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Federal Register

Vol. 82, No. 58

Tuesday, March 28, 2017

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0922; Directorate Identifier 2014–NM–156–AD; Amendment 39–18836; AD 2017–06–12]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A319 and A320 series airplanes. This AD was prompted by a report that fatigue cracking could appear at certain fastener locations in the longeron area below the emergency exit cut-outs. This AD requires the modification of certain fastener locations in the longeron area below the emergency exit cut-outs. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 2, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 2, 2017.

ADDRESSES: For service information identified in this final rule, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0922.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0922; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A319 and A320 series airplanes. The SNPRM published in the **Federal Register** on January 20, 2016 (81 FR 3053) (''the SNPRM''). We preceded the SNPRM with a notice of proposed rulemaking (NPRM) that published in the **Federal Register** on December 15, 2014 (79 FR 74035) (''the NPRM''). The NPRM proposed to require the modification of eight fastener locations in the longeron area below the emergency exit cut-outs on the left-hand (LH) and right-hand (RH) sides. The NPRM was prompted by a report that fatigue cracking could appear at certain fastener locations in the longeron area below the emergency exit cut-outs. The NPRM was intended to complete certain mandated programs intended to support the airplane reaching its limit of validity (LOV) of the engineering data that support the established structural maintenance program. The SNPRM proposed to add post-Airbus Modification 32208 airplanes. We are issuing this AD to detect and correct cracking at certain fastener locations in the longeron area below the emergency exit cut-outs, which could lead to failure of the fasteners and reduced structural integrity of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2015–0085, dated May 13, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition on certain Model A319 and Model A320 series airplanes. The MCAI states:

> During the A320 fatigue test campaign for Extended Service Goal (ESG), it was determined that fatigue damage could appear at certain fastener locations on the longeron [area] below the emergency exit cut-outs, on the left-hand (LH) and right-hand (RH) sides of the fuselage.
>
> This condition, if not detected and corrected, could affect the structural integrity of the aeroplane.
>
> To address this potential unsafe condition, Airbus developed a modification, which has been published through Airbus Service Bulletin (SB) A320–53–1265 for in-service application to allow aeroplanes to operate up to the new ESG limit. Consequently, EASA issued AD 2014–0176 to require modification (cold working) of 8 fastener locations in the longeron area (Stringer 20A) below the emergency exit cut-outs on the LH and RH sides.
>
> Since that [EASA] AD was issued, it was identified that post-mod 32208 aeroplanes, which were excluded from the Applicability of that [EASA] AD, are also affected.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2014–0176, which is superseded, but no longer excludes post-mod 32208 aeroplanes from the Applicability.

As described in FAA Advisory Circular 120–104, several programs have been developed to support initiatives that will ensure the continued airworthiness of aging airplane structure. The last element of those initiatives is the requirement to establish a LOV of the engineering data that support the structural maintenance program under 14 CFR 26.21. This AD is the result of an assessment of the previously established programs by the design approval holder (DAH) during the process of establishing the LOV for Airbus Model A319 and A320 series airplanes. The actions specified in this AD are necessary to complete certain programs to ensure the continued airworthiness of aging airplane structure and to support an airplane reaching its LOV.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0922.

Comments

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

Requests To Reference Revised Service Information

Airbus, Delta Air Lines (Delta), and United Airlines (United) requested that we revise the SNPRM to reference Airbus Service Bulletin A320–53–1265, Revision 03, dated April 30, 2015.

We agree with the commenters' requests to include the most recent service information; however, since Revision 03 was issued, Airbus Service Bulletin A320–53–1265, Revision 04, dated July 6, 2016, has been issued. No additional work is specified by Revision 03 or Revision 04 of Airbus Service Bulletin A320–53–1265. Therefore, we have revised paragraph (g) of this AD to reference Airbus Service Bulletin A320–53–1265, Revision 04, dated July 6, 2016, and we have revised paragraph (h) of this AD to provide credit for actions accomplished prior to the effective date of this AD using Airbus Service Bulletin A320–53–1265, Revision 02, dated July 10, 2014; or Airbus Service Bulletin A320–53–1265, Revision 03, dated April 30, 2015.

Request To Revise Proposed Costs of Compliance

Delta asked that we include the purchase price of the Airbus service information in the Costs of Compliance section of the SNPRM. Delta stated that operators must purchase the service information at a cost ranging, in their experience, from $15,000 to $280,000 per airplane. Delta added that the economic impact of the SNPRM should account for all costs associated with the regulatory action, including the purchase price of the service information.

We do not agree with the commenter's request. The cost analysis in AD rulemaking actions describes only the direct costs of the specific actions required by the AD. Based on the best data available, the manufacturer provided the number of work-hours necessary for compliance with this AD, and the cost of any parts necessary for accomplishing those actions. It is our practice to post the service information that is required by this AD, and incorporated by reference in this AD, in the AD docket on the Internet at *http://www.regulations.gov*. Therefore, the service information is available to the affected parties by the means identified in the **ADDRESSES** section of this final rule.

However, we have updated the estimated costs in this final rule to reflect the costs for required actions, as specified in the latest revision of the service information—*i.e.,* Airbus Service Bulletin A320–53–1265, Revision 04, dated July 6, 2016.

Request To Revise Proposed Applicability

Delta requested that we revise the proposed applicability to reflect the effectivity specified in Airbus Service Bulletin A320–53–1265, Revision 02, dated July 10, 2014. Delta pointed out that, in our response to a comment from United in the SNPRM, we stated that we had revised the applicability to reflect the effectivity of Airbus Service Bulletin A320–53–1265, Revision 02, dated July 10, 2014. Delta asserted that the proposed applicability was not updated as stated.

We do not agree to revise the applicability of this AD. However, we acknowledge that we did not revise the applicability specified in the proposed AD (in the SNPRM) to reflect the effectivity of Airbus Service Bulletin A320–53–1265, Revision 02, dated July 10, 2014. That service information specifies certain manufacturer's serial numbers (MSNs) for certain operators; however, the applicability of this AD matches the applicability specified in the MCAI, which applies to all MSNs, except those airplanes on which Airbus Modification 152637 has been embodied in production. Airbus developed Modification 152637 to enable these airplanes to continue to safely operate up to the new ESG. Because all airplanes reaching their LOV are subject to the effects of aging airplane structure, regardless of who operates them, we find it necessary to apply the requirements of this AD to all airplanes that have not had Airbus Modification 152637 installed. We have not revised this AD in this regard.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–53–1265, Revision 04, dated July 6, 2016. The service information describes procedures for modifying the fastener locations in the longeron area below the emergency exit cut-outs on both RH and LH sides of the fuselage. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 294 airplanes of U.S. registry.

We estimate that it takes between 7 and 12 work-hours per product to comply with the basic requirements of this AD, depending on airplane configuration. The average labor rate is $85 per work-hour. Required parts will cost about $0 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be between $174,930 and $299,880, or between $595 and $1,020 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under

Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2017–06–12 Airbus: Amendment 39–18836; Docket No. FAA–2014–0922; Directorate Identifier 2014–NM–156–AD.

(a) Effective Date

This AD is effective May 2, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category, except those on which Airbus modification (mod) 152637 has been embodied in production.

(1) Airbus Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes, all manufacturer serial numbers (MSN).

(2) Airbus Model A320–211, –212, –214, –231, –232, and –233 airplanes, all MSN.

(d) Subject

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

(e) Reason

This AD was prompted by a report that fatigue cracking could appear at certain fastener locations in the longeron area below the emergency exit cut-outs. We are issuing this AD to detect and correct cracking at certain fastener locations in the longeron area below the emergency exit cut-outs, which could lead to failure of the fasteners and reduced structural integrity of the airplane.

(f) Compliance

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

(g) Modification of Fastener Locations

Before the accumulation of 48,000 total flight cycles or 96,000 total flight hours, whichever occurs first since the airplane's first flight, modify the 8 fastener locations in the longeron area (stringer 20A) below the emergency exit cut-outs on both right-hand (RH) and left-hand (LH)- sides, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1265, Revision 04, dated July 6, 2016.

(h) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–53–1265, dated January 2, 2013; Airbus Service Bulletin A320–53–1265, Revision 01, dated July 2, 2013; Airbus Service Bulletin A320–53–1265, Revision 02, dated July 10, 2014; or Airbus Service Bulletin A320–53–1265, Revision 03, dated April 30, 2015.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2015–0085, dated May 13, 2015, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0922.

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

(k) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A320–53–1265, Revision 04, dated July 6, 2016.

(ii) Reserved.

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

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

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

Issued in Renton, Washington, on March 16, 2017.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–05766 Filed 3–27–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9068; Directorate Identifier 2016–NM–067–AD; Amendment 39–18838; AD 2017–06–14]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–300, –400, and –500 series airplanes. This AD was prompted by reports of cracks in the horizontal stabilizer lower skins. This AD requires inspections for cracking of the horizontal stabilizer lower skin, and corrective actions if necessary; and also provides actions that would terminate certain repetitive inspections. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 2, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 2, 2017.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9068.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9068; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: George Garrido, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5232; fax: 562–627–5210; email: *george.garrido@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 737–300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on September 8, 2016 (81 FR 62022) (''the NPRM''). The NPRM was prompted by reports of cracks in the horizontal stabilizer lower skins. The NPRM proposed to require inspections for cracking of the horizontal stabilizer lower skin, including repetitive inspections, as applicable, and corrective actions if necessary; and also proposed actions that would terminate certain repetitive inspections. We are issuing this AD to detect and correct cracks in horizontal stabilizer lower skins resulting in reduced local stiffness of the horizontal stabilizer, which can cause heavy vibration leading to loss of structural integrity of the horizontal stabilizer.

Comments

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

Support for the NPRM

Boeing expressed support for the NPRM.

Request To Revise Repair Instructions

All Nippon Airways (ANA) requested that we revise paragraphs (h)(1) and (h)(3) of the proposed AD to state ''repair common to the rear spar lower chord between station (STA) 83.50 and STA 249.10,'' instead of ''repair.'' ANA stated that there might be a repair installed on the lower skin of the horizontal stabilizer that is not addressed in Boeing Special Attention Service Bulletin 737–55–1059, Revision 1, dated April 6, 2016 (''SASB 737–55–1059 R1''). ANA explained that some structural repair manual repairs and external doublers are not applicable to the inspection area specified in SASB 737–55–1059 R1.

We agree with ANA's request. Specifying the location of the applicable repairs may reduce potential confusion. Therefore, we have revised paragraphs (h)(1), (h)(2), and (h)(3) of this AD to specify the location of the applicable repairs.

Request To Clarify Fastener Requirements

ANA requested that we clarify the fastener requirements. ANA stated that figure 3 in Boeing Special Attention Service Bulletin 737–55–1059, dated September 10, 1998, specifies to use blind rivets and Hi-lok fasteners; however, compliance table 2, note (b), in SASB 737–55–1059 R1, states that doublers installed with solid rivets do not need to be inspected for any loose or missing fasteners. ANA explained that Boeing told ANA that Hi-lok fasteners do not require inspection for any loose or missing fasteners.

We agree to clarify the fastener requirements. We infer that ANA is requesting that we update paragraph (h) of this AD to specify that Hi-lok fasteners do not require inspection. We have determined that Hi-lok fasteners do not require inspection. Therefore, we have added paragraph (i)(3) to this AD to specify that where SASB 737–55–1059 R1 specifies that doublers installed with solid rivets do not need to be inspected for loose or missing fasteners, this AD does not require doublers installed with solid rivets or Hi-lok fasteners to be inspected for loose or missing fasteners. We have also revised paragraph (h)(1) of this AD to reference this exception.

Request To Revise Configuration Description

ANA requested that we revise paragraph (h) of the proposed AD to refer to the horizontal stabilizer configuration with the applicable repair installed side only. ANA asserted that the wording of paragraph (h) of the proposed AD could be interpreted to require inspection of both the repaired and unrepaired sides of the horizontal stabilizer.

We agree with ANA's request. The wording in the proposed AD is not clear regarding what is required if an airplane has left and right stabilizers that are different configurations. For example, the left-side stabilizer may have a repair installed common to the rear spar lower chord (configuration 2), whereas the right side may not have a repair (configuration 1). We have revised the affected airplanes in paragraph (g) of this AD from ''Group 1, Configuration 1, airplanes'' to ''any Configuration 1 horizontal stabilizer on Group 1 airplanes''. We have revised the affected products in paragraph (h) of this AD from ''Group 1, Configuration 2, airplanes'' to ''any Configuration 2 horizontal stabilizer on Group 1 airplanes.''

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing the Supplemental Type Certificate (STC) ST01219SE does not affect the actions specified in the NPRM.

We concur with the commenter. We have redesignated paragraph (c) of the proposed AD as paragraph (c)(1) of this AD and added paragraph (c)(2) to this AD to state that installation of STC ST01219SE does not affect the ability to accomplish the actions required by this final rule. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' AMOC approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed SASB 737–55–1059 R1. The service information describes procedures for doing inspections of the horizontal stabilizer lower skin, and repairs. The service information also describes procedures for doing actions that would terminate certain repetitive inspections. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

Costs of Compliance

We estimate that this AD affects 270 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	4 work-hours × $85 per hour = $340 per inspection cycle.	$0	$340 per inspection cycle	$91,800 per inspection cycle.

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Action	Labor cost	Parts cost	Cost per product
Modification	Up to 51 work-hours per stabilizer × $85 per hour = $4,335	$721	Up to $5,056 per stabilizer.

We estimate the following costs to do any necessary repairs that will be required based on the results of the inspection. We have no way of determining the number of aircraft that might need these repairs:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Skin splice repair	Up to 438 work-hours × $85 per hour = $37,230	$0	Up to $37,230.
External doubler repair	26 work-hours × $85 per hour = $2,210	0	$2,210.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2017–06–14 The Boeing Company: Amendment 39–18838; Docket No. FAA–2016–9068; Directorate Identifier 2016–NM–067–AD.

(a) Effective Date

This AD is effective May 2, 2017.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 737–55–1059, Revision 1, dated April 6, 2016 (''SASB 737–55–1059 R1'').

(2) Installation of Supplemental Type Certificate (STC) ST01219SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/ebd1cec7b301293e86257cb30045557a/$FILE/ST01219SE.pdf*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 55; Horizontal stabilizer.

(e) Unsafe Condition

This AD was prompted by reports of cracks in horizontal stabilizer lower skins. We are issuing this AD to detect and correct cracks in horizontal stabilizer lower skins, resulting in reduced local stiffness of the stabilizer, which can cause heavy vibration leading to loss of structural integrity of the horizontal stabilizer.

(f) Compliance

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

(g) Inspections, Related Investigative Actions, and Corrective Actions for Configuration 1 Horizontal Stabilizers on Group 1 Airplanes

For any Configuration 1 horizontal stabilizer on Group 1 airplanes, as identified in SASB 737–55–1059 R1: Except as specified in paragraph (i)(1) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of SASB 737–55–1059 R1, do a detailed inspection for cracking of the horizontal stabilizer lower skin; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of SASB 737–55–1059 R1, except as specified in paragraph (i)(2) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the inspection of the horizontal stabilizer lower skin, if applicable, thereafter at the applicable intervals specified in paragraph 1.E., ''Compliance,'' of SASB 737–55–1059 R1. Options specified in SASB 737–55–1059 R1 for accomplishing the inspections are acceptable for the corresponding requirements of this paragraph provided that the inspections are done at the applicable times in paragraph 1.E., ''Compliance,'' of the SASB 737–55–1059 R1.

(h) Inspections, Related Investigative Actions, and Corrective Actions for Configuration 2 Horizontal Stabilizers on Group 1 Airplanes

For any Configuration 2 horizontal stabilizer on Group 1 airplanes, as identified in SASB 737–55–1059 R1: Except as specified in paragraph (i)(1) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of SASB 737–55–1059 R1, do the actions specified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of SASB 737–55–1059 R1, except as specified in paragraph (i)(2) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the inspections specified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD, if applicable, thereafter at the applicable intervals specified in paragraph 1.E., ''Compliance,'' of SASB 737–55–1059 R1. Options specified in SASB 737–55–1059 R1, for accomplishing the inspections are acceptable for the corresponding requirements of this paragraph provided that the inspections are done at the applicable times in paragraph 1.E., ''Compliance,'' of SASB 737–55–1059 R1.

(1) Do a high frequency eddy current inspection for cracking of the skin around any repair common to the rear spar lower chord between station (STA) 83.50 and STA 249.10 which was done as specified in the structural repair manual or any external doubler repair, and a detailed inspection for any loose or any missing fastener of repaired doublers, except as specified in paragraph (i)(3) of this AD.

(2) Do a detailed inspection for cracking of the inspar lower skin between STA 83.50 and STA 249.10, except in areas repaired common to the rear spar lower chord.

(3) Do a low frequency eddy current inspection for cracking of the forward fastener row of any external doubler repair common to the rear spar lower chord between STA 83.50 and STA 249.10.

(i) Service Information Exceptions

(1) Where SASB 737–55–1059 R1 specifies a compliance time ''after the Revision 1 date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) If any cracking, corrosion, hole elongation, or loose or missing fastener is found during any inspection required by this AD, and SASB 737–55–1059 R1 specifies to contact Boeing for repair instructions: Before further flight, repair the cracking, corrosion, hole elongation, loose or missing fasteners using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(3) Where SASB 737–55–1059 R1 specifies that doublers installed with solid rivets do not need to be inspected for loose or missing fasteners, this AD does not require doublers installed with solid rivets or Hi-lok fasteners to be inspected for loose or missing fasteners.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(k) Related Information

For more information about this AD, contact George Garrido, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5232; fax: 562–627–5210; email: *george.garrido@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Boeing Special Attention Service Bulletin 737–55–1059, Revision 1, dated April 6, 2016.

(ii) Reserved.

(3) For Boeing service information identified in this AD, contact Boeing

Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.*

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

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

Issued in Renton, Washington, on March 16, 2017.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–05768 Filed 3–27–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–3705; Directorate Identifier 2015–NM–168–AD; Amendment 39–18837; AD 2017–06–13]

RIN 2120–AA64

Airworthiness Directives; Textron Aviation Inc. (Type Certificate Previously Held by Cessna Aircraft Company) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Textron Aviation Inc. (Textron) Model 680 airplanes. This AD was prompted by Textron's report of a manufacturing defect that affects the durability of the aft canted bulkhead metallic structure. This AD requires repetitive inspections of the aft canted bulkhead; repair if necessary; and a modification, which would terminate the repetitive inspections. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 2, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 2, 2017.

ADDRESSES: For service information identified in this final rule, contact Textron Aviation Inc., P.O. Box 7706, Wichita, KS 67277; telephone 316–517–6215; fax 316–517–5802; email *citationpubs@txtav.com;* Internet *https://support.cessna.com/custsupt/csupport/newlogin.jsp.* You may review this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–3705.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–3705; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Phuoc Le, Aerospace Engineer, Airframe Branch, ACE–118W, Wichita Aircraft Certification Office (ACO), FAA, 1801 Airport Road, Room 100, Dwight D. Eisenhower Airport, Wichita, KS 67209; phone: 316–946–4195; fax: 316–946–4107; email: *phuoc.le@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Textron Aviation Inc. Model 680 airplanes. The NPRM published in the **Federal Register** on February 26, 2016 (81 FR 9790) (''the NPRM''). The NPRM was prompted by Textron's report of a manufacturing defect that affects the durability of the aft canted bulkhead metallic structure. The manufacturing defect directly affects the bond integrity of the vertical and horizontal stiffeners on the aft canted bulkhead metallic structure. The NPRM proposed to require repetitive inspections of the aft canted bulkhead and repair if necessary. The NPRM also proposed to require a modification which would terminate the repetitive inspections. We are issuing this AD to prevent disbonding of the horizontal and vertical stiffeners on the aft canted bulkhead. Loss of bond integrity could result in a structural failure that could lead to separation of the cruciform tail and loss of control of the airplane.

Comments

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

Request To Limit Findings to ''Disbonding''

NetJets Aviation, Inc. (NetJets) requested that we revise paragraph (h) of the proposed AD to remove ''cracked paint'' as a possible finding from the inspection. NetJets acknowledged that cracked paint, while not a safety concern on its own, should be investigated to ensure that it is not evidence of disbonding. NetJets indicated that the requirement for a disbond to be repaired per an alternative method of compliance (AMOC) is sufficient to ensure that the safety concern is addressed appropriately.

We agree with the commenter that cracked paint may not be a safety concern on its own; however it is evidence that a disbond of the structure may have occurred and should be investigated further to ensure there is no evidence of disbonding. Thus, if cracked paint is found, operators must contact the FAA for procedures to determine whether the cracked paint was an indication of disbonding. We have revised paragraph (h) of this AD to clarify that operators must obtain instructions from the FAA and comply with those instructions.

Request To Have Cessna Engineering Drawing Be Made Available

NetJets indicated that paragraph (n)(2) of the proposed AD states that the required service information is available from Textron. However, Netjets stated that Textron does not provide owners/operators with access to Cessna Engineering Drawing 6991115 (''Drawing 6991115''), which is required for compliance with paragraph (i) of the proposed AD. NetJets added that the required service information is not available at the **Federal Register** and is not available to owners/operators through the source identified in the proposed AD. NetJets indicated that Cessna Service Bulletin SB680–53–08, dated September 28, 2015, states that only Textron-owned service centers can complete the modification and have access to Drawing 6991115. NetJets stated that access to Drawing 6991115 should be made available to owners/operators, and the proposed AD should state that compliance at a Textron-owned service center is not required by the AD.

We acknowledge that Drawing 6991115 is not available to owners/operators. However, drawing 6991115 is only used for an airplane that is modified at a Textron-owned service center. Cessna Service Bulletin SB680–53–08, Revision 2, dated November 2, 2016 (''SB680–53–08, Revision 2'') (issued after the NPRM was published), includes a reference to Cessna Engineering Drawing 6991119 (''Drawing 6991119''), which should be available to owners/operators and contains approved data for owners/operators who choose to modify their airplanes at a non-Textron-owned service center. We have revised paragraph (i) of this AD to refer to SB680–53–08, Revision 2.

Request To Include the Revision Level for Cessna Engineering Drawing

NetJets requested that the revision level for Drawing 6991115 be added to paragraph (i) of the proposed AD, and that paragraph (i) of the proposed AD allow later revisions to Drawing 6991115. Paragraph (i) of the proposed AD would require compliance with Cessna Service Bulletin SB680–53–08, dated September 28, 2015, which contains a reference to the modification instructions contained in Drawing 6991115. Because neither Cessna Service Bulletin SB680–53–08, dated September 28, 2015, nor paragraph (i) of the proposed AD specifies the revision level of Drawing 6991115 that would be required for compliance with the proposed AD, NetJets asserted that it is not possible for an owner/operator to comply with its responsibility to ensure that FAA approval was obtained.

We partially agree that there is a need to specify acceptable revision levels of Drawing 6991115. However, with the release of SB680–53–08, Revision 2, Drawing 6991115 is no longer applicable for the owners/operators who elect to accomplish SB680–53–08, Revision 2, at a non-Textron facility. Instead, the revision levels of Drawing 6991119 are now applicable for the owners/operators who will accomplish SB680–53–08, Revision 2, at a non-Textron facility. Although SB680–53–08, Revision 2, specifies using the latest revision of Drawing 6991119, this AD allows use of any revision level of that drawing. We have added paragraph (k) to this AD to specify this provision; subsequent paragraphs have been redesignated accordingly. We have reviewed all existing revisions of Drawing 6991119, and have found all to be acceptable. In addition, paragraph (i) of this AD has been revised to specify compliance with SB680–53–08, Revision 2.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed the following Cessna service information.

- Cessna Service Letter SL680–53–05, Revision 2, dated September 30, 2015. The service information describes procedures for a general visual inspection for disbonding and paint cracking around the edges of the stiffeners on the aft canted bulkhead.
- Cessna Service Bulletin SB680–53–08, Revision 2, dated November 2, 2016. The service information describes procedures for modifying the airplane by installing additional stiffeners to the aft canted bulkhead.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 123 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	1 work-hour × $85 per hour = $85 per inspection cycle.	$0	$85 per inspection cycle	$10,455 per inspection cycle.
Modification	180 work-hours × $85 per hour = $15,300	3,190	18,490	2,274,270.

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

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

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2017–06–13 Textron Aviation Inc. (Type Certificate Previously Held by Cessna Aircraft Company): Amendment 39–18837; Docket No. FAA–2016–3705; Directorate Identifier 2015–NM–168–AD.

(a) Effective Date

This AD is effective May 2, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Textron Aviation Inc. (Type Certificate previously held by Cessna Aircraft Company) Model 680 airplanes, certificated in any category, as identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Model 680 Sovereign airplanes (commonly known as Citation Sovereign airplanes), having serial numbers: 680–0001, –0002, –0006, –0025, –0030, –0031, –0032, –0046, –0051, –0057, –0064, –0066, –0067, –0082, –0104, –0108, –0112, –0118, –0120, –0125, –0132, –0139, –0140, –0141, –0144, –0147, –0148, –0149, –0153, –0157, –0160, –0162, –0163, –0164, –0166, –0167, –0169, –0170, –0171, –0173, –0174, –0175, –0176, –0177, –0178, –0179, –0180, –0182, –0183, –0185, –0186, –0192, –0193, –0196, –0200, –0202, –0204, –0205, –0206, –0208, –0211, –0216, –0220, –0221, –0222, –0227, –0229, –0230, –0231, –0234, –0235, –0236, –0238, –0241, –0242, –0243, –0245, –0246, –0249, –0252, –0253, –0255, –0256, –0257, –0258, –0260, –0262, –0268, –0270, –0271, –0280, –0282, –0283, –0284, –0285, –0289, –0291, –0292, –0296, –0297, –0300, –0301, –0302, –0303, –0304, –0306, –0307, –0313, –0315, –0317, –0318, –0322, –0323, –0324, –0327, –0328, –0329, –0333, –0334, –0336, –0337, –0339, –0340, –0342, –0344, –0346, –0347, –0348, and –0349.

(2) Model 680 Sovereign airplanes (commonly known as Citation Sovereign+ airplanes) having serial numbers: 680–0501, –0504, –0505, –0509, –0510, –0511, –0512, –0513, –0514, –0515, –0516, –0517, –0519, –0520, –0522, –0524, –0525, –0526, –0527, and –0531.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by Textron's report of a manufacturing defect which affects the durability of the aft canted bulkhead metallic structure. The manufacturing defect directly affects the bond integrity of the vertical and horizontal stiffeners on the aft canted bulkhead metallic structure. We are issuing this AD to prevent disbonding of the horizontal and vertical stiffeners on the aft canted bulkhead. Loss of bond integrity could result in a structural failure that may lead to separation of the cruciform tail and loss of control of the airplane.

(f) Compliance

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

(g) Repetitive Inspections

Before the accumulation of 7,000 total flight hours, or within 100 flight hours after the effective date of this AD, whichever occurs later, perform a general visual inspection for disbonding and paint cracking around the edges of the stiffeners on the aft canted bulkhead, in accordance with the Accomplishment Instructions of Cessna Service Letter SL680–53–05, Revision 2, dated September 30, 2015. Repeat the general visual inspection thereafter at intervals not to exceed 100 flight hours, until the modification required by paragraph (i) of this AD is accomplished.

(h) Repair

If, during any inspection required by paragraph (g) of this AD, any disbonding or cracked paint is found, before further flight, obtain instructions approved by the Manager, Wichita Aircraft Certification Office (ACO), ACE–118W, FAA, and, within the compliance time specified in those instructions, accomplish the instructions accordingly.

(i) Modification

At the applicable compliance time specified in paragraph (i)(1) or (i)(2) of this AD, modify the airplane by installing additional stiffeners on the aft canted bulkhead, in accordance with the Accomplishment Instructions of Cessna Service Bulletin SB680–53–08, Revision 2, dated November 2, 2016, except as provided by paragraphs (k) and (l) of this AD. Doing this modification terminates the repetitive inspections required by paragraph (g) of this AD.

(1) For airplanes that have accumulated 7,000 or more total flight hours as of the effective date of this AD: Within 1,800 flight hours or 24 months, whichever occurs first, after the effective date of this AD.

(2) For airplanes that have accumulated less than 7,000 total flight hours as of the effective date of this AD: Within 3,600 flight hours or 48 months, whichever occurs first, after the effective date of this AD.

(j) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Cessna Service Letter SL680–53–05, dated December 22, 2014; or Cessna Service Letter SL680–53–05, Revision 1, dated March 12, 2015.

(2) This paragraph provides credit for actions required by paragraph (i) of this AD, if those actions were performed before the effective date of this AD using Cessna Service Bulletin SB680–53–08, dated September 28, 2015.

(k) Exceptions to Service Information Specifications

Although Cessna Service Bulletin SB680–53–08, Revision 2, dated November 2, 2016, specifies using the latest revision of Drawing 6991119, this AD allows using any revision level of that drawing.

(l) Provisions Regarding Reporting

Although Cessna Service Bulletin SB680–53–08, Revision 2, dated November 2, 2016; and Cessna Service Letter SL680–53–05, Revision 2, dated September 30, 2015; specify to submit certain information to the manufacturer, this AD does not include that requirement.

(m) Special Flight Permit

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

(n) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Wichita ACO, ACE–118W, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (o)(1) of this AD.

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

(o) Related Information

(1) For more information about this AD, contact Phuoc Le, Aerospace Engineer, Airframe Branch, ACE–118W, Wichita Aircraft Certification Office (ACO), FAA, 1801 Airport Road, Room 100, Dwight D. Eisenhower Airport, Wichita, KS 67209; phone: 316–946–4195; fax: 316–946–4107; email: *phuoc.le@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is

available at the addresses specified in paragraphs (p)(3) and (p)(4) of this AD.

(p) Material Incorporated by Reference

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

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

(i) Cessna Service Letter SL680–53–05, Revision 2, dated September 30, 2015.

(ii) Cessna Service Bulletin SB680–53–08, Revision 2, dated November 2, 2016.

(3) For service information identified in this AD, contact Textron Aviation Inc., P.O. Box 7706, Wichita, KS 67277; telephone 316–517–6215; fax 316–517–5802; email *citationpubs@txtav.com;* Internet *https://support.cessna.com/custsupt/csupport/newlogin.jsp.*

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

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

Issued in Renton, Washington, on March 16, 2017.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–05771 Filed 3–27–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0070]

RIN 1625–AA09

Drawbridge Operation Regulation; Elizabeth River, Elizabeth, NJ

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the existing drawbridge operation regulations for five bridges across the Elizabeth River. These bridges were either removed in their entirety or replaced with a fixed bridge, making the operating regulations no longer necessary.

DATES: This rule is effective March 28, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0070 in the ‘‘SEARCH’’ box and click ‘‘SEARCH.’’ Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Jeffrey Stieb, Project Officer, First Coast Guard District Bridge Program, telephone 617–223–8364, email *Jeffrey.D.Stieb@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ‘‘impracticable, unnecessary, or contrary to the public interest.’’ Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing an NPRM with respect to this rule because the New Jersey Transit Rail Operations railroad bridge, mile 0.7, the Baltic Street bridge, mile 0.9, the Summer Street bridge, mile 1.3, the South Street bridge, mile 1.8, and the Bridge Street bridge, mile 2.1 at the Elizabeth River that once required draw operations in 33 CFR 117.718(b), have been removed in their entirety or converted to a fixed bridge. Therefore, the regulation is no longer necessary or applicable and shall be removed from publication. It is unnecessary to publish an NPRM because this regulatory action does not purport to place any restrictions on mariners but rather removes restrictions that have no further use or value.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the FR. This rule merely requires an administrative change to the CFR in order to omit a regulatory requirement that is no longer applicable or necessary. The modifications have already taken place and the removal of the regulation will not affect mariners currently operating on this waterway. Therefore, a delayed effective date is unnecessary.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

The New Jersey Transit Rail Operations railroad bridge, mile 0.7, the Baltic Street bridge, mile 0.9, the Summer Street bridge, mile 1.3, the South Street bridge, mile 1.8, and the Bridge Street bridge, mile 2.1, at the Elizabeth River that once required draw operations in 33 CFR 117.718(b) were removed in their entirety or converted to fixed bridges over thirty years ago. It has come to the attention of the Coast Guard that the governing regulation for these drawbridges was never removed subsequent to the removal of the drawbridge or conversion to a fixed bridge. The elimination of these drawbridges necessitates the removal of the drawbridge operation regulation in 33 CFR 117.718(b) that pertains to these former drawbridges.

The purpose of this rule is to remove 33 CFR 117.718(b), which refers to these bridges, from the CFR since the bridges are no longer able to be opened.

IV. Discussion of Final Rule

The Coast Guard is changing the regulation in 33 CFR 117.718 by removing restrictions related to the draw operations for bridges that are no longer drawbridges. The change removes paragraph (b) of the regulation governing these bridges. This change does not affect nor does it alter the operating schedule that is currently designated paragraph (a), which governs the remaining drawbridge on the Elizabeth River.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and executive orders, and we discuss First Amendment rights of protesters.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a ‘‘significant regulatory action,’’ under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the fact that these bridges either no longer exist or no longer operate as a drawbridge. The removal of the operating schedule from 33 CFR part 117, subpart B, will have no effect on the movement of waterway or land traffic.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

For the reasons stated in section IV.A above this final rule would not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the ''For Further Information Contact'' section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

§ 117.718 [Amended]

■ 2. In § 117.718, remove paragraph (b) and redesignate paragraph (a) as an undesignated paragraph.

Dated: March 10, 2017.

S.D. Poulin,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 2017–06109 Filed 3–27–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2009–0559]

Safety Zone; San Francisco Giants Fireworks Display, San Francisco Bay, San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the annual San Francisco Giants Fireworks Display in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations in 33 CFR 165.1191, Table 1, Item number 1, will be enforced from 11 a.m. on April 14, 2017 to 1 a.m. on April 15, 2017, or as announced via Broadcast Notice to Mariners.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade Christina Ramirez, U.S. Coast Guard Sector San Francisco; telephone (415) 399–2001 or email at *D11-PF-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a 100 foot safety zone around the fireworks barge during the loading, transit, and arrival of the fireworks barge from the loading location to the display location and until the start of the fireworks display. From 11 a.m. on April 14, 2017 until 5 p.m. on April 14, 2017, the fireworks barge will be loading pyrotechnics from Pier 50 in San Francisco, CA. The fireworks barge will remain at the loading location until its transit to the display location. From 8:30 p.m. to 9 p.m. on April 14, 2017, the loaded fireworks barge will transit from Pier 50 to the launch site near Pier 48 in approximate position 37°46′36″ N., 122°22′56″ W. (NAD 83) where it will remain until the conclusion of the fireworks display. Upon the commencement of the 15 minute fireworks display, scheduled to begin at the conclusion of the baseball game, at approximately 10 p.m. on April 14, 2017, the safety zone will increase in size and encompass the navigable waters around and under the fireworks barge within a radius 700 feet near Pier 48 in approximate position 37°46′36″ N., 122°22′56″ W. (NAD 83) for the San Francisco Giants Fireworks in 33 CFR 165.1191, Table 1, Item number 1. This safety zone will be in effect from 11 a.m. on April 14, 2017 until 1 a.m. on April 15, 2017, or as announced via Broadcast Notice to Mariners.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: March 9, 2017.

Anthony J. Ceraolo,

Captain, U.S. Coast Guard, Captain of the Port of San Francisco.

[FR Doc. 2017–06087 Filed 3–27–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2009–0559]

Safety Zone; City of Eureka Fourth of July Fireworks Display, Humboldt Bay, Eureka, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the annual City of Eureka Fourth of July Fireworks Display in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations in 33 CFR 165.1191, Table 1, Item number 3, will be enforced from 10 a.m. on July 4, 2017 to 11 p.m. on July 4, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade Christina Ramirez, U.S. Coast Guard Sector San Francisco; telephone (415) 399–3585 or email at *D11-PF-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a 100 foot safety zone around the fireworks barge during the loading, transit, and arrival of the fireworks barge from the loading location to the display location and until the start of the fireworks display. From 10 a.m. on July 4, 2017 until 11 a.m. on July 4, 2017, the fireworks barge will be loading pyrotechnics from Schneider Dock in Eureka, CA. The fireworks barge will remain at the loading location until its transit to the display location. From 3 p.m. to 4 p.m. on July 4, 2017, the loaded fireworks barge will transit from Schneider Dock to the launch site near Woodley Island in approximate position 40°48′29″ N., 124°10′06″ W. (NAD 83) where it will remain until the conclusion of the fireworks display. Upon the commencement of the 45 minute fireworks display, scheduled to begin at 10 p.m. on July 4, 2017, the safety zone will increase in size and encompass the navigable waters around and under the fireworks barge within a radius 1,000 feet near Woodley Island in approximate position 40°48′29″ N., 124°10′06″ W. (NAD 83) for the Fourth of July Fireworks, City of Eureka in 33 CFR 165.1191, Table 1, Item number 3. This safety zone will be in effect from 10 a.m. on July 4, 2017 until 11 p.m. on July 4, 2017.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: March 14, 2017.

Anthony J. Ceraolo,

Captain, U.S. Coast Guard, Captain of the Port of San Francisco.

[FR Doc. 2017–06091 Filed 3–27–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0220]

RIN 1625–AA87

Security Zone; VIP Visits, Palm Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone in the vicinity of the Mar-a-Lago in Palm Beach, Florida during the visit of a high-level government official. The security zone is necessary to protect the official party, the public, and the surrounding waterway from terrorist acts, sabotage or other subversive acts, accidents, or other causes of a similar nature. Entering, transiting through, anchoring in, or remaining within this security zone is prohibited unless authorized by the Captain of the Port Miami or a designated representative.

DATES: This rule is effective without actual notice from March 28, 2017 through May 29, 2017. For purposes of enforcement, actual notice will be used from March 17, 2017 through March 28, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0220 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Mara Brown, Sector Miami Waterways Management Division, U.S. Coast Guard; telephone 305–535–4317, email *Mara.J.Brown@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because specific information regarding the need for the regulation was not received in time to publish a NPRM before the regulation's effective date. Delay in promulgating this rule would be impracticable and contrary to public interest because a security zone is required with short notice to protect the elected government official and the official's party in the vicinity of this waterway. The official's presence creates unique safety and security concerns.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** for the same reasons discussed above.

We note that the Coast Guard is in the process of publishing an NPRM proposing to establish a permanent security zone for these events. While that rulemaking action will not affect the events occurring through May 29, 2017, it would establish a security zone for future similar events.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Miami (COTP) has determined that the official's visit presents a potential target for terrorist acts, sabotage, or other subversive acts, accidents, or other causes of a similar nature. Given the close proximity of the waterways to the official's visit site, this security zone is necessary to protect the official party, the public, and the surrounding waterways adjacent to the Mar-a-Lago Resort in Palm Beach, Florida.

IV. Discussion of the Rule

This rule establishes a security zone from March 17, 2017 through May 29, 2017. The rule will be enforced every Friday through Monday on a recurring weekly basis from March 17, 2017 through May 29, 2017 during the visit of a high-level government official. This rule will be enforced with actual notice while the high-level government official is visiting. This rule establishes a temporary security zone, which encompasses certain waters of the Intracoastal Waterway and the Atlantic Ocean in the vicinity of the Southern Boulevard Bridge in Palm Beach, Florida. The security zone will be broken into three zones. The first zone will consist of waters of the Lake Worth Lagoon from the southern tip of the Everglades Island to approximately 1000 yards south of the Southern Boulevard Bridge, and the eastern shore line out to Fisherman Island. No vessel or person will be permitted to enter, transit through, anchor in, or remain in the first zone without obtaining permission from the COTP or a designated representative.

The second zone will consist of waters of the Lake Worth Lagoon including the Intracoastal Waterway from the southern tip of the Everglades Island to approximately 1000 yards south of the Southern Boulevard Bridge, and from the western shore line to the western edge of the Fisherman Island. All vessels transiting the second zone shall maintain a steady speed and shall not slow or stop in the zone.

The third zone will consist of waters of the Atlantic Ocean from the Banyan Road south to Ocean View Road, and from shore to approximately 1000 yards east of the shoreline. All vessels transiting the third zone shall maintain a steady speed and shall not slow or stop in the zone.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, duration, and time-of-year of the security zone. Vessel traffic will be able to safely transit around this security zone, which will impact a small designated area of the Intracoastal Waterway and the Atlantic Ocean in Palm Beach, FL for no more than five days at a time from March 17, 2017 to May 29, 2017 and in an area where traffic is low. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A. above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a security zone lasting only a few days at a time that will prohibit entry within certain waters of the Intracoastal Waterway and Atlantic Ocean in Palm Beach, Florida. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T07–0220 to read as follows:

§ 165.T07–0220 Security Zone; VIP Visits, Palm Beach, Florida.

(a) *Location.* The following areas are security zones:

(1) Zone 1. The navigable waters within the following points are a regulated area: Beginning at Point 1 in position 26°41′21″ N., 80°2′39″ W.; thence east to Point 2 in position 26°41′21″ N., 80°2′13″ W.; thence south following the shoreline to Point 3 in position 26°39′58″ N., 80°2′20″ W.; thence west to Point 4 in position 26°39′58″ N., 80°2′38″ W., thence back to origin at Point 1.

(2) Zone 2. The navigable waters within the following points are a regulated area: Beginning at Point 1 in position 26°41′21″ N., 80°2′39″ W.; thence west to Point 2 in position 26°41′21″ N., 80°3′00″ W.; thence south following the shoreline to Point 3 in position 26°39′58″ N., 80°2′55″ W.; thence east to Point 4 in position 26°39′58″ N., 80°2′38″ W., thence back to origin at Point 1.

(3) Zone 3. The navigable waters within the following points are a regulated area: Beginning at Point 1 in position 26°41′21″ N., 80°2′01″ W.; thence south following the shoreline to Point 2 in position 26°39′57″ N., 80°2′01″ W.; thence east to Point 3 in position 26°39′58″ N., 80°1′02″ W.; thence north to Point 4 in position 26°41′20″ N., 80°1′02″ W., thence back to origin at Point 1.

(b) *Regulations.*

(1) Requirements for Zone 1. All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the security zone unless authorized by the Captain of the Port Miami or a designated representative.

(2) Requirements for Zone 2. All persons and vessels are required to transit through the security zone at a steady speed and may not slow down or stop except in the case unforeseen mechanical or other emergency. Any persons or vessels forced to slow or stop in the zone shall immediately notify the Captain of the Port via VHF channel 16.

(3) Requirements for Zone 3. All persons and vessels are required to transit through the security zone at a steady speed and may not slow down or stop except in the case unforeseen mechanical or other emergency. Any persons or vessels forced to slow or stop in the zone shall immediately notify the Captain of the Port via VHF channel 16.

(4) Persons and vessels desiring to enter, transit through, anchor in, or remain within the security zones described in paragraph (a) of this section may contact the Captain of the Port Miami by telephone at 305–535–4472, or a designated representative via VHF radio on channel 16 to request authorization. If authorization to enter, transit through, anchor in, or remain within the security zones is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or the designated representative.

(5) The Coast Guard will provide notice of the security zones by Broadcast Notice to Mariners and on-scene designated representatives.

