$5 billion, 78% of all Netting Members presented average liquidity needs between \$0 and \$10 billion, and 85% of all Netting Members presented average liquidity needs between \$0 and \$15 billion.

<sup>19</sup> For example, assume that there are two Netting Members and each Netting Member has 125 liquidity observations each across a six-month period. Member A has 125 observations within the \$15–\$20 billion Liquidity Tier and Member B has 125 observations equally dispersed between the \$15–\$20 billion and \$20–\$25 billion Liquidity Tiers. Under the proposed rule change, Member B would have a higher Individual Supplemental Amount than Member A, because Member B would be allocated a pro-rata share of the Aggregate Supplemental Amount for the \$20–\$25 billion Liquidity Tier.

Netting Member's observations within a particular Liquidity Tier. The sum of a Netting Member's allocation across all Liquidity Tiers would be such Netting Member's Individual Supplemental Amount.

FICC would sum each Netting Member's Individual Regular Amount and its Individual Supplemental Amount (if any) to arrive at such Netting Member's Individual Total Amount.

CCLF Parameters as of January 2017  
 Table 1 includes the actual values FICC would set for each step described above, as of January 1, 2017.<sup>20</sup> These values would be reset every six months.  
*Table 1:*  
*\$ billion*

CCLF Sizing: Components of the Aggregate Total Amount

Step	Component	Size	
1	Historical Cover 1 Liquidity Requirement	\$58.84	
	Liquidity Buffer (20% of the Historical Cover 1 Liquidity Requirement subject to a minimum of \$15B).	15.00	
2	Aggregate Total Amount	73.84	
2a	Aggregate Regular Amount	15.00	
2b	Receive Scaling Factor (80% of the Aggregate Regular Amount)		\$12.00
	Deliver Scaling Factor (20% of the Aggregate Regular Amount)		3.00
2c	Aggregate Supplemental Amount	58.84	
	Liquidity Tier 1 (\$15-\$20B)		21.04
	Liquidity Tier 2 (\$20-\$25B)		14.29
	Liquidity Tier 3 (\$25-\$30B)		10.32
	Liquidity Tier 4 (\$30-\$35B)		6.14
	Liquidity Tier 5 (\$35-\$40B)		3.32
	Liquidity Tier 6 (\$40-\$45B)		1.86
	Liquidity Tier 7 (\$45-\$50B)		1.10
	Liquidity Tier 8 (\$50-\$55B)		0.62
	Liquidity Tier 9 (\$55-\$60B)		0.14

The example in Table 2 reflects the allocation of the CCLF size for a hypothetical Netting Member. This

example is based on a six-month look-back period of July 1, 2016 through December 31, 2016.

*Table 2:*  
*\$ billion*

CCLF Sizing: Components of the aggregate total amount				Allocation of aggregate total amount hypothetical member A	
Step	Component	Size		Member A's percentage	Member A's allocation of the component (Y)
			(X)		
2a	Aggregate Regular Amount	\$15.00			
2b	Receive Scaling Factor (80% of the Aggregate Regular Amount).		\$12.00	5.0	\$0.60
	Deliver Scaling Factor (20% of the Aggregate Regular Amount).		3.00	2.5	0.08
				Member A's individual regular amount	0.68
2c	Aggregate Supplemental Amount	58.84			
	Liquidity Tier 1 (\$15-\$20B)		21.04	8.5	1.79
	Liquidity Tier 2 (\$20-\$25B)		14.29	13.0	1.86
	Liquidity Tier 3 (\$25-\$30B)		10.32	16.0	1.65
	Liquidity Tier 4 (\$30-\$35B)		6.14	20.0	1.23
	Liquidity Tier 5 (\$35-\$40B)		3.32	35.0	1.16
	Liquidity Tier 6 (\$40-\$45B)		1.86	52.0	0.97
	Liquidity Tier 7 (\$45-\$50B)		1.10	65.0	0.72
	Liquidity Tier 8 (\$50-\$55B)		0.62	80.0	0.50
	Liquidity Tier 9 (\$55-\$60B)		0.14	100.0	0.14
				Member A's individual supplemental amount	10.01

<sup>20</sup> As noted above, FICC would use a six-month look-back period. On January 1, 2017, the look-back

period would be July 1, 2016 through December 31, 2016.

CCLF Sizing: Components of the aggregate total amount			Allocation of aggregate total amount hypothetical member A		
Step	Component	Size		Member A's percentage	Member A's allocation of the component
			(X)		(Y)
				Member A's individual total amount	10.68

D. FICC's Ongoing Assessment of the Sufficiency of CCLF

As described above, the Aggregate Total Amount and each Netting Member's Individual Total Amount (*i.e.*, each Netting Member's allocation of the Aggregate Total Amount) would initially be calculated using a six-month look-back period that FICC would reset every six months ("reset period"). On a quarterly basis, FICC's Liquidity Product Risk Unit<sup>21</sup> would assess the following parameters that it uses to calculate the Aggregate Total Amount and may recommend to the Board's Risk Committee changes to such parameters:

- Peak daily liquidity need for the largest Affiliated Family;

- the Liquidity Buffer;
  - the Aggregate Regular Amount;
  - the Aggregate Supplemental Amount;
  - the Deliver Scaling Factor and the Receive Scaling Factor used to allocate the Aggregate Regular Amount;
  - the increments for the Liquidity Tiers; and
  - the length of the look-back period and the reset period for the Aggregate Total Amount.
- In the event that any changes to the above-referenced parameters result in an increase in a Netting Member's Individual Total Amount, such increase would be effective as of the next reset.

Additionally, on a daily basis, FICC would examine the Aggregate Total Amount to ensure that such amount is sufficient to satisfy FICC's liquidity needs. If FICC determines that the Aggregate Total Amount is insufficient to satisfy its liquidity needs, FICC may modify the length of the look-back or reset periods or otherwise increase the Aggregate Total Amount.

Any increase in the Aggregate Total Amount resulting from the Liquidity Product Risk Unit's quarterly assessments or FICC's daily monitoring would be subject to the approvals, as set forth in Table 3 below.

Table 3:

Increase in aggregate total amount	Required approval level
≤\$500 mil .....	Managing Director, Financial Risk Management.
\$501 mil to \$1.0 B .....	Group Chief Risk Officer.
\$1.1 B to \$1.9 B .....	Management Risk Committee, or designee.
≥\$2.0 B .....	Chair of the Board Risk Committee, or designee.

If FICC increases a Netting Member's Individual Total Amount as a result of its daily monitoring, such increase will not be effective until ten (10) Business Days after FICC provides an Important Notice regarding the increase.

If FICC determines that its liquidity needs may be satisfied with a lower Aggregate Total Amount, a reduction in the Aggregate Total Amount would be reflected at the conclusion of the reset period.

E. Implementation of the Proposed Rule Change and Required Attestation From Each Netting Member

The CCLF proposal would become operative 12 months after the later date of the Commission's approval of this proposed rule change or its no objection of the Advance Notice Filing. During this 12-month period, FICC would periodically provide each Netting Member with estimated Individual Total Amounts. The delayed implementation

and the estimated Individual Total Amounts are designed to give Netting Members the opportunity to assess the impact that the CCLF proposal would have on their business profile.

Prior to the effective date, FICC would add a legend to the GSD Rules to state that the specified changes to the GSD Rules are approved but not yet operative and to provide the date such approved changes would become operative. The legend would also include the file numbers of the approved proposed rule change and Advance Notice Filing and would state that once operative, the legend would automatically be removed from the GSD Rules.