(c) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Miami in the enforcement of the regulated area.

(d) *Effective and enforcement dates.* This rule is effective from March 17, 2017 through May 29, 2017. This rule will be enforced with actual notice on a recurring weekly basis from March 17, 2017 through May 29, 2017, while the high-level government official is visiting.

Dated: March 17, 2017.

M.M. Dean,

Captain, U.S. Coast Guard, Captain of the Port Miami.

[FR Doc. 2017–06111 Filed 3–27–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–1036]

Safety Zones, Recurring Marine Events in Captain of the Port Long Island Sound Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce ten safety zones for fireworks displays in the Sector Long Island Sound area of responsibility on the date and time listed in the table below. This action is necessary to provide for the safety of life on navigable waterways during the events. During the enforcement periods, no person or vessel may enter the safety zones without permission of the Captain of the Port (COTP) Sector Long Island Sound or designated representative.

DATES: The regulation in 33 CFR 165.151 Table 1 will be enforced during the dates and times listed in the table in **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Petty Officer Katherine Linnick, Waterways Management Division, U.S. Coast Guard Sector Long Island Sound; telephone 203–468–4565, email *Katherine.E.Linnick@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones listed in 33 CFR 165.151 Table 1 on the specified dates and times indicated below.

Under the provisions of 33 CFR 165.151, the fireworks displays listed below are established as safety zones. During the enforcement period, persons and vessels are prohibited from entering into, transiting through, mooring, or anchoring within these safety zones unless they receive permission from the COTP or designated representative.

6.1 Barnum Festival Fireworks	• Date: June 24, 2017. • Rain Date: June 25, 2017. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Bridgeport Harbor, Bridgeport, CT in approximate position 41°9′04″ N., 073°12′49″ W. (NAD 83).
6.3 Vietnam Veterans/Town of East Haven Fireworks	• Date: June 24, 2017. • Rain Date: June 26, 2017. • Time: 9:00 p.m. to 11:00 p.m. • Location: Waters off Cosey Beach, East Haven, CT in approximate position 41°14′19″ N., 072°52′9.8″ W. (NAD 83).
7.4 Norwalk Fireworks	• Date: July 3, 2017. • Rain Date: July 5, 2017. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters off Calf Pasture Beach, Norwalk, CT in approximate position 41°04′50″ N., 073°23′22″ W. (NAD 83).
7.5 Lawrence Beach Club Fireworks	• Date: July 1, 2017. • Rain Date: July 2, 2017. • Time: 9:00 p.m. to 10:30 p.m. • Waters of the Atlantic Ocean off Lawrence Beach Club, Atlantic Beach, NY in approximate position 40°34′42.65″ N., 073°42′56.02″ W. (NAD 83).

7.7 South Hampton Fresh Air Home Fireworks	• Date: June 30, 2017. • Rain Date: July 2, 2017. • Time: 8:30 p.m. to 10:30 p.m. • Waters of Shinnecock Bay, South Hampton, NY in approximate position 40°51′48″ N., 072°26′30″ W. (NAD 83).
7.7 Westport Police Athletic League Fireworks	• Date: July 3, 2017. • Rain Date: July 5, 2017. • Time: 8:45 p.m. to 10:15 p.m. • Waters off Campo Beach, Westport, CT in approximate position 41°06′15″ N., 073°20′57″ W. (NAD 83).
7.27 City of Long Beach Fireworks	• Date: July 7, 2017. • Rain Date: July 8, 2017. • Time: 8:30 p.m. to 10:00 p.m. • Location: Waters off Riverside Blvd., City of Long Beach, NY in approximate position 40°34′38.77″ N., 073°39′41.32″ W. (NAD 83).
7.30 Shelter Islands Fireworks	• Date: July 8, 2017. • Rain Date: July 9, 2017. • Time: 9:00 p.m. to 11:00 p.m. • Location: Waters of Gardiner Bay, Shelter Island, NY in approximate position 41°04′39.11″ N., 072°22′01.07″ W. (NAD 83).
7.34 Devon Yacht Club Fireworks	• Date: July 1, 2017. • Rain Date: July 2, 2017. • Time: 8:45 p.m. to 10:45 p.m. • Location: Waters of Napeague Bay, in Block Island Sound off Amagansett, NY in approximate position 40°59′41.40″ N., 072°06′08.70″ W. (NAD 83).
9.4 The Creek Fireworks	• Date: September 02, 2016. • Rain Date: September 03, 2016. • Time: 7:45 p.m. to 9:00 p.m. • Location: Waters of Long Island Sound off the Creek Golf Course, Lattingtown, NY in approximate position 40°54′13″ N., 073°35′58″ W. (NAD 83).

This rule is issued under authority of 33 CFR 165 and 5 U.S.C. 552(a). In addition to this document in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners or marine information broadcasts. If the COTP determines that these safety zones need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: March 13, 2017.

A.E. Tucci,

Captain, U.S. Coast Guard, Captain of the Port Sector Long Island Sound.

[FR Doc. 2017–06093 Filed 3–27–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2009–0559]

Safety Zone; San Francisco Giants Fireworks Display, San Francisco Bay, San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the annual San Francisco Giants Fireworks Display in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations in 33 CFR 165.1191, Table 1, Item number 1, will be enforced from 11 a.m. on May 26, 2017 to 1 a.m. on May 27, 2017, or as announced via Broadcast Notice to Mariners.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade Christina Ramirez, U.S. Coast Guard Sector San Francisco; telephone (415) 399–3585 or email at *D11-PF-MarineEvents@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a 100 foot safety zone around the fireworks barge during the loading, transit, and arrival of the fireworks barge from the loading location to the display location and until the start of the fireworks display. From 11 a.m. on May 26, 2017 until 5 p.m. on May 26, 2017, the fireworks barge will be loading pyrotechnics from Pier 50 in San Francisco, CA. The fireworks barge will remain at the loading location until its transit to the display location. From 8:30 p.m. to 9 p.m. on May 26, 2017, the loaded fireworks barge will transit from Pier 50 to the launch site near Pier 48 in approximate position 37°46′36″ N., 122°22′56″ W. (NAD 83) where it will remain until the conclusion of the fireworks display. Upon the commencement of the 15 minute fireworks display, scheduled to begin at the conclusion of the baseball game, at approximately 10 p.m. on May 26, 2017, the safety zone will increase in size and encompass the navigable waters around and under the fireworks barge within a radius 700 feet near Pier 48 in approximate position 37°46′36″ N., 122°22′56″ W. (NAD 83) for the San Francisco Giants Fireworks in 33 CFR 165.1191, Table 1, Item number 1. This safety zone will be in effect from 11 a.m. on May 26, 2017 until 1 a.m. on May 27, 2017, or as announced via Broadcast Notice to Mariners.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552 (a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners. If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: March 9, 2017.

Anthony J. Ceraolo,

Captain, U.S. Coast Guard, Captain of the Port of San Francisco.

[FR Doc. 2017–06082 Filed 3–27–17; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 385

[Docket No. 16–CRB–0003–PR]

Determination of Royalty Rates and Terms for Making and Distributing Phonorecords (Phonorecords III); Subpart A Configurations of the Mechanical License

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Royalty Judges publish final regulations that set continued, unaltered rates and terms for subpart A configurations subject to the statutory license to use nondramatic musical works to make and distribute phonorecords of those works (the Mechanical License). In addition, the Judges correct an outdated cross-reference in the regulations.

DATES: *Effective Date:* March 28, 2017.

FOR FURTHER INFORMATION CONTACT: Anita Blaine, Program Specialist, by telephone at (202) 707–7658 or by email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Copyright Royalty Judges (Judges) received a Motion to Adopt Settlement (Motion) from UMG Recordings, Inc. (UMG) [1] and Warner Music, Inc. (WMG),[2] in their respective capacities as licensees of nondramatic musical works. The Motion sought approval of a partial settlement of the license rate proceeding before the Judges titled *Determination of Royalty Rates and Terms for Making and Distributing Phonorecords (Phonorecords III),* Docket No. 16–CRB–0003–PR. UMG and WMG reported that they reached the settlement with ''a significant portion of the sound recording and music publishing industries'' to continue unaltered the currently existing rates and terms in subpart A of 37 CFR part 385 for the ''Mechanical License'', *i.e.,* the statutory license for the use of nondramatic musical works in the making and distributing of phonorecords. *See* 17 U.S.C. 115.

Section 801(b)(7)(A) of the Copyright Act authorizes the Judges to adopt rates and terms negotiated by ''some or all of the participants in a proceeding at any time during the proceeding'' provided the settling parties submit the negotiated rates and terms to the Judges for approval. That provision directs the Judges to provide those who would be bound by the negotiated rates and terms an opportunity to comment on the agreement.

The Judges published the proposed settlement in the **Federal Register** and requested comments from the public.[3] 81 FR 48371 (July 25, 2016). The Judges received comments from three entities: American Association of Independent Music (A2IM), Sony Music Entertainment (SME), and George D. Johnson dba GEO Music (Mr. Johnson). A2IM urged adoption of the agreed settlement. SME did not oppose continuing the existing royalty rates, but opposed adoption of one portion of the proposed regulation, *viz.,* the late fee provision. Mr. Johnson opposed adoption of the settlement.

The National Music Publishers' Association (NMPA) and the Nashville Songwriters Association International (NSAI) (together, Copyright Owners) filed a motion seeking leave to respond to the SME comment and partial objection to the settlement. The Judges granted the Copyright Owners' motion and extended the initial comment period to permit interested parties to submit responsive comments. *See* 81 FR 71657 (Oct. 18, 2016). The Judges thus considered Copyright Owners' responsive comments, which they had attached to their motion for leave to respond. During the extended comment period, the Judges received a comment in support of the proposed settlement from ''Anonymous.'' [4]

On or about October 28, 2016, the Judges received a Motion to Adopt Settlement Industry-Wide (Second Motion). In the Second Motion, the Copyright Owners reported an agreement between Copyright Owners and SME, resolving all issues SME raised in its partial objection to the proposed settlement. According to the Second Motion, the parties agreed that: (1) SME would withdraw its objection to the proposed rule, (2) Copyright Owners would withdraw their response to SME's objection, (3) the parties to the settlement would request that the Judges adopt the settlement industry-wide, and (4) SME would withdraw from the proceeding, except to support adoption of the settlement or, if the settlement were not adopted, to litigate matters relating to the subpart A regulations.

By its terms, the partial settlement applied originally only to UMG, WMG, and the unnamed ''significant portion of the . . . music publishing industries'' with whom the licensees had agreed. The Second Motion expanded the settlement to include SME as a licensee subject to the settlement rates and terms.

The Judges ''may decline to adopt the agreement as a basis for statutory terms and rates for participants that are not parties to the agreement,'' only ''if any participant [in the proceeding] objects to the agreement and the [Judges] conclude, based on the record before them if one exists, that the agreement does not provide a reasonable basis for setting statutory terms or rates.'' 17 U.S.C. 801(b)(7)(A)(ii).

Mr. Johnson's Objections to the Settlement

George Johnson, dba GEO Music, appears in this proceeding as a *pro se* participant. Mr. Johnson's comment

[1] UMG Recordings, Inc. includes its successors and affiliates that engage in the production and distribution of recorded music, including Capitol Christian Music group, Inc., and Capitol Records, LLC.

[2] Warner Music, Inc. includes its successors and affiliates that engage in the production and distribution of recorded music.

[3] The notice of settlement included a proposed rule that purported to limit the license rates at issue to the time period 2018 to 2022. *See* 81 FR 48371 (Jul. 25, 2016). In fact, the license rates adopted in this Final Rule will remain in effect until superseded by a subsequent rulemaking. *See* 17 U.S.C. 115(c)(3)(C).

[4] Without more information, the Judges cannot determine whether ''Anonymous'' is a participant in this proceeding. As ''Anonymous'' made no objection, however, participant status is irrelevant.

opposing the proposed settlement rates and terms filed August 24, 2016, incorporated by reference ''two Opposition Motions'' filed concurrently with his Comments in the rulemaking. The exact identity of the two ''Opposition Motions'' Mr. Johnson cites is unclear.

Mr. Johnson submitted: (1) Opposition to Parties Motion to Adopt Settlement, dated June 27, 2016 (Opposition); (2) Second Opposition Motion to NMPA, NSAI, WMG, and UMG's Reply to Adopt Settlement as Statutory Rates and Terms, dated July 7, 2016 (Second Opposition); (3) Objection to Comments and Objections of Sony Music Entertainment Concerning Proposed Settlement, dated August 29, 2016 (Objection); and (4) Objection and Response to NMPA and NSAI's Response to SME's Comments and Objections Concerning Proposed § 385.3 Settlement, dated August 31, 2016 (Second Objection).[5]

Mr. Johnson filed an opposition to the Second Motion on November 3, but amended his filing twice. He submitted his final version November 8, 2016.[6] The objections Mr. Johnson made in response to the Second Motion were a reprise of his earlier objections. Nothing in the parties' agreement addresses Mr. Johnson's grievances.

In each of his filings, Mr. Johnson objects to adoption of the settlement rates and terms, whether for the settling parties alone, or as a basis for statutory licenses industry-wide. The bases for his objections are that the proposed settlement:

(1) ''violates copyright owners' *exclusive rights*'';[7]

(2) creates a ''substantive competitive disadvantage for *every American independent songwriter and music publisher,* as well as, every co-writer and co-publisher within the Universal Music Publishing (UMP) . . . and Warner-Chappell Publishing (WCP) catalogs;''[8]

(3) involves foreign companies, as UMP/UMG and WCP/WMG are headquartered in France and Russia;[9]

(4) permits licensees to look out for their own self-interests;[10]

(5) is a product of anticompetitive ''price-fixing other people's property at the below-market 9.1 cents. . . .''[11]

(6) ''*does not provide a reasonable basis for setting statutory terms or rates;*''[12] and

(7) disregards the effects of inflation on the songwriter and publisher rights at issue.[13]

Mr. Johnson makes legal, economic, and subjective arguments against adoption of the agreed license rates and terms from his perspective as an independent songwriter and publisher.

Mr. Johnson's legal argument, *viz.,* that the proposed settlement violates copyright owners' exclusive rights, fails.[14] The copyrights of creators of nondramatic musical works are not unlimited. They are subject to express exceptions and limitations, including section 115 of the Act. Section 115, like its predecessor, section 1(e) of the 1909 Copyright Act, creates a compulsory, statutory license available to users of musical works for ''mechanical'' manufacture and distribution of those works. Over time, the scope of the ''mechanical'' license has grown to include digital uses. These uses are expressly allowed by the Act and, so long as the user complies with the terms of the statutory license, the user is not infringing on any copyright that a songwriter or publisher might claim.[15]

Similarly, Mr. Johnson's economic arguments must fail. Negotiations by and between major recording companies and major publishers might be concluded without input from independent songwriters or publishers. The negotiating representatives, however, *represent* individual songwriters and publishers.[16] Presumably the representatives are acting in the interest of their constituents. If they were not doing so, the constituents could seek representation elsewhere. But, Mr. Johnson has not even hinted at evidence to support his argument that the representative negotiators are engaged in anti-competitive price-fixing at below-market rates. The very definition of a market value is one that is reached by negotiations between a willing buyer and a willing seller, with neither party being under any compulsion to bargain. Although Mr. Johnson states it as a negative, the parties' negotiations are only fair and reasonable if each party acts to protect its own self-interest. In that regard, the Judges view the settling parties' consensual decision to establish a fixed nominal rate, *i.e.,* unadjusted for inflation, as also representative of their mutual self-interest.[17]

Judges' Conclusion

Section 801(b)(7)(A) of the Act is clear that the Judges have the authority to adopt settlements between some or all of the participants to a proceeding at any time during a proceeding, so long as those that would be bound by those rates and terms are given an opportunity to comment. *Id.* at (b)(7)(A)(i). If a participant raises an objection to adoption of the settlement, the Judges must determine whether, despite the objection(s), the proposed settlement provides a reasonable basis for setting the rates and terms at issue. *Id.* If the Judges find that no participant has shown that the agreement ''does not provide a reasonable basis for setting statutory terms or rates'' then they may adopt the proposed terms and rates as statutory rates and terms for participants that are not parties to the agreement. *Id.* at (b)(7)(A)(ii).

The Judges provided an opportunity for comment and, following the Second Motion, were left with only Mr. Johnson's objections. As discussed above, Mr. Johnson's objections did not change and he provides no persuasive legal or economic arguments that would convince the Judges to reject a proposed settlement reached voluntarily between the Settling parties.

From the perspective of an independent songwriter, the proposed rates might seem inadequate. The fact remains, however, that the proposed rates and terms were negotiated on behalf of the vast majority of parties that historically have participated in Section 115 proceedings before the Judges.

[5] These papers were filed with the Judges on July 7, 2016, July 11, 2016, September 28, 2016, and September 28, 2016, respectively.

[6] CRB procedural rules require responses to motions to be filed within five business days after the motion is filed. *See* 37 CFR 350.4(f). Five business days after October 28, 2016, was November 4, 2016. As Mr. Johnson's later filings consisted of amendments to the original, timely filing and as Mr. Johnson is appearing in this proceeding *pro se,* the Judges accepted his November 8, amended filing.

[7] Opposition at 2; Second Opposition at 6; *see* Second Objection at 3.

[8] Opposition at 2–3; Second Opposition at 6.

[9] Opposition at 3; Second Opposition at 7.

[10] *Id.*

[11] *Id.;* Objection at 2; *see* Second Objection at 3–4.

[12] Opposition at 6.

[13] Opposition at 7; Second Opposition at 6–7; Objection at 3–4; Second Objection at 2.

[14] It is unclear whether, in his Objection, Mr. Johnson intended to challenge the constitutionality of the mechanical compulsory license. The Judges find that Mr. Johnson's conclusory statement that ''[t]his is . . . unconstitutional and violates the Art I exclusive rights in copyright'' does not articulate a constitutional challenge that the Judges can consider.

[15] In some of his argument, Mr. Johnson refers to the difficulties presented not only by the section 115 license, but also by the Performing Rights Organizations' uses that are governed by separate Consent Decrees that were first entered in 1941 and have been amended periodically since. Consent Decree rates are determined in a New York federal district court, commonly known as the Rate Court. The Judges agree with Mr. Johnson that music licensing is fragmented, both by reason of the Consent Decree and the fragmentation of the statutory licensing schemes in the Act. These issues are beyond the scope of authority of the Judges; they can only be addressed by Congress.

[16] Of note, Mr. Johnson himself is a member of NSAI. *See* George Johnson's (GEO) Objection to NMPA, NSAI and SME's Motion to Adopt Settlement Industry Wide at 10 (Nov. 8, 2016).

[17] Mr. Johnson repeats allegations that the recording companies involved in this licensing negotiation are foreign-owned. He fails, however, to state why foreign corporate ownership might be relevant to the issues at hand.

Those parties clearly concluded that the rates and terms were acceptable to both sides. The evidence [18] and arguments Mr. Johnson presented are insufficient for the Judges to determine that the agreed rates and terms are unreasonable.

The only objections to the agreement by a participant were those of Mr. Johnson. Based on those objections, the Judges cannot conclude that the agreement reached voluntarily between the Settling Parties does not provide a reasonable basis for setting statutory terms and rates for licensing nondramatic musical works to manufacture and distribute phonorecords, including permanent digital downloads and ringtones (Subpart A Configurations). Therefore, the Judges must adopt the proposed regulations that codify the partial settlement.

Further, because the only participant, other than Mr. Johnson, offering objection to the settlement joined in the Second Motion to apply the rates and terms industry-side, the Judges adopt the proposed rates and terms industry-wide for subpart A Configurations. In doing so, the Judges make clear that the adoption of the partial settlement should in no way suggest that they are more or less inclined to adopt the reasoning or proposals of any of the parties remaining in the proceeding in relation to subpart B or C configurations.

In reviewing the regulations, the Judges discovered an outdated cross-reference and are correcting it.

The regulations of 37 CFR part 385, subpart A, are adopted as detailed in this Final Rule.

List of Subjects in 37 CFR Part 385

Copyright, Phonorecords, Recordings.

Final Regulation

For the reasons set forth herein, the Copyright Royalty Judges amend 37 CFR part 385 as follows:

PART 385—RATES AND TERMS FOR USE OF MUSICAL WORKS UNDER COMPULSORY LICENSE FOR MAKING AND DISTRIBUTING OF PHYSICAL AND DIGITAL PHONORECORDS

■ 1. The authority citation for part 385 continues to read:

Authority: 17 U.S.C. 115, 801(b)(1), 804(b)(4).

[18] The Judges are not ruling that any of Mr. Johnson's submissions would be admissible at an evidentiary hearing. Even taking those submissions as admissible evidence in support of its positions, however, the Judges find that they would be immaterial to the Judges' rate-setting mandate.

§ 385.4 [Amended]

■ 2. Section 385.4 is amended by removing ''§ 201.19(e)(7)(i)'' and adding ''§ 210.16(g)(1)'' in its place.

Dated: February 22, 2017.

Suzanne M. Barnett,

Chief Copyright Royalty Judge.

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2017–06065 Filed 3–27–17; 8:45 am]

BILLING CODE 1410–72–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2016–0470; FRL–9958–72–Region 7]

Approval of Missouri's Air Quality Implementation Plans; Open Burning Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the State Implementation Plan (SIP) for the State of Missouri related to open burning. On November 24, 2009, the Missouri Department of Natural Resources (MDNR) requested to amend the SIP to replace four area specific open burning rules into one rule that is area specific and applicable state-wide. EPA solicited comment in an earlier proposed rulemaking that published in the **Federal Register** on September 8, 2016, and received one comment in support of the proposed SIP revision. These revisions to Missouri's SIP do not have an adverse effect on air quality as demonstrated in the technical support document (TSD) which is a part of the proposed rulemaking docket. EPA's final approval of these SIP revisions is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on April 27, 2017.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2016–0470. 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, *i.e.,* CBI 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 through *www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Steven Brown, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913–551–7718, or by email at *brown.steven@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA. This section provides additional information by addressing the following:

I. What is being addressed in this document?

EPA is taking final action to approve the SIP revision submitted by the state of Missouri that replaces four area specific open burning rules with a rule that is applicable state-wide. On November 24, 2009, the MDNR requested to amend the SIP to rescind Missouri Open Burning Restrictions 10 CSR 10–2.100, 10 CSR 10–3.030, 10 CSR 10–4.090, and 10 CSR 10–5.070, and consolidated these four rules into a new rule 10 CSR 10–6.045. The new rule adds language that allows burning of ''trade wastes'' by permit in areas for situations where open burning is in the best interest of the general public or when it can be shown that open burning is the safest and most feasible method of disposal. The rule reserves the right for the staff director to deny, revoke or suspend an open burn permit. It changes the general provisions section by not limiting liability to an individual who is directly responsible for a violation and extends the regulatory liability to any person, such as a property owner who hires an individual to start the fire. The rule also adds the definition of ''untreated wood'' for clarification to aid in compliance purposes. On September 8, 2016, EPA proposed approval of the SIP revision in the **Federal Register** (81 FR 62066), the comment period closed on October 11, 2016. During this period, on October 11, 2016, EPA received one comment which is included in the docket from an unknown commenter that supports this final rule.

II. Have the requirements for final approval of a SIP revision been met?

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document (TSD) which is part of the proposed rulemaking docket that published in the **Federal Register** on September 8, 2016, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. What action is EPA taking?

EPA is finalizing approval of revisions to the Missouri SIP regarding an open burn regulation that replaces four area specific open burning rules. EPA has conducted a full evaluation of the regulation, which is discussed in detail in the proposed rule and the TSD, which is included in this rulemaking docket.

We are processing this as a final approval action after soliciting comments on a proposed action. The public comment period on EPA's proposed rule opened on September 8, 2016, the date of its publication in the **Federal Register** (81 FR 62066), and closed on October 11, 2016.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference the amendments to 40 CFR part 52 as set forth below. Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully Federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[1] EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

[1] 62 FR 27968 (May 22, 1997).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- 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);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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 action 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 of the rule 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).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 30, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: March 20, 2017.

Edward H. Chu,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by:

■ a. Removing entries ‘‘10–2.100’’, ‘‘10–3.030’’, ‘‘10–4.090’’, and ‘‘10–5.070’’.

■ b. Adding the entry ‘‘10–6.045’’ in numerical order.

The addition reads as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
* * * * * * *				
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
* * * * * * *				
10–6.045	Open Burning Requirements	9/30/09	3/28/17 [insert **Federal Register** citation].	
* * * * * * *				

* * * * *

[FR Doc. 2017–06009 Filed 3–27–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA–R07–OAR–2016–0453; FRL 9957–84–Region 7]

State of Iowa; Approval and Promulgation of the Title V Operating Permits Program, the State Implementation Plan, and 112(l) Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendments.

SUMMARY: The Environmental Protection Agency (EPA) published in the **Federal Register** on September 9, 2016, approving revisions to the Iowa Title V Operation Permits Program, the State Implementation Plan (SIP), and the 112(l) plan. This amendment makes minor administrative revisions and amends the state effective date.

DATES: This final rule is effective March 28, 2017.

FOR FURTHER INFORMATION CONTACT: Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913–551–7039, or by email at *Hamilton.heather@epa.gov.*

SUPPLEMENTARY INFORMATION: In the September 9, 2016 (81 FR 62387), **Federal Register** direct final action approving revisions to part 52, chapter 22 of Iowa's SIP, EPA inadvertently omitted a minor administrative phrase from rules 567–22.4, 567–22.5, and 567.22.10. This technical part 52 revision to 567–22.5 is also being applied to Iowa's 112(l) plan.

This technical revision is also making corrections to the Region 7 Technical Support Document (TSD) that supports the September 9, 2016 (81 FR 62387), direct final action. EPA inadvertently omitted minor administrative phrases and a reference from chapter 22 rule 567–22.103. Two revisions to chapter 22 rule 567–22.105(2) are required for clarification. Please see the revised TSD included in the docket.

Finally, we are revising the incorrect state effective dates codified on page 62398 of the September 9, 2016 (81 FR 62387), **Federal Register** for parts 52 and 70. The correct state effective date is December 16, 2015.

Additional information for this technical amendment can be found in the revised Technical Support Document located in this docket.

List of Subjects

40 CFR Part 52

Environmental protection, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 70

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: March 20, 2017.

Edward H. Chu,

Acting Regional Administrator, Region 7.

Accordingly, 40 CFR parts 52 and 70 is corrected by making the following technical amendments:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart Q—Iowa

§ 52.820 [Amended]

■ 2. In § 52.820, the table in paragraph(c) is amended by removing from under the column titled ‘‘State effective date’’ the text ‘‘3/15/16’’ and adding the text ‘‘12/16/15’’ in its place for entries ‘‘567–20.1’’, ‘‘567–22.1’’, ‘‘567–22.4’’, ‘‘567–22.5’’, ‘‘567–22.8’’, ‘‘567–22.10’’ ‘‘567–31.1’’ and ‘‘567–33.1’’, respectively.

PART 70—STATE OPERATING PERMIT PROGRAMS

■ 3. The authority citation for part 70 continues to read as follows:

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

■ 4. Appendix A to part 70 is amended by revising paragraph (q) under the heading ‘‘*Iowa*’’ to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Program

* * * * *

Iowa

* * * * *

(q) The Iowa Department of Natural Resources submitted for program approval a revision to rules 567–22.100, 567–22.101, 567–22.103, 567–22.105, 567–22.106, 567–22.108, and added 567.30.4(2) on December 16, 2015. This revision to the Iowa program is approved effective on November 8, 2016.

* * * * *

[FR Doc. 2017–06008 Filed 3–27–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 578

[Docket No. NHTSA–2016–0136]

RIN 2127–AL82

Civil Penalties

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule; delay of effective date.

SUMMARY: Pursuant to a notice published on January 30, 2017, the effective date of the rule entitled ''Civil Penalties,'' published in the **Federal Register** on December 28, 2016 was temporarily delayed for 60 days. This action temporarily delays the effective date of that rule for 90 additional days.

DATES: As of March 27, 2017, the effective date of the rule amending 49 CFR part 578 published at 81 FR 95489, December 28, 2016, delayed at 82 FR 8694, January 30, 2017, is further delayed until June 26, 2017.

FOR FURTHER INFORMATION CONTACT: For legal issues, contact Michael Kuppersmith, Office of Chief Counsel, at (202) 366–5263. For non-legal issues, contact John Finneran, Office of Vehicle Safety Compliance, at (202) 366–5289.

SUPPLEMENTARY INFORMATION: Pursuant to a document published on January 30, 2017 (82 FR 8694), the effective date of the rule entitled ''Civil Penalties,'' published in the **Federal Register** on December 28, 2016, at 81 FR 95489, was temporarily delayed for 60 days in accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review.'' [1] The present action temporarily delays the effective date of that rule for 90 additional days. That rule responded to a petition for reconsideration from the Alliance of Automobile Manufacturers and the Association of Global Automakers by delaying, until model year 2019, the implementation of inflationary adjustments to the Corporate Average Fuel Economy (CAFE) civil penalty rate. These inflationary adjustments are required by Congress as part of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. The additional 90-day delay in effective date is necessary to temporarily preserve the status quo while Department officials continue to review and consider the final rule and related laws. To the extent that 5 U.S.C. 553 is applicable, this action is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(3)(A).

Authority: Pub. L. 101–410, Pub. L. 104–134, Pub. L. 109–59, Pub. L. 114–74, Pub L. 114–94, 49 U.S.C. 32902 and 32912; delegation of authority at 49 CFR 1.81, 1.95.

Issued on: March 23, 2017.

Jack Danielson,

Acting Deputy Administrator.

[FR Doc. 2017–06119 Filed 3–27–17; 8:45 am]

BILLING CODE 4910–59–P

[1] Available at *https://www.whitehouse.gov/the-press-office/2017/01/20/memorandum-heads-executive-departments-and-agencies* (last accessed Mar. 13, 2017).

Proposed Rules

Federal Register
Vol. 82, No. 58
Tuesday, March 28, 2017

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9540; Airspace Docket No. 16–AGL–27]

Proposed Amendment of Class C and Class E Airspace; Evansville, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace extending upward from 700 feet above the surface at Evansville Regional Airport, Evansville, Indiana. This action is necessary due to the decommissioning of the Evansville non-directional radio beacon (NDB) and cancellation of the NDB approach. This action would also update the geographic coordinates of the airport, as well as Skylane Airport, listed with Evansville Regional Airport in Class C airspace.

DATES: Comments must be received on or before May 12, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826, or 1–800–647–5527. You must identify FAA Docket No. FAA–2016–9540; Airspace Docket No. 16–AGL–27, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

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

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

FOR FURTHER INFORMATION CONTACT: Ron Laster, Federal Aviation Administration, Contract Support, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5879.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class C airspace and Class E airspace extending upward from 700 feet above the surface at Evansville Regional Airport, Evansville, IN.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2016–9540/Airspace Docket No. 16–AGL–27.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents Proposed for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class E airspace extending upward from 700 feet or more above the surface to within a 7.1-mile radius of the airport (from a 6.8-mile radius) at Evansville Regional Airport, Evansville, IN.

The 4.4-mile wide segment (2.2. miles from each side of the 001 degree bearing from the airport) extending from the 6.8-mile radius of the airport would be modified to a 4-mile wide segment extending from the proposed 7.1-mile radius of the airport to 11.6 miles north (from 11.2 miles).

The 4.4-mile wide segment (2.2 miles from each side of the 181 degree bearing from the airport) extending from the 6.8-mile radius of the airport to 11.3 miles south of the airport would be removed due to the decommissioning of the Evansville NDB.

The Pocket City VORTAC navigation aid segment would be amended to within a 7.1-mile radius (from a 6.8-mile radius) of the airport to the VORTAC.

This proposal also would update the geographic coordinates of the airport to coincide with the FAA's aeronautical database, as well as updating the coordinates of Skylane Airport listed under Evansville Regional Airport in Class C airspace.

Airspace reconfiguration is necessary due to the cancellation and decommissioning of the non-directional radio beacon (NDB) and NDB approaches which would enhance the safety and management of the standard instrument approach procedures for IFR operations at the airport.

Class C and E airspace designations are published in paragraph 4000 and 6005, respectively, of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 4000 Class C Airspace.

AGL IN C Evansville Regional Airport, IN

Evansville Regional Airport, IN
(Lat. 38°02′27″ N., long. 87°31′43″ W.)
Skylane Airport
(Lat. 38°00′42″ N., long. 87°35′41″ W.)

That airspace extending upward from the surface to and including 4,500 feet MSL within a 5-mile radius of the Evansville Regional Airport excluding that airspace beginning where the Pocket City 057° radial crosses the 5-mile ring, thence northeast via the 057° radial to intercept a 1¼-mile radius of the Skylane Airport, thence counterclockwise via the 1¼-mile radius to the 360° bearing from the Skylane Airport, thence due west to the 5-mile ring extending upward from the surface to 1,600 feet MSL; and that airspace within a 10-mile radius of the airport extending upward from 1,600 feet MSL to and including 4,500 feet MSL. This Class C airspace area is effective during the specific days and hours of operation of the Evansville Tower and Approach Control Facility as established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

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

* * * * *

AGL IN E5 Evansville, IN

Evansville Regional Airport, IN
(Lat. 38°02′27″ N., long. 87°31′43″ W.)
Pocket City VORTAC
(Lat. 37°55′42″ N., long. 87°45′45″ W.)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of Evansville Regional Airport, and within 2 miles each side of the 001° bearing from the airport extending from the 7.1-mile radius to 11.6 miles north of the airport, and within 4 miles each side of the Pocket City VOTYAC 060° radial extending from the 7.1-mile radius to the VORTAC.

Issued in Fort Worth, Texas on March 13, 2017.

Walter Tweedy

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

[FR Doc. 2017–05991 Filed 3–27–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0046; Airspace Docket No. 17–AWP–3]

Proposed Establishment of Class E Airspace, Willits, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Frank R. Howard Memorial Hospital Heliport, Willits, CA, to support the development of Instrument Flight Rules (IFR) operations under standard instrument approach and departure procedures at the heliport, for the safety and management of aircraft within the National Airspace System.

DATES: Comments must be received on or before May 12, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2017–0046; Airspace Docket No. 17–AWP–3, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace at Frank R. Howard Memorial Hospital Heliport, Willits, CA.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0046/Airspace Docket No. 17–AWP–3''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Availability and Summary of Documents Proposed for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace extending upward from 700 feet above the surface at Frank R. Howard Memorial Hospital Heliport, Willits, CA. Class E airspace would be established within a 2.5-mile radius of the heliport, and within a 5-mile wide segment (2.5 miles each side of the 166 degree bearing) from the heliport to 6.7 miles southeast of the heliport, and within a 3-mile wide segment (1.5 miles each side of the 360 degree bearing) extending from the heliport to 10.5 miles north of the heliport. This airspace is necessary to support IFR operations in standard instrument approach and departure procedures at the heliport.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

AWP CA E5 Willits, CA [New]

Frank R. Howard Memorial Hospital Heliport, CA
(Lat. 39°23′21″ N., long. 123°20′21″ W.)

That airspace upward from 700 feet above the surface within a 2.5-mile radius of Frank R. Howard Memorial Hospital Heliport, and within 2.5 miles each side of a 166° bearing from the heliport to 6.7 miles southeast of the heliport, and within 1.5 miles each side of a 360° bearing from the heliport to 10.5 miles north of the heliport.

Issued in Seattle, Washington, on March 13, 2017.

Mindy Wright,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2017–05992 Filed 3–27–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–6751; Airspace Docket No. 15–AWP–18]

Proposed Amendment of Class E Airspace; Arcata, CA; Fortuna, CA; and Establishment of Class E Airspace; Arcata, CA, and Eureka, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E surface area airspace, modify Class E airspace extending upward from 700 feet, and establish Class E airspace designated as an extension at Arcata Airport, Arcata, CA. The action also proposes to modify Class E airspace extending upward from 700 feet at Rohnerville Airport, Fortuna, CA, and establish stand-alone Class E airspace extending upward from 700 feet at Murray Field Airport, Eureka, CA, to accommodate airspace redesign for the safety and management of Instrument Flight Rules (IFR) operations within the National Airspace System. Additionally, this proposal would update the geographic coordinates of these airports.

DATES: Comments must be received on or before May 12, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2015–6751; Airspace Docket No. 15–AWP–18, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class E airspace at Arcata Airport, Arcata, CA, and Rohnerville Airport, Fortuna, CA, and would establish Class E airspace at Murray Field, Eureka, CA.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2015–6751/Airspace Docket No. 15–AWP–18''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the

ADDRESSES section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Availability and Summary of Documents Proposed for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E surface area airspace at Arcata Airport, Arcata, CA, and Rohnerville Airport, Fortuna, CA, and establishing Class E airspace designated as an extension at Arcata Airport. Also, stand-alone Class E airspace extending upward from 700 feet above the surface would be established at Murray Field Airport, Eureka, CA. This proposed airspace redesign is necessary for the safety and management of IFR operations at these airports, and for efficiency within the National Airspace System.

At Arcata Airport, Arcata, CA, Class E surface area airspace would be expanded by 0.1 miles to within 4.1 miles of the airport, and the Abeta NDB would be removed from the description as it was decommissioned and no longer needed; Class E airspace designated as an extension to a Class D or Class E surface area would be established within 2.9 miles each side of the 153 degree bearing from the Arcata Airport extending from the 4.1-mile radius to 10.5 miles southeast of the airport. Class E airspace extending upward from 700 feet above the surface would be reduced to within a 7-mile radius of the airport, with a segment 4.2 miles wide (2.1 miles each side of the 153 degree bearing) extending from the 7-mile radius of the airport to 14.1 miles southeast of the airport. Class E airspace upward from 1,200 feet above the surface would be removed, since this airspace is wholly contained within the Rogue Valley Class E en route airspace area.

At Eureka, CA, this proposal would establish a designated stand-alone Class E airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Murray Field Airport with a segment 6.3 miles wide extending to 23 miles southwest of the airport. This airspace area would specifically support IFR operations at Eureka, CA, and would be unaffected by any proposed changes that would occur at any other airport.

At Fortuna, CA, this proposal would reduce Class E airspace extending upward from 700 feet above the surface to within a 2.7-mile radius (from a 6.5-mile radius) of Rohnerville Airport, with segments extending 7 miles northwest, 5.2 miles west, and 6.1 miles southeast of the airport. Class E airspace upward from 1,200 feet above the surface would be removed since this airspace is wholly contained within the Rogue Valley Class E en route airspace area.

Class E airspace designations are published in paragraph 6002, 6004, and 6005, respectively, of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

AWP CA E2 Arcata, CA [Modified]

Arcata Airport, CA
(Lat. 40°58′40″ N., long. 124°06′31″ W.)

That airspace within a 4.1-mile radius of Arcata Airport.

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

* * * * *

AWP CA E4 Arcata, CA [New]

Arcata Airport, CA
(Lat. 40°58′40″ N., long. 124°06′31″ W.)

That airspace extending upward from the surface within 2.9 miles each side of the 153° bearing from the Arcata Airport extending from the 4.1-mile radius to 10.5 miles southeast of the airport.

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

* * * * *

AWP CA E5 Arcata, CA [Modified]

Arcata Airport, CA
(Lat. 40°58′40″ N., long. 124°06′31″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Arcata Airport, and within 2.1 miles each side of the 153° bearing from the airport extending from the 7-mile radius to 14.1 miles southeast of the airport.

AWP CA E5 Eureka, CA [New]

Murray Field Airport, CA
(Lat. 40°48′12″ N., long. 124°06′46″ W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Murray Field Airport, and within 6.3 miles east of the Murray Field Airport 217° bearing extending from the 6.3-mile radius to 23 miles southwest of the airport.

AWP CA E5 Fortuna, CA [Modified]

Rohnerville Airport, CA

(Lat. 40°33′14″ N., long. 124°07′58″ W.)

That airspace extending upward from 700 feet above the surface within a 2.7 mile radius of Rohnerville Airport, and within 1.8 miles each side of the 326° bearing from the airport extending from the 2.7 mile radius to 7 miles northwest of the airport, and within 1.1-miles each side of the 307° bearing from the airport extending from the 2.7 mile radius to 5.2 miles west of the airport, and within 1.1-miles each side of the 113° bearing from the airport extending from the 2.7 mile radius to 6.1 miles southeast of the airport.

Issued in Seattle, Washington, on March 13, 2017.

Mindy Wright,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2017–05993 Filed 3–27–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0216]

RIN 1625–AA08

Safety Zone; Roar on the River Fireworks, Detroit River, Trenton Channel, Trenton, MI

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for certain waters of the Detroit River. This action is necessary to provide for the safety of life on these navigable waters near Elizabeth Park, Trenton, MI, during a fireworks display on July 14, 2017. If inclement weather, this event will take place on July 15, 2017. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Detroit or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 27, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0216 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ‘‘Public Participation and Request for Comments’’ portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email call or email Tracy Girard, Prevention Department, Sector Detroit, Coast Guard; telephone 313–568–9564, or email *Tracy.M.Girard@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code
COTP Captain of the Port

II. Background, Purpose, and Legal Basis

On February 16, 2017, Great Lakes Firewoks, LLC., notified the Coast Guard that it will be conducting a fireworks display from 10 to 10:30 p.m. on July 14, 2017. In the event of inclement weather the fireworks display will be on July 15, 2017. The fireworks are to be launched from a barge off Elizabeth Park, Trenton, MI. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Detroit (COTP) has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within a 350 foot radius of the fireworks barge.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 350-foot radius of the fireworks barge, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone from 10 to 10:30 p.m. on July 14, 2017. In the event of inclement weather, the fireworks display will be on July 15, 2017. The safety zone would cover all navigable waters within 350 feet of the fireworks launch site on the Detroit River, Trenton Channel, Trenton, MI. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 10 to 10:30 p.m. fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 (‘‘Reducing Regulation and Controlling Regulatory Costs’’), directs agencies to reduce regulation and control regulatory costs and provides that ‘‘for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.’’

This NPRM has not been designated a ‘‘significant regulatory action,’’ under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget. As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See OMB’s Memorandum titled ‘‘Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled ‘Reducing Regulation and Controlling Regulatory Costs’ ’’ (February 2, 2017).

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would be able to safely transit around this safety zone which would impact a small designated area of the Detroit River less than 1 hour during the evening when vessel traffic is normally low. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section IV.A above this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting less than 1 hour that would prohibit entry within 350 feet of the fireworks barge. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.lD. A preliminary environmental analysis checklist and Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR parts 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09–0216 to read as follows:

§ 165.T09–0216 Safety Zone; Roar on the River Fireworks, Detroit River, Trenton, MI.

(a) *Location.* A safety zone is established to include all U.S. navigable waters of Detroit River, Trenton Channel, Trenton, MI, within a 350-ft radius of fireworks barge in position 42°07.812′ N., 083°10.446 W. (NAD 83).

(b) *Enforcement period.* The regulated area described in paragraph (a) will be enforced from 10 through 10:30 p.m. on July 14, 2017. In the event of inclement weather the regulated area will be enforced from 10 through 10:30 p.m. on July 15, 2017.

(c) *Regulations.*

(1) No vessel or person may enter, transit through, or anchor within the safety zone unless authorized by the Captain of the Port Detroit, or his on-scene representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Detroit or his on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Detroit is any Coast Guard commissioned, warrant or petty officer or Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port Detroit to act on his behalf.

(4) Vessel operators shall contact the Captain of the Port Detroit or his on-scene representative to obtain permission to enter or operate within the safety zone. The Captain of the Port Detroit or his on-scene representative may be contacted via VHF Channel 16 or at 313–568–9564. Vessel operators given permission to enter or operate in the regulated area must comply with all directions given to them by the Captain of the Port Detroit or his on-scene representative.

Dated: March 22, 2017.

Scott B. Lemasters,

Commander, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2017–06086 Filed 3–27–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50 and 51

[EPA–HQ–OAR–2016–0596; FRL–9960–38–OAR]

RIN 2060–AT22

Response to December 9, 2013, Clean Air Act Section 176A Petition From Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing and extension of comment period.

SUMMARY: Due to inclement weather in the Washington, DC, area, the Environmental Protection Agency (EPA) is announcing it has rescheduled the hearing date and extended the public comment period for the proposed action titled, ''Response to December 9, 2013, Clean Air Act Section 176A Petition from Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont,'' published in the **Federal Register** on January 19, 2017. In response to requests for a public hearing, the EPA published a notice of public hearing and extension of public comment period on February 15, 2017, announcing that a public hearing would be held on March 14, 2017, in Washington, DC, and the public comment period extended to April 13, 2017. Due to inclement weather, the EPA has rescheduled the hearing to April 13, 2017. In addition, in order to allow sufficient time after the public hearing for submission of comments, the EPA is announcing the extension of the comment period for the proposed action to May 15, 2017.

DATES: *Comments.* Comments must be received on or before May 15, 2017. *Public Hearing.* The public hearing will be held on April 13, 2017, in Washington, DC. Please refer to **SUPPLEMENTARY INFORMATION** section for additional information on the public hearing.

ADDRESSES: *Public Hearing.* The April 13, 2017, public hearing will be held at the EPA, William Jefferson Clinton East Building, Room 1153, 1201 Constitution Avenue NW., Washington, DC 20004. Identification is required. If your driver's license is issued by Kentucky, Maine, Minnesota, Missouri, Montana, Oklahoma, Pennsylvania, South Carolina or the state of Washington, you must present an additional form of identification to enter (*see* **SUPPLEMENTARY INFORMATION** section for additional information on this location). *Comments.* Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2016–0596, at: *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, Cloud or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/comments.html.*

Docket: All documents in the docket are listed in the *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 in *http://www.regulations.gov* or in hard copy at EPA Docket Center Reading Room, William Jefferson Clinton West Building, 1301 Constitution Avenue NW., Washington, DC 20004. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The phone number for the Public Reading Room is (202) 566–1744.

FOR FURTHER INFORMATION CONTACT: If you would like to speak at the public hearing, please contact Ms. Pamela Long, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards (OAQPS), Air Quality Planning Division (C504–01), Research Triangle Park, NC 27711, telephone (919) 541–0641, fax number (919) 541–5509, email address *long.pam@epa.gov,* no later than April 11, 2017. If you have any questions relating to the public hearing, please contact Ms. Long at the above number.

If you have questions concerning the January 19, 2017, proposed action, please contact Ms. Gobeail McKinley, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards (OAQPS), Air Quality Planning Division (C539–01), Research Triangle Park, NC 27711, telephone (919) 541–5246, email address *mckinley.gobeail@epa.gov.*

SUPPLEMENTARY INFORMATION: The proposal for which the EPA is holding the public hearing was published in the **Federal Register** on January 19, 2017 (82 FR 6509), and is available at: *http://www.epa.gov/ozone-pollution/2008-ozone-national-ambient-air-quality-standards-naaqs-section-176a-petitions* and also in Docket ID No. EPA–HQ–OAR–2016–0596. The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the proposal. The EPA may ask clarifying questions during the oral presentations, but will not respond to presentations at that time. Written statements and supporting information that are submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing. Written comments must be postmarked by the last day of the comment period.

The public hearing will convene at 9:00 a.m. and end at 6:00 p.m. Eastern Time (ET) or at least 2 hours after the last registered speaker has spoken. The EPA will make every effort to accommodate all individuals interested in providing oral testimony. A lunch break is scheduled from 12:00 p.m. until 1:00 p.m. Please note that this hearing will be held at a U.S. government facility. Individuals planning to attend the hearing should be prepared to show valid picture identification to the security staff in order to gain access to the meeting room. The REAL ID Act, passed by Congress in 2005, established new requirements for entering federal facilities. These requirements took effect on July 21, 2014. If your driver's license is issued by Kentucky, Maine, Minnesota, Missouri, Montana, Oklahoma, Pennsylvania, South Carolina or the state of Washington, you must present an additional form of identification to enter the federal building where the public hearing will be held. Acceptable alternative forms of identification include: Federal employee badges, passports, enhanced driver's licenses and military identification cards. For additional information for the status of your state regarding REAL ID, go to *http://www.dhs.gov/real-id-enforcement-brief.* In addition, you will need to obtain a property pass for any personal belongings you bring with you. Upon leaving the building, you will be required to return this property pass to the security desk. No large signs will be allowed in the building, cameras may only be used outside of the building, and demonstrations will not be allowed on federal property for security reasons.

If you would like to present oral testimony at the hearing, please notify Ms. Pamela Long, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards (OAQPS), Air Quality Planning Division (C504–01), Research Triangle Park, NC 27711, telephone (919) 541–0641, fax number (919) 541–5509, email address *long.pam@epa.gov,* no later than 4:00 p.m. ET on April 11, 2017. Ms. Long will arrange a general time slot for you to speak. The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing.

Oral testimony will be limited to 5 minutes for each commenter. The EPA encourages commenters to provide the EPA with a copy of their oral testimony electronically (via email) or in hard copy form. The EPA will not provide audiovisual equipment for presentations unless we receive special requests in advance. Commenters should notify Ms. Long if they will need specific equipment. Commenters should also notify Ms. Long if they need specific translation services for non-English speaking commenters.

Prior to the hearing, the hearing schedule, including the list of speakers, will be posted on the EPA's Web site at: *http://www.epa.gov/ozone-pollution/2008-ozone-national-ambient-air-quality-standards-naaqs-section-176a-petitions.* Verbatim transcripts of the hearing and written statements will be included in the docket for the action.

How can I get copies of this document and other related information?

The EPA has established a docket for the proposed action ''Response to December 9, 2013, Clean Air Act Section 176A Petition from Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont'' under Docket ID No. EPA–HQ–OAR–2016–0596 (available at: *http://www.regulations.gov*). The EPA has made available information related to the proposed action on the EPA's Web site at: *http://www.epa.gov/ozone-pollution/2008-ozone-national-ambient-air-quality-standards-naaqs-section-176a-petitions.*

Dated: March 16, 2017.

Stephen Page,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 2017–06120 Filed 3–27–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

RIN 0648–BG42

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Mid-Atlantic Unmanaged Forage Fish Omnibus Amendment

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of a fishery management plan amendment; request for comments.

SUMMARY: NMFS announces that the Mid-Atlantic Fishery Management Council has submitted its Unmanaged Forage Omnibus Amendment to the Secretary of Commerce for review and approval. We are requesting comments from the public on this amendment. This amendment would implement an annual landing limit, possession limits, and permitting and reporting requirements for certain previously unmanaged forage species and species groups within Mid-Atlantic Federal waters. The purpose of this action is to prevent the development of new, and the expansion of existing, commercial fisheries on certain forage species until the Council has adequate opportunity and information to evaluate the potential impacts of forage fish harvest on existing fisheries, fishing communities, and the marine ecosystem.

DATES: Comments must be received on or before May 30, 2017.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2017–0013, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0013,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on Mid-Atlantic Forage NOA.''

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

The Council prepared an environmental assessment (EA) for the Unmanaged Forage Omnibus Amendment that describes the proposed action and other alternatives considered and provides a thorough analysis of the impacts of the proposed measures and alternatives considered. Copies of the Unmanaged Forage Omnibus Amendment, including the EA, the Regulatory Impact Review, and the Regulatory Flexibility Act analysis, are available from: Christopher Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 State Street, Dover, DE 19901. The EA and associated analysis is accessible via the Internet at *http://www.greateratlantic.fisheries.noaa.gov/ or http://www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Douglas Christel, Fishery Policy Analyst, 978–281–9141; fax 978–281–9135.

SUPPLEMENTARY INFORMATION:

Background

Mid-Atlantic Council stakeholders identified managing forage species as a key concern for future action during a 2011 strategic planning and visioning process. Forage species are generally considered small, mostly pelagic schooling species that serve as prey for larger species. In 2014, the Council's Scientific and Statistical Committee (SSC) developed a white paper on forage species. The paper indicated that forage species facilitate the transfer of energy from the lowest levels of the food chain to higher levels, highlighting the importance of forage species in maintaining the productivity of marine ecosystems. The Council recognized that although it already manages several forage species that are the target of directed commercial fisheries (Atlantic mackerel, longfin and *Illex* squid, and butterfish), there are other unmanaged species that serve as prey for species important to commercial and recreational fisheries managed within the Mid-Atlantic. However, the Council was concerned that insufficient information existed to assess the amount of unmanaged forage species currently being harvested and associated impacts to other marine resources. Due to the importance of forage species to the marine ecosystem and the health of important commercial and recreational fisheries, the Council sought to prevent the further expansion of commercial fishing effort on forage species. Therefore, the Council wanted to maintain existing commercial fisheries at recent levels until it could collect more detailed information to evaluate the potential impacts of forage fish harvest on existing fisheries, fishing communities, and the marine ecosystem. On December 8, 2014, the Council initiated an action to begin protecting previously unmanaged forage species in each fishery management plan (FMP) under its jurisdiction. The purpose of this action is to prevent the development of new, and the expansion of existing, commercial fisheries on certain forage species. Scoping meetings were held from Rhode Island through North Carolina in September and October 2015. These meetings sought public input on the type of action to undertake, which forage species to address, the geographic scope of the action, data needs, possible measures to prevent the expansion of commercial fisheries on forage species, and processes to evaluate the development of commercial fisheries in the future. After further developing proposed measures, the Council conducted public hearings in May and June 2016 to solicit additional input on the range of alternatives under consideration by the Council, with public comments accepted through June 17, 2016. At its August 2016 meeting, the Council adopted final measures under the Unmanaged Forage Omnibus Amendment. On November 23, 2016, the Council submitted the amendment and draft EA to NMFS for preliminary review. The Council submitted the final forage amendment on March 20, 2017. The Council reviewed the proposed regulations to implement these measures, as drafted by NMFS, and deemed them to be necessary and appropriate, as specified in section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act on March 10, 2017.

This amendment would prevent the development of new, and the expansion of existing, commercial fisheries on certain Mid-Atlantic forage species until the Council can collect the information necessary to more fully evaluate the potential impacts of forage species harvests on existing fisheries, fishing communities, and the marine ecosystem. To do this, the Council would limit catch of certain forage species to recent levels and implement administrative measures necessary to more accurately record the catch of these species within Mid-Atlantic Federal waters. Specifically, this action proposes the following measures:

• Designate 15 species and species groups as ecosystem component species of FMPs under the Council's jurisdiction;

• Specify a 1,700-lb (771-kg) combined possession limit for ecosystem component species within Mid-Atlantic Federal waters;

• Set an annual catch limit of 2.86 million lb (1,297 mt) for Atlantic chub mackerel (*Scomber colias*);

• Specify a 40,000-lb (18,144-kg) chub mackerel possession limit within Mid-Atlantic Federal waters (*i.e.,* from New York through Cape Hatteras, NC, an area referred to as the ''Mid-Atlantic Forage Species Management Unit'') once the chub mackerel annual landing limit is reached;

• Require that all vessels possessing ecosystem component species and chub mackerel in Mid-Atlantic Forage Species Management Unit be issued a Federal commercial fishing vessel permit from the Greater Atlantic Regional Fisheries Office and comply with existing reporting requirements;

• Allow vessels that catch ecosystem component species and chub mackerel outside of the Mid-Atlantic Forage Species Management Unit to transit through the area to land these species at other ports;

• Develop appropriate codes to record the catch of these species in vessel trip reports and dealer reports;

• Establish a Council policy requiring an exempted fishery permit and sufficient Council review before further development of any fishery for ecosystem component species; and

• Expand framework provisions in the all of the Council's FMPs to allow future changes to annual landing limits and possession limits for Mid-Atlantic forage species.

As proposed, the proposed chub mackerel measures are temporary, and would expire in 3 years. This would allow the Council to develop long-term measures and the scientific information necessary to formally integrate this chub mackerel as a stock in the fishery under the Atlantic Mackerel, Squid, and Butterfish FMP. The Council initiated a separate action to develop these long-term measures at its February 2017 meeting for implementation by 2020, if approved.

Public comments are being solicited on the Unmanaged Forage Omnibus Amendment and its incorporated documents through the end of the comment period specified in the **DATES** section of this notice of availability (NOA). Following NMFS's review of the amendment under the Magnuson-Stevens Act procedures, a rule proposing to implement measures outlined in this amendment may be published in the **Federal Register** for public comment. All comments received by the end of the comment period on the NOA, whether specifically directed to the NOA or the proposed rule, will be considered in the approval/disapproval decision. Comments received after the end of the comment period for the NOA will not be considered in the approval/disapproval decision of this action.

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

Dated: March 23, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–06114 Filed 3–27–17; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 82, No. 58
Tuesday, March 28, 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 23, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by April 27, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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

Animal and Plant Health Inspection Service

Title: Plum Pox Compensation.

OMB Control Number: 0579–0159.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests into the United States or their dissemination within the United States. The regulations in 7 CFR 301.74–5 permit owners of commercial stone fruit orchards and owners of fruit tree nurseries to receive compensation under certain circumstances. Owners of commercial stone fruit orchards may receive compensation for losses associated with trees destroyed to control plum pox pursuant to an emergency action notification (EAN) issued by the Animal & Plant Health Inspection Service (APHIS). Owners of fruit tree nurseries may receive compensation for net revenue losses associated with movement or sale of nursery stock prohibited under an EAN issued by APHIS with respect to regulated articles within the nursery in order to control plum pox. Plum Pox is an extremely serious viral disease of plants that can affect many stone fruit species, including plum, peach, apricot, almond, and nectarine. APHIS will collect information using form PPQ 651 Application for Plum Pox Compensation, PPQ 523 Emergency Action Notification, Orchard Owner Records, Destruction Verification Document, and State Compensation.

Need and Use of the Information: APHIS will collect the owner's name and address, a description of the owner's property, and a certification statement that the trees removed from the owner's property were stone fruit trees from commercial fruit orchards or fruit tree nurseries. For claims made by owners of stone fruit orchards, the completed application must be accompanied by a copy of the EAN ordering the destruction of their trees, the notification's accompanying inventory describing the acreage and ages of trees removed and documentation verifying that the destruction of the trees have been completed and the date of that completion. For claims made by owners of fruit tree nurseries, the completed application must be accompanied by a copy of the EAN prohibiting the same or movement of the nursery stock, the notification's accompanying inventory describing the total number of trees covered by the EAN, their age and variety, and documentation indicating the final disposition of the nursery stock. Without the information APHIS would be unable to compensate eligible grove and nursery owners for their losses.

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

Number of Respondents: 2.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 5.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–06077 Filed 3–27–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 23, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by April 27, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725—17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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Animal Plant and Health Inspection Service

Title: Commercial Transportation of Equines to Slaughter.

OMB Control Number: 0579–0160.

Summary of Collection: Sections 901–905 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901), authorizes the Secretary of Agriculture to issue guidelines for regulating the commercial transportation of horses to slaughter by person regularly engaged in that activity within the United States. To fulfill this responsibility, the Animal and Plant Health Inspection Service (APHIS) established regulations in title 9, part 88 of the Code of Federal Regulations. The minimum standards cover among other things the food, water, and rest provided to these horses while they are in transit; and to review other related issues that may be appropriate to ensuring that these animals are treated humanely. Implementing these regulations entails the use of information collection activities such as providing business information, completing an owner/shipper certificate and continuation sheet, and maintaining records of the owner/shipper certificate and continuation sheet.

Need and Use of the Information: APHIS will collect the following information: (1) Shippers name and address and the owner's name and address; (2) description of the transporting vehicle, including the license plate number; (3) a description of the horse's physical characteristics, including its sex, coloring, distinguishing marks, permanent brands, electronic means of identification, or other characteristics that can be use to accurately identify the horse; (4) the number of the USDA backtags that has been applied to the horse; (5) a statement of the animal's fitness to travel, which must indicate that the horse is able to bear weight on all four limbs, is able to walk unassisted, is not blind in both eyes, is older than 6 months of age, and is not likely to give birth during the trip; (6) a description of anything unusual with regard to the physical condition of the horse, such as a wound or blindness in one eye, and any special handling needs; (7) the date, time, and place the horse was loaded on the conveyance; and (8) a statement that the horse was provided access to food, water, and rest prior to transport. This information is helpful in those instances in which APHIS must conduct a trace back investigation of any possibly salleged violation of the regulations.

Description of Respondents: Business or other for-profit and Federal Government.

Number of Respondents: 302.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 3308.

Animal and Plant Health Inspection Service

Title: Highly Pathogenic Avian Influenza, All Subtypes, and Newcastle Disease; Additional Restrictions.

OMB Control Number: 0579–0245.

Summary of Collection: The Animal Health Protection Act (AHPA), 7 U.S.C. 8301, is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The agency charged with carrying out this disease prevention mission is the Animal and Plant Health Inspection Service (APHIS), through its Veterinary Services (VS) Program. Highly pathogenic avian influenza (HPAI) and Newcastle Disease are extremely infectious and often fatal disease affecting all types of birds and poultry.

Need and Use of the Information: To protect the United States against an incursion of HPAI and Newcastle Disease, APHIS requires the use of several information collection activities, including an USDA–APHIS–VS Application For Permit To Import or Transport Controlled Materials or Organisms or Vectors (VS Form 16–3); a United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors (VS Form 16–6A); an Application for Approval or Report of Inspection Establishment Handling Restricted Animal Byproducts or Controlled Materials (VS Form 16–25); USDA–APHIS–VS Agreement for Handling Restricted Imports of Animal By-Products and Controlled Materials (VS Form 16–26); USDA–APHIS–VS Report of Entry, Shipment of Restricted Imported Animal Products and Animal By-Products, and Other Material (VS Form 16–78); USDA–APHIS–VS Application for Import or in Transit Permit (Animals, Animal Semen, Animal Embryos, Birds, Poultry, and Hatching Eggs) (VS Form 17–129); USDA–APHIS Agreement of Pet Bird Owner (VS Form 17–8); application of seals and agreements; notarized declaration or affirmation; notification of signs of disease in a recently imported bird; cooperative service agreements, and recordkeeping by processing establishments. APHIS will collect information to ensure that U.S. birds and poultry undergo appropriate examinations before entering the United States. Without the information, it would be impossible for APHIS to establish an effective line of defense against an introduction of HPAI and Newcastle Disease.

Description of Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; Federal Government.

Number of Respondents: 970.

Frequency of Responses: Reporting and Recordkeeping: On occasion.

Total Burden Hours: 2,046.

Animal Plant and Health Inspection Service

Title: Importation of Emerald Ash Borer Host Material from Canada.

OMB Control Number: 0579–0319.

Summary of Collection: The United States Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), is responsible for preventing plant diseases or insect pests from entering the United States, preventing the spread of pests and noxious weeds not widely distributed in the United States, and eradicating those imported pests when eradication is feasible. Under the Plant Protection Act (7 U.S.C. 7701—et. seq), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests into the United States or their dissemination within the United States. The regulations in 7 CFR part 319, ''Foreign Quarantine Notices,'' prohibit or restrict the importation of certain plants and plant products to prevent the introduction or dissemination of plant pests and noxious weeds into the United States. The Foreign Quarantine Notices regulations prohibit or restrict the importation of certain articles from Canada that present the risk of being infested with Emerald Ash Borer (EAB). EAB is a destructive wood-boring insect that attacks ash trees (Fraxinus spp., including green ash, white ash, and several horticultural varieties of ash).

Need and Use of the Information: APHIS will collect information using phytosanitary certificate, permit application, and certificates of inspection. If APHIS did not collect this information, EAB could damage ash trees and cause economic losses to nursery stock and the nursery industry.

Description of Respondents: Business or other-for-profit; Federal Government.

Number of Respondents: 5.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 42.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–06076 Filed 3–27–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 22, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by April 27, 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), *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.

Food and Nutrition Service

Title: Supplemental Nutrition Assistance Program: State Issuance and Participation Estimates—Forms FNS–388 and FNS–388A only Recordkeeping Burden Estimates.

OMB Control Number: 0584–0081.

Summary of Collection: Section 18(b) of Food and Nutrition Act, (the Act) 7 U.S.C. 2027(b), limits the value of allotments paid to SNAP households to an amount not in excess of the appropriation for the fiscal year. Timely State monthly issuance estimates are necessary for the Food and Nutrition Service (FNS) to ensure that it remains within the appropriation and will have a direct effect upon the manner in which allotments would be reduced if necessary.

Need and Use of the Information: FNS uses the FNS–388 to obtain monthly estimated or actual issuance and participation data for the current and previous months. In addition, State agencies are required to collect and maintain reports submitted in a project area breakdown on the FNS–388, of issuance and participation data twice a year. The project area breakdown attached to the FNS–388, twice a year is known as the FNS–388A. The data is collected and maintained because it is useful in identifying project areas that operate fraud detection units in accordance with the Act.

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

Number of Respondents: 53.

Frequency of Responses: Recordkeeping only; Monthly; Semi-annually.

Total Burden Hours: 17.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–06022 Filed 3–27–17; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0010]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Beef and Ovine Meat From Uruguay and Beef From Argentina and Brazil

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with regulations for the importation of beef and ovine meat from Uruguay and beef from Argentina and Brazil.

DATES: We will consider all comments that we receive on or before May 30, 2017.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0010.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0010, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0010* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the importation of beef and ovine meat from Uruguay and beef from Argentina and Brazil, contact Dr. Lynette Williams, Senior Staff Veterinarian, Animal Products, NIES, VS, APHIS, 4700 River Road, Unit 40, Riverdale, MD 20737–1236; (301) 851–3300. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information

Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Beef and Ovine Meat From Uruguay and Beef From Argentina and Brazil.

OMB Control Number: 0579–0372.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), authorizes the Secretary of Agriculture to, among other things, prohibit or restrict the importation and interstate movement of animals and animal products into the United States to prevent the introduction of animal diseases and pests. The regulations for the importation of animals and animal products are contained in 9 CFR parts 92 through 98.

The regulations in part 94 provide the requirements for the importation of specified animals and animal products to prevent the introduction into the United States of various animal diseases, including rinderpest and foot-and-mouth disease (FMD). Among other things, the regulations in § 94.1 place certain restrictions on beef and ovine meat exported to the United States in accordance with § 94.29, when the beef or ovine meat enters a port or otherwise transits a region where rinderpest or FMD exists during shipment to the United States. An authorized official of the exporting region must provide the Animal and Plant Health Inspection Service (APHIS) with certification that specific conditions for importation listed in § 94.1 have been met.

Section 94.29 places certain restrictions on the importation of beef and ovine meat from Uruguay and fresh (chilled or frozen) beef from certain regions in Argentina and Brazil into the United States to prevent the introduction of FMD. These conditions involve information collection activities, such as the requirement that APHIS collect, for each shipment, certification from an authorized veterinary official of the country of export that the conditions in § 94.29 have been met. For some of these conditions to be met, the facility in which the bovines and sheep are slaughtered must allow periodic on-site evaluation and subsequent inspection of its facilities.

The information collection requirements above are currently approved by the Office of Management and Budget (OMB) under OMB control numbers 0579–0372 (Importation of Ovine Meat From Uruguay), 0579–0414 (Importation of Beef From a Region in Brazil), and 0579–0428 (Importation of Beef From a Region in Argentina). After OMB approves this combined information collection package (0579–0372), APHIS will retire OMB control numbers 0579–0414 and 0579–0428. Lastly, as a result of the merging of these information collection activities, APHIS has revised the name of this information collection from ''Importation of Ovine Meat From Uruguay'' to ''Importation of Beef and Ovine Meat From Uruguay and Beef From Argentina and Brazil.''

We are asking the OMB to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.99 hours per response.

Respondents: Authorized veterinary officials employed by the Governments of Argentina, Brazil, and Uruguay and managers of foreign facilities that process meat and meat products.

Estimated annual number of respondents: 8.

Estimated annual number of responses per respondent: 1,861.

Estimated annual number of responses: 14,888.

Estimated total annual burden on respondents: 14,755 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 23rd day of March 2017.

Jere L. Dick,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–06218 Filed 3–27–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0019]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Clementines, Mandarins, and Tangerines From Chile

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the importation of clementines, mandarins, and tangerines from Chile into the United States.

DATES: We will consider all comments that we receive on or before May 30, 2017.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0019.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0019, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0019* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on regulations for the importation of clementines, mandarins, and tangerines from Chile, contact Dr. Robert Baca, Assistant Director, Permitting and Compliance Coordination, Compliance and Environmental Coordination Branch, PPQ, APHIS, 4700 River Road, Unit 150, Riverdale, MD 20737; (301) 851–2292. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Clementines, Mandarins, and Tangerines From Chile.

OMB Control Number: 0579–0242.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. As authorized by the PPA, the Animal and Plant Health Inspection Service regulates the importation of certain fruits and vegetables in accordance with the regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–76).

Under these regulations, clementines, mandarins, and tangerines from Chile may be imported into the United States under certain conditions, as listed in § 319.56–38, to prevent the introduction of plant pests into the United States. The regulations include requirements that involve information collection activities, such as phytosanitary certificates, trust fund agreements, permits, production site registration, phytosanitary inspection, shipping documentation, and treatment (cold treatment or fumigation) or low prevalence production site certification.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.3721 hours per response.

Respondents: Growers, shippers, and the national plant production organization of Chile.

Estimated annual number of respondents: 40.

Estimated annual number of responses per respondent: 14.

Estimated annual number of responses: 559.

Estimated total annual burden on respondents: 208 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 23rd day of March 2017.

Jere L. Dick,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–06215 Filed 3–27–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0017]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Jackfruit, Pineapple, and Starfruit From Malaysia Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the importation of jackfruit, pineapple, and starfruit from Malaysia into the continental United States.

DATES: We will consider all comments that we receive on or before May 30, 2017.

ADDRESSES: You may submit comments by either of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0017.*

• *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0017, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0017* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the importation of jackfruit, pineapple, and starfruit from Malaysia into the continental United States, contact Dr. Robert Baca, Assistant Director, Permitting and Compliance Coordination, Compliance and Environmental Coordination Branch, PPQ, APHIS, 4700 River Road, Unit 150, Riverdale, MD 20737; (301) 851–2292. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Jackfruit, Pineapple, and Starfruit From Malaysia Into the Continental United States.

OMB Control Number: 0579–0408.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. As authorized by the PPA, the Animal and Plant Health Inspection Service regulates the importation of fruits and vegetables into the United States from certain parts of the world as provided in ''Subpart—

Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–76).

In accordance with § 319.56–65, jackfruit, pineapple, and starfruit from Malaysia may be imported into the continental United States under certain conditions to prevent the introduction of plant pests into the United States. Those conditions include irradiation treatment, inspection, and importation in commercial consignments. An additional condition of entry is that the fruit must be accompanied by a phytosanitary certificate issued by the national plant protection organization (NPPO) of Malaysia, and the phytosanitary certificate must include an additional declaration as indicated in the regulations.

We are asking OMB to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 1 hour per response.

Respondents: Importers of jackfruit, pineapple, and starfruit from Malaysia and the NPPO of Malaysia.

Estimated annual number of respondents: 86.

Estimated annual number of responses per respondent: 2.

Estimated annual number of responses: 170.

Estimated total annual burden on respondents: 170 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 23rd day of March 2017.

Jere L. Dick,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–06216 Filed 3–27–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0012]

Notice of Request for Extension of Approval of an Information Collection; Importation of Live Swine, Pork, and Pork Products From Certain Regions Free of Classical Swine Fever in Brazil, Chile, and Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the regulations for the importation of live swine, pork, and pork products from certain regions free of classical swine fever in Brazil, Chile, and Mexico.

DATES: We will consider all comments that we receive on or BEFORE May 30, 2017.

ADDRESSES: You may submit comments by either of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0012.*

• *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0012, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS–2017–0012* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the importation of live swine, pork, and pork products from certain regions free of classical swine fever in Brazil, Chile, and Mexico, contact Dr. Magde Elshafie, Senior Staff Veterinary Medical Officer, TTS, National Import Export Services, VS, APHIS, 4700 River Road, Unit 40, Riverdale, MD 20737; (301) 851–3300. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Live Swine, Pork, and Pork Products From Certain Regions Free of Classical Swine Fever in Brazil, Chile, and Mexico.

OMB Control Number: 0579–0230.

Type of Request: Extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture is authorized, among other things, to prohibit or restrict the importation and interstate movement of animals and animal products to prevent the introduction into and dissemination within the United States of livestock diseases and pests. To carry out this mission, APHIS regulates the importation of animals and animal products into the United States. The regulations for the importation of animals and animal products are contained in 9 CFR parts 92 through 98.

Part 94 allows the importation, under certain conditions, of live swine, pork, and pork products from certain regions that are free of classical swine fever (CSF) in Brazil, Chile, and Mexico to prevent the introduction of CSF into the United States. In accordance with § 94.32, APHIS recognizes certain regions in Brazil, Chile, and Mexico as free of CSF but places restrictions on the importation of live swine, pork, and pork products from these regions. These restrictions are placed because these regions either supplement their pork supplies by importing fresh (chilled or frozen) pork from CSF-affected regions, supplement their pork supplies with pork from CSF-affected regions that is not processed in accordance with the requirements in part 94, share a common land border with CSF-affected regions, or import live swine from such regions under conditions less restrictive than would be acceptable for importation into the United States. To ensure that the importation of live swine, pork, and pork products from Brazil, Chile, and Mexico do not introduce CSF into the United States, the regulations include information collection activities, such as certificates, compliance agreements, and cooperative service agreements.

Certificates, which are issued by salaried veterinary officers of the Governments of Brazil, Chile, and Mexico, must accompany swine, pork, and pork products from their respective regions, and must certify that the live swine, pork, and pork products have met the specified requirements in part 94.

A compliance agreement is required from the operators of the processing establishment and states that: All meat processed for importation to the United States will be processed in accordance with the requirements in part 94; a full-time, salaried meat inspection official of the national government of the region in which the processing facility is located will supervise the processing and examination of the product and certify that it has been processed in accordance with the section; and APHIS personnel or other persons authorized by the Administrator may enter the establishment, unannounced, to inspect the establishment and its records.

A cooperative service agreement, which is required by APHIS from the processing establishment, or a party on its behalf, is an agreement with APHIS to pay all expenses incurred by APHIS for the initial evaluation of the processing establishment and periodically thereafter.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 1.0 hour per response.

Respondents: Federal animal health officials of the Governments of Brazil, Chile, and Mexico.

Estimated annual number of respondents: 11.

Estimated annual number of responses per respondent: 273.55.

Estimated annual number of responses: 3,009.

Estimated total annual burden on respondents: 3,009 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 23rd day of March 2017.

Jere L. Dick,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–06090 Filed 3–27–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0009]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Animal Disease Traceability

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with animal disease traceability.

DATES: We will consider all comments that we receive on or before May 30, 2017.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0009.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0009, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0009* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on animal disease traceability, contact Mr. Neil Hammerschmidt, Program Manager, Animal Disease Traceability, VS, APHIS, 4700 River Road, Unit 46, Riverdale, MD 20737–1231; (240) 463–0098. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Animal Disease Traceability.

OMB Control Number: 0579–0327.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is authorized, among other things, to prevent the introduction into and the dissemination within the United States of any pest or disease of livestock or poultry.

Within APHIS, Veterinary Services (VS) safeguards U.S. animal health through a variety of activities, including disease control. One important part of disease control is animal disease traceability. Animal disease traceability provides the ability to document the movement history of an animal throughout its life. Knowing where diseased and at-risk animals have been and are located, as well as when they have been there, is indispensable during an emergency response and important for ongoing disease programs. Epidemiologists use this information to determine the potential spread of a disease. In fact, having the ability to plot locations within a radius of an infected premises helps to determine the potential magnitude of a contagious disease and the resources needed to contain it. Furthermore, as diseases are controlled or eradicated, it is important to document areas, States, or regions of the country that are free from disease. Traceability helps APHIS determine those disease-free zones, thus enhancing the marketability of U.S. livestock.

The regulations for animal disease traceability are located in 9 CFR part 86. Under the regulations, unless specifically exempted, livestock moved interstate must be officially identified and accompanied by an interstate certificate of veterinary inspection or other documentation. The regulations specify approved forms of official identification for each species but allow livestock to be moved between any two States or Tribes with another form of identification as agreed upon by animal health officials in the two jurisdictions. This identification requirement improves APHIS' ability to trace livestock if a disease is detected.

Development and implementation of the animal disease traceability framework continues to be a partnership involving APHIS, States, Tribes, and industry. States and Tribes enter into cooperative agreements with APHIS to implement their traceability activities. Also, within the animal disease traceability framework, the National Uniform Eartagging System (NUES) gives a nationally unique identification number for animals that need official identification. To distribute and use official identification eartags using the NUES, APHIS requires several information collection activities that we are including in this information collection.

We are asking the Office of Management and Budget (OMB) to approve these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.09 hours per response.

Respondents: State, Tribal, and territorial animal health officials; accredited veterinarians; breed and registry associations; producers; livestock market operators; and harvest facility employees.

Estimated annual number of respondents: 197,302.

Estimated annual number of responses per respondent: 53.

Estimated annual number of responses: 10,513,557.

Estimated total annual burden on respondents: 939,085 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 22nd day of March 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–06094 Filed 3–27–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0013]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Swine Health Protection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the swine health protection program.

DATES: We will consider all comments that we receive on or before May 30, 2017.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0013.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0013, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0013* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the swine health protection program, contact Dr. John Korslund, Staff Epidemiologist, Surveillance, Preparedness, and Response, Veterinary Services, APHIS, 4700 River Road, Unit 46, Riverdale, MD 20737; (301) 851–3468. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Swine Health Protection.

OMB Control Number: 0579–0065.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is authorized, among other things, to prohibit or restrict the interstate movement of animals and animal products to prevent the dissemination within the United States of animal diseases and pests of livestock and to conduct programs to detect, control, and eradicate pests and diseases of livestock.

The Swine Health Protection Act (the Act) prohibits the feeding of garbage to swine intended for interstate movement or foreign commerce or that substantially affect such commerce unless the garbage has been treated to kill disease organisms. Untreated garbage is one of the primary media through which numerous infectious and communicable diseases can be transmitted to swine. APHIS' regulations promulgated under the Act, which are located at 9 CFR part 166, require that garbage intended to be fed to swine must be treated at a facility that holds a valid permit to treat the garbage and must be treated in accordance with the regulations.

As part of its swine health protection program, APHIS conducts a pseudorabies (PRV) eradication program in cooperation with State governments, swine producers, swine shippers, herd owners, and accredited veterinarians. The program identifies PRV-affected swine, provides herd management techniques, and has eliminated PRV in commercial production herds. However, APHIS periodically finds infected swine when swine are exposed to feral swine or other swine that have had exposure to feral swine.

The regulations in 9 CFR parts 71 and 85 facilitate the PRV eradication program and general swine health by providing requirements for moving swine interstate within a swine production system. (A production system consists of separate farms that each specialize in a different phase of swine production such as sow herds, nursery herds, and finishing herds. These separate farms, all members of the same production system, may be located in more than one State.)

The regulations for the feeding of garbage to swine and for the PRV eradication program require the use of a number of information collection activities, including the creation of food waste reports; the completion of applications to operate garbage treatment facilities and acknowledgement of the Act and regulations; garbage treatment facility inspection; cancellation of license by State animal health officials; request for a hearing; cancellation of license by licensee; notification by licensee of sick or dead animals; notification by licensee of changes to name, address, or management; swine health protection program inspection summary; permit to move restricted animals; owner-shipper statement; certificate of veterinary inspection; accredited veterinarian's statement; embryo and semen shipments; identification for swine moving interstate; swine production system health plan; interstate movement report and notification; cancellation or withdrawal of a swine production system health plan; appeal of cancellation of a swine production system health plan; shipment to slaughter seal; appraisal and indemnity claim form; report of net salvage proceeds; herd management plans; and recordkeeping.

The information collection requirements above are currently approved by the Office of Management and Budget (OMB) under OMB control numbers 0579–0137 (Swine Health Protection) and 0579–0065 (Swine Health Protection). After OMB approves this combined information collection package (0579–0065), APHIS will retire OMB control number 0579–0137.

We are asking OMB to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 1.89 hours per response.

Respondents: Owners/operators (licensees) of garbage treatment facilities, herd owners, food establishments, accredited veterinarians, and State animal health authorities.

Estimated annual number of respondents: 27,050.

Estimated annual number of responses per respondent: 31.55.

Estimated annual number of responses: 853,318.

Estimated total annual burden on respondents: 1,614,460 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 23rd day of March 2017.

Jere L. Dick,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–06217 Filed 3–27–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Tonto National Forest; Gila County, AZ; Pinto Valley Mine Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement for approval of a mining plan of operations for the Pinto Valley Mine, notice of public scoping, and request for scoping comments.

SUMMARY: The Tonto National Forest (TNF) is preparing an Environmental Impact Statement (EIS) to evaluate and disclose the potential environmental effects from approval of the Mining Plan of Operations (MPO) submitted by Pinto Valley Mining Corp. (PVMC), for operations on National Forest System (NFS) land associated with expansion of an existing open pit copper and molybdenum mine, the Pinto Valley Mine. An amendment to the Tonto National Forest Land and Resource Management Plan (Forest Plan, 1985, as amended) may be required.

DATES: Comments concerning the scope of the analysis must be received no later than April 27, 2017. Public scoping meetings will be held on April 18 at Superior Junior/Senior High School, 100 Mary Drive, Superior, Arizona and April 20 at Miami Junior/Senior High School, 4739 S. Ragus Rd., Miami, Arizona from 5:00 to 8:00 p.m.

ADDRESSES: Send written comments to Pinto Valley Mine EIS Comments, 2324 E McDowell Rd., Phoenix, AZ 85006. Comments may also be sent via email to *Comment@pintovalleymineeis.us,* or via facsimile to (602) 225–5302, ATTN: Pinto Valley Mine EIS Comments. Written and oral comments may also be submitted during scoping meetings that will be held by the U.S. Forest Service (Forest Service) on April 18 and 20. Additional details may be found at the Pinto Valley Mine EIS Web site at *http://www.pintovalleymineeis.us.*

FOR FURTHER INFORMATION CONTACT: Judd Sampson, Interim Project Manager, at 602–225–5272 or *juddsampson@fs.fed.us* during normal business hours. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: PVMC submitted the proposed MPO for approval by the Forest Service in May 2016. The proposed MPO was submitted in accordance with Forest Service regulations for locatable minerals set forth at Title 36 of the Code of Federal Regulations (CFR), part 228 (36 CFR part 228), subpart A, *Locatable Minerals.*

The proposed action would consolidate prior permitted activities reasonably incident to extraction, transportation, and processing of copper and molybdenum on NFS lands and expand existing mining operations from private lands on to NFS lands primarily for tailings disposal and pit expansion.

Purpose and Need for Action

The purpose of this project is to analyze the proposed action as required by the regulations at 36 CFR 228.5(a). Approval of the proposed MPO would be a major federal action subject to National Environmental Policy Act of 1969 (NEPA). Accordingly, the Forest Service must prepare an EIS to identify the scope of issues associated with the MPO, identify and assess reasonable alternatives to the MPO in order to avoid or minimize adverse effects of MPO actions and evaluate and disclose the potential environmental effects. An amendment to the Tonto National Forest Land and Resource Management Plan (Forest Plan, 1985, as amended) may be required.

The need for this project is to comply with the regulations of the Forest Service, Department of Agriculture, that govern the use of surface resources in conjunction with mining operations on NFS lands as set forth under 36 CFR part 228. These regulations require that the Forest Service respond to parties who submit proposed mining plans for approval to conduct mining operations on or otherwise use NFS lands in conjunction with mining for part or all of their planned actions. In accordance with regulations at 36 CFR 228.5, the submittal of the proposed MPO by PVMC requires the Forest Service to consider whether to approve the proposed MPO or to require changes or additions deemed necessary to meet the purpose of the regulations for locatable mineral operations at 36 CFR part 228, subpart A. Forest Service cannot categorically prohibit mining operations that are reasonably incident to mining of locatable minerals on NFS lands in the area of the proposed action.

Proposed Action

The proposed action is to approve the MPO as submitted by PVMC. Pinto Valley Mine expansion would affect federal lands administered by TNF and private lands owned by PVMC. The proposed action by the Forest Service would only approve mining operations on NFS lands, since the Forest Service does not have jurisdiction to regulate mining operations that occur on private land. However, the EIS will consider and disclose environmental effects associated with the MPO. Connected actions related to the MPO and potential amendment of the forest plan, if required, would be analyzed in the EIS. Impacts from past, present, and reasonably foreseeable future actions will be considered in combination with impacts of the proposed project to estimate potential cumulative impacts.

Existing and Proposed Mining Operations

Pinto Valley Mine is an existing open pit copper and molybdenum mine with adjacent milling and processing operations, tailings disposal areas, and waste rock disposal, all operated by PVMC. The majority of Pinto Valley Mine is located on PVMC property. However, certain facilities and operations are located on TNF, and were authorized by the Forest Service or the U.S. Department of Interior, Bureau of Land Management (BLM) through Rights-of-Way, Plans of Operations, Special Use Permits, and a Letter Agreement. The authorizations date from as early as the 1940s, and have been amended, updated, and re-authorized over the years.

Existing surface disturbance associated with the Pinto Valley Mine currently encompasses an estimated 3,845 acres, of which 3,389 acres are on private and 456 acres are on NFS lands. The proposed disturbance acreage would be an additional 1,011 acres of surface disturbance (766 acres on private land, 245 acres on NFS lands) for a total estimated surface disturbance of 4,856 acres (4,155 on private land, 701 acres on NFS lands).

Each of the past, present, and proposed future uses of NFS lands is addressed in the MPO. Existing or proposed mining use of NFS lands includes portions of the Open Pit, 19 Dump, portions of three tailings storage facilities, transportation on Forest Roads and temporary access roads, use of existing powerlines and water pipelines, existing water supply, stormwater management facilities, and a sign.

In summary, at the end of the current planned life of the mine, PVMC would use approximately 701 acres of NFS lands and 42.45 miles of Forest Roads and temporary access roads to access mine facilities and/or as alignments for linear utility infrastructure.

Possible Alternatives

The Pinto Valley Mine EIS will analyze the No Action Alternative, which would not approve of the proposed MPO. For the No Action Alternative, mining operations, reclamation, and closure would continue under current authorizations. The responsible official does not have discretion to select the No Action alternative, because it would not be consistent with requirements of 36 CFR 228.5.