As of the implementation date and annually thereafter, FICC would require that each Netting Member attest that its Individual Total Amount has been incorporated into its liquidity plans.<sup>22</sup> This required attestation would be from authorized officers of the Netting Member or otherwise in form and

substance satisfactory to FICC making the following certification: (1) Such officers have read and understand the GSD Rules, including the CCLF rules, (2) the Netting Member's Individual Total Amount has been incorporated into the Netting Member's liquidity planning, (3) the Netting Member acknowledges and agrees that its Individual Total Amount may be changed at the conclusion of any reset period or otherwise upon ten (10) Business Days' Notice, (4) the Netting Member will incorporate any changes to its Individual Total Amount into its liquidity planning, and (5) the Netting Member will continually reassess its liquidity plans and related operational plans, including in the event of any changes to such Netting Member's Individual Total Amount, to ensure such Netting Member's ability to meet its Individual Total Amount. FICC may require any Netting Member to provide FICC with a new certification in the

<sup>21</sup> FICC's Liquidity Product Risk Unit is responsible for assessing the liquidity needs of GSD and MBSID.

<sup>22</sup> The attestation would not refer to the actual dollar amount that has been allocated as the Individual Total Amount. Each Netting Member's

Individual Total Amount would be made available to such Member via GSD's access controlled portal Web site.

foregoing form at any time, including upon a change to a Netting Member's Individual Total Amount or in the event that a Netting Member undergoes a change in its corporate structure.

In addition to the above, on a quarterly basis, FICC's Counterparty Credit Risk Management group would conduct due diligence to assess each Netting Member's ability to meet its Individual Total Amount. This due diligence would include a review of all information that the Netting Member has provided FICC in connection with its ongoing reporting obligations pursuant to the GSD Rules and a review of other publicly available information. Additionally, FICC would test its operational procedures for invoking a CCLF Event. Pursuant to GSD Rule 3 Section 6, Netting Members would be required to participate in such tests. If a Netting Member fails to participate in such testing when required by FICC, FICC may take disciplinary measures as set forth in GSD Rule 3 Section 7.

#### F. FICC's Commitment to Enhanced Transparency

FICC understands that each Netting Member must be able to evaluate the risks of its membership and plan for its funding obligations. Additionally, FICC believes that it is critical that each Netting Member understands the risks that its activity presents to FICC, and that each Netting Member should be prepared to monitor its activity and alter its behavior in order to minimize the liquidity risk that it presents to FICC. Accordingly, on each Business Day, FICC would make a liquidity funding report available to each Netting Member that would include the following:

1. The Netting Member's Individual Total Amount, Individual Regular Amount and, if applicable, its Individual Supplemental Amount;
2. FICC's Aggregate Total Amount, Aggregate Regular Amount and Aggregate Supplemental Amount; and
3. FICC's regulatory liquidity requirements as of the prior Business Day.

The liquidity funding report would be provided for informational purposes only. Pursuant to the proposed rule change, upon a CCLF Event, each Netting Member would be required to enter into CCLF Transactions having an aggregate purchase price up to its Individual Total Amount as calculated by FICC.

#### G. Proposed Changes to the GSD Rules GSD Rule 1—Definitions

In order to help effectuate the proposed changes, FICC proposes to add

the following defined terms to the GSD Rule 1: Affected Member; Aggregate Regular Amount; Aggregate Supplemental Amount; Aggregate Total Amount; CCLF Event; CCLF MRA; CCLF MRA Termination Date; CCLF Transaction; Deliver Scaling Factor; Direct Affected Member; Financed Securities; Financing Amount; Historical Cover 1 Liquidity Requirement; Indirect Affected Member; Individual Regular Amount; Individual Supplemental Amount; Individual Total Amount; Liquidating Trade; Liquidity Buffer; Liquidity Need; Liquidity Percentage; Liquidity Tier; Look-Back Period; Observation; Receive Scaling Factor; Relative Inter-Tier Frequency; Relative Intra-Tier Frequency; Relevant Securities; Remaining Financing Amount; Required Attestation; and SIFMA MRA.

#### Rule 22A—Procedures for When the Corporation Ceases To Act

FICC is proposing to amend Rule 22A to include a new section in this Rule. This new section would be entitled "Section 2a." Proposed Section 2a would incorporate the CCLF MRA into the GSD Rules subject to the amendments proposed therein. In addition, the proposed section would include (1) the notification process that would occur once FICC invokes a CCLF Event; (2) the CCLF Transactions that FICC would enter into once it invokes a CCLF Event; (3) disclosure of each relevant CCLF sizing component that FICC would assess; (4) the calculation that FICC would use to determine each Netting Member's Individual Regular Amount and Individual Supplemental Amount, if applicable; and (5) a description of the officers' certificate that each Netting Member would be required to provide certifying that, among other things, its Individual Total Amount has been incorporated into its liquidity plans.

#### 2. Statutory Basis

Section 17A(b)(3)(F) of the Exchange Act requires, in part, that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.<sup>23</sup>

FICC believes that the CCLF proposal would enable FICC to access additional liquidity in the event that its other liquidity resources are insufficient upon the default of a Netting Member, which would help ensure that FICC has sufficient funds to meet its cash settlement obligations to its non-

defaulting Netting Members. As a result, FICC believes that the proposal has been designed to assure the safeguarding of securities and funds in FICC's custody or control, consistent with Section 17A(b)(3)(F) of the Exchange Act.<sup>24</sup>

Rule 17Ad-22(b)(3) under the Exchange Act requires a registered clearing agency that performs central counterparty services to establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain sufficient financial resources to withstand, at a minimum, a default by the participant family to which it has the largest exposure in extreme but plausible market conditions.<sup>25</sup> As described above, FICC would size CCLF based on the peak liquidity need that would be generated by the default of its largest participant family (its Historical Cover 1 Liquidity Requirement), plus an additional Liquidity Buffer to account for unexpected Netting Member trading behavior that could increase FICC's Historical Cover 1 Liquidity Requirement or a situation in which its largest Netting Member defaults and cannot contribute to the CCLF. Thus, FICC believes that the proposal would be consistent with Rule 17Ad-22(b)(3) because it is designed to provide FICC with sufficient financial resources to withstand a default by the participant family to which it has the largest exposure in extreme but plausible market conditions.

Rule 17Ad-22(d)(9) under the Exchange Act requires a registered clearing agency that performs central counterparty services to establish, implement, maintain and enforce written policies and procedures to provide market participants with sufficient information for them to identify and evaluate the risks and costs associated with using its services.<sup>26</sup> As described above, on each Business Day, FICC would make a liquidity funding report available to each Netting Member. This report would include (1) the Netting Member's Individual Total Amount, Individual Regular Amount and, to the extent applicable, its Individual Supplemental Amount; (2) FICC's Aggregate Total Amount, Aggregate Regular Amount and Aggregate Supplemental Amount; and (3) FICC's regulatory liquidity requirements as of the prior Business Day. This report would enable each Netting Member to prepare for its maximum funding obligations and alter its trading behavior should it desire to

<sup>24</sup> *Id.*

<sup>25</sup> See 17 CFR 240.17Ad-22(b)(3).

<sup>26</sup> See 17 CFR 240.17Ad-22(d)(9).

<sup>23</sup> 15 U.S.C. 78q-1(b)(3)(F).

minimize the liquidity risk it presents to FICC. FICC believes that the proposed rule change would be consistent with Rule 17Ad-22(d)(9) because the liquidity funding report would provide Netting Members with sufficient information to identify and evaluate the risks and costs associated with using the services that FICC provides through GSD.

Rule 17Ad-22(e)(7) under the Exchange Act, which was recently adopted by the Commission, will require FICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage liquidity risk that arises in or is borne by FICC, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity.<sup>27</sup>

Rule 17Ad-22(e)(7)(i) will require FICC to maintain sufficient liquid resources to effect same-day settlement of payment obligations in the event of a default of the participant family that would generate the largest aggregate payment obligation for the covered clearing agency in extreme but plausible market conditions.<sup>28</sup> FICC believes that the proposal would be consistent with Rule 17Ad-22(e)(7)(i) because CCLF would be sized based on the peak liquidity need that would be generated by the default of its largest participant family (its Historical Cover 1 Liquidity Requirement), plus an additional Liquidity Buffer, which would help FICC maintain sufficient liquid resources to settle the cash obligations of an Affiliated Family that would generate the largest aggregate payment obligation for FICC in extreme but plausible market conditions.

Rule 17Ad-22(e)(7)(ii) will require FICC to hold qualifying liquid resources sufficient to satisfy payment obligations owed to clearing members.<sup>29</sup> FICC believes that the proposed rule change would be consistent with Rule 17Ad-22(e)(7)(ii) because the CCLF MRA would be a committed arrangement and all CCLF Transactions entered into pursuant to the CCLF MRA would be readily available and the related assets would be convertible into cash in order to settle cash obligations owed to non-defaulting Netting Members.

Rule 17Ad-22(e)(7)(iv) under the Exchange Act will require FICC to undertake due diligence that confirms that it has a reasonable basis to believe each of its liquidity providers has: (a)

Sufficient information to understand and manage the liquidity provider's liquidity risks; and (b) the capacity to perform as required under its commitments to provide liquidity.<sup>30</sup> As described above, on a quarterly basis, FICC would conduct due diligence to assess each Netting Member's ability to meet its Individual Total Amount. This due diligence would include a review of all information that the Netting Member has provided FICC in connection with its ongoing reporting requirements pursuant to the GSD Rules as well as a review of other publicly available information. As a result, FICC believes that its due diligence of Netting Members would be consistent with Rule 17Ad-22(e)(7)(iv).

Additionally, Rule 17Ad-22(e)(7)(v) under the Exchange Act will require FICC to maintain and test with each liquidity provider, to the extent practicable, FICC's procedures and operational capacity for accessing its relevant liquid resources.<sup>31</sup> As described above, FICC would test its operational procedures for invoking a CCLF Event and pursuant to GSD Rule 3 Section 6, Netting Members would be required to participate in such tests. As a result, FICC believes that its testing of its capability to invoke a CCLF MRA would be consistent with Rule 17Ad-22(e)(7)(v).

#### *(B) Clearing Agency's Statement on Burden on Competition*

FICC believes that the proposed rule change could have an impact upon competition because each Netting Member's Individual Total Amount would place a committed funding obligation on Netting Members and this obligation would increase the cost of participating in GSD. The proposed rule change could impose a larger burden on competition on Netting Members that are subject to an Individual Supplemental Amount because such Members would bear higher funding obligations than Netting Members who are not subject to an Individual Supplemental Amount.

FICC believes that the burden on competition that is created by the proposed rule change is necessary to comply with the requirements of the Exchange Act and rules thereunder. As noted above, FICC believes that the proposal would assure that FICC safeguards securities and funds in its custody or control by providing FICC with additional liquidity to meet its cash settlement obligations. Moreover, the proposal would support FICC's

compliance with Rule 17Ad-22(b)(3)<sup>32</sup> under the Exchange Act because the CCLF would be sized to provide FICC with sufficient financial resources to withstand, at a minimum, a default by the participant family to which it has the largest exposure in extreme but plausible market conditions. Additionally, the proposed rule change would support FICC's compliance with Rule 17Ad-22(e)(7)(ii)<sup>33</sup> under the Exchange Act because the CCLF MRA would be a committed liquidity arrangement and all CCLF Transactions entered into pursuant to the CCLF MRA would be readily available and the related assets would be convertible into cash in order to settle cash obligations owed to non-defaulting Netting Members. The proposed rule change would support FICC's compliance with Rules 17Ad-22(e)(7)(iv) and (v)<sup>34</sup> under the Exchange Act because FICC would conduct due diligence to assess each Netting Member's ability to meet its Individual Total Amount and FICC would test its procedures and operational capability to invoke a CCLF Event. Pursuant to GSD Rule 3 Section 6, Netting Members would be required to participate in such tests.

FICC believes that the burden on competition created by the Individual Total Amount and Individual Supplemental Amount would be appropriate in furtherance of the Exchange Act. While the proposal may result in FICC requiring each Netting Member to contribute different amounts to CCLF, those contributions would be calculated in proportion to the liquidity needs that each Netting Member presents to FICC over a given six-month look-back period. Moreover, the Individual Supplemental Amount would only be applied to Netting Members that place the largest liquidity needs on FICC, and these needs are a direct result of such Members' trading behavior during the six-month look-back period. As a result, the proposal would ensure that all Netting Members fairly and equitably contribute to FICC's liquid financial resources based on the liquidity need they present to FICC.

#### *(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

*The proposal addresses a risk that spans beyond "extreme but plausible."*

FICC has received feedback that the proposed rule change seeks to address a risk that is not reasonable given the

<sup>27</sup> See 17 CFR 240.17Ad-22(e)(7).

<sup>28</sup> See 17 CFR 240.17Ad-22(e)(7)(i).

<sup>29</sup> See 17 CFR 240.17Ad-22(e)(7)(ii).

<sup>30</sup> See 17 CFR 240.17Ad-22(e)(7)(iv).

<sup>31</sup> See 17 CFR 240.17Ad-22(e)(7)(v).

<sup>32</sup> See 17 CFR 240.17Ad-22(b)(3).

<sup>33</sup> See 17 CFR 240.17Ad-22(e)(7)(ii).

<sup>34</sup> See 17 CFR 240.17Ad-22(e)(7)(iv) and (v).

current structure of the short-term tri-party repurchase market (“repo”) in U.S. Government securities. Commenters have explained that a committed liquidity tool such as CCLF is unnecessary because the repo market remained robust during periods of historical market stress and would continue to adequately perform during the next crisis. They have also noted that U.S. Treasury securities continue to be considered a “risk-free” instrument.

While FICC believes that historical market behavior allows market participants to observe trends in the repo market, FICC also believes that the adoption of CCLF would better position FICC to protect itself and its Netting Members should the repurchase financing market materially contract in the future. Additionally, the proposed rule change would adhere to Rule 17Ad-22(e)(7)(i) which requires FICC to maintain sufficient liquid resources to effect same-day settlement of payment obligations in the event of a default of the participant family that would generate the largest aggregate payment obligation for the covered clearing agency in extreme but plausible market conditions.<sup>35</sup>

*The proposal may impact behavior of smaller market participants.*

FICC has also received feedback that the proposed rule change would create concentration risk by forcing smaller Netting Members to clear through large financial institutions or exit the business. Commenters have explained that the funding obligation under the CCLF proposal may significantly impact their available capital or operating profiles. As a result, the CCLF proposal may force certain Netting Members to (1) clear through other financial institutions or (2) terminate their membership with FICC and engage in bilateral arrangements.