The EIS may evaluate additional alternatives that could include application of design features and other measures that address issues identified during scoping, that would meet the purpose and need for the project, and are reasonable and practicable. These alternatives may require changes to the proposed MPO, which are necessary to meet Forest Service regulations for locatable minerals set forth at 36 CFR part 228, subpart A.

Lead and Cooperating Agencies

The Forest Service will be the lead agency preparing the EIS. Cooperating agencies have not yet been confirmed, but may include agencies within the Department of the Interior, as well as other state and Federal agencies with regulatory and/or enforcement jurisdiction over the project.

Responsible Official

The Forest Supervisor of the TNF will be the responsible official who prepares the Record of Decision (ROD) and approves the MPO.

Nature of Decision To Be Made

TNF Forest Supervisor will consider beneficial and adverse impacts of each alternative analyzed in the EIS. TNF Forest Supervisor has discretion to determine whether changes in the proposed MPO will be required prior to approval.

Plan of Operations

Using the analysis in the EIS and supporting documentation, the TNF Forest Supervisor will make the following decisions regarding the proposed MPO:

1. Decide whether to approve the proposed MPO submitted by PVMC, or require changes in, or additions to, the proposed MPO to meet the purpose of the regulations, including those for environmental protection and reclamation set forth at 36 CFR part 228, subpart A before approving a final MPO. The alternative that is selected for approval in the final MPO must minimize adverse impacts on NFS surface resources where feasible.

2. If Forest Service determines that any amendment(s) is (are) required to the Forest Plan, then decide whether to approve amendments to the Forest Plan,

which would be necessary to approve the final MPO.

Final EIS and Record of Decision

The Forest Supervisor plans to release a draft ROD in conjunction with the final EIS. The draft ROD would address the decision on approval of the MPO. The decision would be subject to 36 CFR part 218, *Project-Level Pre-decisional Administrative Review Process.* If forest plan amendments are required, then the draft decision may also be subject to 36 CFR part 219, subpart B, *Pre-decisional Administrative Review Process.*

Following resolution of objections to the draft ROD, a final ROD would be issued. PVMC would have an opportunity to appeal the decision as set forth at 36 CFR part 214, *Postdecisional Administrative Review Process for Occupancy or Use of National Forest System Lands and Resources.*

Prior to approval of the MPO, PVMC may be required to modify the proposed MPO to align it with the description of the selected alternative in the final ROD. In addition, the TNF Forest Supervisor would require PVMC to submit a reclamation bond or other acceptable financial assurance to ensure that NFS lands and resources involved with the mining operation are reclaimed in accordance with the approved MPO and Forest Service requirements for environmental protection (36 CFR 228.8 and 228.13). After the Forest Service has determined that the MPO conforms to the ROD and that the reclamation bond is acceptable, the TNF Forest Supervisor would approve the MPO. Implementation of mining operations that affect NFS lands and resources may not commence until the MPO is approved and the reclamation bond or other financial assurance is in place.

Preliminary Issues

Issues to be analyzed in the EIS will be developed during the scoping process. Preliminary issues expected to be analyzed include potential impacts to: Groundwater and surface water quantity and quality; riparian and aquatic areas and springs; biological resources, including threatened and endangered species and Forest Service sensitive species; historical and cultural resources; air quality; socioeconomics; transportation and traffic; noise; visual resources; and recreation. This list is subject to change based on comments received from the public and resource agencies.

Permits or Licenses Required

The following is a list of permits for Pinto Valley Mine: Permits associated with groundwater withdrawal and dam safety permits (Arizona Department of Water Resources); air quality Class II synthetic minor permit (Arizona Department of Environmental Quality), Arizona Pollutant Discharge Elimination System process and stormwater permits, Aquifer Protection Permit, and public water supply permit (Arizona Department of Environmental Quality); Mined Land Reclamation Plan (Arizona State Mine Inspector); letter agreement for a commercial vehicle staging area (Arizona Department of Transportation); and other required permits. Because the Pinto Valley Mine is an operating mine, PVMC already holds required permits. PVMC would update and amend permits for additional activities proposed in the MPO, as required.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the Pinto Valley Mine EIS. Public comments may be submitted to TNF in a variety of ways, including: By email, via the project Web site, by mail, and by facsimile. In addition, TNF will conduct two open houses during the scoping process through which members of the public can learn about the proposed action and the NEPA review process, and submit comments. Comments sought by TNF include specific comments related to the proposed action, appropriate information that could be pertinent to the description of baseline resource conditions and analysis of environmental effects, identification of significant issues, identification of reasonably foreseeable actions that should be considered in the cumulative analysis, and identification of potential design features and alternatives.

Written comments may be sent to: Pinto Valley Mine EIS Comments, 2324 E McDowell Rd., Phoenix, AZ 85006. Comments may also be sent by email to: *Comment@pintovalleymineeis.us,* or sent by facsimile to (602) 225–5302.

It is important that reviewers provide comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions and specific recommendations wherever possible. When submitting comments, please keep them specific to this proposal only. Comments which are not specific to the project and project area will be deemed outside the scope of the analysis and will not be considered. If you are including references, citations, or additional information to be considered for this project, please provide a copy and specify exactly how the material relates to the project. Also indicate exactly what part of the material you would like us to consider (such as page or figure number). Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the agency with the ability to provide the respondent with subsequent environmental documents.

Dated: March 21, 2017.

Jeanne M. Higgins,

Associate Deputy Chief, National Forest System.

[FR Doc. 2017–06020 Filed 3–27–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the United States Department of Agriculture's Rural Utilities Service (RUS) invites comments on this information collection for which approval from the Office of Management and Budget (OMB) will be requested.

DATES: Comments on this notice must be received by May 30, 2017.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, 1400 Independence Avenue SW., STOP 1522, Room 5164 South Building, Washington, DC 20250–1522. Telephone: (202) 690–4492. Email: *thomas.dickson@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for approval.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (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 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 may be sent to: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, STOP 1522, 1400 Independence Avenue SW., Washington, DC 20250–1522. Email: *thomas.dickson@wdc.usda.gov.*

Title: Technical Assistance Programs.

OMB Control Number: 0572–0112.

Type of Request: Extension of a currently approved collection.

Abstract: The Rural Utilities Service is authorized by section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) to make loans to public agencies, American Indian tribes, and nonprofit corporations to fund the development of drinking water, wastewater, and solid waste disposal facilities in rural areas with populations of up to 10,000 residents. Under the CONACT, 7 U.S.C. 1925(a), as amended, section 306(a)(14)(A) authorizes Technical Assistance and Training grants, and 7 U.S.C. 1932(b), section 310B authorizes Solid Waste Management grants. Grants are made for 100 percent of the cost of assistance. The Technical Assistance and Training Grants and Solid Waste Management Grants programs are administered through 7 CFR part 1775.

Estimate of Burden: Public reporting for this collection of information is estimated to average 3 hours per response.

Respondents: Not-for-profit institutions.

Estimated Number of Respondents: 142.

Estimated Number of Responses per Respondent: 17.

Estimated Total Annual Burden on Respondents: 6,250.

Copies of this information collection can be obtained from Thomas P. Dickson, Program Development and Regulatory Analysis, at (202) 690–4492.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: March 16, 2017.

Christopher McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2017–06026 Filed 3–27–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Rural Utilities Service, invites comments on this information collection for which the Agency intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by May 30, 2017.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Deputy Director, Program Development & Regulatory Analysis, Rural Utilities Service, USDA, 1400 Independence Ave. SW., STOP 1522, Room 5164 South Building, Washington, DC 20250–1522. Telephone: (202) 690–4492. (202) FAX: (202) 720–8435. *Thomas.Dickson@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: 7 CFR 1753, Telecommunications System Construction Policies and Procedures.

OMB Control Number: 0572–0059.

Type of Request: Extension of a currently approved collection package.

Abstract: In order to facilitate the programmatic interest of the RE Act, and, in order to assure that loans made or guaranteed by the Agency are adequately secured, the Agency, as a secured lender, has established certain forms for materials, equipment and construction of electric and telecommunications systems. The use of standard forms, construction contracts, and procurement procedures helps assure the Agency that appropriate standards and specifications are maintained, the Agency's loan security is not adversely affected; and the loan response. In an effort to improve customer service provided to RUS rural borrowers, the Agency continues to revise, consolidate, and/or streamline its current contracts and contracting procedures.

Respondents: Business or other for-profit and non-profit institutions.

Estimated Number of Respondents: 513.

Estimated Number of Responses per Respondent: 9.

Estimate Total Annual Burden on Respondents: 8,434 hours.

Copies of this information collection can be requested from MaryPat Daskal, Program Development and Regulatory Analysis, Rural Utilities Service by telephone at (202) 720–7853 or email: *MaryPat.Daskdal@wdc.usda.gov.*

Comments are invited on (a) 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; (b) The accuracy of the agency's estimate of burden including the validity of the methodology and assumption used; (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 those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques on other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: March 22, 2017.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2017–06024 Filed 3–27–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Oregon Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Oregon Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Pacific Time) Tuesday, April 4, 2017. The purpose of the meeting is for the Committee to consider and discuss potential topics for their FY17 civil rights project.

DATES: The meeting will be held on Tuesday, April 4, 2017, at 1:00 p.m. PST.

Public Call Information: Dial: 888–352–6793, Conference ID: 5731343.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 888–352–6793, conference ID number: 5731343. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=270.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Introductions
II. Discussion Regarding Potential FY17 Topics
III. Public Comment
IV. Next Steps
V. Adjournment

Dated: March 22, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–06058 Filed 3–27–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Kansas Advisory Committee To Discuss the Committee's Next Topic of Civil Rights Inquiry

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Kansas Advisory Committee (Committee) will hold a meeting on Friday, April 14, 2017, at 1:00 p.m. CST. The meeting will include a discussion of current civil rights concerns in Kansas for future study.

DATES: The meeting will take place on Friday, April 14, 2017, at 1:00 p.m. CST.

ADDRESSES: *Public call information:* Dial: 888–556–4997, Conference ID: 5140898.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–556–4997, conference ID: 5140898. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Corrine Sanders at *csanders@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Kansas Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=249*). Click on ''meeting details'' and then ''documents'' to download. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Roll Call
Civil Rights in Kansas: 2017 Project Concepts
Future Plans and Actions
Public Comment
Adjournment

Dated: March 22, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–06069 Filed 3–27–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Ohio Advisory Committee for a Meeting To Discuss the Committee's Next Topic of Civil Rights Study: Equal Access to Education

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Ohio Advisory Committee (Committee) will hold a meeting on Wednesday, April 26, 2017, at 3:00 p.m. EST for the purpose of discussing a proposal to study civil rights and equal access to education in Ohio.

DATES: The meeting will be held on Wednesday, April 26, 2017, at 3:00 p.m. EST.

ADDRESSES: *Public call information:* Dial: 877–718–5101, Conference ID: 4192721.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 877–718–5101, conference ID: 4192721. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov*. Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Ohio Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=268*). Select ''meeting details'' and ''documents'' to download. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Introductions
Project Proposal: ''Barriers to Equal Access to Education in Ohio''
Public Comment
Future Plans and Actions
Adjournment

Dated: March 22, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–06071 Filed 3–27–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nevada State Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Nevada Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Pacific Time) Wednesday, March 29, 2017, for the purpose of hearing testimony on the civil rights issues regarding municipal fees in Nevada and to discuss themes and recommendations to include in an advisory memorandum issued to the U.S. Commission on Civil Rights.

DATES: The meeting will be held on Wednesday, March 29, 2017, at 1:00 p.m. PST.

Public Call Information: Dial: 877–723–9509, Conference ID: 7100479.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 877–723–9509, conference ID number: 7100479. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov*. Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=261*. Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Approval of March 9, 2017 Minutes
III. Testimony from Jessica Feierman, Associate Director at the Juvenile Law Center
  a. Questions
IV. Hearing Debrief
V. Public Comment
VI. Next Steps
VII. Adjournment

Exceptional Circumstance: Pursuant to the Federal Advisory Committee Management Regulations (41 CFR 102–3.150), the notice for this meeting is given less than 15 calendar days prior to the meeting due to exceptional circumstance of the Committee project supporting the Commission's 2017 statutory enforcement report.

Dated: March 22, 2017

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–06061 Filed 3–27–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Colorado Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the Colorado Advisory Committee to the Commission will convene at 11:00 a.m. (MST) on Friday, April 14, 2017, via teleconference. The purpose of the meeting is to review presentations on two civil rights topics for study, Refugee Resettlement and Blaine Amendment's Impact on Education in Colorado. The SACs plans are to select and vote of one of the issues for future study.

DATES: Friday, April 14, 2017 at 11:00 a.m. (MST).

ADDRESSES: To be held via teleconference:

Conference Call Toll-Free Number: 1–888–461–2024, Conference ID: 2445417.

TDD: Dial Federal Relay Service 1–800–977–8339 and give the operator the above conference call number and conference ID.

FOR FURTHER INFORMATION CONTACT: Malee V. Craft, DFO, *mcraft@usccr.gov,* 303–866–1040.

SUPPLEMENTARY INFORMATION: Members of the public may listen to the discussion by dialing the following Conference Call Toll-Free Number: 1–888–461–2024; Conference ID: 2445417. Please be advised that before being placed into the conference call, the operator will ask callers to provide their names, their organizational affiliations (if any), and an email address (if available) prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free phone number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service (FRS) at 1–800–977–8339 and provide the FRS operator with the Conference Call Toll-Free Number: 1–888–461–2024, Conference ID: 2445417. Members of the public are invited to submit written comments; the comments must be received in the regional office by Monday, May 15, 2017. Written comments may be mailed to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 1961 Stout Street, Suite 13–201, Denver, CO 80294, faxed to (303) 866–1050, or emailed to Evelyn Bohor at *ebohor@usccr.gov*. Persons who desire additional information may contact the Rocky Mountain Regional Office at (303) 866–1040.

Records and documents discussed during the meeting will be available for public viewing as they become available at *http://www.facadatabase.gov/committee/meetings.aspx?cid=238* and clicking on the "Meeting Details" and "Documents" links. Records generated from this meeting may also be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Rocky Mountain Regional Office at the above phone number, email or street address.

Agenda

- Welcome and Roll-call
  Malee V. Craft, Regional Director, Rocky Mountain Regional Office (RMRO)
- Discussion of Civil Rights Issues
  Alvina L. Earnhart, Chair, Colorado State Advisory Committee
- Next Steps

Dated: March 22, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–06060 Filed 3–27–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nevada State Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Nevada Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Pacific Time) Thursday, April 20, 2017, for the purpose of discussing themes and recommendations to include in an advisory memorandum issued to the US Commission on Civil Rights.

DATES: The meeting will be held on Thursday, April 20, 2017, at 1:00 p.m. PST.

Public Call Information: Dial: 888–389–5988, Conference ID: 2998703.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 888–389–5988, conference ID number: 2998703. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov*. Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=261*. Please click on the "Meeting Details" and "Documents" links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Discussion on Organization of Advisory Memorandum
  a. Themes
  b. Recommendations
III. Public Comment
IV. Next Steps
V. Adjournment

Dated: March 22, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–06062 Filed 3–27–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Indiana Advisory Committee To Discuss Civil Rights Concerns in the State and Determine the Next Topic of Committee Study

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Indiana Advisory Committee (Committee) will hold a meeting on Tuesday, April 11, 2017, at 4:00 p.m. EST for the purpose of discussing civil rights concerns in the State for future Committee study.

DATES: The meeting will be held on Tuesday, April 11, 2017, at 4:00 p.m. EST.

ADDRESSES: *Public call information:* Dial: 800–500–0311, Conference ID: 8736732.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 800–500–0311, conference ID: 8736732. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Indiana Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=247*). Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit Office at the above email or street address.

Agenda

Welcome and Roll Call
Discussion: Civil Rights in Indiana
Public Comment
Future Plans and Actions
Adjournment

Dated: March 22, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–06070 Filed 3–27–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF289

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit (EFP) application submitted by the Northeast Fisheries Science Center (NEFSC) contains all of the required information and warrants further consideration. This EFP would exempt participating vessels from the following types of fishery regulations: Minimum fish size restrictions; fish possession limits for species not protected under the Endangered Species Act (ESA); gear-specific fish possession restrictions for the purpose of at-sea sampling; and, in limited situations for research purposes only, retaining and landing prohibited fish species. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on EFP applications.

DATES: Comments must be received on or before April 12, 2017.

ADDRESSES: You may submit written comments by either of the following methods:

- *Email: nmfs.gar.efp@noaa.gov.* Include in the subject line "Comments on NEFSC Study Fleet EFP."
- *Mail:* John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on NEFSC Study Fleet EFP."

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Management Specialist, 978–281–9232, *Spencer.Talmage@noaa.gov.*

SUPPLEMENTARY INFORMATION: NEFSC submitted a complete application for an EFP on February 21, 2017, to enable data collection activities that the regulations on commercial fishing would otherwise restrict.

The NEFSC Study Fleet Program was established in 2002 to more fully characterize commercial fishing operations and to leverage sampling opportunities to augment NMFS data collection programs. NEFSC contracts commercial fishing vessels to collect tow-by-tow catch and environmental data, and to fulfill specific biological sampling needs. To collect these data, NEFSC Study Fleet Program obtains an EFP to secure the necessary waivers for these vessels to possess and land fish that would otherwise be prohibited by regulations. The EFP would exempt 31 Federally permitted commercial fishing vessels from the following regulations while participating in the Study Fleet Program and operating under NEFSC managed projects: Minimum fish size restrictions; fish possession limits for species not protected under the ESA; gear-specific fish possession restrictions for the purpose of at-sea sampling; and, in limited situations for research purposes only, retaining and landing prohibited fish species. Table 1 lists the specific regulations that would be exempted by this permit. The participating vessels would be obligated to comply with all applicable requirements and restrictions specified at 50 CFR part 648, unless specifically exempted in this EFP.

Fishing vessel crews trained by the NEFSC Study Fleet Program would sort, weigh, and measure fish that are to be discarded. In the course of sampling, some discarded species would be on deck slightly longer than under normal sorting procedures, which requires an exemption from the following restrictions: Minimum fish size; fish possession limits; prohibited fish species, not including species protected under the ESA; and gear-specific fish possession restrictions for at-sea sampling.

Participating vessels would also be authorized to retain and land, in limited situations for research purposes only, fish species and/or sizes that are not in compliance with fishing regulations. The vessels would be authorized to retain specific amounts of particular species in whole or round weight condition, which would be delivered upon landing to NMFS staff. To ensure that the collection needs of the Study Fleet Program are not exceeded, participating vessels are required to obtain a formal Biological Sampling Request in writing from the NEFSC Study Fleet Program prior to landing any sublegal fish. None of the landed biological samples from these trips would be sold for commercial use, or utilized for any purpose other than scientific research.

All catch would be attributed to the appropriate commercial fishing quota, and vessels would not be exempt from any inseason quota closure. For vessels on a groundfish sector trip, all catch of Northeast multispecies stocks allocated to sectors would be deducted from its sector's Annual Catch Entitlement (ACE). Once the ACE for a stock has been reached in a sector, vessels would no longer be allowed to fish in that stock area, unless its sector acquires additional ACE for the limiting stock. For common pool vessels, all catch of Northeast multispecies stocks would be counted toward the appropriate trimester total allowable catch (TAC). Common pool vessels would be subject to applicable trimester total allowable catch (TAC) closures.

TABLE 1—SPECIFIC REGULATIONS COVERED BY THE PROPOSED EXEMPTED FISHING PERMIT

NEFSC Study Fleet Program EFP	
Number of vessels	36.
Exempted regulations in 50 CFR part 648	*Size limits:* § 648.83 NE multispecies minimum sizes. § 648.93 Monkfish minimum fish size. § 648.147 Black sea bass minimum fish size. *Possession restrictions:* § 648.86(a) Haddock. § 648.86(b) Atlantic cod. § 648.86(c) Atlantic halibut. § 648.86(d) Small-mesh multispecies. § 648.86(l) Zero retention of Atlantic wolffish and windowpane flounder. § 648.86(o) Possession limits implemented by Regional Administrator. § 648.94 Monkfish possession limit. § 648.322 Skate possession and landing restrictions. § 648.145 Black sea bass possession limits. § 648.92(b)(2)(i) Prohibition from landing NE multispecies on monkfish-only day-at-sea.

NEFSC Study Fleet Program Biological Sampling Needs

As described above, participating vessels would only collect and land biological samples after the NEFSC issues a formal request in writing. Table 2 details the Study Fleet Program's sampling needs.

TABLE 2—STUDY FLEET PROGRAM'S BIOLOGICAL SAMPLE COLLECTION NEEDS

Species	Stock area *	Gear types #	Collection frequency	Individual fish per collection period	Maximum weight allowed per trip (lb)	Maximum allowance (lb)
Windowpane Flounder.	GOM, GB	OTF, DRS	Monthly	40 ea./mo	30	360.
Monkfish	GOM, GB, SNE	OTF, GNS, DRS	Monthly	15 ea/mo SNE, 15 ea/mo GOM.	750	9,000.
Haddock	GOM, GB, SNE	OTF, LLB, GNS, DRS.	Monthly/Seasonal	40 ea/mo	320	1,600.
Atlantic Cod	GOM, GB, SNE	OTF, LLB, GNS, DRS.	Monthly	120 ea/mo	270	7,200.
Barndoor Skate	GOM, GB, SNE	OTF, GNS, DRS	Quarterly	20 ea/qtr	150	600.
Thorny Skate	GOM, GB, SNE	OTF, GNS, DRS	Quarterly	20 ea/qtr	150	600.
Black Sea Bass	GB, SNE	PTF, OTF	Monthly	30 ea/mo	180	2,160.
Atlantic Wolffish	GOM, GB	OTF, GNS, LLB	Monthly	40 ea/mo	160	3,500.
Cusk	GOM, GB	OTF,GNS, LLB	Monthly	40 ea/mo	140	3,600.
Atlantic Halibut	GOM, GB	OTF, GNS, LLB	Monthly	20 ea/mo	500	6,000.

TABLE 2—STUDY FLEET PROGRAM'S BIOLOGICAL SAMPLE COLLECTION NEEDS—Continued

Species	Stock area *	Gear types #	Collection frequency	Individual fish per collection period	Maximum weight allowed per trip (lb)	Maximum allowance (lb)
Butterfish	SNE, MA	OTM	Monthly	150 ea/mo	75	900.
Atlantic Herring	Any Area	OTM, OTF, PTM, PUR.	Monthly	100 ea/mo	100	1,200.
River Herring/Shad	Any Area	OTM, OTF, PTM, PUR.	Monthly	100 ea/mo of ea species.	100 of ea. species	1,200 of ea. species.
Round Herring	Any Area	OTM, OTF, PTM, PUR.	Monthly	100 ea/mo	100	1,200.
Silver Hake	Any Area	OTM, OTF, PTM, PUR.	Monthly	100 ea/mo	260	3,120.
Atlantic Mackerel	Any Area	OTM, OTF, PTM, HND, PUR.	Monthly	100 ea/mo	260	3,120.
Shortfin Squid	Any Area	OTM, OTF	Monthly	100 ea/mo	75	900.
Sand Lance	Any Area	OTM, OTF, PTM, PUR.	Monthly	100 ea/mo	25	300.
Longfin Squid	Any Area	OTM, OTF	Monthly	100 ea/mo	75	900.

* Stock area abbreviations: Gulf of Maine (GOM), Georges Bank (GB), Southern New England (SNE)
# Gear abbreviations: Otter trawl (OTF), bottom longline (LLB), sink gillnet (GNS), sea scallop dredge (DRS), fish pot (PTF), hand lines, auto jig (HND), purse seine (PUR), otter trawl midwater (OTM), pair trawl midwater (PTM).

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impact that does not change the scope of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: March 22, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–06057 Filed 3–27–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Meeting of the Advisory Committee on Commercial Remote Sensing

ACTION: Notice of meeting.

SUMMARY: The Advisory Committee on Commercial Remote Sensing (ACCRES) will meet April 12, 2017.

DATES: The meeting is scheduled as follows: April 12, 2017, 9:00 a.m.–4:00 p.m. There will be two sessions open to the public. The first open session will be from 9:00 a.m.–11:30 a.m. and a second open session from 12:30 p.m.–2:45 p.m. A short closed session will be held from 3:00 p.m.–4:00 p.m.

ADDRESSES: The public portion of the meeting will be held at the Institute for Defense Analyses (IDA)—Room 1301, 4850 Mark Center Drive, Alexandria, VA 22311.

FOR FURTHER INFORMATION CONTACT: Samira Patel, NOAA/NESDIS/CRSRA, 1335 East West Highway, Room 8247, Silver Spring, Maryland 20910; (301) 713–7077 or *samira.patel@noaa.gov.*

SUPPLEMENTARY INFORMATION: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2 (FACA) and its implementing regulations, *see* 41 CFR 102–3.155, notice is hereby given of the meeting of ACCRES. ACCRES was established by the Secretary of Commerce (Secretary) on May 21, 2002, to advise the Secretary of Commerce through the Under Secretary of Commerce for Oceans and Atmosphere on matters relating to the U.S. commercial remote sensing space industry and on the National Oceanic and Atmospheric Administration's activities to carry out the responsibilities of the Department of Commerce set forth in the National and Commercial Space Programs Act of 2010 (51 U.S.C. 60101 *et seq.*).

Purpose of the Meeting and Matters To Be Considered

The first part of the meeting will be open to the public pursuant to Section 10(a)(1) of the FACA. During the open portion of the meeting, the Committee will receive updates on NOAA's Commercial Remote Sensing Regulatory Affairs activities. The Committee will also be available to receive public comments on its activities. The second open session of the meeting will be dedicated to discussing legislative and regulatory reform.

After the open meeting, a short follow-on session will be closed to the public pursuant to Section 10(d) of FACA as amended by Section 5(c) of the Government in Sunshine Act, Public Law 94–409 and in accordance with Section 552b(c)(1) of Title 5, United States Code, which authorizes closure of meetings likely to disclose matters that are ''specifically authorized under criteria established by Executive order to be kept secret in the interests of national defense or foreign policy and . . . in fact properly classified pursuant to such Executive order.'' The part of the meeting which will be closed will address new licensing conditions for the operation of U.S. remote sensing space systems, the ongoing review and implementation of the 2015 U.S. Commercial Space Launch Competitiveness Act and related national security, foreign policy concerns and future technology considerations for NOAA's licensing decisions. These discussions are likely to disclose matters that are specifically authorized under criteria established by Executive Order 13526 to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order. In compliance with Section 10(d) of FACA and 41 CFR 102–3.155, ACCRES has obtained an agency determination of closure, and the notice of this determination is available upon request.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for special accommodations may be directed to Samira Patel, NOAA/NESDIS/CRSRA, 1335 East-West Highway, Room 8247, Silver Spring, Maryland 20910; (301) 713–7077 or *samira.patel@noaa.gov.*

Additional Information and Public Comments

Any member of the public who plans to attend the open meeting should RSVP to Samira Patel at (301) 713–7077, or *samira.patel@noaa.gov* by April 5, 2017. Any member of the public wishing further information concerning the meeting or who wishes to submit oral or written comments should contact Tahara Dawkins, Designated Federal Officer for ACCRES, NOAA/NESDIS/CRSRA, 1335 East-West Highway, Room 8260, Silver Spring, Maryland 20910. Copies of the draft meeting agenda can be obtained from Samira Patel at (301) 713–7077, or *samira.patel@noaa.gov.*

ACCRES expects that public statements presented at its meetings will not be repetitive of previously-submitted oral or written statements. In general, each individual or group making an oral presentation may be limited to a total time of five minutes. Written comments sent to NOAA/NESDIS/CRSRA on or before April 5, 2017 will be provided to Committee members in advance of the meeting. Comments received too close to the meeting date will normally be provided to Committee members at the meeting.

Stephen M. Volz,

Assistant Administrator for Satellite and Information Services.

[FR Doc. 2017–06072 Filed 3–27–17; 8:45 am]

BILLING CODE 3510–HR–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Community Broadband Workshop

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Telecommunications and Information Administration (NTIA), through the BroadbandUSA program, will hold a technical assistance workshop to share information to help communities build their broadband capacity and utilization. The workshop will present in-depth sessions on planning and funding broadband infrastructure projects. The planning session will explore effective business and partnership models, and the funding session will identify available funding types, including federal funding.

DATES: The Technical Assistance Workshop will be held on April 19, 2017, from 8:30 a.m. to 12:30 p.m., Mountain Standard Time.

ADDRESSES: The meeting will be held in Mesa, AZ at the Mesa Arts Center Meeting Room, 1 East Main Street, Mesa, AZ 85201.

FOR FURTHER INFORMATION CONTACT: Giselle Sanders, National Telecommunications and Information Administration, U.S. Department of Commerce, Room 4628, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–7971; email: *gsanders@ntia.doc.gov.* Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002; email: *press@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION: NTIA's BroadbandUSA program provides expert advice and field-proven tools for assessing broadband adoption, planning new infrastructure, and engaging a wide range of partners in broadband projects. BroadbandUSA convenes workshops on a regular basis to bring stakeholders together to discuss ways to improve broadband policies, share best practices, and connect communities to federal agencies and other funding sources for the purpose of expanding broadband infrastructure and adoption throughout America's communities. This workshop will explore two topics for broadband infrastructure: Planning and funding.

The workshop will feature subject matter experts from NTIA's BroadbandUSA program. The first session will explore key elements required for planning successful broadband projects. The second session will identify funding models, including federal programs that support broadband infrastructure projects.

The workshop will be open to the public. Pre-registration is requested, and space is limited. NTIA will ask registrants to provide their first and last names and email addresses for both registration purposes and to receive any updates on the workshop. If capacity for the meeting is reached, NTIA will maintain a waiting list and will inform those on the waiting list if space becomes available. Meeting updates, changes in the agenda, if any, and relevant documents will be also available on NTIA's Web site at *https://www2.ntia.doc.gov/arizona-technical-assistance-workshop.*

The public meeting is physically accessible to people with disabilities. Individuals requiring accommodations, such as language interpretation or other ancillary aids, are asked to notify Giselle Sanders at the contact information listed above at least five (5) business days before the meeting.

Dated: March 23, 2017.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2017–06097 Filed 3–27–17; 8:45 am]

BILLING CODE 3510–60–P

COMMODITY FUTURES TRADING COMMISSION

Market Risk Advisory Committee

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of meeting.

SUMMARY: The Commodity Futures Trading Commission (CFTC) announces that on April 25, 2017, from 10:00 a.m. to 1:30 p.m., the Market Risk Advisory Committee (MRAC) will hold a public meeting at the CFTC's Washington, DC, headquarters. At this meeting, the MRAC will discuss: (1) The staff's response to the CRM Subcommittee's recommendations, which the MRAC adopted and also recommended that the Commission consider at the November 17, 2016, MRAC meeting, on how Central Counterparties (CCPs) can further enhance their efforts in preparing for the default of a significant clearing member; (2) cybersecurity trends; and (3) how well the derivatives markets are currently functioning, including the impact and implications of the evolving structure of these markets on the movement of risk across market participants.

DATES: The meeting will be held on April 25, 2017, from 10:00 a.m. to 1:30 p.m. Members of the public who wish to submit written statements in connection with the meeting should submit them by May 2, 2017.

ADDRESSES: The meeting will take place in the Conference Center at the CFTC's headquarters, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581. Written statements should be submitted by mail to: Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, attention: Secretary of the Commission; or by electronic mail to: *secretary@cftc.gov.* Please use the title ''Market Risk Advisory Committee'' in any written statement you submit. Any statements submitted in connection with the committee meeting will be made available to the public, including by publication on the CFTC Web site, *http://www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Petal Walker, MRAC Designated Federal Officer, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581; (202) 418–5794.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public with seating on a first-come, first-served basis. Members of the public may also listen to the meeting by telephone by calling a domestic toll-free telephone or international toll or toll-free number to connect to a live, listen-only audio feed. Call-in participants should be prepared to provide their first name, last name, and affiliation.

Domestic Toll Free: 1–888–469–3048.

International Toll and Toll Free: Will be posted on the CFTC's Web site, *http://www.cftc.gov,* on the page for the meeting, under Related Links.

Pass Code/Pin Code: 3820902.

The meeting agenda may change to accommodate other MRAC priorities. For agenda updates, please visit the MRAC committee site at: *http://www.cftc.gov/About/CFTCCommittees/MarketRiskAdvisoryCommittee/mrac_meetings.*

After the meeting, a transcript of the meeting will be published through a link on the CFTC's Web site, *http://www.cftc.gov.* All written submissions provided to the CFTC in any form will also be published on the CFTC's Web site. Persons requiring special accommodations to attend the meeting because of a disability should notify the contact person above.

Authority: 5 U.S.C. app. 2 § 10(a)(2).

Dated: March 23, 2017.

Christopher J. Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2017–06121 Filed 3–27–17; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2017–OS–0013]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense (Personnel and Readiness) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 30, 2017.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, Regulatory and Advisory Committee Division, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Federal Voting Assistance Program ATTN: Mr. David Beirne, 4800 Mark Center Drive, Suite 03J25 Alexandria, VA 22350, or call at (571) 372–0740.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Overseas Citizen Population Survey; 0704–0539.

Needs and Uses: The information collection requirement is necessary for Federal Voting Assistance Program (FVAP), an agency of the Department of Defense, to fulfill the mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA of 1986 [42 U.S.C. 1973ff]). UOCAVA requires a statistical analysis report to the President and Congress on the effectiveness of assistance under the Act, a statistical analysis of voter participation, and a description of State/Federal cooperation. The data obtained through this study will allow FVAP to refine its methodology for estimating the number of overseas U.S. civilians who are eligible to vote and who have registered and participated in the past, and using these estimates to address the question of whether the registration and voting propensity of the overseas civilian population differs from that of a comparable domestic or military populations. Conducting this research will help FVAP meet its federal and congressional mandates in terms of reporting annually on its activities and on overall voter registration and participation rates after each Presidential election. The data obtained through this study is also intended to provide insights into existing barriers to UOCAVA voting and recommendations for addressing these challenges.

Affected Public: Individuals or Households.

Annual Burden Hours: 3,000.

Number of Respondents: 18,000.

Responses per Respondent: 1.

Annual Responses: 18,000.

Average Burden per Response: 10 Minutes.

Frequency: On Occasion.

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires the States to allow Uniformed Services personnel, their family members, and overseas citizens to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal offices. The Act covers members of the Uniformed Services and the merchant marine to include the commissioned corps of the National Oceanic and Atmospheric Administration and Public Health Service and their eligible dependents, Federal civilian employees overseas, and overseas U.S. citizens not affiliated with the Federal Government. Subsequent to each Presidential election year, FVAP must report voter registration and participation rates for uniformed service voters and overseas citizens to Congress; while FVAP collects data for this report through regular surveys of uniformed service voters and other relevant *UOCAVA* populations, it does not currently collect data from non-military, nongovernment overseas civilians. Previous attempts to collect information on the overseas citizen's population to identify and measure its voter registration and participation rates in Federal elections suffered from significant bias; the Overseas Citizens Population Survey is focused on refining a prototype method to report voter registration and participation rates from a more well-defined subgroup of overseas civilians.

Dated: March 23, 2017.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2017–06124 Filed 3–27–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Innovation Board; Notice of Federal Advisory Committee Meeting

AGENCY: Deputy Chief Management Officer, Department of Defense.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Innovation Board will take place.

DATES: Open to the public Tuesday April 4, 2017 from 9:00 a.m. to 11:00 a.m. Closed to the public Tuesday April 4, 2017 from 11:45 a.m. to 5:30 p.m.

ADDRESSES: The open portion of the meeting will be held at The Pentagon, Washington DC, in the Pentagon Conference Center—Room B6. (Escort is required for attendees who do not have Pentagon credentials. See guidance in the **SUPPLEMENTARY INFORMATION** section.) The closed portion of the meeting will be held in the Pentagon.

FOR FURTHER INFORMATION CONTACT: Roma Laster, (703) 695–7563 (Voice), (703) 614–4365 (Facsimile), *roma.k.laster.civ@mail.mil* (Email). Mailing address is Defense Innovation Board, 9000 Defense Pentagon, Room 5E572, Washington, DC 20350.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Designated Federal Officer and the Department of Defense, the Defense Innovation Board is unable to provide public notification, as required by 41 CFR 102–3.150(a), for its meeting on Tuesday, April 4, 2017. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The mission of the Defense Innovation Board (DIB) is to examine and provide the Secretary of Defense and the Deputy Secretary of Defense independent advice and recommendations on innovative means to address future challenges in terms of integrated change to organizational structure and processes, business and functional concepts, and technology applications. The DIB focuses on (a) technology and capabilities, (b) practices and operations, and (c) people and culture.

Agenda: During the open portion of the meeting, the DIB will receive an update from the Science and Technology Subcommittee, and deliberate and propose observations on the DIB's Interim Recommendation 12: Establish a global and secure repository for data collection, sharing, and analysis. These findings will be based upon discussions and observations of the DIB. The DIB will invite selected experts to provide analysis and inputs related to Recommendation 12 during the meeting. Potential experts include representatives from the Joint Staff Director for Logistics (J4); the Business Transformation Office—Army; the Cost Assessment and Program Evaluation office; the Defense Digital Service; the office of the Director for Global Operations (J3); the office of the Director of Future Operations (US Air Force/A3); and the office of the Under Secretary of Defense for Intelligence (Warfighter Support). Members of the public will have the opportunity to provide input on the DIB's interim recommendation to establish a global and secure repository for data collection, sharing, and analysis (limited availability). See below for additional information on how to sign up. The DIB will be briefed on DoD's implementation activities related to DIB recommendations. During the closed portion of the meeting, the DIB will have detailed and classified discussions of their observations and recommendations with DoD senior leaders to include the Secretary of Defense and/or the Deputy Secretary of Defense. They will also receive classified informational briefings related to ''data'' and/or machine learning from representatives from the Joint Staff, the Under Secretary of Defense for Intelligence, and the U.S. Air Force/A3.

Meeting Accessibility: Pursuant to Federal statutes and regulations (FACA, the Government in the Sunshine Act, 5 U.S.C. 552b, and 41 CFR 102–3.140 through 102–3.165) and the availability of space, the meeting is open to the public from 9:00 a.m. to 11:00 a.m. Seating is on a first-come basis. Members of the public wishing to attend the meeting should contact the Executive Director to register and make arrangements for a Pentagon escort, if necessary, no later than five business days prior to the meeting, at the address noted in the **FOR FURTHER INFORMATION CONTACT** section.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact the Executive Director at least five business days prior to the meeting so that appropriate arrangements can be made. Pursuant to 5 U.S.C. 552b(c)(1), the DoD has determined that the portion of the meeting from 11:45 a.m. to 5:30 p.m. shall be closed to the public. The Acting Deputy Chief Management Officer, in consultation with the Office of the DoD General Counsel, has determined in writing that this portion of the committee's meeting will be closed as the discussions will involve classified matters of national security. Such classified material is so inextricably intertwined with the unclassified material that it cannot reasonably be segregated into separate discussions without disclosing matters that are classified SECRET or higher.

Written Statements: Pursuant to section 10(a)(3) of the FACA and 41 CFR 102–3.140, the public or interested organizations may submit written comments to the DIB about its approved agenda pertaining to this meeting or at any time regarding the DIB's mission. Individuals submitting a written statement must submit their statement to the Executive Director at *osd.innovation@mail.mil.* Written comments that do not pertain to a scheduled meeting may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at the planned meeting, then such comments must be received in writing not later than March 30, 2017. The Executive Director will compile all written submissions received by the deadline and provide them to Board Members prior to the meeting. Comments received after this date may not be provided to or considered by the DIB until a later date.

Oral Section: Individuals wishing to make an oral statement to the DIB at the public meeting may be permitted to speak for up to three minutes. Anyone wishing to speak to the DIB should submit a request by email at *osd.innovation@mail.mil* not later than March 30, 2017 for planning. Requests for oral comments should include a copy or summary of planned remarks for archival purposes. Individuals may also be permitted to submit a comment request at the public meeting; however, depending on the number of individuals requesting to speak, the schedule may limit participation.

Dated: March 23, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–06112 Filed 3–27–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Government-Industry Advisory Panel; Notice of Federal Advisory Committee Meeting

AGENCY: Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics), Department of Defense (DoD).

ACTION: Federal advisory committee meeting notice.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal advisory committee meeting of the Government-Industry Advisory Panel. This meeting is open to the public.

DATES: The meeting will be held from 9:00 a.m. to 5:00 p.m. on Wednesday and Thursday, April 5 and 6, 2017. Public registration will begin at 8:45 a.m. on each day. For entrance into the meeting, you must meet the necessary requirements for entrance into the Pentagon. For more detailed information, please see the following link: *http://www.pfpa.mil/access.html.*

ADDRESSES: Pentagon Library, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155. The meeting room will be displayed on the information screen for both days. The Pentagon Library is located in the Pentagon Library and Conference Center (PLC2) across the Corridor 8 bridge.

FOR FURTHER INFORMATION CONTACT: LTC Andrew Lunoff, Office of the Assistant Secretary of Defense (Acquisition), 3090 Defense Pentagon, Washington, DC 20301–3090, email: *andrew.s.lunoff.mil@mail.mil,* phone: 571–256–9004.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Designated Federal Officer and the Department of Defense, the Government-Industry Advisory Panel was unable to provide public notification concerning its meeting on April 5 through 6, 2017, as required by 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Purpose of the Meeting: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (FACA) (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. The Government-Industry Advisory Panel will review sections 2320 and 2321 of title 10, United States Code (U.S.C.), regarding rights in technical data and the validation of proprietary data restrictions and the regulations implementing such sections, for the purpose of ensuring that such statutory and regulatory requirements are best structured to serve the interest of the taxpayers and the national defense. The scope of the panel is as follows: (1) Ensuring that the Department of Defense (DoD) does not pay more than once for the same work, (2) Ensuring that the DoD contractors are appropriately rewarded for their innovation and invention, (3) Providing for cost-effective reprocurement, sustainment, modification, and upgrades to the DoD systems, (4) Encouraging the private sector to invest in new products, technologies, and processes relevant to the missions of the DoD, and (5) Ensuring that the DoD has appropriate access to innovative products, technologies, and processes developed by the private sector for commercial use.

Agenda: This will be the fourteenth meeting of the Government-Industry Advisory Panel. The panel will cover details of 10 U.S.C. 2320 and 2321, begin understanding the implementing regulations and detail the necessary groups within the private sector and government to provide supporting documentation for their review of these codes and regulations during follow-on meetings. Agenda items for this meeting will include the following: (1) Final review of tension point information papers; (2) Rewrite FY17 NDAA 2320 and 2321 language; (3) Review Report Framework and Format for Publishing; (4) Comment Adjudication & Planning for follow-on meeting.

Availability of Materials for the Meeting: A copy of the agenda or any updates to the agenda for the April 5–6 meeting will be available as requested or at the following site: *https://database.faca.gov/committee/meetings.aspx?cid=2561.* It will also be distributed upon request.

Minor changes to the agenda will be announced at the meeting. All materials will be posted to the FACA database after the meeting.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Registration of members of the public who wish to attend the meeting will begin upon publication of this meeting notice and end three business days (March 31) prior to the start of the meeting. All members of the public must contact LTC Lunoff at the phone number or email listed in the **FOR FURTHER INFORMATION CONTACT** section to make arrangements for Pentagon escort, if necessary. Public attendees should arrive at the Pentagon's Visitor's Center, located near the Pentagon Metro Station's south exit and adjacent to the Pentagon Transit Center bus terminal with sufficient time to complete security screening no later than 8:30 a.m. on April 5–6. To complete security screening, please come prepared to present two forms of identification of which one must be a pictured identification card. Government and military DoD CAC holders are not required to have an escort, but are still required to pass through the Visitor's Center to gain access to the Building. Seating is limited and is on a first-to-arrive basis. Attendees will be asked to provide their name, title, affiliation, and contact information to include email address and daytime telephone number to the Designated Federal Officer (DFO) listed in the **FOR FURTHER INFORMATION CONTACT** section. Any interested person may attend the meeting, file written comments or statements with the committee, or make verbal comments from the floor during the public meeting, at the times, and in the manner, permitted by the committee.

Special Accommodations: The meeting venue is fully handicap accessible, with wheelchair access.

Individuals requiring special accommodations to access the public meeting or seeking additional information about public access procedures, should contact LTC Lunoff, the committee DFO, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the

Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Government-Industry Advisory Panel about its mission and/or the topics to be addressed in this public meeting. Written comments or statements should be submitted to LTC Lunoff, the committee DFO, via electronic mail, the preferred mode of submission, at the email address listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO at least five (5) business days prior to the meeting so that they may be made available to the Government-Industry Advisory Panel for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the panel until its next meeting. Please note that because the panel operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) business days in advance to the committee DFO, via electronic mail, the preferred mode of submission, at the email address listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO will log each request to make a comment, in the order received, and determine whether the subject matter of each comment is relevant to the panel's mission and/or the topics to be addressed in this public meeting. A 30-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described in this paragraph, will be allotted no more than five (5) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO.

Dated: March 23, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–06081 Filed 3–27–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Assistance for Arts Education Programs—Professional Development for Arts Educators Grants

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

Overview Information:

Assistance for Arts Education Programs—Professional Development for Arts Educators (PDAE) Grants Notice inviting applications for new awards for fiscal year (FY) 2017.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.351C.

Dates:

Applications Available: March 28, 2017.

Deadline for Notice of Intent to Apply: April 27, 2017.

Date of Pre-Application Webinar: For information about the pre-application Webinar, visit the Arts in Education (AIE) Web site at: *https://innovation.ed.gov/what-we-do/arts/.*

Deadline for Transmittal of Applications: May 30, 2017.

Deadline for Intergovernmental Review: July 26, 2017.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Assistance for Arts Education program is authorized under Title IV, Part F, Subpart 4 of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA).[1] It is intended to enrich the academic experiences by promoting arts education for students, including disadvantaged students and students who are children with disabilities. The Professional Development for Arts Educators grant (PDAE) specifically supports the implementation of high-quality model professional development programs for arts educators and other instructional staff in the areas of music, dance, drama, media arts, and visual arts, including folk arts, for students in kindergarten through grade 12 (K–12) in which 50 percent or more of the students are from low-income families.

Background: The arts are included in the list of subjects comprising a well-rounded education as set out under section 8101 of the ESEA. Teachers of the arts, like teachers in other subject areas, need opportunities to gain knowledge and skills through high-quality professional development. Since 2002, the PDAE program has helped to provide these opportunities for thousands of teachers, with an emphasis on both providing sustained and intensive professional development and building capacity for continuation and expansion of professional development efforts beyond the Federal grant period. However, the need for these opportunities remains great.

A survey of schools by the U.S. Department of Education (Department) in 2009–2010[2] indicated the need for increased professional development opportunities for teachers of the arts. Approximately one-third of high schools reported having no professional development opportunities available for music and visual arts teachers. For elementary schools, approximately 40 percent of music and visual arts teachers did not have professional development opportunities. For the disciplines of dance and drama, fewer than 20 percent of districts offered professional development opportunities for elementary school teachers.

Professional development in the arts is important for both arts classrooms and integration of the arts with other subjects in a well-rounded education. Arts educators need to continually gain new knowledge and skills in the arts disciplines in order to effectively plan, deliver, and assess learning in the arts. In addition, high-quality professional development is required to ensure that arts educators, general classroom teachers, and non-arts subject teachers effectively plan, collaborate, implement, and assess arts-integration learning based on relevant content, performance standards, and research on effective professional development and arts-integration curriculum and pedagogy. High achievement standards in the arts need to be maintained in both arts-specific and arts-integrated classrooms. Further, arts educators and other instructional staff need opportunities to benefit from technology-enhanced professional development strategies and to learn how to integrate digital

[1] Unless otherwise indicated, all references to the ESEA are to the ESEA, as amended by the ESSA.

[2] Arts Education in Public Elementary and Secondary Schools, 1999–2000 and 2009–10, National Center for Education Statistics, 2012, *https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2012014rev.*

instructional and assessment tools into arts and arts-integrated classrooms.

As States continue to revise their arts standards, teachers of the arts, including arts specialists, non-arts classroom teachers, teaching artists, and other instructional staff, need opportunities to gain new knowledge and skills based on State standards and to implement that knowledge and skills in K–12 classrooms. Since 2004, arts education has been guided by national voluntary standards; 49 States and the District of Columbia currently have State arts standards. In 2014, the National Coalition for Core Arts Standards (NCAS) released new voluntary pre-K to grade 12 arts standards. Fourteen States have adopted new, or revised existing, arts standards that reflect the primary concepts of the NCAS standards.[3]

The 2009–2010 Department survey referenced above also indicated an ''arts-opportunity gap'' for thousands of American students who receive minimal or no access to arts education.[4] That gap is greatest for disadvantaged students in mid-high and high-poverty schools.[5] Accordingly, continuation of the requirement that schools participating in PDAE projects have a minimum 50 percent of students from low-income families supports the program's statutory purpose to promote arts education for disadvantaged students.

Priority: This notice contains one competitive preference priority. We are establishing this priority for the FY 2017 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(1).

Competitive Preference Priority: This priority is a competitive preference priority. Under 34 CFR 75.105(c)(2) we award up to an additional five points to an application, depending on how well the application meets this priority.

This priority is:

Leveraging Technology to Support Instructional Practice and Professional Development Projects (up to 5 points).

Projects that are designed to leverage technology through one or more of the following:

(a) Using high-speed Internet access and devices to increase students' and educators' access to high-quality accessible digital tools, assessments, and materials, particularly open educational resources.

(b) Implementing high-quality, accessible online courses, online learning communities, or online simulations, such as those for which educators could earn professional development credit or continuing education units through digital credentials based on demonstrated mastery of competencies and performance-based outcomes, instead of traditional time-based metrics.

Application Requirement: To be eligible for PDAE program funds, applicants must propose to implement professional development programs for arts educators and other instructional staff serving schools that meet the following requirement: 50 percent or more of the students served by the K–12 school are from low-income families (based on the poverty criteria in Title I, Section 1113(a)(5) of the ESEA).

Note: Applicants will be required to provide in the application school enrollment data from the most recent school year available to show evidence of LEA and school eligibility under this requirement.

Definitions: The definitions of ''arts,'' ''arts educator,'' and ''integrate'' are from the notice of final priority, requirements, and definitions for this program (2005 NFP), published in the **Federal Register** on March 30, 2005 (70 FR 16242). The definitions of ''evidence of promise,'' ''logic model,'' ''randomized controlled trial,'' ''relevant outcome,'' ''quasi-experimental design study,'' ''What Works Clearinghouse Evidence Standards,'' and ''strong theory'' are from 34 CFR 77.1(c). The definitions for the terms ''digital credentials,'' and ''open educational resources'' are from the Secretary's supplemental priorities. The definition for the term local educational agency is from section 8101 of the ESEA. The definition of ''sustained and intensive'' is specific to the program's Government Performance and Results Act (GPRA) measure only.

Arts includes music, dance, theater, media arts, and visual arts, including folk arts.

Arts educator means a teacher who works in music, dance, theater, media arts, or visual arts, including folk arts.

Digital credentials means evidence of mastery of specific competencies or performance-based abilities, provided in digital rather than physical medium (such as through digital badges). These digital credentials may then be used to supplement or satisfy continuing education or professional development requirements.

Evidence of promise means there is empirical evidence to support the theoretical linkage(s) between at least one critical component and at least one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice. Specifically, evidence of promise means the conditions in paragraphs (i) and (ii) of this definition are met:

(i) There is at least one study that is a—

(A) Correlational study with statistical controls for selection bias;

(B) Quasi-experimental study that meets the What Works Clearinghouse Evidence Standards with reservations; or

(C) Randomized controlled trial that meets the What Works Clearinghouse Evidence Standards with or without reservations.

(ii) The study referenced in paragraph (i) of this definition found a statistically significant or substantively important (defined as a difference of 0.25 standard deviations or larger), favorable association between at least one critical component and one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice.

Integrate means to strengthen (i) the use of high-quality arts instruction within other academic content areas, and (ii) the place of the arts as a core academic subject in the school curriculum.

Local educational agency means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools. The term includes—

(i) Any other public institution or agency having administrative control and direction of a public elementary school or secondary school;

(ii) An elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the LEA receiving assistance under the ESEA with the smallest student population, except that the school shall

[3] Arts Education Partnership ArtScan, *www.ecs.org/ec-content/uploads/2016-State-of-the-States-of-Art.pdf.*

[4] Arts Education in Public Elementary and Secondary Schools, 1999–2000 and 2009–10, National Center for Education Statistics, 2012, *https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2012014rev.*

[5] *https://nces.ed.gov/programs/coe/indicator_clb.asp.*

not be subject to the jurisdiction of any State educational agency (SEA) other than the Bureau of Indian Education;

(iii) Educational service agencies and consortia of those agencies; and

(iv) The SEA in a State in which the SEA is the sole educational agency for all public schools.

Logic model (also referred to as theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationships among the key components and outcomes, theoretically and operationally.

Open educational resources means teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits their free use and repurposing by others.

Randomized controlled trial means a study that employs random assignment of, for example, students, teachers, classrooms, schools, or districts to receive the intervention being evaluated (the treatment group) or not to receive the intervention (the control group). The estimated effectiveness of the intervention is the difference between the average outcome for the treatment group and for the control group. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards without reservations.

Relevant outcome means the student outcome(s) (or the ultimate outcome if not related to students) the proposed process, product, strategy, or practice is designed to improve; consistent with the specific goals of a program.

Strong theory means a rationale for the proposed process, product, strategy, or practice that includes a logic model.

Sustained and intensive means to complete 40 hours of professional development and 75 percent of the total number of professional development hours offered over a period of six or more months.

What Works Clearinghouse Evidence Standards means the standards set forth in the What Works Clearinghouse Procedures and Standards Handbook (Version 3.0, March 2014), which can be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed priorities, definitions, requirements, and selection criteria. Section 437(d)(1) of GEPA, however, allows the Secretary to exempt from rulemaking requirements, regulations governing the first grant competition under a new or substantially revised program authority. This is the first grant competition under section 4642(a)(1)(A) of the ESEA, and therefore qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forgo public comment on the priority and requirements under section 437(d)(1) of GEPA. The priority and requirements will apply to the FY 2017 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition.

Program Authority: 20 U.S.C. 7291–7292.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget (OMB) Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) Secretary's Supplemental Priorities. (e) The 2005 NFP.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Further Continuing and Security Assistance Appropriations Act, 2017, would provide, on an annualized basis, $26,948,673 for the Arts in Education program, of which we would use an estimated $7,100,000 for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in future years from the list of unfunded applications from this competition.

Estimated Range of Awards: $150,000–$375,000.

Estimated Average Size of Awards: $300,000 for the first year of the project. Funding for the second, third, and fourth years is subject to the availability of funds and the approval of continuation awards (see 34 CFR 75.253).

Estimated Number of Awards: 20–25.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months (subject to availability of funds).

Note: Based on past experience of PDAE grantees, applicants are encouraged to use the first 12 months of the project period to refine the evaluation design and instruments, specifically those related to the program's GPRA measures, build capacity to execute the evaluation, and ensure that program design and implementation are aligned with the evaluation requirements.

III. Eligibility Information

1. *Eligible Applicants:* An LEA in which 20 percent or more of the students served by the LEA are from families with an income below the Federal poverty line, and which may be a charter school that is considered an LEA under State law and regulations, and that works in partnership with one or more of the following:

(a) A Regional Service Agency;

(b) An SEA

(c) An institution of higher education; or

(d) A museum or cultural institution, or another private agency, institution, or organization.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. In accordance with section 4110 of the ESEA, funds made available under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

3. *Coordination Requirement:* In accordance with section 4642(b)(1) of the ESEA, grantees are required to coordinate, to the extent practicable, each project or program carried out with such assistance with appropriate activities of public or private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

IV. Application and Submission Information

1. *Address To Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *https://innovation.ed.gov/what-we-do/arts/arts-*

in-education-professional-development-for-arts-educators/. To obtain a copy from ED Pubs, write, fax, or call: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov*.

If you request an application package from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.351C.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content and form of an application, together with the forms you must submit, are in the application package for this program.

Notice of Intent To Apply: We will be able to develop a more efficient process for reviewing grant applications if we can anticipate the number of applicants that intend to apply for funding under this competition. Therefore, we strongly encourage each potential applicant to notify us of the applicant's intent to submit an application for funding by sending a short email message. This short email should provide (1) the applicant organization's name and address; and (2) whether the applicant intends to address the competitive preference priority. Please send this email notification to *PDAEFY17Competition@ed.gov* with ''Intent to Apply'' in the email subject line. Applicants that do not provide this email notification may still apply for funding and are not required to, or prohibited from, addressing the competitive preference priority.

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit the application narrative to no more than 50 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Calibri, or Arial.

The suggested page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the suggested page limit does apply to all of the application narrative.

b. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the PDAE program, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times:*

Applications Available: March 28, 2017.

Deadline for Notice of Intent To Apply: April 27, 2017.

Deadline for Transmittal of Applications: May 30, 2017.

A pre-application Webinar will be held for this competition shortly after this notice's publication in the **Federal Register**. The Webinar is intended to provide technical assistance to all interested grant applicants. For information about the pre-application Webinar, visit the AIE Web site at: *https://innovation.ed.gov/what-we-do/arts/*.

Applications for grants under this program must be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: July 26, 2017.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following Web site: *http://fedgov.dnb.com/webform*. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov*.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov*. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a *SAM.gov* Tip Sheet, which you can find at: *www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via *Grants.gov*, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with *Grants.gov* as an AOR. Details on these steps are outlined at the following *Grants.gov* Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under Assistance for Arts Education—PDAE, CFDA number 84.351C, must be submitted electronically using the Governmentwide *Grants.gov* Apply site at *www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the PDAE competition at *www.Grants.gov*. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.351, not 84.351C).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov*.
- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this program to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department's G5 system home page at *www.G5.gov*. In addition, for specific guidance and procedures for submitting an application through *Grants.gov*, please refer to the *Grants.gov* Web site at: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a read-only, non-modifiable Portable Document Format (PDF). Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF (*e.g.,* Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the application narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. This notification indicates receipt by *Grants.gov* only, not receipt by the Department. *Grants.gov* will also notify you automatically by email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov*, the Department will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov*, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only, non-modifiable PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1–800–518–4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the *Grants.gov* system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Bonnie Carter, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W223, Washington, DC 20202–6200. FAX: (202) 205–5630.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.351C), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.351C), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note: Note for Mail or Hand Delivery of Paper Applications:

If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210.

The maximum score for all of the selection criteria is 100 points. The maximum score for each criterion is included in parentheses following the title of the specific selection criterion. Each criterion also includes the factors that reviewers will consider in determining the extent to which an applicant meets the criterion.

Points awarded under these selection criteria are in addition to any points an applicant earns under the competitive preference priority in this notice. The maximum score that an application may receive under the competitive preference priority and the selection criteria is 105 points.

A. *Need for Project (up to 10 points).*

The Secretary considers the need for the proposed project. In determining the need for the proposed project, the Secretary considers the following factors:

(1) The extent to which the proposed project will focus on serving or otherwise addressing the needs of disadvantaged individuals.

(2) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

B. *Quality of Project Services (up to 25 points).*

The Secretary considers the quality of the services to be provided by the proposed project. In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors:

(1) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice.

(2) The likely impact of the services to be provided by the proposed project on the intended recipients of those services.

(3) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

C. *Quality of Project Personnel (up to 15 points).*

The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors:

(1) The qualifications, including relevant training and experience, of key project personnel.

(2) The qualifications, including relevant training and experience, of project consultants or subcontractors.

D. *Quality of the Management Plan (up to 20 points).*

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(2) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

(3) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

E. *Quality of the Project Evaluation (up to 30 points).*

The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(2) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(3) The extent to which the proposed project is supported by strong theory (as defined in this notice).

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

4. *Performance Measures:* We have established two GPRA performance measures for the PDAE program. The first GPRA measure is: The percentage of teachers participating in the PDAE program who receive professional development that is sustained and intensive (as defined in this notice). In implementing this measure, the Department will collect from grantees data on the extent to which they provide professional development that is sustained and intensive. The second GPRA measure is: The percentage of PDAE projects whose teachers show a statistically significant increase in content knowledge in the arts. In implementing this measure, grantees will be expected to administer a pre-test and a post-test of teacher content knowledge in the arts. The pre-test and post-test should be the same test or equivalent versions of the test. Successful applicants will be expected to include professional development data in their annual performance reports to the Department.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Bonnie Carter, U.S. Department of Education, 400 Maryland Avenue SW., room 4W223, Washington, DC 20202–6200. Telephone: (202) 401–3576 or by email: *PDAEFY17Competition@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

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 via the Federal Digital System at: *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.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 23, 2017.

Margo Anderson,

Acting Assistant Deputy Secretary for Office of Innovation and Improvement.

[FR Doc. 2017–06123 Filed 3–27–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2017–ICCD–0043]

Agency Information Collection Activities; Comment Request; The College Assistance Migrant Program (CAMP) Annual Performance Report (APR)

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before May 30, 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–0043. 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 Tara Ramsey, 202–260–2063.

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: The College Assistance Migrant Program (CAMP) Annual Performance Report (APR).

OMB Control Number: 1810–0727.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 40.

Total Estimated Number of Annual Burden Hours: 1,600.

Abstract: The College Assistance Migrant Program (CAMP) office staff collects information for the CAMP Annual Performance Report (APR) the data being collected is in compliance with Higher Education Act of 1965, as amended, Title IV, Sec. 418A; 20 U.S.C. 1070d–2 (special programs for students whose families are engaged in migrant and seasonal farm work) (shown in appendix A), the Government Performance Results Act (GPRA) of 1993, Section 4 (1115) and the Education Department General Administrative Regulations (EDGAR), 34 CFR 75.253. EDGAR states that recipients of multi-year discretionary grants must submit an APR demonstrating that substantial progress has been made towards meeting the approved objectives of the project. In addition, EDGAR requires discretionary grantees to report on their progress toward meeting the performance measures established for the ED grant program. This data collection is a customized APR that goes beyond the generic 524B APR to facilitate the collection of more standardized and comprehensive data to inform GPRA, to improve the overall quality of data collected, and to increase the quality of data that can be used for evaluation and to inform policy decisions.

Dated: March 22, 2017.

Tomakie Washington,

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

[FR Doc. 2017–06056 Filed 3–27–17; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Sunshine Act Notice; Notice of Public Hearing Agenda

AGENCY: U.S. Election Assistance Commission.

ACTION: Sunshine Act Notice; Notice of Public Hearing Agenda

DATE AND TIME: Tuesday, April 4, 2017, (10:00 a.m.–12:00 p.m.—EDT)

PLACE: 1335 East West Highway (First Floor Conference Room) Silver Spring, MD 20910

AGENDA: Commissioners will hold a public hearing to discuss the implications for state and local jurisdictions following the Department of Homeland Security's (DHS) recent designation of election infrastructure as a national critical infrastructure subsector. Commissioners will hear from a panel of state and local election administrators about their ideas and approaches for addressing new circumstances they expect to confront as a result of the DHS designation. Commissioners will hear from a panel of DHS officials on the implications of the critical infrastructure designation, and their work with state and local election officials to promote election security.

STATUS: This hearing will be open to the public.

PERSON TO CONTACT FOR INFORMATION: Bryan Whitener, Telephone: (301) 563–3961.

Bryan Whitener,

Director of National Clearinghouse on Elections, U.S. Election Assistance Commission.

[FR Doc. 2017–06219 Filed 3–24–17; 4:15 pm]

BILLING CODE 6820–KF–P

DEPARTMENT OF ENERGY

Advanced Scientific Computing Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Advanced Scientific Computing Advisory Committee (ASCAC). The Federal Advisory Committee requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, April 18, 2017; 12:00 p.m.–5:30 p.m.; Wednesday, April 19, 2017; 8:30 a.m.–5:00 p.m.

ADDRESSES: Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Christine Chalk, Office of Advanced Scientific Computing Research; SC–21/Germantown Building; U.S. Department of Energy; 1000 Independence Avenue SW., Washington, DC 20585–1290; Telephone (301) 903–7486.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: To provide advice and guidance on a continuing basis to the Office of Science and to the Department of Energy on scientific priorities within the field of advanced scientific computing research.

Purpose of the Meeting: This meeting is the semi-annual meeting of the Committee.

Tentative Agenda Topics:

- View from Washington
- View from Germantown
- Update on Exascale project activities
- Report from Subcommittee on Laboratory Directed Research and Development
- Update on Charge for Committee of Visitors for Research programs
- Update on Charge for Future Computing Technologies programs
- Technical presentations
- Public Comment (10-minute rule)

The meeting agenda includes an update on the budget, accomplishments and planned activities of the Advanced Scientific Computing Research program; an update on Exascale computing project activities and requirements reviews; updates from the three active subcommittees including a report from the Subcommittee on Laboratory Directed Research and Development; technical presentations on machine learning and early science at the National Energy Research Scientific Computing facility; and there will be an opportunity for comments from the public. The meeting will conclude at

5:00 p.m. on April 19, 2017. Agenda updates and presentations will be posted on the ASCAC Web site prior to the meeting: *http://science.energy.gov/ascr/ascac/*.

Public Participation: The meeting is open to the public. Individuals and representatives of organizations who would like to offer comments and suggestions may do so during the meeting. Approximately 30 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but will not exceed 10 minutes. Those wishing to speak should submit your request at least five days before the meeting. Those not able to attend the meeting or who have insufficient time to address the committee are invited to send a written statement to Christine Chalk, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, email to *Christine.Chalk@science.doe.gov*. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of this meeting will be available within 90 days on the Advanced Scientific Computing Web site at *http://science.energy.gov/ascr/ascac/*.

Issued in Washington, DC, on March 22, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–06099 Filed 3–27–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Coal Council

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of open meetings.

SUMMARY: This notice announces a meeting of the National Coal Council (NCC). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, April 19, 2017 8:15 a.m. to 12:15 p.m.

ADDRESSES: Sheraton Suites, Old Town Alexandria; 801 N. Saint Asaph St.; Alexandria, VA 22314

FOR FURTHER INFORMATION CONTACT: Daniel Matuszak, U.S. Department of Energy, 4G–036/Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585–0001; Telephone: 202–287–6915

SUPPLEMENTARY INFORMATION:

Purpose of the Council: The National Coal Council provides advice and recommendations to the Secretary of Energy on general policy matters relating to coal and the coal industry.

Purpose of Meeting: The 2017 Spring Meeting of the National Coal Council.

Tentative Agenda:

1. Call to order and opening remarks by Mike Durham, Chair, National Coal Council
2. Remarks by U.S. Department of Energy Representative—TBD
3. Presentation by Steve Nelson, COO, Longview Power LLC on Longview Power's State-of-the-Art Clean Coal Technology Plant
4. Presentation by Anthony Leo, Vice President, FuelCell Energy on the ExxonMobil-FuelCell Energy Fuel Cell Carbon Capture Pilot Plant at Plant Barry
5. Presentation by David Denton, Senior Director Business Development, RTI International on ''Advanced Technologies for CO_2 Capture & Utilization: Power & Industrial Applications''
6. Presentation by Jared Moore, Principal, Meridian Energy Policy on ''Thermal Hydrogen: Coal Pathways Toward an Emissions Free Hydrogen Economy''
7. Council Business:
   a. Finance report by Finance Committee Chair Greg Workman
   b. Coal Policy Committee report by Coal Policy Committee Chair Deck Slone
   c. Communications Committee report by Communications Committee Chair Lisa Bradley
   d. NCC Business Report by NCC CEO Janet Gellici
8. Other Business
9. Adjourn

Attendees are requested to register in advance for the meeting at: *http://www.nationalcoalcouncil.org/page-NCC-Events.html*.

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Council, you may do so either before or after the meeting. If you would like to make oral statements regarding any item on the agenda, you should contact Daniel Matuszak, 202–287–6915 or *daniel.matuszak@hq.doe.gov* (email). You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include oral statements on the scheduled agenda. The Chairperson of the Council will lead the meeting in a manner that facilitates the orderly conduct of business. Oral statements are limited to 10-minutes per organization and per person.

Minutes: A link to the transcript of the meeting will be posted on the NCC Web site at: *http://www.nationalcoalcouncil.org/*.

Issued at Washington, DC, on March 22, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–06100 Filed 3–27–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Case No. CR–006]

Notice of Petition for Waiver of AHT Incorporated From the Department of Energy Commercial Refrigeration Equipment Test Procedures and Partial Grant of Interim Waiver

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of petition for waiver and partial grant of interim waiver, and request for public comment.

SUMMARY: This notice announces receipt of and publishes a petition for waiver from AHT Cooling Systems GmbH and AHT Cooling Systems USA Inc. (AHT) seeking an exemption from specified portions of the U.S. Department of Energy (DOE) test procedure for determining the energy consumption of multi-mode commercial refrigeration equipment. ASHRAE Standard 72–2005, incorporated by reference in Appendix B, does not provide for defrost testing with built-in cooling coils into the body of AHT's unique multi-mode commercial refrigeration equipment basic models. Consequently, AHT submitted to DOE an alternate test procedure that allows for testing of six specified basic models with a different defrost cycle. This notice also announces that DOE has granted AHT an interim waiver from the DOE commercial refrigeration equipment test procedures for the specified commercial refrigeration equipment basic models, subject to use of the alternative test procedure as set forth in this notice. DOE solicits comments, data, and information concerning AHT's petition and its suggested alternate test procedure.

DATES: DOE will accept comments, data, and information with regard to the AHT petition until April 27, 2017.

ADDRESSES: You may submit comments, identified by Case Number CR–006, by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Email: AS_Waiver_Requests@ee.doe.gov.* Include the case number [Case No. CR–006] in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

• *Postal Mail:* Mr. Bryan Berringer, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, Petition for Waiver Case No. CR–006, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–0371. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

• *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW., 6th Floor, Washington, DC 20024. Telephone: (202) 586–6636. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

Docket: The docket, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

FOR FURTHER INFORMATION CONTACT: Mr. Bryan Berringer, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–0371. Email: *Bryan.Berringer@ee.doe.gov.*

Ms. Johanna Jochum, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–6307. Email: *Johanna.Jochum@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Authority

Title III, Part C of the Energy Policy and Conservation Act of 1975 (EPCA), Public Law 94–163 (42 U.S.C. 6311–6316, as codified) established the Energy Conservation Program for Certain Industrial Equipment, which includes the commercial refrigeration equipment. Part C includes definitions, test procedures, labeling provisions, energy conservation standards, and the authority to require information and reports from manufacturers. Further, Part C authorizes the Secretary of Energy to prescribe test procedures that are reasonably designed to produce results that measure energy efficiency, energy use, or estimated operating costs during a representative average-use cycle, and that are not unduly burdensome to conduct. (42 U.S.C. 6314(a)(3)) The test procedure for commercial refrigeration equipment is contained in Title 10 of the CFR part 431, subpart C, appendix B, *Amended Uniform Test Method for the Measurement of Energy Consumption of Commercial Refrigerators, Freezers, and Refrigerator-Freezers.*

DOE's regulations set forth at 10 CFR 431.401 contain provisions that allow a person to seek a waiver from the test procedure requirements for a particular basic model of a type of covered industrial equipment when: (1) The petitioner's basic model for which the petition for waiver was submitted contains one or more design characteristics that prevent testing according to the prescribed test procedure, or (2) the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 431.401(a)(1). A petitioner must include in its petition any alternate test procedures known to the petitioner to evaluate the basic model in a manner representative of its energy consumption. 10 CFR 431.401(b)(1)(iii).

DOE may grant a waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 431.401(f)(2). As soon as practicable after the granting of any waiver, DOE will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. As soon thereafter as practicable, DOE will publish in the **Federal Register** a final rule. 10 CFR 431.401(l).

The waiver process also allows DOE to grant an interim waiver if it appears likely that the petition for waiver will be granted and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the petition for waiver. 10 CFR 431.401(e)(2). Within one year of issuance of an interim waiver, DOE will either: (i) Publish in the **Federal Register** a determination on the petition for waiver; or (ii) publish in the **Federal Register** a new or amended test procedure that addresses the issues presented in the waiver. 10 CFR 431.401(h)(1). When DOE amends the test procedure to address the issues presented in a waiver, the waiver will automatically terminate on the date on which use of that test procedure is required to demonstrate compliance. 10 CFR 431.401(h)(2).

II. Petition for Waiver of Test Procedure and Application for Interim Waiver

On October 25, 2016, AHT filed a petition for waiver and application for interim waiver from the test procedure applicable to commercial refrigeration equipment set forth in 10 CFR part 431, subpart C, appendix B (AHT subsequently sent DOE a letter on March 6, 2017, which responded to questions from DOE. The information from this letter is also represented in this notice). AHT has designed several basic models multi-mode commercial refrigeration equipment that use unique built-in cooling coils deep freeze, freeze, or refrigerate food as needed. Because the cooling coils are built into the body of the units and do not get covered in frost, the coils do not need to be defrosted prior to testing. However, the DOE test procedure and ASHRAE Standard 72–2005, incorporated by reference in Appendix B, assumes that commercial refrigerators or freezers need to be defrosted, or melt the ice from the evaporator coils, for the equipment to function effectively. In particular, the test procedure requires that all refrigerators and freezers with evaporator coils be tested with a full defrost cycle, along with additional defrost cycles in a 24-hour period, depending on how long the test runs (ANSI/ASHRAE Standard 72–2005, ''Method of Testing Commercial Refrigerators and Freezers,'' § 7.8 (Defrost Adequacy Assurance). ASHRAE 72–2005 is incorporated by reference in the DOE test procedure. 10 CFR 431.63(d)(1)). AHT appliances, however, have no need to defrost their coils. Thus, rather than running one or more defrosting cycles a day to keep the machines operating efficiently, AHT appliances have a defrost (in the generic sense rather than as defined by DOE/ASHRAE) function that operates, under standard conditions, once per week, and at most (through a manual override) twice per week. As a result, the DOE test procedure, which provides for at least one full defrost cycle in a 24-hour period, is not appropriate for these models. Consequently, AHT submitted to DOE an alternate test procedure that allows for testing of six specified basic models with a different defrost cycle.

As previously noted, an interim waiver may be granted if it appears likely that the petition for waiver will be granted, and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination of the petition for waiver. See 10 CFR 431.401(e)(2).

AHT's petition for waiver claims that the DOE test procedure at 10 CFR part 431, subpart C, appendix B does not apply to AHT's advanced models, and would grossly overstate the energy used by these models. These models are multi-mode (*i.e.,* are capable of operating in the ice cream freezer, commercial freezer, and commercial refrigerator temperature ranges) and do not have a typical defrosting cycle (*i.e.,* the cooling coils are built into the body and require defrosts once per week).

To address multi-mode operation, AHT requested that the basic models shall be tested and rated only for operation as ice cream freezers (with integrated average temperature of −15 °F ± 2.0 °F and use total display area (TDA) to determine associated energy conservation standards).

To address infrequent defrosts, AHT requested in its October 25, 2016 petition that the basic models shall be subject to an alternate two-part test procedure. AHT specified that the first part would be a 24-hour test starting in steady state conditions and including eight hours of door opening (according to ASHRAE Standard 72). The energy consumed in this test would be recorded ET1. The second part would be a defrost cycle test starting after steady state conditions were established and ending after the defrost cycle was complete. The duration of the defrost cycle, t_{DI}, and the energy consumed during the defrost cycle, ET2, would be recorded and combined with ET1 based on a once-per-week defrost frequency. In AHT's March 6, 2017 letter, AHT noted that although the standard duration of the defrost cycle was once-per-week, the basic models have an optional manual override that allows up to two defrost cycles per week and recommended revising the October 25 test procedure to reflect that. DOE has incorporated this proposal into the alternate test procedure, but requests that AHT or commenting parties provide additional data and/or information on how commonly the manual override is used.

With regard to the first issue, multi-mode operation, DOE has taken the position in the most recent commercial refrigeration equipment test procedure final rule, that self-contained equipment or remote condensing equipment with thermostats capable of operating at temperatures that span multiple equipment categories must be certified and comply with DOE's regulations for each applicable equipment category. *See* 79 FR 22291. In light of that policy determination, DOE declines at this time to provide AHT an interim waiver allowing testing only in the ice cream freezer mode. However, DOE seeks comment as part of the waiver determination process to determine if its previously stated position provides for a test requirement imposing an undue burden.

Regarding the second issue of infrequent defrosts, DOE has reviewed AHT's alternate procedure (based on the May 6, 2017 modification) and concludes that AHT's alternate test procedure results would be representative of the models' true energy consumptions and allow for the accurate measurement of the energy use of these equipment, while alleviating the testing problems associated with AHT's implementation of commercial refrigeration equipment testing for the specified multi-mode models. DOE also understands that absent a partial grant of an interim waiver, AHT's equipment cannot be tested and rated for energy consumption on a basis representative of its true energy consumption characteristics. Consequently, DOE has determined that this part of AHT's petition for waiver will likely be granted. Furthermore, DOE has determined that it is desirable for public policy reasons to grant AHT immediate relief for this part of the test procedure, pending a determination of the petition for waiver.

III. Summary of Grant of Interim Waiver

For the reasons stated above, DOE has partially granted AHT's application for interim waiver from testing for its specified commercial refrigeration equipment basic models. The substance of the interim waiver is summarized below.

AHT is required to test and rate the AHT commercial refrigeration equipment multi-mode basic models SYDNEY, MIAMI, PARIS, MANHATTAN, MALTA, and IBIZA, according to the alternate test procedure as set forth in section IV, ''Alternate Test Procedure.''

AHT is permitted to make representations about the energy use of this basic model for compliance, marketing, or other purposes only to the extent that such products have been tested in accordance with the provisions set forth in the alternate test procedure and such representations fairly disclose the results of such testing in accordance with 10 CFR 431.66.

DOE makes decisions on waivers and interim waivers for only those basic models specifically set out in the petition, not future models that may be manufactured by the petitioner. AHT may request that DOE extend the scope of a waiver or an interim waiver to include additional basic models employing the same technology as the basic models set forth in the original petition consistent with 10 CFR 431.401(g). In addition, DOE notes that granting of an interim waiver or waiver does not release a petitioner from the certification requirements set forth at 10 CFR part 431. See also 10 CFR 431.401(a) and (i).

The interim waiver shall remain in effect consistent with 10 CFR 431.401(h). Furthermore, this interim waiver is conditioned upon the presumed validity of statements, representations, and documents provided by the petitioner. DOE may rescind or modify a waiver or interim waiver at any time upon a determination that the factual basis underlying the petition for waiver or interim waiver is incorrect, or upon a determination that the results from the alternate test procedure are unrepresentative of the basic model's true energy consumption characteristics. See 10 CFR 431.401(k).

IV. Alternate Test Procedure

EPCA requires that manufacturers use DOE test procedures when making representations about the energy consumption and energy consumption costs of equipment covered by the statute. (42 U.S.C. 6293(c); 6314(d)) Consistent representations about the energy efficiency of covered equipment are important for consumers evaluating equipment when making purchasing decisions and for manufacturers to demonstrate compliance with applicable DOE energy conservation standards. Pursuant to its regulations applicable to waivers and interim waivers from applicable test procedures at 10 CFR 431.401, and after considering public comments on the petition, DOE will announce its decision as to an alternate test procedure for AHT in a subsequent Decision and Order.

During the period of the interim waiver granted in this notice, AHT shall test the multi-mode basic models listed in section III in each mode (ice-cream freezer, freezer, and refrigerator mode) according to the test procedure for commercial refrigeration equipment prescribed by DOE at 10 CFR part 431, subpart C, appendix B, for basic models, with the following modifications for defrost testing in ASHRAE 72–2005 (incorporated by reference at 10 CFR 431.63(d)), laid out in two parts:

The first part shall be a 24-hour test starting in steady state conditions and including eight hours of door opening (according ASHRAE 72–2005). The energy consumed in this test shall be recorded, ET1.

The second part shall be a defrost cycle test starting after steady state conditions are established. The defrost cycle is initiated and terminates after the defrost cycle is complete. The energy consumed during this defrost cycle, ET2, and the duration of the defrost cycle, tDI, shall be recorded.

Based on the measured energy consumption in these two tests, the daily energy consumption (DEC) in kWh shall be calculated as

$$DEC = ET1 \times \frac{(1440 - t_{NDI})}{1440} + \frac{E_{td}}{7}$$

and

$$t_{NDI} = \frac{t_{DS}}{7}$$

and

$$t_{DS} = \frac{t_{DI}}{D}$$

and

$$E_{td} = ET2 * D$$

Where:

DEC = Daily Energy Consumption in kilowatt-hours (kWh);
ET1 = energy expended during the first part of the test, in kWh;
ET2 = energy expended during the second part of the test, in kWh;
E_{td} = energy expended by defrosts per week
t_{NDI} = normalized length of defrosting time per day, in minutes;
t_{DS} = sum of defrost time per week;
D = maximum number of defrosts per week
7 = conversion factor of days per week;
1440 = conversion factor to adjust to a 24-hour period in minutes per day.

V. Summary and Request for Comments

Through this notice, DOE announces receipt of AHT's petition for waiver from the DOE test procedure for certain basic models of AHT commercial refrigeration equipment, and announces DOE's decision to grant AHT an interim waiver from the test procedure for its commercial refrigeration equipment. DOE is publishing AHT's petition for waiver in its entirety, pursuant to 10 CFR 431.401(b)(1)(iv). The petition contains no confidential information. The petition includes a suggested alternate test procedure to determine the energy consumption of its commercial refrigeration equipment. DOE will consider public comments on the petition in issuing its Decision and Order.

DOE solicits comments from interested parties on all aspects of the petition, including the suggested alternate test procedure and calculation methodology. Pursuant to 10 CFR 431.401(d), any person submitting written comments to DOE must also send a copy of such comments to the petitioner. The contact information for the petitioner's representative is Scott Blake Harris, Chairman, Harris, Wiltshire & Grannis, 1919 M Street, Eighth Floor, Washington, DC. 20036. All comment submissions must include the agency name and Case Number CR–006 for this proceeding. Submit electronic comments in WordPerfect, Microsoft Word, Portable Document Format (PDF), or text (American Standard Code for Information Interchange (ASCII)) file format and avoid the use of special characters or any form of encryption. Wherever possible, include the electronic signature of the author. DOE does not accept telefacsimiles (faxes).

Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit two copies to DOE: One copy of the document marked ''confidential'' with all of the information believed to be confidential included, and one copy of the document marked ''non-confidential'' with all of the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Issued in Washington, DC, on March 23, 2017.

Steven Chalk,

Acting Assistant Secretary for Energy Efficiency and Renewable Energy.

Before the United States Department of Energy, Washington, DC 20585

Docket No. EERE–2013–BT–TP–0025;

In the Matter of Energy Efficiency Program: Test Procedure for Commercial Refrigeration Equipment

RIN 1904–AC99

I. PETITION OF AHT COOLING SYSTEMS FOR WAIVER OF TEST PROCEDURE FOR COMMERCIAL REFRIGERATION EQUIPMENT

AHT Cooling Systems GmbH and AHT Cooling Systems USA Inc. (collectively AHT) [1] respectfully submit this Petition for Waiver and Application for Interim Waiver [2] from DOE's test procedure for commercial refrigeration equipment.[3]

AHT is a world leader in the production of plug-in refrigerators and freezers for the commercial sector. It currently manufactures its products in Austria, and imports them into the United States through its wholly-owned subsidiary in South Carolina. AHT USA is also about to open a new manufacturing facility in the Charleston

[1] AHT's U.S. subsidiary is AHT Cooling Systems USA Inc., 3235 Industry Drive, North Charleston, South Carolina 29418 (tel. 843–767–6855). AHT's worldwide headquarters are AHT Cooling Systems GmbH, Werkgasse 57, 8786 Rottenmann, Austria (tel. 011–43–3614/2451–0).

[2] *See* 10 CFR § 431.401 (petitions for waiver and interim waiver).

[3] *Id.* Part 431, Subpart C, Appendix B.

area. AHT products are distributed to major supermarket retail chains, convenience stores, wholesalers, and consumer-packaged goods companies throughout the United States and Canada. AHT's pursuit of innovation has led it continuously to develop and market cutting-edge technology. Its philosophy focuses on sustainability, energy efficiency, innovation, and customer benefit. AHT's products, as is reflected by their use of propane as a refrigerant, are among the most energy efficient and environmentally friendly in the world.

Commercial refrigeration equipment, such as AHT's, will soon be subject to a new regulatory regime. This includes new test procedures [4] and efficiency standards.[5] The new procedures will apply to representations of energy efficiency or use made on and after March 28, 2017. The new standards will apply to products manufactured on or after March 27, 2017.

In part because of their advanced design and features, many AHT commercial refrigerators and freezers cannot be fairly evaluated by DOE's mandated testing protocols. First, because of their implicit assumptions, it is not clear which of the DOE tests should be applied to the AHT appliances. Second, any of the DOE tests would overstate the amount of energy used by the AHT appliances. Accordingly, a waiver of those test requirements is necessary.

I. Basic Models for Which a Waiver Is Requested

The basic models for which a waiver is requested are set forth in Appendix I. These models are all display merchandisers with transparent doors. They are distributed in commerce under the AHT brand name.

II. Need for the Requested Waiver

As noted, the DOE test procedures will take effect on March 28, 2017. It is not clear which DOE test procedure should apply to AHT's advanced models, and all would grossly overstate the energy used by these models. There are two critical features of the AHT models that raise issues under the forthcoming testing procedure.

A. The AHT Appliances Are Multi-Mode.

The AHT appliances for which we seek a waiver are all multi-mode models; they have three modes of operation among which the user can choose merely by turning a switch. In one mode, the units operate as an ice cream freezer. In another mode, they operate as a regular commercial freezer. In yet another mode, they operate as a commercial refrigerator. The advantage to a user of having a single appliance that can operate in three different modes is obvious. And if a retail operator can purchase one appliance that can operate in three modes, rather than having to buy multiple appliances to meet the same needs, there are sustainability benefits as well. The problem is that the DOE rules implicitly assume that an appliance is exclusively an ice cream freezer, exclusively a standard commercial freezer, or exclusively a commercial refrigerator.[6] And the DOE rules mandate different testing protocols for an ice cream freezer than they do for a standard commercial freezer or a commercial refrigerator.