FICC values each Netting Member and does not wish to force any Netting Member to clear through larger Netting Members or exit the business as a result of this proposed rule change. However, FICC believes that all Netting Members should endeavor to maintain suitable capital to meet FICC’s enhanced participation requirements so that such Members do not have to clear through larger financial institutions or exit the business. Because each Netting Member is in the best position to monitor and manage the liquidity risks presented by its own activity, FICC believes that Netting Members should endeavor to manage their own liquidity. In an effort to enable each Netting Member to prepare for its liquidity funding

obligation, FICC would provide a liquidity funding report to each Netting Member on a daily basis. This report would enable each Netting Member to prepare for its maximum funding obligations and alter its trading behavior should it desire to minimize the liquidity risk that it presents to FICC.

FICC is cognizant that Netting Members would need to incorporate their respective funding obligation into their internal liquidity plans and evaluate the appropriate course of action for their firm based on the economic impact that such Netting Members believe the funding obligation imposes. Given the added liquidity cost, as noted in the feedback, FICC would implement the proposed rule change 12 months after the later date of the Commission’s approval of this filing or its no objection of the Advance Notice Filing. During this 12-month period, FICC would periodically provide Netting Members with estimates of their Individual Total Amounts. The deferred implementation and the estimate Individual Total Amounts are designed to give Netting Members the opportunity to assess the impact of their Individual Total Amount on their business profile and make any changes that such Netting Members deem necessary to lower their respective allocation.

As noted above, FICC understands that Netting Members must be able to plan for their funding obligations. At the same time, FICC also believes that it is critical that Netting Members understand the risks that their own activity presents to FICC, and be prepared to monitor their own activity and alter their behavior in order to minimize the liquidity risk they present to FICC.

### 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.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

### 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 Exchange Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission’s Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-FICC-2017-002 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR-FICC-2017-002. 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 FICC and on DTCC’s Web site (<http://dtcc.com/legal/sec-rule-filings.aspx>). 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-FICC-2017-002 and should be submitted on or before April 10, 2017.

<sup>35</sup> See 17 CFR 240.17Ad-22(e)(7)(i).



For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>36</sup>

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017-05401 Filed 3-17-17; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80242; File No. SR-BatsBZX-2017-19]

### Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees

March 14, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on March 8, 2017, Bats BZX Exchange, Inc. (the “Exchange” or “BZX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members<sup>5</sup> and non-members of the Exchange pursuant to BZX Rules 15.1(a) and (c).

The text of the proposed rule change is available at the Exchange’s Web site at [www.bats.com](http://www.bats.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 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 amend its fee schedule applicable to its equities trading platform (“BZX Equities”) to: (i) Modify the criteria required to meet the Market Depth Tier; (ii) add a new Cross-Asset Add Volume Tier 2 under footnote 1; and (iii) delete the alternate criteria to meet Tiers 1 through 6 under footnote 1.

###### Modifications to Market Depth Tier

The Exchange proposes to modify the required criteria for Market Depth Tier under footnote 1 of the fee schedule. The Exchange currently offers enhanced rebates ranging from \$0.0025 to \$0.0032 per share under eight Add Volume Tiers set forth in footnote 1 of the fee schedule. Under the Market Depth Tier, qualifying Members earn a rebate per share of \$0.0032 on displayed orders that add liquidity and yield fee codes B, V, or Y.<sup>6</sup> Currently, to qualify for this tier a Member must: (i) Add an ADV<sup>7</sup> greater than or equal to 1.00% of the TCV;<sup>8</sup> and (ii) add an ADV greater than or equal to 0.10% of the TCV in non-displayed orders that yield fee codes HA<sup>9</sup> or HI.<sup>10</sup> The Exchange now

<sup>6</sup> Fee codes B, V, and Y are appended to displayed orders that add liquidity in tape B, A, or C, respectively. See the Exchange’s fee schedule available at [http://www.bats.com/us/equities/membership/fee\\_schedule/bzx/](http://www.bats.com/us/equities/membership/fee_schedule/bzx/).

<sup>7</sup> “ADV” means average daily volume calculated as the number of shares added or removed, combined, per day, and is calculated on a monthly basis. *Id.*

<sup>8</sup> “TCV” means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply. *Id.*

<sup>9</sup> Fee code HA is appended to non-displayed orders which add liquidity on the Exchange and receive a rebate of \$0.0017 per share. *Id.*

<sup>10</sup> Fee code HI is appended to non-displayed orders which receive price improvement and add

proposes to decrease the first prong of the tier’s criteria while increasing the second prong of the criteria for this tier, thus keeping the difficulty of achieving the tier the same while adjusting to current market dynamics. Specifically, to receive a rebate of \$0.0032 per share under the Market Depth Tier a Member must now: (i) Add an ADV greater than or equal to 0.70% of the TCV; and (ii) add an ADV greater than or equal to 0.12% of the TCV in non-displayed orders that yield fee codes HA or HI.

###### Proposed Cross-Asset Add Volume Tier 2

The Exchange proposes to offer an additional Cross-Asset Add Volume Tier under footnote 1 of the fee schedule. Included amongst the volume tiers offered by the Exchange under footnote 1 is a Cross-Asset Add Volume Tier which requires participation on the Exchange’s equity options platform (“BZX Options”). Under the Exchange’s current Cross-Asset Add Volume Tier, a Member’s order that yield fee codes B, V, or Y may receive an enhanced rebate of \$0.0028 per share where that Member has an: (i) ADAV<sup>11</sup> as a percentage of TCV greater than or equal to 0.15%; and (ii) Options Customer Add TCV<sup>12</sup> greater than or equal to 0.10%. Under proposed tier to be called the “Cross-Asset Add Volume Tier 2”,<sup>13</sup> a Member’s orders that yield fee codes B, V or Y may receive an enhanced rebate of \$0.0030 per share where the Member: (i) Has on BZX Options an ADAV in Customer<sup>14</sup> orders greater than or equal to 0.60% of average TCV; (ii) has on BZX Options an ADAV in Market Maker<sup>15</sup> orders greater than or equal to

liquidity. Orders that yield fee code HI are charged no fee nor do they receive a rebate. *Id.*

<sup>11</sup> “ADAV” means average daily added volume calculated as the number of contracts added and “ADV” means average daily volume calculated as the number of contracts added or removed, combined, per day. See the Exchange’s fee schedule available at [http://www.bats.com/us/options/membership/fee\\_schedule/bzx/](http://www.bats.com/us/options/membership/fee_schedule/bzx/).

<sup>12</sup> “Options Customer Add TCV” means, for purposes of equities pricing, ADAV resulting from Customer orders as a percentage of TCV, using the definitions of ADAV, Customer and TCV as provided under the Exchange’s fee schedule for BZX Options. *Id.*

<sup>13</sup> The Exchange proposes to rename the current Cross-Asset Add Volume Tier as “Cross-Asset Add Volume Tier 1”.

<sup>14</sup> “Customer” applies to any transaction identified by a Member for clearing in the Customer range at the OCC, excluding any transaction for a Broker Dealer or a “Professional” as defined in Exchange Rule 16.1. See the BZX Options fee schedule available at [http://www.bats.com/us/options/membership/fee\\_schedule/bzx/](http://www.bats.com/us/options/membership/fee_schedule/bzx/).

<sup>15</sup> “Market Maker” applies to any transaction identified by a Member for clearing in the Market Maker range at the OCC, where such Member is registered with the Exchange as a Market Maker as defined in Rule 16.1(a)(37). *Id.*

<sup>36</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>4</sup> 17 CFR 240.19b-4(f)(2).

<sup>5</sup> The term “Member” is defined as “any registered broker or dealer that has been admitted to membership in the Exchange.” See Exchange Rule 1.5(n).

0.25% of average TCV; and (iii) Member has an ADAV greater than or equal to 0.30% of average TCV.