DOE testing rules often require that products be tested in their default configuration, or in the typical configuration. In the case of the AHT multi-mode appliances however, there isn't a ''default'' configuration or one ''typical'' configuration. The machines are designed to be easily and equally usable in all three modes. DOE precedent also suggests that when there is no default or typical mode for testing purposes, products with multiple configurations should be tested in the most energy consumptive mode. In this case, that would mean that AHT should test its products in the ice cream freezer mode and treat them as such for regulatory purposes.

Accordingly, AHT asks for a ''waiver'' to be allowed to do precisely that.

The only obvious alternative to testing in the most energy consumptive mode would be to require testing in all three modes. But such a requirement would be unique, burdensome, and inconsistent with the Energy Policy and Conservation Act (EPCA), which requires that the test procedures ''shall be reasonably designed'' and ''shall not be unduly burdensome to conduct.'' [7] Moreover, in this situation it is not clear how one would evaluate whether an appliance passed a multiple test regime, particularly since testing the appliances as ice cream freezers would require using total display area (TDA) as the normalizing metric, while testing them in the other modes would require using volume as a normalizing metric. Such a testing regime would be both confusing and burdensome.

Finally, testing these appliances as ice cream freezers makes most sense because DOE has determined that TDA is the best metric for display equipment with transparent doors, and is moving increasingly in that direction in its testing protocols. As DOE has concluded, ''where the function is to display merchandise for sale, TDA best quantifies the ability of a piece of equipment to perform that function.'' [8] That is surely true here.

B. The AHT Appliances Do Not Have a Typical Defrosting Cycle.

The AHT appliances are innovative, and perhaps unique, in one other respect: Their cooling coils are built into the body of the units. This means the cooling coils are not exposed to the air and do not get covered with frost. This also means the coils do not need to be defrosted. The DOE test procedure understandably assumes that commercial refrigerators and freezers have cooling or evaporator coils that need to be defrosted for the equipment to function effectively. Indeed, the Technical Support Document for the test procedure essentially defines ''defrosting'' to mean melting ice from evaporator coils:

As the air in the refrigerated space is cooled, water vapor condenses on the surface of the evaporator coil. . . . There are several methods available for defrosting the evaporator coil. . .[9]

In addition, the ASHRAE test procedure mandated by the DOE regulations provides that the defrost adequacy assurance test ''shall verify that any defrost setting and arrangement is adequate to melt all frost and ice from coils and flues and drain it out of the refrigerator.'' [10] Based on the assumption that all refrigerators and freezers that have evaporator coils from which frost must be melted regularly in order to function, the test procedure calls for starting testing with a full defrost cycle, and may require additional defrost cycles in a 24-hour period before the test is complete (depending on the expected operation of the model).

AHT appliances, however, have no need to defrost their coils. Rather, small amounts of frost can build up on the inner walls of the cabinet when the

[4] *Id.* Part 431, Subpart C, Appendix B, as adopted, 79 FR 22277 (April 21, 2014).

[5] *Id.* § 431.66, as adopted, 79 FR 17725 (March 28, 2014).

[6] *Id.* § 431.66.

[7] 42 U.S.C. 6293(b)(3).

[8] 79 FR 17725, 17741 (March 28, 2014).

[9] DOE, Technical Support Document: Energy Efficiency Program for Consumer Products and Commercial and Industrial Equipment; Commercial Refrigeration Equipment (Feb. 2014), § 3.3.1.11 (Defrost Cycle; Defrost Mechanism).

[10] ANSI/ASHRAE Standard 72–2005, ''Method of Testing Commercial Refrigerators and Freezers,'' § 7.8 (Defrost Adequacy Assurance). ASHRAE 72–2005 is incorporated by reference in the DOE test procedure. 10 CFR 431.63(d)(1).

appliances are in a freezer mode. But this is a strictly esthetic matter that is easily resolved. Thus, rather than running one or more defrosting cycles a day to keep the machines operating efficiently, AHT appliances have a defrost (in the generic sense rather than as defined by DOE/ASHRAE) function that operates just once per week to keep the machines looking good.[11] As a result, the test procedure, which provides for at least one full defrost cycle in a 24-hour period is not appropriate for these models. *It would overstate the energy usage from the defrosting function by at least a factor of seven.*

Accordingly, AHT asks for a waiver to test its appliances with the defrost cycle activated in a way that reflects the actual operation of the units. To this end, AHT proposes to test the appliances in two phases. Phase one shall be a 24-hour test according to ASHRAE 72 including eight hours of door openings but without defrost. The second phase should be a separate measurement of the energy used during the defrost cycle. One-seventh of the measured energy in phase two should be added to the energy measured in phase one. This approach would translate the once-a-week defrost cycle into an average daily energy usage factor.

III. Proposed Alternate Test Procedure

In line with the waivers outlined above, AHT proposes the following alternate test procedure to evaluate the performance of the basic models listed in Appendix I of this petition and application.

Effective March 28, 2017, AHT shall be required to test the performance of the basic models listed in Appendix I according to the test procedures for commercial refrigeration equipment prescribed by DOE at 10 CFR part 431, Subpart C, Appendix B, except as follows.

The basic models shall be tested and rated as ice cream freezers (Integrated Average Temperature of −15 °F +/−2.0 °F and use of TDA).

The basic models shall be subject to the following testing instead of the corresponding defrost testing in the test procedure.

THE FIRST PART shall be a 24-hour test starting in steady state conditions and including eight hours of door opening (according ASHRAE Standard 72). The energy consumed in this test shall be recorded, *ET1.*

THE SECOND PART shall be a defrost cycle test starting after steady state conditions are established. The defrost cycle is initiated and terminates after the defrost cycle is complete. The energy consumed during this defrost cycle, *ET2,* and the duration of the defrost cycle, t_{DI}, shall be recorded.

Based on the measured energy consumption in these two tests, the daily energy consumption (DEC) in kWh shall be calculated as

$$DEC = ET1 \times \frac{(1440 - t_{NDI})}{1440} + \frac{ET2}{7}$$

and

$$t_{NDI} = \frac{t_{DI}}{7}$$

Where

DEC = Daily Energy Consumption in kilowatt-hours (kWh);
ET1 = energy expended during the first part of the test, in kWh;
ET2 = energy expended during the second part of the test, in kWh;
t_{NDI} = normalized length of defrosting time per day, in minutes;
t_{DI} = length of time of one defrosting cycle, in minutes;
7 = conversion factor of days per week;
1440 = conversion factor to adjust to a 24-hour period in minutes per day.

The waiver shall continue until DOE adopts an applicable amended test procedure.

IV. Request for Interim Waiver

AHT also requests an interim waiver for its testing and rating of the basic models listed in Appendix I. Based on its merits, the petition for waiver is likely to be granted. Further, it is essential that an interim waiver be granted, as AHT plans to distribute units of the models that would be affected by the DOE rule as otherwise applicable on and after the March 28, 2017, compliance date. Without waiver relief, AHT will be at a competitive disadvantage in the market for these important products and would suffer economic hardship. AHT would be subject to requirements that clearly should not apply to such products.

V. Other Manufacturers

A list of manufacturers of all other basic models distributed in commerce in the United States and known to AHT to incorporate overall design characteristic(s) similar to those found in the basic model(s) that are the subject of the petition is set forth in Appendix II.

* * * * *

AHT requests expedited treatment of the Petition and Application.

Respectfully submitted,
Scott Blake Harris
John A. Hodges
Harris, Wiltshire & Grannis LLP
1919 M Street, NW Washington, DC 20036, (202) 730–1313
Counsel to AHT Cooling Systems GmbH and AHT Cooling Systems USA Inc.
October 25, 2016

Appendix I

The waiver and interim waiver requested herein should apply to testing and rating of the following basic models that are manufactured by AHT:

SYDNEY ^ * MIAMI ^ *
PARIS ^ *
MANHATTAN ^ *
MALTA ^ * IBIZA ^ *

II. The models use the following model number layout:

SYDNEY, MIAMI, etc.—Represent the name of the model platform.
(^)—Represents characters in the model number that correspond to the size.
(*)—Represents characters in the model number that correspond to marketing features.
The * and ^ characters have no impact on the compartment function, product class, or test method.

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[11] We also note that AHT appliances have a manual override, such that a user *could* activate the defrost cycle a second time in any one week period. But the default automatic setting, and we expect the typical use, is one defrost cycle per week.

HWG | HARRIS, WILTSHIRE & GRANNIS LLP

APPENDIX II

The following are manufacturers of all other basic models distributed in commerce in the United States and known to AHT to incorporate overall design characteristic(s) similar to those found in the basic model(s) that are the subject of the petition for waiver.

AMF Sales & Associates (importing LUCKDR)
ARNEG USA
Avanti Products LLC Beverage
Air
Dellfrio (importing Liebherr cabinets)
Electrolux Home Products
Excellence
Fogel de Centroamerica S.A.
Foshan City Shunde District Sansheng Electrical Manufacture Co., Ltd.
Hillphoenix
Hussmann
Innovative DisplayWorks Inc.
Jiangsu Baixue Electric Appliances Co., Ltd.
Metalfrio Solutions Mexico S.A.
Mimet S.A.
Minus Forty Technologies Corp. MTL
Cool
Novum USA
Ojeda USA
Panasonic
PREMIERE Corporation
Sanden Vendo
Silver King
Stajac Industries
Thermell Manufacturing
True Manufacturing Co.
Turbo-Air
Vestfrost Solutions

HWG | HARRIS, WILTSHIRE & GRANNIS LLP

6 March 2017

Ms. Ashley Armstrong
Office of Energy Efficiency
United States Department of Energy
1000 Independent Avenue, SW
Washington, DC

Re: AHT Petition for Waiver & Interim Waiver

Dear Ashley:

We are writing to respond to your e-mail of February 21, 2017, asking for additional information about the multi-mode commercial refrigeration equipment as to which AHT has sought a testing waiver.

As set forth in our waiver petition, the defrost cycle[1] on the six covered AHT models[2] operates just once per week, rather than once per day as the mandated testing assumes – meaning that the mandated testing overestimates the amount of energy actually used in the defrost cycle by a factor of seven. As we also noted in our petition, the AHT appliances have a manual override, such that a user *could* activate the defrost cycle a second time in any one week period. But the default setting, which we expect to be the typical use, is one defrost cycle per week.

You asked, first, how the manual override worked. Simply put, the factory default is set such that the defrost cycle operates once per week. As noted, if the customer wants an additional defrost cycle, there is an override allowing one, and only one, additional defrost per week. AHT assures there can be no more than two defrosts per week by setting the parameter "minimum interval between defrosts" to 84 hours. This is equivalent to 3.5 days, and it cannot be changed by the customer. Thus the operation of any defrost cycle means that there cannot be another defrost cycle – whether by default or by override – for 84 hours. This defrost cycle "lock" guarantees there can be no more than one defrost cycle in 3.5 days, or two defrost cycles in any seven-day period. There are no other ways for the defrost cycle to operate. Specifically, there are no controls or systems that allow ambient conditions to initiate or end a defrost cycle.

You also asked for test data showing how AHT's proposed alternative test procedure would work (and how long the defrost cycle operates). We have attached a PowerPoint providing this information.[3] Test 1 shows the model in question tested as a commercial refrigerator using the

1 It is a defrost cycle in the colloquial sense rather than as defined by DOE/ASHRAE.

2 Sydney; Miami; Paris; Manhattan; Malta; and Ibiza.

3 The PowerPoint contains confidential, trade secret and proprietary information and, thus, is entitled to exemption from public disclosure. We thus request that it be treated in its entirely as confidential, and that it not be disclosed to third parties. We believe it is entitled to full protection of all confidentiality and non- disclosure provisions in the Freedom of Information Act, and other statutes and rules.

HWG | HARRIS, WILTSHIRE & GRANNIS LLP

ANSI/ASHRAE 72 protocol without the defrost cycle. Test 2 is a test of one defrost cycle. This is followed by a calculation for daily energy consumption in kilowatt-hours for a maximum of both one defrost per week (D=1) and two defrosts per week (D=2). This allows you to see the total energy consumption both in default mode (which we think is the proper calculation) and if the consumer exercises the one weekly override.

Finally, you asked for field test data that shows the model in operation over the course of a month. We do not have such data. We would be willing to provide such data, but it will take time to gather it – and if the interim waiver is not promptly granted, these units will be banned from manufacture or import within three weeks. Nor do we think this extensive data is needed for the Department to act on the Interim Waiver Petition. So we ask that this request be deferred until the public comment cycle.

We hope this is all the information you will need to grant AHT's pending Interim Waiver Petition.

Respectfully submitted,
/S/
Scott Blake Harris
John A. Hodges

Counsel to AHT Cooling Systems GmbH and AHT Cooling Systems USA Inc

[FR Doc. 2017–06107 Filed 3–27–17; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–62–000]

Gulf South Pipeline Company, LP; Notice Extending Comment Date

On March 1, 2017, the Commission issued a notice of application (March 1 Notice) in the above captioned proceeding.[1] To give interested parties who were not on the original landowner list an opportunity to comment, the comment due date on the March 1 Notice is hereby extended from March 22, 2017 to April 12, 2017.

As stated in the March 1 Notice, in its application, Gulf South Pipeline Company, LP requests to amend its certificate issued by the Commission in Docket No. CP15–517–000 to (i) install a gas-fired Solar Titan 130 turbine compressor unit in place of the currently certificated gas-fired Solar Mars 100 turbine compressor unit at the Magasco Compressor Station, located in Sabine County, Texas, increasing the horsepower from 15,748 hp to 20,482 hp and (ii) modify the emergency generator from an 800 brake-horsepower (bhp) unit to a 691 bhp unit. This amendment will not require any additional workspace or land disturbance beyond what has been approved by the Commission. The estimated cost of the amendment is approximately $3 million, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application may be directed to Kathy D. Fort, Manager, Certificates & Tariffs, Gulf South Pipeline Company, LP, 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, by telephone at (713) 479–8252, or by email to *kathy.fort@bwpmlp.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice[2] the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a

[1] *Gulf South Pipeline Co., LP,* 82 FR 12,814 (2017).

[2] The 90-day timeframe restarts from the date of this notice.

Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on April 12, 2017.

Dated: March 22, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06066 Filed 3–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF17–3–000]

Midship Pipeline Company, LLC; Supplemental Notice of Intent To Prepare an Environmental Impact Statement for the Planned Midcontinent Supply Header Interstate Pipeline Project and Request for Comments on Environmental Issues Related to New Pipeline Lateral and Booster Station

As previously noticed on January 27, 2017, and supplemented herein, the staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Midcontinent Supply Header Interstate Pipeline Project (MIDSHIP Project) involving construction and operation of facilities by Midship Pipeline Company, LLC (Midship Pipeline) [1] in Kingfisher, Canadian, Grady, Garvin, Stephens, Carter, Johnston, and Bryan Counties, Oklahoma and leased capacity on existing pipeline infrastructure in Oklahoma, Texas, and Louisiana. The Commission will use this EIS in its decision-making process to determine whether the project is in the public convenience and necessity.

The Commission previously solicited public input on the MIDSHIP Project in January 2017. With this Supplemental Notice of Intent (NOI) we [2] are specifically seeking comments on additional facilities planned by Midship Pipeline and recently identified as part of the MIDSHIP Project, specifically the Velma Lateral and Sholem Booster Station. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts from these facilities. Your input will help the Commission staff determine what issues we need to evaluate in the EIS. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before April 21, 2017. If you have already submitted comments for the MIDSHIP Project prior to this Supplemental NOI, you do not need to resubmit your comments.

This notice is being sent to the Commission's current environmental mailing list for this project, including the newly affected landowners along the planned Velma Lateral and Sholem Booster Station. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a newly affected landowner receiving this notice, a pipeline company representative may have already contacted you or may contact you soon about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if the easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility on My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

[1] The sponsor of the Midcontinent Supply Header Interstate Pipeline Project, previously identified as Cheniere Midstream Holdings, Inc., has changed its name to Midship Pipeline Company, LLC.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the FERC's Office of Energy Projects.

Summary of the Velma Lateral and Sholem Booster Station

The Velma Lateral would consist of 13.3 miles of 16-inch-diameter pipeline and associated appurtenances in Oklahoma. It would begin at a gas supply facility near Velma in Stephens County, continue northeast for approximately 6.5 miles, and connect with a gas supply facility near Sholem, Oklahoma. Midship Pipeline would construct a new 3,750 horsepower compressor station, referred to as the Sholem Booster Station, adjacent to the existing gas facility. From the compressor station, the Velma Lateral would continue in a northeast direction through portions of Stephens, Carter, and Garvin Counties for a total of 6.8 miles, where it would terminate at the Tatums Compressor Station near mainline Milepost 99.1. Midship Pipeline would construct a receipt meter station at the tie-in within the Tatums Compressor Station. An overview map of the planned project, including the Velma Lateral and Sholem Booster Station, is provided in appendix 1. Construction of the Velma Lateral and Sholem Booster Station would disturb about 168.3 acres of land. After construction, Midship Pipeline would maintain about 82.2 acres for operation of these facilities; the remaining acreage would be restored and revert to former uses.

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed via mail or provided electronically. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (PF17–3–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Please note this is not your only public input opportunity; please refer to the review process flow chart in appendix 2.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues with the Velma Lateral and Sholem Booster Station to address in the EIS. We will consider all filed comments during the preparation of the EIS.

In the EIS we will discuss impacts that could occur as a result of the construction and operation of the MIDSHIP Project under these general headings:

- Geology and soils;
- water resources and wetlands;
- vegetation, wildlife, and fisheries;
- endangered and threatened species;
- land use, outdoor recreation, and scenery;
- socioeconomics;
- cultural resources;
- air quality and noise;
- public safety; and
- cumulative impacts.

We will also evaluate possible alternatives to the planned project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed for the MIDSHIP Project, we initiated our NEPA review of the project under the Commission's pre-filing process on November 9, 2016. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EIS. In addition, FERC representatives participated in the public open houses sponsored by Midship Pipeline in El Reno, Lindsay, Ardmore, and Durant, Oklahoma from December 12 through 15, 2016. On February 13, 14, 15, and 16, 2017, FERC held public scoping sessions in Durant, Ardmore, Elmore City, and El Reno, respectively, to solicit comments regarding the planned MIDSHIP Project.

The EIS will present our independent analysis of the issues. We will publish and distribute the draft EIS for public comment. After the comment period, we will consider all timely comments and revise the document, as necessary, before issuing a final EIS. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this Supplemental NOI, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EIS.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Offices (SHPO), and to solicit their views and those of other government agencies, interested Native American tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPOs as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EIS for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities, the environmental information provided by Midship Pipeline, comments received at the project open houses, and scoping comments. This preliminary list of potential issues may change based on your comments and our analysis:

- Impacts on water wells;
- impacts on waterbodies and wetlands;
- impacts on threatened and endangered species;
- geological hazards;
- impacts on future development due to pipeline route on property;
- impacts on air quality;
- impacts on noise from planned compressor stations;
- public safety; and
- pipeline route alternatives.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, as well as anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

Copies of the completed draft EIS will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 3).

Becoming an Intervenor

Once Midship Pipeline files its application with the Commission, you may want to become an ''intervenor,'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.* Instructions for becoming an intervenor are in the ''Document-less Intervention Guide'' under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number, excluding the last three digits (*i.e.,* PF17–3). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, Midship Pipeline has established toll-free telephone numbers (888) 214–7275 for general inquiries or (800) 305–2466 for landowner inquiries) and an email support address (*midship@cheniere.com*) so that parties can contact them directly with questions about the project. You may also refer to Midship Pipeline's project Web site for additional information at *http://www.cheniere.com/pipelines/midship/.*

Dated: March 22, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06068 Filed 3–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL16–6–004]

PJM Interconnection, L.L.C.; Notice of Filing

Take notice that on March 2, 2017, PJM Interconnection, L.L.C. submitted tariff filing per: Further Compliance Filing to be effective February 1, 2017, pursuant to the Federal Energy Regulatory Commission's (Commission) Order issued on January 31, 2017 Order.[1]

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

[1] *PJM Interconnection, LLC, et al.,* 158 FERC 61,093 (2017).

Comment Date: 5:00 p.m. Eastern Time on April 4, 2017.

Dated: March 21, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06035 Filed 3–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17–52–000]

Republic Transmission, LLC; Notice of Petition for Declaratory Order

Take notice that on March 15, 2017, pursuant to section 219 of the Federal Power Act, 16 U.S.C. 824s (2012), and Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207 (2015), Republic Transmission, LLC (Republic) filed a petition for declaratory order authorizing Republic to use specific limited transmission rate incentives and treatments for Republic's development of the Duff-Coleman EHV 345 kV Competitive Transmission Project, all as more fully explained in the petition.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

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

Comment Date: 5:00 p.m. Eastern time on April 14, 2017.

Dated: March 22, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06067 Filed 3–27–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9958–90–Region 3]

EPA-Mid-Atlantic Region III; Maryland Marine Sanitation Device Standard—Receipt of Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice—Receipt of petition.

SUMMARY: Notice is hereby given that a petition has been received from the Secretary of the Maryland Department of Natural Resources on behalf of the State of Maryland requesting a determination by the Regional Administrator, U.S. Environmental Protection Agency (EPA) Mid-Atlantic Region, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Chester River, Kent and Queen Anne's Counties, Maryland. EPA is requesting comments on this petition and whether EPA should designate the Chester River and its tributaries as a No Discharge Zone as provided in the Clean Water Act. The petition is available upon request from EPA (at the email address below) or at *http://dnr.maryland.gov/boating/Documents/FINAL_CRA_NDZ_APPLICATION.pdf.*

DATES: Comments must be received in writing to EPA on or before April 27, 2017.

ADDRESSES: Comments should be sent to Michael D. Hoffmann, U.S. Environmental Protection Agency—Mid-Atlantic Region, 1650 Arch Street, Mail Code 3WP10, Philadelphia, PA 19103–2029, or emailed to *Hoffmann.michael@epa.gov.* Only written comment will be considered.

FOR FURTHER INFORMATION CONTACT: Michael D. Hoffmann, U.S. Environmental Protection Agency—Mid-Atlantic Region. Telephone: (215) 814–2716, Fax number: (215) 814–2301; email address: *Hoffmann.michael@epa.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that a petition has been received from the Secretary of the Maryland Department of Natural Resources on behalf of the State of Maryland requesting a determination by the Regional Administrator, U.S. Environmental Protection Agency, Mid-Atlantic Region pursuant to Section 312(f)(3) of the Clean Water Act, 33 U.S.C. 1322(f)(3), that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels is reasonably available for the entirety of the Chester River and its tributaries. EPA is requesting comments on this petition and whether EPA should designate the Chester River as a No Discharge Zone as provided in that provision of the Clean Water Act. The petition is available upon request from EPA (at the address above) or at *http://dnr.maryland.gov/boating/Documents/FINAL_CRA_NDZ_APPLICATION.pdf.*

The State of Maryland makes this request as part of its application for a No Discharge Zone which will prohibit the discharge of sewage from vessels into the Chester River and its tributaries. The delineation of the proposed No Discharge Zone of the Chester River and its tributaries from the Chesapeake Bay will begin at 39°8′54.48″ N., 76°16′37.11″ W. and extend down to 39°2′23.56″ N., 76°18′8.89″ W. From there it will continue east throughout any navigable waters including all tributaries and bays. Included within this zone are Lankford Bay, Corsica River, Southeast Creek, and many smaller tributaries.

The State of Maryland has certified that there are nineteen stationary and four mobile pumpout stations located at 17 marinas or docks throughout the Chester River. Sixteen of the nineteen stationary units also have a method to empty portable toilets. All of the pump-out stations noted were funded with grants administered by the Maryland Department of Natural Resources and all comply with local and state sanitary permitting requirements. A list of the facilities, phone numbers, locations, and hours of operation can be found below.

LIST OF FACILITIES WITH PUMPOUTS IN THE PROPOSED NO DISCHARGE ZONE

Pumpout facility	Operating hours in season	Mean low water depth (ft)	Phone No.	Address
Bayside Landing Park	24–7	5	410–778–2600	20927 Bayside Avenue, Rock Hall, MD 21661.
Castle Harbor Marina	24–7	6	410–643–5599	301 Tackle Cir, Chester, MD 21619.
Chestertown Marina	9:00–5:00 daily	10	410–778–0500	207 S Water St, Chestertown, MD 21620.
Gratitude Marina	9:00–5:00 daily	7	410–639–7011	5924 Lawton Ave, Rock Hall, MD 21661.
Haven Harbor Marina	8:00–5:00 daily	6	410–778–6687	20880 Rock Hall Ave, Rock Hall, MD 21661.
Kennersley Point Marina	8:00–5:00 daily	3	410–758–2394	223 Marina Ln, Church Hill, MD 21623.
Lankford Bay Marina	24–7	7	410–778–1414	23002 McKinleyville Rd, Rock Hall, MD 21661.
Long Cove Marina	8:00–5:00 daily	6	410–778–6777	22589 Hudson Rd, Rock Hall, MD 21661.
Mears Point Marina	8:30–7:00 daily	6	410–827–8888	428 Kent Narrow Way N, Grasonville, MD 21638.
North Point Marina	9:00–5:00 daily	6	410–639–2907	5639 Walnut St, Rock Hall, MD 21661.
Osprey Point Marina	24–7	6	410–639–2194	20786 Rock Hall Ave, Rock Hall, MD 21661.
Piney Narrows Yacht Haven	8:30–6:30 daily	8	410–643–6600	500 Piney Narrows Rd, Chester, MD 21619.
Queenstown Harbor Community Pier	24–7	6	301–343–5487	252 Harbor Lane, Queenstown, MD 21658.
Rock Hall Landing Marina	9:00–5:00 daily	5	410–639–2224	5657 S Hawthorne Ave, Rock Hall, MD 21661.
Sailing Emporium	8:00–5:00 daily	8	410–778–1342	21144 Green Lane, Rock Hall, MD 21661.
Spring Cove Marina	24–7	5	410–639–2110	21035 Spring Cove Rd, Rock Hall, MD 21661.
Swan Creek Marina	24–7	7	410–639–7813	6043 Lawton Ave, Rock Hall, MD 21661.

The State of Maryland has provided documentation indicating that the total vessel population is estimated to be between 2,705 and 4,700 boats in the proposed area. Using the higher of those estimates, approximately 3,196 are identified as recreational vessels, 1,151 are identified as commercial vessels, and 353 are classified as ''Other.'' The estimated vessel population in all of the affected areas is based on length: The most conservative estimates provided by the State of Maryland suggest that there are no vessels less than 16 feet in length, 15 vessels between 16 feet and 25 feet in length, 3,034 vessels between 25 feet and 40 feet in length, and 1,651 vessels greater than 40 feet in length. Based on the number and size of vessels and EPA guidance for state and local officials, the estimated number of vessels requiring pumpout facilities in the Chester River during peak occupancy is 1,207.

In their application, Maryland has certified that the Chester River and its tributaries need greater environmental protection and enhancement of the waters. Maryland has classified the Chester River and the Chesapeake Bay which it drains into, as impaired for not meeting applicable state water quality standards. One hundred percent (100%) of the Chester River is considered impaired by either nutrients, sediment, bacteria or a combination thereof. The counties of Kent and Queen Anne's that surround the Chester River rank as the top two Maryland waterfront counties in terms of beach closings by percentage of beaches. All beach closings were due to elevated bacteria as evidenced by high levels of enterococci.

The Chester River is an important economic driver for the region, providing jobs and revenue through tourism, commercial and recreational fishing for fish and shellfish, boating, and more. Many people use the Chester River for hunting, cruising, nature observation, sightseeing, waterskiing, tubing, racing, and swimming. Based on a study by the Sage Policy Group in 2012, cited in the application, the Chester River supports $86 million in annual local economic activity, 900 jobs, and $26.7 million in annual labor income.

Dated: March 10, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Mid-Atlantic Region.

[FR Doc. 2017–06113 Filed 3–27–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 24, 2017.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Wisconsin Mutual Bancorp, MHC, Kaukauna, Wisconsin and EWSB Bancorp, Inc., Kaukauna, Wisconsin;* to become bank holding companies by acquiring 100 percent of the voting shares of East Wisconsin Savings Bank, Kaukauna, Wisconsin, upon its conversion from mutual to stock form.

Board of Governors of the Federal Reserve System, March 23, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–06110 Filed 3–27–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0932]

Agency Information Collection Activities; Proposed Collection; Comment Request; Experimental Study on Warning Statements for Cigarette Graphic Health Warnings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) 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 and to allow 60 days for public comment in response to the notice. This notice solicits comments on the Experimental Study on Warning Statements for Cigarette Graphic Health Warnings that is being conducted in support of the graphic label statement provision of the Family Smoking Prevention and Tobacco Control Act (the Tobacco Control Act).

DATES: Submit either electronic or written comments on the collection of information by May 30, 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–2017–N–0932 for ''Agency Information Collection Activities, Proposed Collection; Comment Request; Experimental Study on Warning Statements for Cigarette Graphic Health Warnings.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read 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:
JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794.

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 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.

Experimental Study on Warning Statements for Cigarette Graphic Health Warnings

OMB Control Number—0910–New

The health risks associated with the use of cigarettes can be significant and far-reaching. In 2009, Congress enacted the Tobacco Control Act (Pub. L. 111–31), which amends the Federal Food, Drug, and Cosmetic Act (the FD&C Act) to grant FDA authority to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health and to reduce tobacco use by minors. Section 201 of the Tobacco Control Act amends section 4 of the Federal Cigarette Labeling and Advertising Act (FCLAA) (15 U.S.C. 1333) to require FDA to issue ''regulations that require color graphics depicting the negative health consequences of smoking to accompany the label statements specified in subsection (a)(1).'' Section 202(b) of the Tobacco Control Act further amends section 4 the FCLAA by adding that the Secretary, through notice and comment rulemaking, may adjust the ''text of any of the label requirements . . . if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of tobacco products.''

In the **Federal Register** of June 22, 2011 (76 FR 36628), FDA issued a final rule entitled ''Required Warnings for Cigarette Packages and Advertisements,'' which specified nine images to accompany the new textual warning statements for cigarettes. Although the rule was scheduled to become effective 15 months after it issued, a panel of the U.S. Court of Appeals of the District of Columbia held, on August 24, 2012, that the rule in its current form violated the First Amendment. In a letter to Congress on March 15, 2013, the Attorney General reported FDA's intention to undertake research to support a new rulemaking consistent with the Tobacco Control Act. Preliminary research has been underway since 2013. Informed by the previous court decisions on this matter, including on the First Amendment, the next phase of the research includes the study proposed here, which is an effort by FDA to collect data concerning revised textual warning statements for use with new images as part of cigarette graphic health warnings, and their potential impact on public understanding of the risks associated with the use of cigarettes.

As currently proposed, this Experimental Study on Warning Statements for Cigarette Graphic Health Warnings is a voluntary online experiment conducted with consumers. The purpose of the proposed study is to assess whether potential textual warnings statements, which have been revised from those enumerated in section 4 of FCLAA, promote greater public understanding of the negative health consequences of cigarette smoking. The study will collect data from various groups of consumers, including adolescent (under age 18) current cigarette smokers, adolescents who are susceptible to initiation of cigarette smoking, young adult (ages 18- to 24) current cigarette smokers, and older adult (ages 25 and above) current cigarette smokers. The results will inform the Agency's development of cigarette graphic health warnings to be tested in future studies with the goal of implementing the mandatory graphic warning label statement consistent with section 4(d) of FCLAA and the First Amendment.

Proposed Study Overview: In this study, adolescent current cigarette smokers, adolescents who are susceptible to initiation of cigarette smoking, young adult current cigarette smokers, and older adult current smokers will be recruited from an Internet panel of more than 1.2 million people and screened for inclusion into the study. Participants who meet the inclusion criteria will be randomized into one of 17 conditions in a between-subjects design. In each condition, participants will be exposed to a series of nine warning statements, presented sequentially. Participants randomized to the control condition will view all nine of the warning statements listed in section 4(a)(1) of FCLAA:

- WARNING: Cigarettes are addictive.
- WARNING: Tobacco smoke can harm your children.
- WARNING: Cigarettes cause fatal lung disease.
- WARNING: Cigarettes cause cancer.
- WARNING: Cigarettes cause strokes and heart disease.
- WARNING: Smoking during pregnancy can harm your baby.
- WARNING: Smoking can kill you.
- WARNING: Tobacco smoke causes fatal lung disease in nonsmokers.
- WARNING: Quitting smoking now greatly reduces serious risks to your health.

Participants randomized to 1 of the 16 experimental conditions will view 8 of the warning statements listed in section 4(a)(1) of FCLAA (above) plus 1 statement that is a revised version of a statutory text warning. The revised warning statements being tested in this proposed study are:

- WARNING: Smoking causes mouth and throat cancer.
- WARNING: Smoking causes head and neck cancer.
- WARNING: Smoking causes bladder cancer, which can lead to bloody urine.
- WARNING: Smoking during pregnancy causes premature birth.
- WARNING: Smoking during pregnancy stunts fetal growth.
- WARNING: Smoking during pregnancy causes premature birth and low birth weight.
- WARNING: Secondhand smoke causes respiratory illnesses in children, like pneumonia.
- WARNING: Smoking can cause heart disease and strokes by clogging arteries.
- WARNING: Smoking causes COPD, a lung disease that can be fatal.
- WARNING: Smoking causes serious lung diseases like emphysema and chronic bronchitis.
- WARNING: Smoking reduces blood flow, which can cause erectile dysfunction.
- WARNING: Smoking reduces blood flow to the limbs, which can require amputation.
- WARNING: Smoking raises blood sugar, which can cause type 2 diabetes.
- WARNING: Smoking causes age-related macular degeneration, which can lead to blindness.
- WARNING: Smoking causes cataracts, which can lead to blindness.

In all conditions, after viewing each statement, participants will respond to a small number of questions about that specific statement. Following viewing all nine statements, participants will respond to a larger set of questions. Next, participants will view an additional nine revised warning statements, drawn from the revised statements listed above, and respond to an additional set of questions. Primary study outcomes include beliefs and knowledge of the negative health consequences of cigarette smoking. Prior to the main data collection, two pretests, each with 50 participants, will take place to ensure correct programming and to identify any issues with the proposed study design and implementation.

Estimated Burden: FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Portion of study	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Screening for pretest	762	1	762	.033 (2 minutes)	25
Pretest	100	1	100	.25 (15 minutes)	25
Screening for main data collection	19,082	1	19,082	.033 (2 minutes)	630
Main data collection	2,500	1	2,500	.25 (15 minutes)	625
Total					1,305

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA's burden estimate is based on prior experience with research that is similar to this proposed study. Screening potential participants for the 2 pretests will occur with 762 respondents (487 adults and 275 adolescents) identified and recruited through the Internet panel. This brief screening will take an average of 2 minutes (0.033 hours) per respondent. Each of the 2 pretests will consist of 50 respondents (34 adults and 16 adolescents) conducted during a single session and take an average of 15 minutes (0.25 hours) per respondent. Screening potential participants for the main data collection will occur with 19,082 respondents (11,925 adults and 7,157 adolescents) identified and recruited through the same Internet panel as used for the pretests. This brief screening will take an average of 2 minutes (0.033 hours) per respondent. Recent national estimates of the numbers of adolescent current cigarette smokers, adolescents who are susceptible to initiation of cigarette smoking, young adult current cigarette smokers, and older adult current cigarette smokers informed the estimates of 13.9 percent qualification rate for adults and 11.6 percent qualification rate for adolescents. Applying these estimates and other assumptions from previous experience conducting similar studies to the number of adolescents and adults to be screened results in the desired sample size for the main data collection of 2,500 participants, of which 1,667 will be adults and 833 will be adolescents. The main data collection will occur with those 2,500 respondents during a single session. The main data collection will take an average of 15 minutes (0.25 hours) per respondent. The total estimated burden is 1,305 hours (25 hours + 25 hours + 630 hours + 625 hours).

Dated: March 22, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–06078 Filed 3–27–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of Meeting of the Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2030

AGENCY: Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The U.S. Department of Health and Human Services (HHS) announces the next federal advisory committee meeting regarding the development of national health promotion and disease prevention objectives for 2030. This meeting will be held online via webinar and is open to the public. The Committee will discuss the nation's health promotion and disease prevention objectives and will provide recommendations to improve health status and reduce health risks for the nation by the year 2030. The Committee will advise the Secretary on the Healthy People 2030 mission, vision, framework, and organizational structure. The Committee will provide advice regarding criteria for identifying a more focused set of measurable, nationally representative objectives. The Committee's advice must assist the Secretary in reducing the number of objectives while ensuring that the selection criteria identifies the most critical public health issues that are high-impact priorities supported by current national data.

DATES: The Committee will meet on April 27, 2017, from 12:00 p.m. to 2:00 p.m. Eastern Time (ET).

ADDRESSES: The meeting will be held online via webinar. To register to attend the meeting, please visit the Healthy People Web site at *http://www.healthypeople.gov.*

FOR FURTHER INFORMATION CONTACT: Emmeline Ochiai, Designated Federal Officer, Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2030, U.S. Department of Health and Human Services, Office of the Assistant Secretary for Health, Office of Disease Prevention and Health Promotion, 1101 Wootton Parkway, Room LL–100, Rockville, MD 20852, (240) 453–8280 (telephone), (240) 453–8281 (fax). Additional information is available on the Healthy People Web site at *http://www.healthypeople.gov.*

SUPPLEMENTARY INFORMATION: The names and biographies of the Committee members are available at *https://www.healthypeople.gov/2020/about/history-development/healthy-people-2030-advisory-committee.*

Purpose of Meeting: Through the Healthy People initiative, HHS leverages scientific insights and lessons from the past decade, along with new knowledge of current data, trends, and innovations, to develop the next iteration of national health promotion and disease prevention objectives. Healthy People provides science-based, 10-year national objectives for promoting health and preventing disease. Since 1979, Healthy People has set and monitored national health objectives that meet a broad range of health needs, encourage collaboration across sectors, guide individuals toward making informed health decisions, and measure the impact of our prevention and health promotion activities. Healthy People 2030 health objectives will reflect assessments of major risks to health and wellness, changing public health priorities, and emerging technologies related to our nation's health preparedness and prevention.

Public Participation at Meeting: Members of the public are invited to join the online Committee meeting. There will be no opportunity for oral public comments during this online Committee meeting. However, written comments are welcome throughout the entire development process of the national health promotion and disease prevention objectives for 2030 and may be emailed to *HP2030@hhs.gov.*

To join the Committee meeting, individuals must pre-register at the Healthy People Web site at *http://www.healthypeople.gov.* Participation in the meeting is limited. Registrations will be accepted until maximum webinar capacity is reached and must be completed by 9:00 a.m. ET on April 26, 2017. A waiting list will be maintained should registrations exceed capacity, and those individuals will be contacted as additional space for the meeting becomes available. Registration questions may be directed to: Jim Nakayama at *events@nakamotogroup.com,* or (240) 672–4011.

Authority: 42 U.S.C. 217a. The Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2030 is governed by provisions of the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C., App.) which sets forth standards for the formation and use of federal advisory committees.

Dated: March 10, 2017.

Don Wright,

Deputy Assistant Secretary for Health (Disease Prevention and Health Promotion).

[FR Doc. 2017–06033 Filed 3–27–17; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Provocative Question #10.

Date: March 29, 2017.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W104, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Eun Ah Cho, Ph.D., Chief, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W104, Bethesda, MD 20892–9750, 240–276–6342, *choe@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 22, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06039 Filed 3–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of a meeting of the PubMed Central National Advisory Committee.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: PubMed Central National Advisory Committee.

Date: June 21, 2017.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: Review and Analysis of Systems.

Place: National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Building 38, Conference Room B, Bethesda, MD 20892 (Teleconference).

Contact Person: David J. Lipman, MD, Director, National Center for Biotechnology Information, National Library of Medicine, Building 38, Room 8N807, Bethesda, MD 20894, 301–435–5985, *dlipman@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS).

Dated: March 22, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06045 Filed 3–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2); notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The purpose of this meeting is to evaluate requests for preclinical development resources for potential new therapeutics for the treatment of cancer. The outcome of the evaluation will provide information to internal NCI committees that will decide whether NCI should support requests and make available contract resources for development of the potential therapeutic to improve the treatment of various forms of cancer. The research proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposed research projects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Feb2017 Cycle 25 NExT SEP Committee Meeting.

Date: April 19, 2017.

Time: 8:30 a.m. to 4:30 p.m.

Agenda: To evaluate the NCI Experimental Therapeutics Program Portfolio.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Wing C; 6th Floor, Conference Room 10, Bethesda, MD 20892.

Contact Person: Barbara Mroczkowski, Ph.D., Executive Secretary, Discovery Experimental Therapeutics Program, National Cancer Institute, NIH, 31 Center Drive, Room 3A44, Bethesda, MD 20817, (301) 496–4291, *mroczkoskib@mail.nih.gov.*

Toby Hecht, Ph.D., Executive Secretary, Development Experimental Therapeutics Program, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 3W110, Rockville, MD 20850, (240) 276–5683, *toby.hecht2@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 22, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06040 Filed 3–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License for Commercialization: Cerclage Annuloplasty Devices for Treating Mitral Valve Regurgitation

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of a worldwide exclusive license to practice the inventions embodied in:

NIH Ref. No.	Patent No. or application No.	Filing date	Title
E–249–2006/0–US–01	60/858,716	November 14, 2006	A Device To Protect Coronary Arteries Against Compression During Transcatheter Mitral Valve Annuloplasty (PMVA).
E–249–2006/1–US–01	60/932,611	May 31, 2006.	
E–249–2006/2–PCT–01	PCT/US2007/023876	November 13, 2007.	
E–249–2006/2–EP–02	07861997.0	November 13, 2007	Transcatheter Coronary Sinus Mitral Valve Annuloplasty Procedure And Coronary Artery And Myocardial Protection Device.
E–249–2006/2–US–03	8,211,171	November 13, 2007.	
E–249–2006/2–US–04	9,271,833	November 13, 2007.	
E–249–2006/3–US–01	15/056,599	February 29, 2016	Transcatheter Coronary Sinus Mitral Valve Annuloplasty Procedure and Coronary Artery and Myocardial Protection Device with ''Landing Zone''.

to Transmural Systems, LLC, a limited liability company incorporated under the laws of the State of Massachusetts and having its principle place of business in Andover, Massachusetts. The contemplated exclusive license may be limited to cerclage annuloplasty devices for treating mitral valve regurgitation.

DATES: Only written comments and/or applications for a license that are received by NIH at the address indicated below on or before April 12, 2017 will be considered.