#### Deletion of Alternate Criteria To Meet Tiers 1 Through 6 Under Footnote 1

The Exchange proposes to delete the alternate criteria to meet Tiers 1–6 under footnote 1 of the fee schedule. The Exchange currently offers enhanced rebates ranging from \$0.0025 to \$0.0032 per share under Tiers 1 through 6 in footnote 1 of the fee schedule for Members that have an ADAV as a percentage of TCV greater than or equal to a certain percentage or an ADV as a percentage of TCV greater than a certain percentage. The Exchange now proposes to delete the second alternate criteria under Tiers 1 through 6 where a Member may have an ADV as a percentage of TCV greater than a certain percentage to receive the enhanced rebate provided by the tier.

- Under Tier 1, a Member may receive a rebate of \$0.0025 per share where they have an: (i) ADAV as a percentage of TCV greater than or equal to 0.10%; or (ii) ADV as a percentage of TCV greater than or equal to 0.25%. As amended, the second alternate criteria will be removed and Members would no longer qualify for the tier where they have an ADV as a percentage of TCV greater than or equal to 0.25%.

- Under Tier 2, a Member may receive a rebate of \$0.0028 per share where they have an: (i) ADAV as a percentage of TCV greater than or equal to 0.20%; or (ii) ADV as a percentage of TCV greater than or equal to 0.50%. As amended, the second alternate criteria will be removed and Members would no longer qualify for the tier where they have an ADV as a percentage of TCV greater than or equal to 0.50%.

- Under Tier 3, a Member may receive a rebate of \$0.0029 per share where they have an: (i) ADAV as a percentage of TCV greater than or equal to 0.30%; or (ii) ADV as a percentage of TCV greater than or equal to 0.75%. As amended, the second alternate criteria will be removed and Members would no longer qualify for the tier where they have an ADV as a percentage of TCV greater than or equal to 0.75%.

- Under Tier 4, a Member may receive a rebate of \$0.0030 per share where they have an: (i) ADAV as a percentage of TCV greater than or equal to 0.50%; or (ii) ADV as a percentage of TCV greater than or equal to 1.00%. As amended, the second alternate criteria will be removed and Members would no longer qualify for the tier where they have an ADV as a percentage of TCV greater than or equal to 1.00%.

- Under Tier 5, a Member may receive a rebate of \$0.0031 per share where they have an: (i) ADAV as a percentage of TCV greater than or equal to 1.00%; or (ii) ADV as a percentage of TCV greater than or equal to 1.40%. As amended, the second alternate criteria will be removed and Members would no longer qualify for the tier where they have an ADV as a percentage of TCV greater than or equal to 1.40%.

- Under Tier 6, a Member may receive a rebate of \$0.0032 per share where they have an: (i) ADAV as a percentage of TCV greater than or equal to 1.25%; or (ii) ADV as a percentage of TCV greater than or equal to 1.75%. As amended, the second alternate criteria will be removed and Members would no longer qualify for the tier where they have an ADV as a percentage of TCV greater than or equal to 1.75%.

#### Implementation Date

The Exchange proposes to implement these amendments to its fee schedule immediately.<sup>16</sup>

#### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,<sup>17</sup> in general, and furthers the objectives of Section 6(b)(4),<sup>18</sup> in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange believes that the proposed modification to the tiered pricing structure is reasonable, fair and equitable, and non-discriminatory. The Exchange operates in a highly competitive market in which market participants may readily send order flow to many competing venues if they deem fees at the Exchange to be excessive. The proposed fee structure remains intended to attract order flow to the Exchange by offering market participants a competitive pricing structure. The Exchange believes it is reasonable to offer and incrementally modify incentives intended to help to contribute to the growth of the Exchange.

Volume-based rebates such as that proposed herein have been widely adopted by exchanges, including the Exchange, and are equitable because they are open to all Members on an

equal basis and provide additional benefits or discounts that are reasonably related to: (i) The value to an exchange's market quality; (ii) associated higher levels of market activity, such as higher levels of liquidity provisions and/or growth patterns; and (iii) introduction of higher volumes of orders into the price and volume discovery processes.

#### Modifications to Market Depth Tier

The modification proposed herein is also intended to incentivize additional Members to send orders to the Exchange in an effort to qualify for the enhanced rebate made available by the tiers, contribute to the growth of the Exchange, or will allow the Exchange to earn additional revenue that can be used to offset the addition of new pricing incentives. The Exchange believes decreasing the first prong of the tier's criteria by 0.30%, while increasing the second prong of the criteria by 0.02%, ensures the difficulty of achieving the tier remains the same, while adjusting to reflect current market dynamics. The second prong of the criteria is a subset of the first prong. Due to market trend of decreased volatility in 2017, this tier has become more difficult to achieve. By decreasing the overall ADV required by the first prong while slightly increasing the ADV required in certain non-displayed orders by the second prong, the effect of the tier, to incentivize orders which add depth to the order book, remains in place, while adjusting for current market volatility. The result is that the difficulty of achieving the tier remains relatively similar. The Exchange does not propose to modify the rebate offered in this tier as the difficulty is relatively unchanged. The Exchange as well as competitors of the Exchange and do not represent a significant departure from the Exchange's general pricing structure.

#### Proposed Cross-Asset Add Volume Tier 2

The Exchange believes that the proposed Cross-Asset Add Volume Tier 2 is a reasonable, equitable, and not unfairly discriminatory allocation of fees and rebates because it will provide Members with an additional incentive to reach certain thresholds on both BZX Equities and BZX Options. The increased liquidity from this proposal also benefits all investors by deepening the BZX Equities and BZX Options liquidity pools, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection. Such pricing programs thereby reward a Member's growth

<sup>16</sup> The Exchange initially filed the proposed amendments to its fee schedule on March 1, 2017 (SR-BatsBZX-2017-16). On March 8, 2017, the Exchange filed and withdrew SR-BatsBZX-2017-18 and then subsequently submitted this filing (SR-BatsBZX-2017-19).

<sup>17</sup> 15 U.S.C. 78f.

<sup>18</sup> 15 U.S.C. 78f(b)(4).

pattern on the Exchange and such increased volume increases potential revenue to the Exchange, and will allow the Exchange to continue to provide and potentially expand the incentive programs operated by the Exchange. To the extent a Member participates on BZX Equities but not on BZX Options, the Exchange does believe that the proposal is still reasonable, equitably allocated and non-discriminatory with respect to such Member based on the overall benefit to the Exchange resulting from the success of BZX Options. As noted above, such success allows the Exchange to continue to provide and potentially expand its existing incentive programs to the benefit of all participants on the Exchange, whether they participate on BZX Options or not. The proposed rebate provided by the proposed tier is also equitable and reasonable because it reflects the increased criteria necessary to achieve the tier as compare to the existing Cross-Asset Add Volume Tier. The proposed tier is also fair and equitable in that membership in BZX Options is available to all market participants which would provide them with access to the benefits on BZX Options provided by the proposed changes, as described above, even where a member of BZX Options is not necessarily eligible for the proposed increased rebates on the Exchange. Further, the proposed changes will result in Members receiving either the same or an increased rebate than they would currently receive.