ADDRESSES: Requests for a copy of any unpublished patent application, inquiries, objections to this notice, comments and other requests relating to the contemplated license should be directed to: Michael Shmilovich, Esq., CLP, Senior Licensing and Patent Manager, 31 Center Drive Room 4A29, MSC2479, Bethesda, MD 20892–2479, phone number 301–435–5019, or *shmilovm@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: This notice is published in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i).

Mitral regurgitation (MR) is amongst the most common valvular heart disorders, with an estimated prevalence of approximately 1.7% in the United States, increasing with age to approximately 9.3% in those over the age of 75. MR is classified as primary (also known as ''organic'') when principally due to a structural or degenerative abnormality of the mitral valve (MV), whether of the leaflets, chordae tendineae, papillary muscles, or mitral annulus. Secondary (also known as functional) MR occurs in the absence of organic MV disease, usually from left ventricular (LV) dysfunction. It is more common than primary MR and is associated with a worse prognosis (compounded by the underlying cardiomyopathy), and (in contrast to primary MR) the benefits of MV surgery are uncertain. The MV consists of two leaflets (anterior and posterior) sitting within the annulus (see picture below). The posterior mitral leaflet originates from the left atrial (LA) endocardium. A subvalvular apparatus, comprising two papillary muscles (anterolateral and posteromedial) arising from the LV myocardium and the chordae tendineae, supports the leaflets. LV dilation due to ischemic or nonischemic cardiomyopathy secondarily impairs leaflet coaptation of a structurally normal MV, resulting in secondary MR. Specifically, LV dysfunction and remodeling lead to apical and lateral papillary muscle displacement, resulting in leaflet tethering, dilation and flattening of the mitral annulus, and reduced valve closing forces.

The subject mitral repair system devices are primarily intended to treat secondary mitral regurgitation. The proposed mitral cerclage with coronary artery protection is an approach capable of overcoming many of the problems that exist with existing devices namely allowing a larger subset of patients to be treated compared to other coronary sinus devices, providing a full annuloplasty type device which is flexible enough to preserve annular motion, reduce hospitalization costs and shorten recovery time. The associated method closely resembles the surgical placement of a full annuloplasty ring.

E–249–2009/0–2

Catheter-based mitral valve regurgitation treatments that use coronary sinus trajectory or coronary sinus implant can have unwanted effects because the coronary sinus and its branches have been found to cross the outer diameter of major coronary arteries in a majority of humans. As a result, pressure applied by any prosthetic device in the coronary sinus (such as tension on the annuloplasty device) can compress the underlying coronary artery and induce myocardial ischemia or infarction. This invention pertains to devices and methods that avoid constricting coronary artery branches during coronary sinus-based annuloplasty. These devices and methods protect coronary artery branches from constriction during trans-sinus mitral annuloplasty. The device protects a coronary vessel from compression during mitral annuloplasty by extending an annuloplasty element, such as a tensioning device, at least partially through the coronary sinus over a coronary artery. The device is a surgically sterile bridge configured for placement within the coronary sinus at a location where the coronary sinus passes over a coronary artery, so that the protection device provides a support for a mitral annuloplasty element, such as a compressive prosthesis, including a tension element when it is placed under tension. The protection device has an arch of sufficient rigidity and dimensions to support the tensioning element over the coronary artery, redistribute tension away from an underlying coronary artery, and inhibit application of pressure to the underlying artery, for example when an annuloplasty tension element is placed under tension during mitral annuloplasty. In particular, the protective device can be a support interposed in the coronary sinus between the annuloplasty device and the coronary artery. The device may be substantially tubular so that the tensioning element is contained within the protective device and supported in spaced relationship to the coronary artery. An arch may be configured to extend between a proximal end and a distal end that are substantially collinear with one another so that the ends form stabilizing members such as feet that retain the bridge in position over the coronary artery.

E–249–2009/3

Another embodiment of the cerclage protection device is a combination with a cerclage tension element that can be used to facilitate transcatheter mitral valve implantation. The transcatheter strategy includes a ''valve-in-ring'' wherein a cerclage annuloplasty is first performed. During the same session or during a separate procedure, a transcatheter mitral valve implantation could be performed that would take advantage of the cerclage annuloplasty system to serve as a visual and a mechanical ''landing zone'' for mitral valve implantation. A cerclage annuloplasty ring would allow outward expansion of the mitral valve to achieve fixation. However, without the cerclage protection device in place, such a strategy would cause compression of an entrapped coronary artery. This new embodiment of the protection device protects coronary arteries not from extrinsic compression but from ''inside-out'' compression, thereby allowing cerclage to be the first step for transcatheter mitral valve implantation. It also allows the latter to be employed as second-stage adjunct or bailout for inadequate cerclage mitral valve annuoplasty.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: March 17, 2017.

Michael Shmilovich,

Senior Licensing and Patenting Manager, Office of Technology Transfer and Development, National Heart, Lung, and Blood Institute.

[FR Doc. 2017–06036 Filed 3–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Early Career Reviewer Program Application and Vetting System (EAVS) (Center for Scientific Review)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on December 29, 2016, page 96020 (Vol. 81, No. 250) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Dr. Mary Ann Guadagno, Project Clearance Liaison, Center for Scientific Review, NIH, Room 3182, 6701 Rockledge Drive, Bethesda, MD 20892 or call non-toll-free number (301) 435–1251 or Email your request, including your address to: *guadagma@csr.nih.gov*.

SUPPLEMENTARY INFORMATION: The Center for Scientific Review (CSR), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: Early Career Reviewer Program Application and Vetting System (EAVS) OMB #0925–0695, Expiration *Date:* 04/30/2017, Extension, Center for Scientific Review (CSR), National Institutes of Health (NIH).

Need and Use of Information Collection: The Center for Scientific Review (CSR) is the portal for NIH grant applications and their review for scientific merit. Our mission is to see that NIH grant applications receive fair, independent, expert, and timely reviews—free from inappropriate influences—so NIH can fund the most promising research. To accomplish this goal, Scientific Review Officers (SRO) form study sections consisting of scientists who have the technical and scientific expertise to evaluate the merit of grant applications. Study section members are generally scientists who have established independent programs of research as demonstrated by their publications and their grant award experiences.

The CSR Early Career Reviewer program was developed to identify and train qualified scientists who are early in their scientific careers and who have not had prior CSR review experience. The goals of the program are to expose these early career scientists to the peer review experience so that they become more competitive as applicants as well as to enrich the existing pool of NIH reviewers. Currently, online application software, the Early Career Reviewer Application and Vetting System, is accessed online by applicants to the Early Career Reviewer Program who provide their names, contact information, a description of their areas of expertise, their study section preferences, professional Curriculum Vitae and links to their professional Web site. This Information Collection Request (ICR) is to extend the Early Career Reviewer Application and Vetting System to process applications for the Early Career Reviewer program.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 450.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hour
A	Applicants	1080	1	25/60	450
Totals			1080		450

Dated: March 20, 2017.

Mary Ann Guadagno,

Project Clearance Liaison, Center for Scientific Review (CSR), National Institutes of Health.

[FR Doc. 2017–06116 Filed 3–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Board on Medical Rehabilitation Research.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Advisory Board on Medical Rehabilitation Research.

Date: May 1–2, 2017.

Time: May 1, 2017, 9:00 a.m. to 5:00 p.m.

Agenda: NICHD Director's report; NIH Research Plan on Rehabilitation Annual Report; Clinical trials; Update on the NIH Cures Act; Training Efforts to Support Rehabilitation Research; Breakout sessions.

Place: Bethesda Marriott Suites, Patriot Ball Room, 6711 Democracy Boulevard, Bethesda, MD 20817.

Time: May 2, 2017, 8:30 a.m. to 12:00 p.m.

Agenda: Update on Clinical Trials Policy; Update on Cerebral Palsy Plan; Update on StrokeNet; Scientific Presentation on Neuroplasticity.

Place: Bethesda Marriott Suites, Patriot Ball Room, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Ralph M. Nitkin, Ph.D., Deputy Director, National Center for Medical Rehabilitation Research (NCMRR), Eunice Kennedy Shriver National Institute, of Child Health and Human Development, NIH, DHHS, 6710B Rockledge Drive, Room 2116, MSC 7002, Bethesda, MD 20892, (301) 402–4206, *RN21e@nih.gov*.

Information is also available on the Institute's/Center's home page: *http://www.nichd.nih.gov/about/advisory/nabmrr/Pages/index.aspx* where the current roster and minutes from past meetings are posted.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: March 22, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06044 Filed 3–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Environmental Aspects of Mexican Migration, 1995–2010.

Date: April 19, 2017.

Time: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6710B Rockledge Drive Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Minki Chatterji, 6710B Bethesda Drive, 2221A, Bethesda, MD 20892, 301.806.2515, *chatterm@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research;

93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: March 22, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06043 Filed 3–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council on Alcohol Abuse and Alcoholism.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session on May 3, 2017 will be videocast and can be accessed from the NIH Videocasting and Podcasting Web site (*https://videocast.nih.gov/live.asp?live=21960*).

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Alcohol Abuse and Alcoholism.

Closed: May 2, 2017.

Time: 9:00 a.m. to 10:00 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, Terrace Level Conference Room, 5635 Fishers Lane, Bethesda, MD 20892.

Open: May 2, 2017.

Time: 10:15 a.m. to 3:15 p.m.

Agenda: Presentations and other business of the Council.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, Terrace Level Conference Room, 5635 Fishers Lane, Bethesda, MD 20892.

Contact Person: Abraham P. Bautista, Ph.D., Executive Secretary, National Institute on Alcohol Abuse & Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rm 2085, Rockville, MD 20852 301–443–9737 *bautista@mail.nih.gov*.

Name of Committee: National Advisory Council on Alcohol Abuse and Alcoholism, National Cancer Advisory Board, and National Advisory Council on Drug Abuse.

Open: May 3, 2017.

Time: 9:00 a.m. to 2:15 p.m.

Agenda: Presentation of NIAAA, NCI, and NIDA Director's Update, Scientific Reports, and other topics within the scope of the Collaborative Research on Addiction at NIH (CRAN).

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, Terrace Level Conference Room, 5635 Fishers Lane, Bethesda, MD 20892.

Contact Person: Abraham P. Bautista, Ph.D., Executive Secretary, National Institute on Alcohol Abuse & Alcoholism, National Institutes of Health, 5635 Fishers Lane, Room 2085 Rockville, MD 20852 301–443–9737 *bautista@mail.nih.gov*.

Paulette S. Gray, Ph.D., Director, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 9609 Medical Center Drive, Room, 7W444 Bethesda, MD 20892 240–276–6340 *grayp@dea.nci.nih.gov*.

Susan Weiss, Ph.D., Director, Division of Extramural Research, National Institute on Drug Abuse, National Institutes of Health, 6001 Executive Boulevard, NSC, Room 5274 301–443–6487 *sweiss@nida.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://www.niaaa.nih.gov/news-events/meetings-events-exhibits?field_event_category_tid=16,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: March 22, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06041 Filed 3–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; RFA–AA–17–014 Collaborative Research in HIV/AIDS, Alcohol and Related Comorbidities

Date: April 12–14, 2017.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of Alcohol Abuse and Alcoholism, Terrace Level 508/509, 5635 Fishers Lane, Rockville, MD 20851.

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 5365 Fishers Lane, Room 2085, Rockville, MD 20852, (301) 451–2067, *srinivar@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; RFA–AA–17–015 Expanding Alcohol-Focused High-Priority Translational Research for HIV/AIDS.

Date: April 12–14, 2017.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of Alcohol Abuse and Alcoholism, Terrace Level 508/509, 5635 Fishers Lane, Rockville, MD 20851.

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 5365 Fishers Lane, Room 2085, Rockville, MD 20852 (301) 451–2067, *srinivar@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: March 22, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06042 Filed 3–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary and Integrative Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Integrative Health Special Emphasis Panel; T32 Institutional Grant Review Meeting.

Date: May 2, 2017.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ashlee Tipton, Ph.D., Scientific Review Officer Division of Extramural Activities, National Center for Complementary and Integrative Health, 6707 Democracy Boulevard, Room 401, Bethesda, MD 20892, 301–451–3849, *ashlee.tipton@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Integrative Health, National Institutes of Health, HHS)

Dated: March 22, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06038 Filed 3–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2016–0165]

Port Access Route Study (PARS): In Nantucket Sound

AGENCY: Coast Guard, DHS.

ACTION: Notice of study; final report.

SUMMARY: The U.S. Coast Guard (USCG) conducted the Nantucket Sound Port Access Route Study (PARS) in accordance with the Ports and Waterways Safety Act (PWSA) (33 U.S.C. 1223(c)), as directed by the Coast Guard Authorization Act of 2015. The USCG used the standards and methodology of the Atlantic Coast PARS to determine whether existing regulations should be revised to improve navigation safety in Nantucket Sound due to factors such as increased vessel traffic, changing vessel traffic patterns, weather conditions, or navigational difficulty. The report, as submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on February 27, 2017, is available in the docket for viewing. It concluded that no regulatory changes to existing vessel routing measures are needed.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, email *D01-SMB-NantucketPARS@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Discussion

The Nantucket Sound PARS considered whether existing regulations should be revised to improve navigation safety in Nantucket Sound due to factors such as vessel traffic density, vessel traffic patterns, weather conditions, or navigation challenges in the study area. All available sources of data relevant to this process, including existing and potential traffic patterns, existing regulations, public submissions, and other factors were analyzed. Although the study recommended no regulatory changes to existing vessel routing measures, the USCG will continue to actively monitor and initiate appropriate actions on all waterways subject to its jurisdiction as needed to support navigation safety.

Public Participation and Comments

On March 22, 2016, we published a Notice of Study; request for comments entitled ‘‘Port Access Route Study (PARS): In Nantucket Sound’’ in the **Federal Register** (81 FR 15327). Six comments were received in response to our **Federal Register** Notice and other outreach efforts.

Viewing Documents and Comments

To view the final report as submitted to Congress and comments, go to *http://www.regulations.gov,* type ‘‘USCG–2016–0165’’ into the search bar and click search, next to the displayed search results click ‘‘Open Docket Folder’’, which will display all comments and documents associated with this study.

Privacy Act

Anyone can search the electronic form of comments received to the docket by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Conclusion

The Nantucket Sound PARS focused on gathering factual and relevant information to aid the USCG assess potential risk of marine casualties and efficiency of vessel traffic in the region. The USCG analyzed vessel traffic density, hazards, agency and stakeholder experience in vessel traffic management, navigation, ship handling, the effects of weather, and impacts to marine mammals and other wildlife. The USCG also considered public comments in the final report. The Nantucket Sound PARS concluded that no regulatory changes to existing vessel routing measures are needed but reiterated that the USCG actively monitors all waterways subject to its jurisdiction to help ensure navigation safety. As such, the USCG will continue to monitor Nantucket Sound for changing conditions and consider appropriate actions to promote waterway and user safety.

Dated: March 10, 2017.

S.D. Poulin,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 2017–06088 Filed 3–27–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0191]

Certificate of Alternate Compliance for the Gladding-Hearn Hulls 418 and 419

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The Coast Guard announces that a Certificate of Alternate Compliance (COAC) was issued for the GLADDING-HEARN HULLS 418 AND 419. We are issuing this notice because its publication is required by statute.

DATES: The Certificate of Alternate Compliance was issued on March 14, 2017.

FOR FURTHER INFORMATION CONTACT: For information or questions about this notice call or email Mr. Kevin Miller, First District Towing Vessel/Barge Safety Specialist, U.S. Coast Guard; telephone (617) 223–8272, email *Kevin.L.Miller2@uscg.mil.*

SUPPLEMENTARY INFORMATION: The United States is signatory to the International Maritime Organization's International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as amended. The special construction or purpose of some vessels makes them unable to comply with the light, shape, and sound signal provisions of the 72 COLREGS. Under statutory law [1] and Coast Guard regulation,[2] a vessel may instead meet alternative requirements and the vessel's owner, builder, operator, or agent may apply for a COAC. For vessels of special construction, the cognizant Coast Guard District Office determines whether the vessel for which the COAC is sought complies as closely as possible with the 72 COLREGS, and decides whether to issue the COAC. Once issued, a COAC remains valid until information supplied in the COAC application or the COAC terms become inapplicable to the vessel. Under the governing statute [3] and regulation,[4] the Coast Guard must publish notice of this action.

The Coast Guard encourages the use of two masthead lights on power-driven vessels less than 50 meters in length in accordance with ''The Boating Safety Circular'' 75, June 1993, page 15. The Commandant, U.S. Coast Guard, certifies that the Gladding-Hearn Hulls 418 and 419 are vessels of special construction or purpose, and that, with respect to the position of the two masthead lights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS, without interfering with the normal operation of the vessel. This certificate authorizes the placement of these vessels' two masthead lights to not meet the minimum horizontal separation requirements specified in Annex I of 72 COLREGS. All other navigational lighting dimensions will remain in compliance with 72 COLREGS, including vertical separation required for masthead lights and sidelights.

This notice is issued under authority of 33 U.S.C. 1605(c) and 33 CFR 81.

Dated: March 14, 2017.

B.L. Black,

Chief, Prevention Department, First District, U.S. Coast Guard.

[FR Doc. 2017–06089 Filed 3–27–17; 8:45 am]

BILLING CODE 9110–04–P

[1] 33 U.S.C. 1605(c)

[2] 33 CFR. 81.3

[3] 33 U.S.C. 1605(c)

[4] 33 CFR 81.18

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–23061; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before March 4, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by April 12, 2017.

ADDRESSES: Comments may be sent via U.S. Postal Service to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th Floor, Washington, DC 20005; or by fax, 202–371–6447.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before March 4, 2017. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

CALIFORNIA

Monterey County

Point Sur Light Station (Boundary Increase) (Light Stations of California MPS), Moro Rock and adjacent NAVFAC parcels, Big Sur vicinity, BC100000880

San Diego County

Portuguese Chapel of San Diego, 2818 Avenida de Portugal, San Diego, SG100000881

Yolo County

Washington Firehouse, 317 3rd St., West Sacramento, SG100000882

GEORGIA

De Kalb County

Northcrest Historic District, Roughly bounded by Chamblee-Tucker, Northcrest & Pleasantdale Rds., Doraville vicinity, SG100000883

MICHIGAN

Manistee County

Walther League Camp—Camp Arcadia, 3046 Oak St., Arcadia Township, SG100000884

Monroe County

Hall of the Divine Child, 810 W. Elm Ave., Monroe, SG100000885

Ottawa County

De Pree, Max and Esther, House, 279 S. Division St., Zeeland, SG100000886

MISSOURI

Newton County

Neosho Colored School, 639 Young St., Neosho, SG100000887

MONTANA

Fergus County

Gamble—Robinson Company Warehouse, 302 E. Main St., Lewistown, SG100000888

NEW YORK

Albany County

Bleeker Stadium and Swinburne Park, Clinton Ave., Albany, SG100000889

Lincoln Park

Lincoln Park, Albany, SG100000890

Erie County

Burt, F.N., Company Factory ''C'', 1502 Niagara St., Buffalo, SG100000891

Hamilton County

Dollar Island Camp, 1 Dollar Island (in Fourth Lake), Inlet, SG100000892

Jefferson County

Robinson, George T., House, 15082 Bluff Island, Clayton, SG100000893

Madison County

Nelson Methodist Episcopal Church, 3333 US 20 E., Cazenovia, SG100000894

Seneca County

Waterloo Downtown Historic District, 1–42 E. Main, 1–40 W. Main & 16–41 Virginia Sts., Waterloo, SG100000895

NORTH CAROLINA

Durham County

Little River High School, 8307 N. Roxboro Rd., Bahama vicinity, SG100000896

Haywood County

Green Hill Cemetery, Veterans Cir., Waynesville, SG100000897

Lenoir County

Imperial Tobacco Company Office Building (Kinston MPS), 426 N. Heritage St., Kinston, MP100000898

Lincoln County

Rock Spring Camp Ground (Boundary Increase), 6831 Campground Rd., Denver, BC100000899

Macon County

Prince, Elizabeth Wright, House, 524 N. 4th St., Highlands, SG100000901

Pender County

SS. Peter and Paul's Russian Orthodox Greek Catholic Church, 2384 Front St., St. Helena, SG100000903

TENNESSEE

Robertson County

McMurray, William M., House, 313 N. Main St., Springfield, SG100000904

An additional documentation has been received for the following resource(s):

NORTH CAROLINA

Lincoln County

Rock Spring Camp Ground, 6831 Campground Rd., Denver, AD100000899

Northampton County

Edgewood, NC 305, 0.4 mi NE of NC 258, Rich Square vicinity, AD01001114

Authority: 60.13 of 36 CFR part 60.

Dated: March 7, 2017.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2017–06064 Filed 3–27–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0277]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change, of a Previously Approved Collection OJJDP National Training and Technical Assistance Center (NTTAC) Feedback Form package

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until May 30, 2017.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Linda Rosen, Training and Technical Assistance Specialist at 1–202–353–9222, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Department of Justice, 810 7th Street NW., Washington, DC 20530 or by email at *Linda.Rosen@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

— Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office of Juvenile Justice and Delinquency Prevention, including whether the information will have practical utility;
— Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
— Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
— Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* OJJDP NTTAC Feedback Form Package.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* All forms approved under number 1121–0277. The applicable component within the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The Office for Juvenile Justice and Delinquency Prevention National Training and Technical Assistance Center (NTTAC) Feedback Form Package is designed to collect in-person and online data necessary to continuously assess the outcomes of the assistance provided for both monitoring and accountability purposes and for continuously assessing and meeting the needs of the field. OJJDP NTTAC will send these forms to technical assistance (TA) recipients; conference attendees; training and TA providers; online meeting participants; in-person meeting participants; and focus group participants to capture important feedback on the recipients' satisfaction with the quality, efficiency, referrals, information and resources provided and assess the recipients' additional training and TA needs. The data will then be used to advise NTTAC on ways to improve the support provided to its users; the juvenile justice field at-large; and ultimately improve services and outcomes for youth.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 5140 respondents will complete forms and the response time will range from .03 hours to 1.5 hours.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 470.83 total annual burden hours associated with this collection.

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 23, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–06115 Filed 3–27–17; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[OMB Number 1117–0043]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension With or Without Change, of a Previously Approved Collection Drug Questionnaire (DEA–341)

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until May 30, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Diane E. Filler, Assistant Administrator, Human Resources Division, Drug Enforcement Administration, 8701 Morrissette Dr., Springfield, VA 22152.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Drug Questionnaire.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is DEA–341. The applicable component within the Department of Justice is the Drug Enforcement Administration.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected Public: Individuals.

Others: None.

DEA is requesting an extension of a currently approved collection. This collection requires the drug history of any individual seeking employment with DEA. DEA policy states that a past history of illegal drug use may result in ineligibility for employment. The form asks job applicants specific questions about their personal history, if any, of illegal drug use.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 15,000 respondents will respond taking approximately 5 minutes to complete the questionnaire.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 1,250 hours. It is estimated that respondents will take 5 minutes to complete the questionnaire. The burden hours for collecting respondent data sum to 1,250 hours (15,000 respondents × 5 minutes = 75,000 hours/60 seconds = 1250 hours).

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 23, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–06079 Filed 3–27–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJP) Docket No. 1736]

Meeting of the Global Justice Information Sharing Initiative Federal Advisory Committee

AGENCY: Office of Justice Programs (OJP), Justice.

ACTION: Notice of meeting.

SUMMARY: This is an announcement of a meeting of the Global Justice Information Sharing Initiative (Global) Federal Advisory Committee (GAC) to discuss the Global Initiative, as described at *www.it.ojp.gov/global.*

DATES: The meeting will take place on Monday, May 15, 2017, from 8:30 a.m. to 4:30 p.m. ET.

ADDRESSES: The meeting will take place at the Office of Justice Programs offices (in the Main Conference Room), 810 7th Street, Washington, DC 20531; Phone: (202) 514–2000 [note: this is not a toll-free number].

FOR FURTHER INFORMATION CONTACT: J. Patrick McCreary, Global Designated Federal Employee (DFE), Bureau of Justice Assistance, Office of Justice Programs, 810 7th Street, Washington, DC 20531; Phone: (202) 616–0532 [note: this is not a toll-free number]; Email: *James.P.McCreary@usdoj.gov.*

SUPPLEMENTARY INFORMATION: This meeting is open to the public. Due to security measures, however, members of the public who wish to attend this meeting must register with Mr. J. Patrick McCreary at the above address at least (7) days in advance of the meeting. Registrations will be accepted on a space available basis. Access to the meeting will not be allowed without registration. All attendees will be required to sign in at the meeting registration desk. Please bring photo identification and allow extra time prior to the meeting.

Anyone requiring special accommodations should notify Mr. McCreary at least seven (7) days in advance of the meeting.

Purpose: The GAC will act as the focal point for justice information systems integration activities in order to facilitate the coordination of technical, funding, and legislative strategies in support of the Administration's justice priorities.

The GAC will guide and monitor the development of the Global information sharing concept. It will advise the Assistant Attorney General, OJP; the Attorney General; the President (through the Attorney General); and local, state, tribal, and federal policymakers in the executive, legislative, and judicial branches. The GAC will also advocate for strategies for accomplishing a Global information sharing capability.

Interested persons whose registrations have been accepted may be permitted to participate in the discussions at the discretion of the meeting chairman and with approval of the DFE.

J. Patrick McCreary,

Global Designated Federal Employee, Bureau of Justice Assistance, Office of Justice Programs.

[FR Doc. 2017–06063 Filed 3–27–17; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Fiscal Year (FY) 2016 Through FY 2017 Stand Down Grant Requests

AGENCY: Veterans' Employment and Training Service (VETS), Department of Labor.

ACTION: Amendment to **Federal Register**, 80 FR 80390 (Dec. 24, 2015) [FR Doc. 2015–32406 Filed 12–23–15; 8:45 a.m.].

SUMMARY: This notice amends 80 FR 80390 (Dec. 24, 2015) [FR Doc. 2015–32406 Filed 12–23–15; 8:45 a.m.]. The revised language is below:

I. Funding Opportunity Description

The following service must be available for homeless veteran participants during the Stand Down event:

- Department of Labor (DOL)—State Workforce Agency (SWA) employment and training services to include Disabled Veterans' Outreach Program (DVOP) specialist or other American Job Center (AJC) staff (see the following link to locate available resources in your area: *www.servicelocator.org*).

The following services are strongly encouraged, where available:

- Department of Veterans Affairs (VA)—benefits, medical and mental health services, and
- Referral services to secure immediate emergency housing.

IV. Application Content

7. The following letter of support must be provided:

The state or local AJC and/or DVOP specialist(s) stating they will provide Department of Labor-funded employment and training services at the Stand Down event. These basic or core services are required in Section I.

The following three letters of support are strongly encouraged but not required to receive an award:

A. the VA stating what benefits, medical and mental health services will be available at the event as encouraged in Section I.

B. the organization that will provide immediate emergency housing based on referrals from the Stand Down event as encouraged in Section I, and

C. different organizations such as the Department of Housing and Urban Development, the local Continuum of Care, Veteran Service Organizations, state and local government agencies, local businesses, and local on-profit organizations including community based and faith-based organizations that will support the event.

FOR FURTHER INFORMATION CONTACT: Thomas Martin, Grant Officer, Office of Grants Management, at (202) 693-2989, *Martin.Thomas@dol.gov.*

Sam Shellenberger,

Deputy Assistant Secretary, Veterans' Employment and Training Service.

[FR Doc. 2017–06106 Filed 3–27–17; 8:45 am]

BILLING CODE 4510–79–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Job Corps Enrollee Allotment Determination

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment Training Administration (ETA) sponsored information collection request (ICR) titled, ''Job Corps Enrollee Allotment Determination,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 27, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201702-1205-002* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Job Corps Enrollee Allotment Determination information collection. More specifically, a Job Corps enrollee may elect to have a portion of his or her readjustment allowance/transition payment sent to a dependent on a bi-weekly basis. Form ETA 658, Allotment Request, provides the information necessary to administer these allotments. Workforce Innovation and Opportunity Act section 145 authorizes this information collection. *See* 29 U.S.C. 3195.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0030.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on March 31, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 9, 2016 (81 FR 89153).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0030. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Job Corps Enrollee Allotment Determination.

OMB Control Number: 1205–0030.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 1,749.

Total Estimated Number of Responses: 1,749.

Total Estimated Annual Time Burden: 87 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: March 20, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–06073 Filed 3–27–17; 8:45 am]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0089]

Proposed Extension of Information Collection; Safety Defects; Examination, Correction, and Records

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Safety Defects; Examination, Correction, and Records.

DATES: All comments must be received on or before May 30, 2017.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2017–0002.
- *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.
- *Hand Delivery:* USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners.

Compressed-air receivers and other unfired pressure vessels must be inspected by inspectors holding a valid National Board Commission and in accordance with the applicable chapters of the National Board Inspection Code, a Manual for Boiler and Pressure Vessels Inspectors, 1979. Safety defects found on compressed-air receivers and other unfired pressure vessels have caused injuries and fatalities in the mining industry.

Records of inspections must be kept in accordance with the requirements of the National Board Inspection Code and the records must be made available to the Secretary or an authorized representative.

Fired pressure vessels (boilers) must be equipped with water level gauges, pressure gauges, automatic pressure-relief valves, blowdown piping and other safety devices approved by the American Society of Mechanical Engineers (ASME) to protect against hazards from overpressure, flameouts, fuel interruptions and low water level.

Records of inspection and repairs must be retained by the mine operator in accordance with the requirements of the ASME Boiler and Pressure Vessel Code, 1977, and the National Board Inspection Code (progressive records—no limit on retention time) and shall be made available to the Secretary or an authorized representative.

Operators must inspect equipment, machinery, and tools that are to be used during a shift for safety defects before the equipment is placed in operation. Defects affecting safety are required to be corrected in a timely manner. In instances where the defect makes continued operation of the equipment hazardous to persons, the equipment must be removed from service, tagged to identify that it is out of use, and repaired before use is resumed.

Safety defects on self-propelled mobile equipment account for many injuries and fatalities in the mining industry. Inspection of this equipment prior to use is required to ensure safe operation. The equipment operator is required to make a visual and operational check of the various primary operating systems that affect safety, such as brakes, lights, horn, seatbelts, tires, steering, back-up alarm, windshield, cab safety glass, rear and side view mirrors, and other safety and health related items.

Any defects found are required to be either corrected immediately, or reported to and recorded by the mine operator prior to the timely correction. A record is not required if the defect is corrected immediately, *i.e.* a defect that the operator can fix without a mechanic such as a light bulb that needs turned tighter. The precise format in which the record is kept is left to the discretion of the mine operator. Reports of uncorrected defects are required to be recorded by the mine operator and kept at the mine office from the date the defects are recorded, until the defects are corrected.

A competent person designated by the operator must examine each working place at least once each shift for conditions which may adversely affect safety or health. A record of such examinations must be kept by the operator for a period of one year and must be made available for review by the Secretary or an authorized representative.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Safety Defects; Examination, Correction, and Records. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Safety Defects; Examination, Correction, and Records. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0089.

Affected Public: Business or other for-profit.

Number of Respondents: 11,660.

Frequency: On occasion.

Number of Responses: 3,470,695.

Annual Burden Hours: 768,728 hours.

Annual Respondent or Recordkeeper Cost: $154,300.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2017–06074 Filed 3–27–17; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Longshore and Harbor Workers' Compensation Proposed Extension of Existing Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation (OWCP) is soliciting comments concerning the proposed collection: Pre-Hearing Statement (LS–18). A copy of the proposed information collection request can be obtained by contacting the office listed below in the address section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before May 30, 2017.

ADDRESSES: Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3233, Washington, DC 20210, telephone/fax (202) 354–9647, Email *Ferguson.Yoon@dol.gov.* Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. Background: The Office of Workers' Compensation Programs, (OWCP) administers the Longshore and Harbor Workers' Compensation Act. The Act provides benefits to workers injured in maritime employment on the navigable waters of the United States or in an adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel. In addition, several acts extend the Longshore Act's coverage to certain other employees.

Title 20, CFR 702.317 provides for the referral of claims under the Longshore Act for formal hearings. This Section provides that before a case is transferred to the Office of Administrative Law Judges the district director shall furnish each of the parties or their representatives with a copy of a pre-hearing statement form. Each party shall, within 21 days after receipt of each form, complete it and return it to the district director. Upon receipt of the forms, the district director, after checking them for completeness and after any further conferences that, in his/her opinion, are warranted, shall transmit them to the Office of the Chief Administrative Law Judge with all available evidence which the parties intend to submit at the hearing. This information collection is currently approved for use through August 31, 2017.

II. Review Focus: The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* enhance the quality, utility and clarity of the information to be collected; and

* minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions: The Department of Labor seeks the extension of approval of this information collection in order to carry out its responsibility to refer cases for formal hearings.

Agency: Office of Workers' Compensation Programs.

Type of Review: Extension.

Title: Pre-Hearing Statement.

OMB Number: 1240–0036.

Agency Number: LS–18.

Affected Public: Insurance carriers and self-insurers.

Total Respondents: 3,513.

Total Annual Responses: 3,513.

Estimated Total Burden Hours: 597.

Estimated Time per Response: 10 minutes.

Frequency: On occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $1,590.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 15, 2017.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

[FR Doc. 2017–06108 Filed 3–27–17; 8:45 am]

BILLING CODE 4510–CF–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (17–015)]

Notice of Intent To Grant an Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant an exclusive license.

SUMMARY: NASA hereby gives notice of its intent to grant an exclusive license in the United States to practice the invention described and claimed in U.S Non-Provisional Patent Application Serial No. 13/757,929, entitled ''MULTI-Gb/s LASER COMMUNICATIONS TERMINAL FOR MINI-SPACECRAFT,'' NASA Case No. NPO–48413, and any issued patents or continuations in part resulting therefrom, to OnOffBlock, Inc., having its principal place of business in Naperville, Illinois.

DATES: The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, NASA Management Office, Jet Propulsion Laboratory, 4800 Oak Grove Drive, M/S 180–800C, Pasadena, CA 91109, (818) 854–7770 (phone), (818) 393–2607 (fax).

FOR FURTHER INFORMATION CONTACT: Mark Homer, Patent Counsel, NASA Management Office, Jet Propulsion Laboratory, 4800 Oak Grove Drive, M/S 180–800C, Pasadena, CA 91109, (818) 854–7770 (phone), (818) 393–2607 (fax).

SUPPLEMENTARY INFORMATION: This notice of intent to grant an exclusive patent license is issued in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective exclusive license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at http://technology.nasa.gov.

Mark P. Dvorscak,

Agency Counsel for Intellectual Property.

[FR Doc. 2017–06122 Filed 3–27–17; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board's Committee on Awards and Facilities, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

DATE AND TIME: April 11, 2017 from 11:00 a.m.–12:00 p.m. EDT.

SUBJECT MATTER: (1) Committee Chair's opening remarks; (2) Antarctic Infrastructure Modernization for Science (AIMS).

STATUS: Closed.

This meeting will be held by teleconference at the National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Please refer to the National Science Board Web site *www.nsf.gov/nsb* for additional information. Meeting information and updates (time, place, subject or status of meeting) may be found at *http://www.nsf.gov/nsb/meetings/notices.jsp.* Point of contact for this meeting is: Elise Lipkowitz, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–7000.

Chris Blair,

Executive Assistant to the NSB Office.

[FR Doc. 2017–06193 Filed 3–24–17; 4:15 pm]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board's Committee on Awards and Facilities, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C.

1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

DATE AND TIME: April 10, 2017 from 4:00–5:00 p.m. EDT.

SUBJECT MATTER: (1) Committee Chair's opening remarks; (2) NEON update including scenarios for operations and maintenance.

STATUS: Closed.

This meeting will be held by teleconference at the National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Please refer to the National Science Board Web site *www.nsf.gov/nsb* for additional information. Meeting information and updates (time, place, subject or status of meeting) may be found at *http://www.nsf.gov/nsb/meetings/notices.jsp.* Point of contact for this meeting is: Elise Lipkowitz, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–7000.

Chris Blair,

Executive Assistant to the NSB Office.

[FR Doc. 2017–06191 Filed 3–24–17; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Notice of Meeting

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on April 6–8, 2017, 11545 Rockville Pike, Rockville, Maryland.

Thursday, April 6, 2017, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting

8:35 a.m.–9:45 a.m.: Preparation for Commission Meeting (Open)—The Committee will prepare for the Commission Meeting

10:00 a.m.–12:00 p.m.: Meeting with the Commission (Open)—The Committee will discuss mutual topics of interest with the Commission

1:30 p.m.–3:00 p.m.: NuScale Topical Report 1015–18653, ''Highly Integrated Protection System Platform'' (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and NuScale regarding the subject topical report. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

3:15 p.m.–5:30 p.m.: Subsequent License Renewal (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding revision to the Generic Aging Lessons Learned Report and Standard Review Plan to ensure effective aging management of structures and components in the 60–80 year operating period

5:30 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

Friday, April 7, 2017, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–10:15 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations (Open/Closed)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS Meetings, and matters related to the conduct of ACRS business, including anticipated workload and member assignments. The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters. [**Note:** A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

10:30 a.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports during this meeting. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

Saturday, April 8, 2017, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–11:30 a.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports discussed during this meeting. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

11:30 a.m.–12:00 p.m.: Miscellaneous (Open)—The Committee will continue its discussion related to the conduct of Committee activities and specific issues that were not completed during previous meetings.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016 (81 FR 71543). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the

Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated at Rockville, Maryland, this 23rd day of March 2017.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2017–06095 Filed 3–27–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0066]

Information Collection: NRC Form 4, ''Cumulative Occupational Exposure History''

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, NRC Form 4, ''Cumulative Occupational Exposure History.''

DATES: Submit comments by May 30, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0066. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–5 F53, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0066 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0066.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The supporting statement and is available in ADAMS under Accession ADAMS ML16357A562.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

Please include Docket ID NRC–2017–0066 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* NRC Form 4, ''Cumulative Occupational Dose History.''
2. *OMB approval number:* 3150–0005.
3. *Type of submission, new, revision, or Extension:* Extension.
4. *The form number, if applicable:* NRC Form 4.
5. *How often the collection is required or requested:* On occasion. The NRC does not collect NRC Form 4. However, NRC inspects the NRC Form 4 records at NRC-licensed facilities.
6. *Who will be required or asked to respond:* NRC licensees who are required to comply with part 20 of title 10 of the Code of Federal Regulations (10 CFR part 20).

7. *The estimated number of annual responses:* 221,220 (217,079 third party disclosure + 4,141 recordkeepers).

8. *The estimated number of annual respondents:* 4,141.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 29,350.

10. *Abstract:* The NRC Form 4 is used to record the summary of an occupational worker's cumulative occupational radiation dose, including prior occupational exposure and the current year's occupational radiation exposure. The NRC Form 4 is used by licensees, and inspected by the NRC, to ensure that occupational radiation doses do not exceed the regulatory limits specified in 10 CFR 20.1501.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 22nd day of March 2017.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2017–06018 Filed 3–27–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0001]

Sunshine Act Meeting Notice

DATE: Weeks of March 27, April 3, 10, 17, 24, May 1, 2017.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of March 27, 2017

There are no meetings scheduled for the week of March 27, 2017.

Week of April 3, 2017—Tentative

Tuesday, April 4, 2017

10:00 a.m. Meeting with the Organization of Agreement States and the Conference of Radiation Control Program Directors (Public Meeting) (Contact: Paul Michalak: 301–415–5804)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, April 6, 2017

10:00 a.m. Meeting with Advisory Committee on Reactor Safeguards (Public Meeting) (Contact: Mark Banks: 301–415–3718)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of April 10, 2017—Tentative

There are no meetings scheduled for the week of April 10, 2017.

Week of April 17, 2017—Tentative

There are no meetings scheduled for the week of April 17, 2017.

Week of April 24, 2017—Tentative

Wednesday, April 26, 2017

9:00 a.m.—Briefing on the Status of Subsequent License Renewal Preparations (Public Meeting) (Contact: Steven Bloom: 301–415–2431)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, April 27, 2017

10:00 a.m.—Meeting with the Advisory Committee on the Medical Uses of Isotopes (Public Meeting) (Contact: Douglas Bollock: 301–415–6609)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of May 1, 2017—Tentative

There are no meetings scheduled for the week of May 1, 2017.

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

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The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

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Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: March 23, 2017.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2017–06161 Filed 3–24–17; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0080]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from February 28, 2017 to March 13, 2017. The last biweekly notice was published on March 14, 2017.

DATES: Comments must be filed by April 27, 2017. A request for a hearing must be filed by May 30, 2017.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0080. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Paula Blechman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2242; email: *Paula.Blechman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0080, facility name, unit number(s), plant docket number, application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0080.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0080, facility name, unit number(s), plant docket number, application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by May 30, 2017. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC's Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Entergy Nuclear Operations, Inc., Docket No. 50–293, Pilgrim Nuclear Power Station (PNPS), Plymouth County, Massachusetts

Date of amendment request: February 14, 2017. A publicly available version is in ADAMS under Accession No. ML17053A468.

Description of amendment request: The amendment would revise certain staffing and training requirements, reports, programs, and editorial changes in the Technical Specifications (TS) Table of Contents; Section 1.0, ''Definitions''; Section 4.0, ''Design Features''; and Section 5.0, ''Administrative Controls'' that will no longer be applicable once PNPS is permanently defueled.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment would not take effect until PNPS has permanently ceased operation and entered a permanently defueled condition and the Certified Fuel Handler Training and Retraining Program is approved by the NRC. The proposed amendment would modify the PNPS TS by deleting the portions of the TS that are no longer applicable to a permanently defueled facility, while modifying the other sections to correspond to the permanently defueled condition.

The deletion and modification of provisions of the administrative controls do not directly affect the design of structures, systems, and components (SSCs) necessary for safe storage of irradiated fuel or the methods used for handling and storage of such fuel in the spent fuel pool. The changes to the administrative controls are administrative in nature and do not affect any accidents applicable to the safe management of irradiated fuel or the permanently shutdown and defueled condition of the reactor. Thus, the consequences of an accident previously evaluated are not increased.

In a permanently defueled condition, the only credible accidents are the fuel handling accident (FHA) and those involving radioactive waste systems remaining in service. The probability of occurrence of previously evaluated accidents is not increased, because extended operation in a defueled condition will be the only operation allowed. This mode of operation is bounded by the existing analyses. Additionally, the occurrence of postulated accidents associated with reactor operation is no longer credible in a permanently defueled reactor. This significantly reduces the scope of applicable accidents.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes have no impact on facility SSCs affecting the safe storage of irradiated fuel, or on the methods of operation of such SSCs, or on the handling and storage of irradiated fuel itself. The administrative removal or modifications of the TS that are related only to administration of the facility cannot result in different or more adverse failure modes or accidents than previously evaluated because the reactor will be permanently shutdown and defueled and PNPS will no longer be authorized to operate the reactor or retain or place fuel in the reactor vessel.

The proposed changes to the PNPS TS do not affect systems credited in the accident analysis for the FHA or radioactive waste system upsets at PNPS. The proposed TS will continue to require proper control and monitoring of safety significant parameters and activities.