#### Deletion of Alternate Criteria To Meet Tiers 1 Through 6 Under Footnote 1

The Exchange believes that the proposed deletions of the alternate criteria for Tiers 1 through 6 under footnote 1 are reasonable, equitable, and not unfairly discriminatory allocation of fees and rebates. The alternate criteria available under these tier has not affected Members' behavior in the manner originally conceived by the Exchange as most all Members that qualify for Tier 1 through 6 do so by meeting the tier's first criteria, which the Exchange does not proposes to modify or delete. Therefore, the alternate criteria the Exchange proposes to delete for each tier would have a minimal impact on Member's ability to qualify for a particular tier. The Exchange also believes that the proposed elimination of the alternate criteria for Tiers 1 through 6 would be non-discriminatory in that it currently applies equally to all Members and, upon elimination, would no longer be available to any Members. Further, their elimination will allow the Exchange to

explore other pricing mechanisms in which it may enhance market quality for all Members.

#### 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. The Exchange does not believe that any of the proposed change to the Exchange's tiered pricing structure burden competition, but instead, that it enhances competition as it is intended to increase the competitiveness of BZX by modifying pricing incentives in order to attract order flow and incentivize participants to increase their participation on the Exchange. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee structures to be unreasonable or excessive. The proposed changes are generally intended to enhance the rebates for liquidity added to the Exchange, which is intended to draw additional liquidity to the Exchange. The Exchange does not believe the proposed amendments would burden intramarket competition as they would be available to all Members uniformly.

#### B. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>19</sup> and paragraph (f) of Rule 19b-4 thereunder.<sup>20</sup> At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and

arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File No. SR-BatsBZX-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 No. SR-BatsBZX-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 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-BatsBZX-2017-19, and should be submitted on or before April 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>21</sup>

**Robert W. Errett,**  
Deputy Secretary.

[FR Doc. 2017-05407 Filed 3-17-17; 8:45 am]

**BILLING CODE 8011-01-P**

<sup>19</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>20</sup> 17 CFR 240.19b-4(f).

<sup>21</sup> 17 CFR 200.30-3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80239; File No. SR-ISEGemini-2017-14]

### Self-Regulatory Organizations; ISE Gemini, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change, as Modified by Amendment No. 1, To Amend Supplementary Material .03 to Rule 713

March 14, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on March 9, 2017, ISE Gemini, LLC (“ISE Gemini” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. On March 13, 2017, the Exchange filed Amendment No. 1 to the proposed rule change.<sup>3</sup> The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Supplementary Material .03 to Rule 713 to change the allocation entitlement for Preferred PMMs.

The text of the proposed rule change is available on the Exchange’s Web site at [www.ise.com](http://www.ise.com), at the principal office of the Exchange, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

Supplementary Material .03 to Rule 713 allows an Electronic Access Member (“EAM”) to designate a “Preferred Market Maker” on orders it enters into the System (“Preferred Orders”). A Preferred Market Maker may be the Primary Market Maker (“PMM”) appointed to the options class or any Competitive Market Maker (“CMM”) appointed to the options class.<sup>4</sup> The purpose of the proposed rule change is to amend Supplementary Material .03 to Rule 713 to change the allocation entitlement for PMMs that receive Preferred Orders (*i.e.*, “Preferred PMMs”), consistent with allocation entitlements for PMM equivalents on another options exchange.

Currently, a Preferred Market Maker that is quoting at the national best bid of offer (“NBBO”) at the time the Preferred Order is received,<sup>5</sup> is entitled to participation rights equal to the greater of: (i) The proportion of the total size at the best price represented by the size of its quote, or (ii) sixty percent (60%) of the contracts to be allocated if there is only one (1) other Professional Order or market maker quotation at the best price and forty percent (40%) if there are two (2) or more other Professional Orders and/or market maker quotes at the best price.<sup>6</sup> This allocation entitlement is in lieu of the regular allocation provided in Supplementary Material .01 to Rule 713, and applies regardless of whether the Preferred Market Maker is a PMM or CMM. In some instances where the Preferred Market Maker is the PMM appointed to the options class this results in a preferred allocation that is worse than the market maker’s regular allocation entitlement. Specifically, Supplementary Material .01(c) to Rule 713 provides a small order entitlement whereby orders of five contracts or fewer are executed first by the PMM. A PMM that normally receives an allocation entitlement for orders of five contracts or fewer,<sup>7</sup> would not receive this allocation entitlement if it were

designated as the Preferred Market Maker.

The Exchange now proposes to amend the participation rights of Preferred PMMs such that the PMM appointed in an option class will receive participation rights that are consistent with the higher allocation entitlement given to PMM equivalents on the MIAX Options Exchange (“MIAX”). In particular, the Exchange proposes to amend Supplementary Material .03(c) to Rule 713 to provide that, the Preferred Market Maker has participation rights equal to the greater of: (i) The proportion of the total size at the best price represented by the size of its quote, (ii) sixty percent (60%) of the contracts to be allocated if there is only one (1) other Professional Order or market maker quotation at the best price and forty percent (40%) if there are two (2) or more other Professional Orders and/or market maker quotes at the best price, or (iii) *the full size of a Preferred Order for five (5) contracts or fewer if the Primary Market Maker appointed to the options class is designated as the Preferred Market Maker—i.e.*, the small order allocation entitlement contained in Supplementary Material .01(c) to Rule 713. Thus, the PMM appointed to an options class would receive an allocation entitlement for orders of five contracts or fewer, regardless of whether that order is submitted as a Preferred Order. The Exchange believes that this is appropriate since the PMMs obligations to the market are the same regardless of whether an order happens to be submitted with a preference instruction. PMM equivalents on MIAX currently receive this participation right when preferred, in addition to the regular 60% or 40% preferred allocation currently provided in the rule.<sup>8</sup> Preferred CMMs will continue to receive the same allocation entitlement that they receive today.

Pursuant to Supplementary Material .01(c) to Rule 713 the Exchange evaluates on a quarterly basis what percentage of the volume executed on the Exchange is comprised of orders for five (5) contracts or fewer executed by PMMs. The Exchange represents that this review will extend to the small order entitlement for Preferred PMMs. Thus, consistent with Supplementary Material .01(c) to Rule 713, the Exchange will reduce the size of the orders included in the small order entitlement if such percentage is over forty percent (40%).

<sup>4</sup> See Supplementary Material .03(a) to Rule 713.

<sup>5</sup> If the Preferred Market Maker is not quoting at a price equal to the NBBO at the time the Preferred Order is received, the Exchange’s regular allocation procedure applies to the execution of the Preferred Order. See Supplementary Material .03(b) to Rule 713.

<sup>6</sup> See Supplementary Material .03(c) to Rule 713.

<sup>7</sup> See Supplementary Material .01(c) to Rule 713.

<sup>8</sup> See MIAX Rule 514(g), (i).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> In Amendment No. 1, the Exchange represented that the proposed allocation entitlement for Preferred PMMs will be implemented on the INET trading system on or subsequent to the effective date of this proposed rule change.

## Implementation

The proposed rule change will be implemented on the Exchange's new INET trading system, which launched on February 27, 2017,<sup>9</sup> provided that the Exchange will provide notice of this change in a circular to be distributed to members prior to implementing the new allocation entitlement on INET. The INET migration is taking place on a symbol by symbol basis as specified by the Exchange in a notice to Members. The Exchange is proposing to implement this rule change on the INET platform as the symbols migrate to that platform. As such, PMMs will begin receiving the small order entitlement in symbols as they migrate to the INET platform. For symbols which migrated to INET prior to the approval of this rule change, the small order entitlement will be applied to such symbols starting on the implementation date noted in the circular distributed to members. The proposed allocation entitlement for Preferred PMMs will be implemented on the INET trading system on or subsequent to the effective date of this proposed rule change.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.<sup>10</sup> In particular, the proposal is consistent with Section 6(b)(5) of the Act,<sup>11</sup> because it is designed to promote just and equitable principles of trade, 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 Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest as it will allow EAMs to send Preferred Orders to the PMM appointed in an options class without inadvertently disadvantaging the PMM compared to if the order was not preferred. The regular allocation entitlements for PMMs, including the small order entitlement, are designed to balance the obligations that the PMM has to the market with corresponding benefits. The Exchange believes that it is appropriate to provide the small order entitlement also when the PMM is

designated as a Preferred Market Maker as the obligations that the PMM has to the market are not diminished when it receives a Preferred Order. MIAx similarly provides the small order entitlement to the PMM regardless of whether the order is submitted as a Preferred Order.<sup>12</sup> At the same time, the proposed rule change does not amend the current participation rights for Preferred CMMs, which is also consistent with allocation rules of MIAx. While the Exchange believes that it is appropriate to grant PMMs an allocation entitlement for small sized orders preferred to them in recognition of the obligations that PMMs have to maintain fair and orderly markets, the Exchange does not believe that it is appropriate at this time to extend this entitlement to CMMs, preferred or otherwise.

## B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,<sup>13</sup> the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to allow EAMs to send Preferred Orders to the PMM appointed in an options class without inadvertently disadvantaging the PMM by reducing its participation rights. The proposed allocation entitlements are equivalent to those currently in effect on another options exchange.<sup>14</sup> The proposed rule change is therefore not designed to impose any significant burden on competition.

## 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

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section

19(b)(3)(A)(iii) of the Act<sup>15</sup> and subparagraph (f)(6) of Rule 19b-4 thereunder.<sup>16</sup>

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act<sup>17</sup> normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)<sup>18</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Exchange represents that waiver of the operative delay would allow the Exchange to implement this proposed rule change prior to a significant symbol rollout to the INET technology. The Exchange states that symbols that account for approximately 35% of industry volume are scheduled to be migrated to the new INET trading system on March 27, 2017, with additional symbols accounting for roughly 62% of industry volume scheduled to be migrated on April 3, 2017. Further, for symbols that have already migrated to INET, the Exchange represents that the small order entitlement will be applied to such symbols starting on the implementation date to be announced to the members in a circular. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.<sup>19</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings

<sup>15</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>16</sup> 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.

<sup>17</sup> 17 CFR 240.19b-4(f)(6).

<sup>18</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>19</sup> For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>9</sup> See Securities Exchange Act Release No. 80011 (February 10, 2017), 82 FR 10927 (February 16, 2017) (SR-ISEGemini-2016-17).

<sup>10</sup> 15 U.S.C. 78f(b).

<sup>11</sup> 15 U.S.C. 78f(b)(5).

<sup>12</sup> See supra note 7.

<sup>13</sup> 15 U.S.C. 78f(b)(8).

<sup>14</sup> See supra note 7.

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, as modified by Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-ISEGemini-2017-14 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-ISEGemini-2017-14. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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-ISEGemini-2017-14 and should be submitted on or before April 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>20</sup>

**Robert W. Errett,**  
*Deputy Secretary.*

[FR Doc. 2017-05405 Filed 3-17-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Notice is hereby given that, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, the Securities and Exchange Commission will hold an Open Meeting on Wednesday, March 22, 2017, at 10:00 a.m., in the Auditorium, Room L-002.

The subject matter of the Open Meeting will be:

- The Commission will consider whether to adopt an amendment to Rule 15c6-1 under the Securities Exchange Act of 1934 to shorten the standard settlement cycle for most broker-dealer transactions from three business days after the trade date to two business days after the trade date.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted, or postponed, please contact Brent J. Fields in the Office of the Secretary at (202) 551-5400.

Dated: March 15, 2017.

**Brent J. Fields,**  
*Secretary.*

[FR Doc. 2017-05508 Filed 3-16-17; 11:15 am]

**BILLING CODE 8011-01-P**

## SMALL BUSINESS ADMINISTRATION

### [Disaster Declaration #15043 and #15044]

#### Georgia Disaster Number GA-00092

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 3.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of GEORGIA (FEMA-4297-DR), dated 02/07/2017.

*Incident:* Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

*Incident Period:* 01/21/2017 through 01/22/2017.

*Effective Date:* 03/06/2017.

*Physical Loan Application Deadline Date:* 04/10/2017.

<sup>20</sup> 17 CFR 200.30-3(a)(12).

*Economic Injury (EIDL) Loan Application Deadline Date:* 11/07/2017.

**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:** The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Georgia, dated 02/07/2017, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Putnam.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**James E. Rivera,**  
*Associate Administrator for Disaster Assistance.*

[FR Doc. 2017-05411 Filed 3-17-17; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

### [Disaster Declaration #15039 and #15040]

#### South Dakota Disaster #SD-00073

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 1.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of South Dakota (FEMA-4298-DR), dated 02/01/2017.

*Incident:* Severe Winter Storm.

*Incident Period:* 12/24/2016 through 12/26/2016.

*Effective Date:* 03/06/2017.

*Physical Loan Application Deadline Date:* 04/03/2017.

*Economic Injury (EIDL) Loan Application Deadline Date:* 11/01/2017.

**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:** The notice of the President's major disaster declaration for Private Non-Profit

organizations in the State of South Dakota, dated 02/01/2017, is hereby amended to include the following areas as adversely affected by the disaster. Primary Area: Lake Traverse Reservation.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**James E. Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2017-05410 Filed 3-17-17; 8:45 am]

**BILLING CODE 8025-01-P**

**DEPARTMENT OF STATE**

[Public Notice 9920]

**Notice of Public Meeting of the International Telecommunication Advisory Committee and Preparations for Upcoming International Telecommunications Meetings**

This notice announces a meeting of the Department of State's International Telecommunication Advisory Committee (ITAC) to review recent activities of the Department of State in international meetings on international communications and information policy and prepare for similar activities in the next quarter. The ITAC will meet on April 27, 2017 at 2:00 p.m. EST at ITIC, 1101 K St NW #610, Washington, DC 20005 to discuss the preparatory process for multilateral meetings, the results of recent events, and preparations for upcoming meetings at the International Telecommunication Union and the Inter-American Telecommunications Commission of the Organization of American States. The meeting will focus on the following topics:

- Americas Regional Preparatory Meeting (RPM) for the International Telecommunication Union (ITU) World Telecommunication Development Conference (WTDC)
- ITU Development Sector (ITU-D) Study Groups 1/2
- ITU Council Working Groups and Experts Group on International Telecommunications Regulations (ITRs)
- Inter-American Telecommunication Commission (CITEL)
- ITU Council
- World Summit on the Information Society (WSIS) Forum
- Telecommunication Development Advisory Group (TDAG)
- Telecommunication Standardization Advisory Group (TSAG)
- WTDC-17

- Telecommunication Radiocommunication Sector (ITU-R) Study Group
  - Telecommunication Standardization Sector (ITU-T) Study Group
  - 2018 ITU Plenipotentiary Conference (PP-18)
- PP-18 will take place in Dubai, United Arab Emirate, from—October 29 to November 17, 2018. The Plenipotentiary Conference, which takes place every four years, is the highest policy-making body of the Union. PP-18 will determine the overall policy direction of the ITU; adopt the strategic and financial plans for the next four years; elect the 48 members of Council, 12 members of the Radio Regulations Board, and five Elected Officials; and consider and adopt, if appropriate, modifications to the ITU Constitution and Convention. The Department seeks advice from stakeholders and interested parties to inform its upcoming preparations for PP-18, to include but not limited to input on the following questions:

1. Maintaining the stability of the Constitution and Convention and the mandate of ITU, the Strategic and Financial Plans, Internet-related issues, and elections are typical U.S. priorities for a plenipotentiary conference. Should these remain U.S. priorities? What other U.S. priorities should be considered?
2. Should the United States propose to initiate a process of ITU reform at PP-18? If so, what areas for reform should be prioritized?
3. What are the major areas of concern for PP-18 and how should the United States address them?

Comments in Microsoft Word or Adobe PDF may also be submitted electronically to [ITAC@state.gov](mailto:ITAC@state.gov) on or before April 27, 2017.

Attendance at this meeting is open to the public as seating capacity allows. The public will have an opportunity to provide comments at this meeting at the invitation of the chair. Further details on this ITAC meeting will be announced on the Department of State's email list, [ITAC@mlist.state.gov](mailto:ITAC@mlist.state.gov). Use of the ITAC list is limited to meeting announcements and confirmations, distribution of agendas and other relevant meeting documents. The Department welcomes any U.S. citizen or legal permanent resident to remain on or join the ITAC listserv by registering by email via [ITAC@state.gov](mailto:ITAC@state.gov) and providing his or her name, email address, telephone contact and the company, organization, or community that he or she is representing, if any. Persons wishing to request reasonable accommodation during the meeting should send their requests to [ITAC@state.gov](mailto:ITAC@state.gov) no later than April 14, 2017. Requests made after that time will be considered, but might not be able to be fulfilled.

*state.gov* no later than April 14, 2017. Requests made after that time will be considered, but might not be able to be fulfilled.

*For Further Information Contact:* Please send all inquiries to [ITAC@state.gov](mailto:ITAC@state.gov).

**Julie N. Zoller,**

*Acting Coordinator, International Communications and Information Policy, U.S. Department of State.*

[FR Doc. 2017-05456 Filed 3-17-17; 8:45 am]

**BILLING CODE 4710-AE-P**

**DEPARTMENT OF STATE**

[Public Notice 9919]

**Overseas Schools Advisory Council Charter Renewal**

**AGENCY:** Department of State.

**ACTION:** Notice of renewal of an advisory committee charter.

**FOR FURTHER INFORMATION CONTACT:**

Keith Miller, Senior Advisor to the Acting Director, Office of Overseas Schools and Acting Executive Secretary of the Council, at (202) 261-8201.

**SUPPLEMENTARY INFORMATION:**

*Renewal of Advisory Committee:* The Department of State announces the renewal of the charter of the Overseas Schools Advisory Council in accordance with the Federal Advisory Committee Act.

*Purpose:* The main objectives of the Council are:

- (a) To advise the Department of State regarding matters of policy and funding for the overseas schools.
- (b) To help the overseas schools become showcases for excellence in education.

(c) To help make service abroad more attractive to American citizens who have school-age children, both in the business community and in Government.

(d) To identify methods to mitigate risks to American private sector interests worldwide.

**Keith Miller,**

*Senior Advisor to the Acting Director, Office of Overseas Schools and Acting Executive Secretary of the Council.*

[FR Doc. 2017-05455 Filed 3-17-17; 8:45 am]

**BILLING CODE 4710-24-P**

**DEPARTMENT OF VETERANS AFFAIRS**

**Advisory Committee on Homeless Veterans, Notice of Meeting**

The Department of Veterans Affairs (VA) gives notice under the Federal



Advisory Committee Act, 38 U.S.C. App. 2 that a meeting of the Advisory Committee on Veterans at-risk and experiencing homelessness will be held May 10 through May 12, 2017. On May 10 and May 11, the Committee will meet at the Department of Veterans Affairs, 810 Vermont Avenue Northwest, Room 530, Washington, DC, from 8:00 a.m. to 5:00 p.m. On May 12, the Committee will meet at the Department of Veterans Affairs, 810 Vermont Avenue, Northwest, Room 530, Washington, DC, from 8:00 a.m. to 12:00 p.m. The meeting sessions are open to the public.

The purpose of the Committee is to provide the Secretary of Veterans Affairs with an on-going assessment of the effectiveness of the policies, organizational structures, and services of VA in assisting Veterans at-risk and experiencing homelessness. The Committee shall assemble and review information related to the needs of homeless Veterans and provide advice on the most appropriate means of providing assistance to that subset of the Veteran population. The Committee will make recommendations to the Secretary regarding such activities.

The agenda will include briefings from officials at VA and other agencies regarding services for homeless Veterans. The Committee will also receive a briefing on the annual report that was developed after the last meeting of the Advisory Committee on Homeless Veterans and will then discuss topics for its upcoming annual report and recommendations to the Secretary of Veterans Affairs.

No time will be allocated at this meeting for receiving oral presentations from the public. Interested parties should provide written comments on issues affecting Veterans at-risk and experiencing homelessness for review by the Committee to Anthony Love, Designated Federal Officer, VHA

Homeless Programs Office (10NC1), Department of Veterans Affairs, 90 K Street Northeast, Washington, DC, or via email at [Anthony.Love@va.gov](mailto:Anthony.Love@va.gov).

Members of the public who wish to attend in-person should contact both Charles Selby and Timothy Underwood of the VHA Homeless Program Office by April 25, 2017, at [Charles.Selby@va.gov](mailto:Charles.Selby@va.gov) and [Timothy.Underwood@va.gov](mailto:Timothy.Underwood@va.gov), while providing their name, professional affiliation, address, and phone number. There will also be a call-in number at 1-800-767-1750; Access Code: 79421#. A valid government issued ID is required for admission to the meeting. Attendees who require reasonable accommodation should state so in their requests.

Dated: March 15, 2017.

**Jelessa M. Burney,**  
*Federal Advisory Committee Management Officer.*

[FR Doc. 2017-05443 Filed 3-17-17; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF VETERANS AFFAIRS

### Enhanced-Use Lease of U.S. Department of Veterans Affairs (VA) Real Property for the Development of Permanent Supportive Housing Facility at the VA Greater Los Angeles Healthcare System—West Los Angeles, Los Angeles, California

**AGENCY:** U.S. Department of Veterans Affairs.

**ACTION:** Notice of intent to enter into an Enhanced-Use Lease (EUL).

**SUMMARY:** The Secretary of VA intends to enter into an EUL for the purpose of utilizing Building 209, located on the grounds of the VA Greater Los Angeles Healthcare System—West Los Angeles Campus, Los Angeles, California, and consisting of 55 housing units of

permanent supportive housing for Veterans. The EUL lessee, Veterans Housing Partnership, LLC, will finance, design, manage, operate, and maintain, permanent supportive housing for eligible homeless Veterans, or Veterans at risk of homelessness, and their families. Additionally, the Developer/Lessee will be required to provide supportive services that guide Veteran residents towards long-term independence and self-sufficiency.

**FOR FURTHER INFORMATION CONTACT:** Edward L. Bradley III, Office of Asset Enterprise Management (044), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461-7778.

**SUPPLEMENTARY INFORMATION:** Title 38 U.S.C. 8161, *et seq.*, as amended by the West Los Angeles Leasing Act of 2016 (Pub. L. 114-226), authorizes the Secretary to enter into an EUL for the provision of supportive housing, if the lease would not be inconsistent with and will not adversely affect the mission of the Department. This project comports with those parameters.

### Signing Authority

The Secretary of Veterans Affairs approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. David J. Shulkin, M.D., Secretary of Veterans Affairs, approved this document on March 15, 2017, for publication.

Dated: March 15, 2017.

**Jeffrey Martin,**  
*Office Program Manager, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.*

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