The proposed amendment does not result in any new mechanisms that could initiate damage to the remaining relevant safety barriers for defueled plants (fuel cladding and spent fuel cooling). Extended operation in a defueled condition will be the only operation allowed, and it is bounded by the existing analyses, such a condition does not create the possibility of a new or different kind of accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Since the 10 CFR part 50 license for PNPS will no longer authorize operation of the reactor or emplacement or retention of fuel into the reactor vessel once the certifications required by 10 CFR 50.82(a)(1) are docketed, as specified in 10 CFR 50.82(a)(2), the occurrence of postulated accidents associated with reactor operation is no longer credible. The only remaining credible accidents are a FHA and those involving radioactive waste systems remaining in service. The proposed amendment does not adversely affect the inputs or assumptions of any of the design basis analyses that impact these analyzed conditions.

The proposed changes are limited to those portions of the TS that are not related to the safe storage of irradiated fuel. The requirements that are proposed to be revised or deleted from the PNPS TS are not credited in the existing accident analysis for the remaining applicable postulated accident; and as such, do not contribute to the margin of safety associated with the accident analysis. Postulated design basis accidents involving the reactor are no longer possible because the reactor will be permanently shutdown and defueled and PNPS will no longer be authorized to operate the reactor or retain or place fuel in the reactor vessel.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeanne Cho, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: Douglas A. Broaddus.

Exelon Generation Company, LLC, Docket No. 50–410, Nine Mile Point Nuclear Station, Unit 2 (NMP2), Oswego County, New York

Date of amendment request: December 13, 2016, as supplemented by letter dated February 17, 2017. Publicly-available versions are in ADAMS under Accession Nos. ML16348A368 and ML17048A034, respectively.

Description of amendment request: The amendment would revise the NMP2 technical specification (TS) safety limit (SL) to increase the low pressure isolation setpoint allowable value, which will result in earlier main steam line isolation. The revised main steam line low pressure isolation capability and the revised SL are intended to ensure that NMP2 remains within the TS SLs in the event of a pressure regulator failure maximum demand transient.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below, with NRC staff edits in square brackets:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated because decreasing the reactor dome pressure in TS SL 2.1.1.1 and TS SL 2.1.1.2 for reactor RTP [rated thermal power] ranges and increasing the AV [allowable value] for the Main Steam Line Pressure-Low on TS Table 3.3.6.1–1, Function b, effectively expands the range of applicability for GEXL correlation and the calculation of MCPR [minimum critical power ratio]. The CPR [critical power ratio] rises during the pressure reduction following the scram that terminates the PRFO [pressure regulator failure—maximum demand (open)] transient. The reduction in the reactor dome pressure value in the SL from 785 psig [pounds per square inch gauge] to 700 psia [pounds per square inch absolute] and the increase in the AV from ≥746 psig to ≥814 psig adequately accommodate the pressure reduction during the PRFO transient within the revised TS limit without compromising fuel integrity.

The expanded GEXL correlation range supports NMP2 revised low pressure safety limit of 700 psia. The proposed TS revision involves no significant changes to the operation of any systems or components in normal or accident or transient operating conditions.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed reduction in the reactor dome pressure value in the SL from 785 psig to 700 psia reflects a wider range of applicability for the GEXL correlation which is approved by the NRC for both GE14 currently in NMP2 and GNF2 fuels proposed for NMP2. The proposed changes do not involve physical changes to the plant or its operating characteristics. In addition, the increase in the AV for the MSL [main steam line] low pressure from ≥746 psig to ≥814 psig will result in the MSIV [main steam isolation valve] closure signal initiation at a higher temperature. As a result, no new failure modes are being introduced.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not involve a significant reduction in a margin of safety because the margin of safety is established through the design of the plant structures, systems, and components, and through the parameters for safe operation and setpoints for the actuation of equipment relied upon to respond to transients and design basis accidents. The proposed change in reactor dome pressure SLs and the AV for the MSL low pressure ensures the safety margin is maintained, which protects the fuel cladding integrity during steady state operation, normal operational transients, or AOOs [anticipated operational occurrences] such as a depressurization transient, but does not change the requirements governing operation or availability of safety equipment assumed to operate to preserve the margin of safety. The proposed changes do not involve physical changes to the plant or its operating characteristics. The reduction in the reactor dome pressure value in the SL from 785 psig to 700 psia and the increase to the AV for the MSL low pressure provides added margin to accommodate the pressure reduction during the PRFO transient within the revised TS limit without compromising fuel integrity.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Acting Branch Chief: Stephen S. Koenick.

Exelon Generation Company, LLC (Exelon), Docket No. 50–219, Oyster Creek Nuclear Generating Station (OCNGS), Ocean County, New Jersey

Date of amendment request: February 20, 2017. A publicly-available version is available in ADAMS under Accession No. ML17051A003.

Description of amendment request: The licensee proposes to delete from the Facility Operating License (FOL) certain license conditions, which impose specific requirements on the decommissioning trust agreement. The licensee proposes to meet the provisions of 10 CFR 50.75(h) for OCNGS.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The requested changes delete License Conditions 3.F through 3.K pertaining to Decommissioning Trust Agreements currently in the OCNGS FOL. The requested changes are consistent with the types of license amendments [identified] in 10 CFR 50.75(h)(4).

The regulations of 10 CFR 50.75(h)(4) state ''Unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility that does no more than delete specific license conditions relating to the terms and conditions of decommissioning trust agreements involves ''no significant hazard considerations.''

This request involves changes that are administrative in nature. No actual plant equipment or accident analyses will be affected by the proposed changes.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequence of an accident previously evaluated.

2. Does the [p]roposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This request involves administrative changes to the license that will be consistent with the NRC's regulations at 10 CFR 50.75(h).

No actual plant equipment or accident analyses will be affected by the proposed change and no failure modes not bounded by previously evaluated accidents will be created.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is associated with confidence in the ability of the fission product barriers to limit the level of radiation dose to the public.

This request involves administrative changes to the license that will be consistent with the NRC's regulations at 10 CFR 50.75(h).

No actual plant equipment or accident analyses will be affected by the proposed change. Additionally, the proposed changes will not relax any criteria used to establish safety limits, will not relax any safety systems settings, or will not relax the bases for any limiting conditions of operation.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Douglas A. Broaddus.

Exelon Generation Company, LLC and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3, York and Lancaster Counties, Pennsylvania

Date of amendment request: January 30, 2017. A publicly-available version is in ADAMS under Accession No. ML17030A302.

Description of amendment request: The amendments would replace existing Technical Specification (TS) requirements related to ''operations with a potential for draining the reactor vessel'' (OPDRVs) with new requirements on reactor pressure vessel (RPV) water inventory control (WIC) to protect Safety Limit 2.1.1.3. Safety Limit 2.1.1.3 requires RPV water level to be greater than the top of active irradiated fuel. The proposed changes are based on TS Task Force (TSTF) Traveler TSTF–542, Revision 2, ''Reactor Pressure Vessel Water Inventory Control.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes replace existing TS requirements related to OPDRVs with new requirements on RPV WIC that will protect Safety Limit 2.1.1.3. Draining of RPV water inventory in Mode 4 (*i.e.,* cold shutdown) and Mode 5 (*i.e.,* refueling) is not an accident previously evaluated and, therefore, replacing the existing TS controls to prevent or mitigate such an event with a new set of controls has no effect on any accident previously evaluated. RPV water inventory control in Mode 4 or Mode 5 is not an initiator of any accident previously evaluated. The existing OPDRV controls or the proposed RPV WIC controls are not mitigating actions assumed in any accident previously evaluated.

The proposed changes reduce the probability of an unexpected draining event (which is not a previously evaluated accident) by imposing new requirements on the limiting time in which an unexpected draining event could result in the reactor vessel water level dropping to the top of the active fuel (TAF). These controls require cognizance of the plant configuration and control of configurations with unacceptably short drain times. These requirements reduce the probability of an unexpected draining event. The current TS requirements are only mitigating actions and impose no requirements that reduce the probability of an unexpected draining event.

The proposed changes reduce the consequences of an unexpected draining event (which is not a previously evaluated accident) by requiring an Emergency Core Cooling System (ECCS) subsystem to be operable at all times in Modes 4 and 5. The current TS requirements do not require any water injection systems, ECCS or otherwise, to be Operable in certain conditions in Mode 5. The change in requirement from two ECCS subsystems to one ECCS subsystem in Modes 4 and 5 does not significantly affect the consequences of an unexpected draining event because the proposed Actions ensure equipment is available within the limiting drain time that is as capable of mitigating the event as the current requirements. The proposed controls provide escalating compensatory measures to be established as calculated drain times decrease, such as verification of a second method of water injection and additional confirmations that containment and/or filtration would be available if needed.

The proposed changes reduce or eliminate some requirements that were determined to be unnecessary to manage the consequences of an unexpected draining event, such as automatic initiation of an ECCS subsystem and control room ventilation. These changes do not affect the consequences of any accident previously evaluated since a draining event in Modes 4 and 5 is not a previously evaluated accident and the requirements are not needed to adequately respond to a draining event.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes replace existing TS requirements related to OPDRVs with new requirements on RPV WIC that will protect Safety Limit 2.1.1.3. The proposed changes will not alter the design function of the equipment involved. Under the proposed changes, some systems that are currently required to be operable during OPDRVs would be required to be available within the limiting drain time or to be in service depending on the limiting drain time. Should those systems be unable to be placed into service, the consequences are no different than if those systems were unable to perform their function under the current TS requirements. The event of concern under the current requirements and the proposed changes are an unexpected draining event. The proposed changes do not create new failure mechanisms, malfunctions, or accident initiators that would cause a draining event or a new or different kind of accident not previously evaluated or included in the design and licensing bases.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes replace existing TS requirements related to OPDRVs with new requirements on RPV WIC. The current requirements do not have a stated safety basis and no margin of safety is established in the licensing basis. The safety basis for the new requirements is to protect Safety Limit 2.1.1.3. New requirements are added to determine the limiting time in which the RPV water inventory could drain to the top of the fuel in the reactor vessel should an unexpected draining event occur. Plant configurations that could result in lowering the RPV water level to the TAF within one hour are now prohibited. New escalating compensatory measures based on the limiting drain time replace the current controls. The proposed TS establish a safety margin by providing defense-in-depth to ensure that the Safety Limit is protected and to protect the public health and safety. While some less restrictive requirements are proposed for plant configurations with long calculated drain times, the overall effect of the change is to improve plant safety and to add safety margin.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Rd., Warrenville, IL 60555.

NRC Branch Chief: James G. Danna.

Florida Power & Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: January 23, 2017. A publicly-available version is in ADAMS under Accession No. ML17025A399.

Description of amendment request: The amendments would modify the St. Lucie Plant, Unit Nos. 1 and 2, Technical Specifications (TSs) by limiting the MODE of applicability for the Reactor Protection System (RPS), Startup, and Operating Rate of Change of Power—High, functional unit trip. Additionally, the proposed license amendments add new Limiting Condition for Operation (LCO) 3.0.5 and relatedly modifies LCO 3.0.2, to provide for placing inoperable equipment under administrative control for the purpose of conducting testing required to demonstrate OPERABILITY.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Limiting the MODE 1 applicability for RPS functional unit, Startup and Operating Rate of Change of Power—High, to Power Range Neutron Flux Power ≤15% of RATED THERMAL POWER, is an administrative change in nature and does not alter the manner in which the functional unit is operated or maintained. The proposed changes do not represent any physical change to plant [structures, systems, and components (SSC(s))], or to procedures established for plant operation. The subject RPS functional unit is not an event initiator nor is it credited in the mitigation of any event or credited in the [probabilistic risk assessment (PRA)]. As such, the initial conditions associated with accidents previously evaluated and plant systems credited for mitigating the consequences of accidents previously evaluated remain unchanged.

The proposed addition of new LCO 3.0.5 to the St. Lucie Unit 1 and Unit 2 TS and related modification to LCO 3.0.2 is consistent with the guidance provided in NUREG–1432, Volume 1 [ADAMS Accession No. ML12102A165] (Reference 6.1 [of the amendment request]) and thereby has been previously evaluated by the Commission with a determination that the proposed change does not involve a significant hazards consideration.

Therefore, facility operation in accordance with the proposed license amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Limiting the MODE 1 applicability for the RPS functional unit, Startup and Operating Rate of Change of Power—High, to Power Range Neutron Flux Power ≤ 5% of RATED THERMAL POWER, is an administrative change in nature and does not involve the addition of any plant equipment, methodology or analyses. The proposed changes do not alter the design, configuration, or method of operation of the subject RPS functional unit or of any other SSC. More specifically, the proposed changes neither alter the power rate-of-change trip function nor its ability to bypass and reset as required. The subject RPS functional unit remains capable of performing its design function.

The proposed addition of new LCO 3.0.5 to the St. Lucie Unit 1 and Unit 2 TS and related modification to LCO 3.0.2 is consistent with the guidance provided in NUREG–1432, Volume 1 (Reference 6.1 [of the amendment request]) and thereby has been previously evaluated by the Commission with a determination that the proposed change does not involve a significant hazards consideration.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Limiting the MODE 1 applicability for RPS functional unit, Startup and Operating Rate of Change of Power—High, to Power Range Neutron Flux Power ≤15% of RATED THERMAL POWER is an administrative change in nature. The proposed changes neither involve changes to any safety analyses assumptions, safety limits, or limiting safety system settings nor do they adversely impact plant operating margins or the reliability of equipment credited in safety analyses.

The proposed addition of new LCO 3.0.5 to the St. Lucie Unit 1 and Unit 2 TS and related modification to LCO 3.0.2 is consistent with the guidance provided in NUREG–1432, Volume 1 (Reference 6.1 [of the amendment request]) and thereby has been previously evaluated by the Commission with a determination that the proposed change does not involve a significant hazards consideration.

Therefore, operation of the facility in accordance with the proposed amendment will not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William S. Blair, Managing Attorney—Nuclear, Florida Power & Light Company, 700 Universe Boulevard, MS LAW/JB, Juno Beach, FL 33408–0420.

NRC Branch Chief: Benjamin G. Beasley.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1 (FCS), Washington County, Nebraska

Date of amendment request: December 16, 2016. A publicly-available version is in ADAMS under Accession No. ML16351A464.

Description of amendment request: The proposed amendment would revise the FCS Emergency Plan and Emergency Action Level (EAL) scheme for the permanently defueled condition. The proposed permanently defueled Emergency Plan and EAL scheme are commensurate with the significantly reduced spectrum of credible accidents that can occur in the permanently defueled condition and are necessary to properly reflect the conditions of the facility while continuing to preserve the effectiveness of the emergency plan.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to the FCS Emergency Plan and EAL scheme do not impact the function of facility structures, systems, or components. The proposed changes do not affect accident initiators or precursors, nor does it alter design assumptions. The proposed changes do not prevent the ability of the on-shift staff and emergency response organization to perform their intended functions to mitigate the consequences of any accident or event that will be credible in the permanently defueled condition.

The probability of occurrence of previously evaluated accidents is not increased, because most previously analyzed accidents can no longer occur and the probability of the few remaining credible accidents are unaffected by the proposed amendment.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes reduce the scope of the FCS Emergency Plan and EAL scheme commensurate with the hazards associated with a permanently shutdown and defueled facility. The proposed changes do not involve installation of new equipment or modification of existing equipment, so that no new equipment failure modes are introduced. Also, the proposed changes do not result in a change to the way that the equipment or facility is operated resulting in new or different kinds of accident initiators or accident mitigation.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is associated with confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the level of radiation dose to the public. The proposed changes are associated with the FCS Emergency Plan and EAL scheme and do not impact operation of the facility or its response to transients or accidents. The change does not affect the Technical Specifications. The proposed changes do not involve a change in the method of facility operation, and no accident analyses will be affected by the proposed changes. Safety analysis acceptance criteria are not affected by the proposed changes. The revised Emergency Plan will continue to provide the necessary response staff.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David A. Repka, Esq., Winston & Strawn, 1700 K Street NW., Washington, DC 20006–3817.

NRC Branch Chief: Douglas A. Broaddus.

PSEG Nuclear LLC, Docket Nos. 50–354, 50–272, and 50–311, Hope Creek Generating Station (HCGS) and Salem Nuclear Generating Station (SGS), Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: February 13, 2017. A publicly-available version is in ADAMS under Package Accession No. ML17044A346.

Description of amendment request: The amendments would revise the HCGS and SGS, Unit Nos. 1 and 2, emergency action level (EAL) schemes. Specifically, the licensee proposes to adopt the EAL scheme described in Nuclear Energy Institute (NEI) 99–01, Revision 6, ''Development of Emergency Action Levels for Non-Passive Reactors.'' NEI 99–01, Revision 6, has been endorsed by the NRC.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to the HCGS and SGS EALs do not impact the physical function of plant structures, systems or components (SSC) or the manner in which SSCs perform their design function. The proposed changes neither adversely affect accident initiators or precursors, nor alter design assumptions. The proposed changes do not alter or prevent the ability of SSCs to perform their intended function to mitigate the consequences of an initiating event within assumed acceptance limits. No operating procedures or administrative controls that function to prevent or mitigate accidents are affected by the proposed changes. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve a physical alteration of the plant (*i.e.,* no new or different types of equipment will be installed or removed) or a change in the method of plant operation. The proposed changes will not introduce failure modes that could result in a new accident, and the changes do not alter assumptions made in the safety analysis. The proposed changes to the HCGS and SGS EALs are not initiators of any accidents. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is associated with the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the level of radiation dose to the public. The proposed changes do not impact operation of the plant or its response to transients or accidents. The changes do not affect the Technical Specifications or the operating license. The proposed changes do not involve a change in the method of plant operation, and no accident analyses will be affected by the proposed changes. Additionally, the proposed changes will not relax any criteria used to establish safety limits and will not relax any safety system settings. The safety analysis acceptance criteria are not affected by these changes. The proposed changes will not result in plant operation in a configuration outside the design basis. The proposed changes do not adversely affect systems that respond to safely shut down the plant and to maintain the plant in a safe shutdown condition. The emergency plan will continue to activate an emergency response commensurate with the extent of degradation of plant safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeffrie J. Keenan, PSEG Nuclear LLC—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Branch Chief: James G. Danna.

South Carolina Electric & Gas Company, Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station, Units 2 and 3, Fairfield, South Carolina

Date of amendment request: February 15, 2017. A publicly-available version is in ADAMS under Accession No. ML17046A660.

Description of amendment request: The amendment request proposes to revise the licensing basis information to reflect changes to the locations of the hydrogen venting primary openings in the passive core cooling system (PXS) valve/accumulator rooms inside containment. Because this proposed change requires a departure from Tier 1 information in the Westinghouse Electric Company's AP1000 Design Control Document (DCD), the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with 10 CFR 52.63(b)(1).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed revision to the hydrogen venting for the Passive Core Cooling System (PXS) Valve/Accumulator Room A (Room 11206) and clarification of the venting path definition for PXS Valve/Accumulator Room B (Room 11207) do not affect any safety-related equipment or function. The hydrogen ignition subsystem, including designed hydrogen venting features, is designed to mitigate beyond design basis hydrogen generation in the containment. The hydrogen venting changes do not involve any accident, initiating event or component failure; thus, the probabilities of the accidents previously evaluated are not affected. The modified venting locations and definitions will maintain the hydrogen ignition subsystem designed and analyzed beyond design basis function to maintain containment integrity. The maximum allowable containment leakage rate specified in the Technical Specifications is unchanged, and radiological material release source terms are not affected; thus, the radiological releases in the accident analyses are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed revision to the hydrogen venting for the Passive Core Cooling System (PXS) Valve/Accumulator Room A (Room 11206) and clarification of the venting path definition for PXS Valve/Accumulator Room B (Room 11207) will maintain the beyond design basis function of the hydrogen ignition subsystem. The hydrogen venting changes do not impact the hydrogen ignition subsystem's function to maintain containment integrity during beyond design basis accident conditions, and, thus does not introduce any new failure mode. The proposed changes do not create a new fault or sequence of events that could result in a radioactive release. The proposed changes would not affect any safety-related accident mitigating function.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed revision to the hydrogen venting for the Passive Core Cooling System (PXS) Valve/Accumulator Room A (Room 11206) and clarification of the venting path definition for PXS Valve/Accumulator Room B (Room 11207) will maintain the beyond design basis function of the hydrogen ignition subsystem. The proposed changes do not have any effect on the ability of safety-related structures, systems, or components to perform their beyond design basis functions. The proposed changes are a result of a low probability, severe accident scenario being evaluated. The revision to this scenario does not result in an increase in the plant risk (frequency and/or consequences). The frequency is low and there is no increase to the consequences because containment integrity is maintained and there is no containment leakage. There is no change to the maximum allowed containment leakage rate (0.10% of containment air weight per day) for the containment vessel. The proposed changes do not affect the ability of the hydrogen igniter subsystem to maintain containment integrity following a beyond design basis accident. The hydrogen igniter subsystem continues to meet the requirements for which it was designed and continues to meet the regulations.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius, LLC, 1111 Pennsylvania NW., Washington, DC 20004–2514.

NRC Branch Chief: Jennifer Dixon-Herrity.

South Carolina Electric & Gas Company, Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station, Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: February 16, 2017. A publicly-available version is in ADAMS under Accession No. ML17047A192.

Description of amendment request: The requested amendment proposes to depart from Tier 2 information in the Updated Final Safety Analysis Report (UFSAR) and involves changes to related plant-specific Tier 1 information, with corresponding changes to the associated combined license (COL) Appendix C information, to clarify text that currently refers to raceways with an electrical classification (*i.e.,* Class 1E/non-Class 1E). This includes rewording multiple Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) and UFSAR material to clarify that any text referring to Class 1E or non-Class 1E raceways or raceway systems is referring to raceways or raceway systems that route Class 1E or non-Class 1E circuits.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

These proposed changes are for clarification and consistency. No structure, system, or component (SSC) or function is changed within this activity. There is no change to the application of regulatory guides or industry standards to raceways or raceway systems, nor is there a change to how they are designed, fabricated, procured or installed. Raceway systems that route Class 1E circuits will continue to be designated and designed as equipment Class C, safety-related, and seismic Category I structures. The proposal to align the text in COL Appendix C (and plant-specific Tier 1) Section 3.3 with the associated ITAAC is made for clarification and consistency to reduce misinterpretation. The proposal to reword multiple ITAAC in 3.3.00.07 does not change the intent of the ITAAC, nor is the ITAAC scope or closure method impacted.

The proposed amendment does not affect the prevention and mitigation of abnormal events; *e.g.,* accidents, anticipated operation occurrences, earthquakes, floods, turbine missiles, and fires or their safety or design analyses. This change does not involve containment of radioactive isotopes or any adverse effect on a fission product barrier. There is no impact on previously evaluated accidents.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve a new failure mechanism or malfunction, which affects an SSC accident initiator, or interface with any SSC accident initiator or initiating sequence of events considered in the design and licensing bases. There is no adverse effect on radioisotope barriers or the release of radioactive materials. The proposed amendment does not adversely affect any accident, including the possibility of creating a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed changes do not create the possibility of a new or different type of accident.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

These proposed changes are for clarification and consistency to reduce misinterpretation. No SSC or function is changed within this activity. There is no change to the application of regulatory guides or industry standards to raceways or raceway systems, nor is there a change to how they are designed, fabricated, procured or installed. Raceway systems that route Class 1E circuits will continue to be designated and designed as Equipment Class C, safety-related, and seismic Category I.

The proposed changes would not affect any safety-related design code, function, design analysis, safety analysis input or result, or existing design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the requested changes.

Therefore the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW., Washington, DC, 20004–2514.

NRC Branch Chief: Jennifer Dixon-Herrity.

Southern Nuclear Operating Company, Inc., Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP), Units 3 and 4, Burke County, Georgia

Date of amendment request: August 30, 2016. A publicly-available version is in ADAMS under Accession No. ML16243A373.

Description of amendment request: The amendment request proposes a change to Updated Final Safety Analysis Report in the form of departures from the incorporated plant-specific Design Control Document (DCD) Tier 2 * information and related changes to the VEGP Units 3 and 4 Combined License (COL) Appendix C (and corresponding plant-specific DCD Tier 1) information.

Pursuant to the provisions of 10 CFR 52.63(b)(1), an exemption from elements of the design as certified in the 10 CFR part 52, Appendix D, a design certification rule is also requested for the plant-specific Tier 1 material departures. The proposed change is to the thickness of one floor in the auxiliary building located between Column Lines I to J–1 and Column Lines 2 to 4 at Elevation 153′-0″. This submittal requests approval of the license amendment, necessary to implement these changes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below with NRC staff edits in square brackets:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The design functions of the nuclear island structures are to provide support, protection, and separation for the seismic Category I mechanical and electrical equipment located in the nuclear island. The nuclear island structures are structurally designed to meet seismic Category I requirements as defined in Regulatory Guide 1.29.

The change of the thickness of the floor above the [Component Cooling Water System (CCS)] Valve Room in the auxiliary building meets criteria and requirements of American Concrete Institute (ACI) 349 and American Institute of Steel Construction (AISC) N690 and does not have an adverse impact on the response of the nuclear island structures safe shutdown earthquake ground motions or loads due to anticipated transient or postulated accident conditions. The proposed changes do not impact the support, design, or operation of mechanical and fluid systems. There is no change to plant systems or the response of systems to postulated accident conditions. There is no change to the predicted radioactive releases due to normal operation or postulated accident conditions. The plant response to previously evaluated accidents or external events is not adversely affected, nor does the change described create any new accident precursors.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change is to revise the thickness of the floor above the CCS Valve Room in the auxiliary building. The proposed changes do not change the design requirements of the nuclear island structures. The proposed changes do not change the design function, support, design, or operation of mechanical and fluid systems. The proposed changes do not result in a new failure mechanism for the nuclear island structures or new accident precursors. As a result, the design function of the nuclear island structures is not adversely affected by the proposed change.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, thus, no margin of safety is reduced.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Southern Nuclear Operating Company, Inc., Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: January 31, 2017. A publicly-available version is in ADAMS under Accession No. ML17031A446.

Description of amendment request: The requested amendment proposes to depart from Tier 2 information in the Updated Final Safety Analysis Report (UFSAR) and to change Combined License Appendix A, Technical Specifications (TS), to modify engineered safety features logic for containment vacuum relief actuation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to the UFSAR and TS will include the Containment Pressure—Low automatic reset function for the containment vacuum relief valves manual initiation logic, such that the containment vacuum relief manual actuation will be automatically reset when the containment pressure rises above the Containment Pressure—Low setpoint. This reset allows a containment isolation signal to close the valves when necessary. The Containment Pressure—Low signal is an interlock for the containment vacuum relief manual actuation such that the valves cannot be opened unless the Containment Pressure—Low setpoint has been reached in any two-out-of-four divisions. The modified logic will ensure that the automatic initiation of containment isolation is made available following manual initiation of containment vacuum relief actuation. The analyzed design and function of the Engineered Safety Features Actuation System and its actuated components is not affected. The proposed changes do not adversely affect any safety-related equipment and does not involve any accident, initiating event, or component failure, thus the probabilities of accidents previously evaluated are not affected. The proposed changes do not adversely interface with or adversely affect any system containing radioactivity or affect any radiological material release source term; thus the radiological releases in an accident are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The changes to the UFSAR and TS to include the Containment Pressure—Low manual actuation interlock and automatic reset function for the containment vacuum relief valves manual initiation logic will maintain the Engineered Safety Features Actuation System and Plant Safety and Monitoring System in accordance with the design objectives as licensed. The design of the Class 1E Containment Pressure—Low manual actuation interlock and automatic reset function is required to meet the licensing basis for the Engineered Safety Features Actuation System and Plant Safety and Monitoring System. The changes to the manual initiation logic do not adversely affect the function of any safety-related structure, system, or component, and thus does not introduce a new failure mode. The changes to the containment vacuum relief valves manual initiation logic do not adversely interface with any safety-related equipment or any equipment associated with radioactive material and, thus, do not create a new fault or sequence of events that could result in a new or different kind of accident.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The changes to the UFSAR and TS to include the Containment Pressure—Low automatic reset function for the containment vacuum relief valves manual initiation logic will maintain the Engineered Safety Features Actuation System and Plant Safety and Monitoring System in accordance with the design objectives as licensed. The changes to the manual initiation logic do not adversely interface with any safety-related equipment or adversely affect any safety-related function. The changes to the containment vacuum relief manual initiation logic continue to comply with existing design codes and regulatory criteria, and do not involve a significant reduction in the margin of safety.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: March 2, 2017. A publicly-available version is in ADAMS under Accession No. ML17061A747.

Description of amendment request: The requested amendment consist of changes to Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) in combined license (COL) Appendix C, with corresponding changes to the associated plant-specific Tier 1 information, to consolidate a number of ITAAC to improve efficiency of the ITAAC completion and closure process.

Pursuant to the provisions of 10 CFR 52.63(b)(1), an exemption from elements of the design as certified in the 10 CFR part 52, Appendix D, design certification rule is also requested for the plant-specific Design Control Document Tier 1 material departures.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed non-technical change to COL Appendix C will consolidate, relocate and subsume redundant ITAAC in order to improve and create a more efficient process for the ITAAC Closure Notification submittals. No structure, system, or component (SSC) design or function is affected. No design or safety analysis is affected. The proposed changes do not affect any accident initiating event or component failure, thus the probabilities of the accidents previously evaluated are not affected. No function used to mitigate a radioactive material release and no radioactive material release source term is involved, thus the radiological releases in the accident analyses are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to COL Appendix C does not affect the design or function of any SSC, but will consolidate, relocate and subsume redundant ITAAC in order to improve efficiency of the ITAAC completion and closure process. The proposed changes would not introduce a new failure mode, fault or sequence of events that could result in a radioactive material release.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change to COL Appendix C to consolidate, relocate and subsume redundant ITAAC in order to improve efficiency of the ITAAC completion and closure process is considered non-technical and would not affect any design parameter, function or analysis. There would be no change to an existing design basis, design function, regulatory criterion, or analysis. No safety analysis or design basis acceptance limit/criterion is involved.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: February 22, 2017. A publicly-available version is in ADAMS under Accession No. ML17053A425.

Description of amendment request: The amendment request proposes to revise the licensing basis information to reflect changes to the locations of the hydrogen venting primary openings in the passive core cooling system (PXS) valve/accumulator rooms inside containment. Because, this proposed change requires a departure from Tier 1 information in the Westinghouse Electric Company's AP1000 Design Control Document (DCD), the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with 10 CFR 52.63(b)(1).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed revision to the hydrogen venting for the Passive Core Cooling System (PXS) Valve/Accumulator Room A (Room 11206) and clarification of the venting path definition for PXS Valve/Accumulator Room B (Room 11207) do not affect any safety-related equipment or function. The hydrogen ignition subsystem, including designed hydrogen venting features, is designed to mitigate beyond design basis hydrogen generation in the containment. The hydrogen venting changes do not involve any accident, initiating event or component failure; thus, the probabilities of the accidents previously evaluated are not affected. The modified venting locations and definitions will maintain the hydrogen ignition subsystem designed and analyzed beyond design basis function to maintain containment integrity. The maximum allowable containment leakage rate specified in the Technical Specifications is unchanged, and radiological material release source terms are not affected; thus, the radiological releases in the accident analyses are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed revision to the hydrogen venting for the PXS Valve/Accumulator Room A (Room 11206) and clarification of the venting path definition for PXS Valve/Accumulator Room B (Room 11207) will maintain the beyond design basis function of the hydrogen ignition subsystem. The hydrogen venting changes do not impact the hydrogen ignition subsystem's function to maintain containment integrity during beyond design basis accident conditions, and, thus does not introduce any new failure mode. The proposed changes do not create a new fault or sequence of events that could result in a radioactive release. The proposed changes would not affect any safety-related accident mitigating function.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed revision to the hydrogen venting for the Passive Core Cooling System (PXS) Valve/Accumulator Room A (Room 11206) and clarification of the venting path definition for PXS Valve/Accumulator Room B (Room 11207) will maintain the beyond design basis function of the hydrogen ignition subsystem. The proposed changes do not have any effect on the ability of safety-related structures, systems, or components to perform their beyond design basis functions. The proposed changes are a result of a low probability, severe accident scenario being evaluated. The revision to this scenario does not result in an increase in the plant risk (frequency and/or consequences). The frequency is low and there is no increase to the consequences because containment integrity is maintained and there is no containment leakage. There is no change to the maximum allowed containment leakage rate (0.10% of containment air weight per day) for the containment vessel. The proposed changes do not affect the ability of the hydrogen igniter subsystem to maintain containment integrity following a beyond design basis accident. The hydrogen igniter subsystem continues to meet the requirements for which it was designed and continues to meet the regulations.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Tennessee Valley Authority (TVA), Docket No. 50–391, Watts Bar Nuclear Plant (WBN), Unit 2, Rhea County, Tennessee

Date of amendment request: December 21, 2016. A publicly-available version is in ADAMS under Accession No. ML16356A673.

Description of amendment request: The amendment would revise the containment ice mass limits in WBN, Unit 2, Technical Specification (TS) Surveillance Requirements (SRs) 3.6.11.2 and 3.6.11.3 to be identical to the ice mass limits in the WBN, Unit 1, TS SRs 3.6.11.2 and 3.6.11.3.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The primary purpose of the ice bed is to provide a large heat sink to limit peak containment pressure in the event of a release of energy from a design basis LOCA [loss-of-coolant accident] or high energy line break (HELB) in containment. The LOCA requires the greatest amount of ice compared to other accident scenarios; therefore, the reduction in ice weight is based on the LOCA analysis. The amount of ice in the bed has no impact on the initiation of an accident, but rather on the mitigation of the accident. The containment integrity analysis shows that the proposed reduced ice weight is sufficient to maintain the peak containment pressure below the containment design pressure, and that the containment heat removal systems function to rapidly reduce the containment pressure and temperature in the event of a LOCA. Therefore, containment integrity is maintained and the consequences of an accident previously evaluated in the WBN dual-unit Updated Final Safety Analysis Report (UFSAR) are not significantly increased. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The ice condenser serves to limit the peak pressure inside containment following a LOCA. TVA has evaluated the revised containment pressure analysis and determined that sufficient ice would be present to maintain the peak containment pressure below the containment design pressure. Therefore, the reduced ice weight does not create the possibility of an accident that is different than any already evaluated in the WBN dual-unit UFSAR. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of this proposed change.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed TS ice weight SR limit is based on the conservatism of the WBN Unit

1 WCOBRA/TRAC LOCA M&E [mass and energy] methodology in comparison to the WBN Unit 2 operating conditions. The WBN Unit 1 WCOBRA/TRAC LOCA M&E methodology is modeled on the WBN Unit 1 RSGs [replacement steam generators], which have a greater mass, volume, and stored metal energy than the WBN Unit 2 original model D3 SGs [steam generators]. Additionally, the containment pressure calculations in Section 6.2.1.3.3 of the WBN Unit 1 portion of the WBN dual-unit UFSAR state that the analytical limit for the mass of ice assumed in the WBN Unit 1 ice condenser, in order to limit the maximum containment peak pressure from a LOCA to below the containment design pressure, is 2,260,000 lb. The proposed revised TS SR ice mass limit of 2,404,500 lb [pound] includes additional ice mass to conservatively bound ice bed sublimation effects. Based on TVA's evaluation and the revised containment analysis, TVA considers the reduction of the ice mass limit to be acceptable for satisfying the safety function of the ice condenser for the current SR interval. Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, 6A West Tower, Knoxville, TN 37902.

NRC Branch Chief: Benjamin G. Beasley.

III. Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Tennessee Valley Authority, Docket No. 50–391 Watts Bar Nuclear Plant, Unit 2, Rhea County, Tennessee

Date of amendment request: November 14, 2016. A publicly-available version is in ADAMS under Accession No. ML16320A161.

Brief description of amendment request: The proposed amendment would revise the Watts Bar Nuclear Plant, Unit 2, Cyber Security Plan Implementation Schedule for Milestone 8 and would revise the associated license condition in the Facility Operating License.

*Date of publication of individual notice in **Federal Register:*** January 5, 2017 (82 FR 1370).

Expiration date of individual notice: February 6, 2017 (public comments); March 6, 2017 (hearing requests).

IV. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

DTE Electric Company, Docket No. 50–341, Fermi 2, Monroe County, Michigan

Date of amendment request: March 22, 2016, as supplemented by letter dated August 11, 2016.

Brief description of amendment: The amendment revised Technical Specification (TS) 5.5.12, ''Primary Containment Leakage Rate Testing Program,'' for the permanent extension of the Type A test interval up to one test in 15 years, as stipulated in Nuclear Energy Institute (NEI) 94–01, Revision 2–A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, Appendix J,'' October 2008 (ADAMS Accession No. ML100620847). The license amendment request also proposes to increase the containment isolation valves leakage test intervals (*i.e.,* Type C tests) from their current 60 months to 75 months by replacing TS 5.5.12.a. reference to Regulatory Guide 1.163, ''Performance-Based Containment Leak-Test Program'' (ADAMS Accession No. ML003740058), with a reference to NEI 94–01, Revision 3–A (ADAMS Accession No. ML12221A202), and the conditions and limitations specified in NEI 94–01, Revision 2–A, to implement the performance-based leakage testing program in accordance with title 10 of the *Code of Federal Regulations* part 50, Appendix J, Option B. The amendment also deletes from TS 5.5.12, text that authorized a one-time extension of the Type A test interval to 2007 and revised paragraph 2.D of the renewed facility operating license to reflect removal of a reference to an exemption from 10 CFR part 50, Appendix J, requirements for testing of containment air locks.

Date of issuance: March 9, 2017.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 205. A publicly-available version is in ADAMS under Accession No. ML16351A460; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–43: Amendment revised the renewed facility operating license and TSs.

*Date of initial notice in **Federal Register:*** June 7, 2016 (81 FR 36616). The August 11, 2016 supplement provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazard consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 9, 2017.

No significant hazards consideration comments received: No.

Duke Energy Progress, LLC, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of amendment request: September 26, 2016.

Brief description of amendments: The amendments revised Technical Specification Section 2.1.1.2 to change the minimum critical power ratio safety limit.

Date of issuance: March 10, 2017.

Effective date: As of date of issuance and shall be implemented for Unit 1 prior to start-up from the 2018 refueling outage (March 2018) and for Unit 2 prior to start-up from the 2017 refueling outage.

Amendment Nos.: 272 (Unit 1) and 300 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML17059D146; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–71 and DPR–62: Amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register:*** December 20, 2016 (81 FR 92866).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 10, 2017.

No significant hazards consideration comments received: No.

Duke Energy Carolinas, LLC, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: May 5, 2016, as supplemented by letter dated June 16, 2016.

Brief description of amendments: The amendments would modify the McGuire Nuclear Station, Units 1 and 2, Technical Specifications (TS) by removing footnote (c) from TS Table 3.3.2–1, ''Engineered Safety Feature Actuation System Instrumentation,'' which is no longer applicable, and by removing an expired footnote from TS 3.8.1, ''AC Sources—Operating.''

Date of issuance: March 8, 2017.

Effective date: As of its date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 293 and 272. A publicly-available version is in ADAMS under Accession No. ML17003A019; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the licenses and technical specifications.

Date of initial notice in ***Federal Register:*** July 5, 2016 (81 FR 43649). The supplemental letter dated June 16, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 8, 2017.

No significant hazards consideration comments received: No.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of application for amendment: May 10, 2016, as supplemented by letters dated May 18, 2016, and January 31, 2017.

Brief description of amendment: The amendment revised the safety function lift and lower setpoint tolerances of the safety/relief valves that are listed in Surveillance Requirements 3.4.3.1 and 3.4.4.1 of the Technical Specifications.

Date of issuance: March 9, 2017.

Effective date: As of its date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment No.: 240. A publicly-available version is in ADAMS under Accession No. ML17052A125; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–21: The amendment revised the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** July 19, 2016 (81 FR 46961). The supplemental letter January 31, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 9, 2017.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–313, Arkansas Nuclear One, Unit 1, Pope County, Arkansas

Date of amendment request: March 25, 2016.

Brief description of amendment: The amendment deleted Technical Specification (TS) 5.5.8, ''Inservice Testing Program.'' A new defined term, ''Inservice Testing Program,'' is added to TS Section 1.1, ''Definitions.'' Also, existing uses of the term ''Inservice Testing Program'' in the TSs are capitalized throughout to indicate that it is now a defined term. The NRC staff has concluded that the amendment is consistent with Technical Specifications Task Force Traveler TSTF–545, Revision 3, which was made available to the TSTF via NRC letter dated December 11, 2015 (ADAMS Accession No. ML15317A071).

Date of issuance: March 10, 2017.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 257. A publicly-available version is in ADAMS under Accession No. ML16165A423; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–51: The amendment revised the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** June 7, 2016 (81 FR 36619).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 10, 2017.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: April 4, 2016.

Brief description of amendments: The amendments revised the technical specification (TS) requirements for the high pressure coolant injection (HPCI) and reactor core isolation cooling (RCIC) system actuation instrumentation. Specifically, the amendments add a footnote to the TSs indicating that the injection functions of drywell pressure-high (HPCI only) and manual initiation (HPCI and RCIC) are not required to be operable under low reactor pressure conditions.

Date of issuance: February 28, 2017.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 224 (Unit 1) and 185 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML16356A272; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–39 and NPF–85: Amendments revised the Renewed Facility Operating Licenses and TSs.

*Date of initial notice in **Federal Register:*** June 7, 2016 (81 FR 36620).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 28, 2017.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit 1, (NMP1), Oswego County, New York

Date of amendment request: January 3, 2017.

Brief description of amendment: The amendment revised the NMP1 licensing basis related to alternative source term analysis in the updated final safety analysis report (UFSAR) to allow the use of the release fractions listed in Tables 1 and 3 of NRC Regulatory Guide 1.183, ''Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors,'' July 2000 (ADAMS Accession No. ML003716792), for partial length fuel rods (PLRs) that are operating above the peak burnup limit for the remainder of the current operating cycle. In addition, the proposed change revised the NMP1 licensing basis to allow movement of irradiated fuel bundles containing PLRs that have been in operation above 62,000 megawatt days per metric tons of uranium (MWD/MTU).

Date of issuance: March 9, 2017.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 226. A publicly-available version is in ADAMS under Accession No. ML17055A451; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–63: Amendment revised the licensing basis related to alternative source term analysis in the UFSAR.

*Date of initial notice in **Federal Register:*** January 31, 2017 (82 FR 8871).

The Commission's related evaluation of the amendment and final no significant hazards consideration determination are contained in a Safety Evaluation dated March 9, 2017.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date amendment request: May 17, 2016, as supplemented by letters dated November 2, 2016, and March 1, 2017.

Brief description of amendment: The amendment revised and removed certain requirements from the Section 6, ''Administrative Controls,'' portions of the Oyster Creek Nuclear Generating Station Technical Specifications (TSs) that are not applicable to the facility in a permanently defueled condition. In addition, the amendment added definitions to TS Section 1, ''Definitions.'' Also, the amendment made additions to, deletions from, and conforming administrative changes to the TSs.

Date of issuance: March 7, 2017.

Effective date: Effective upon the licensee's submittal of the certifications required by 10 CFR 50.82(a)(1)(i) and 50.82(a)(1)(ii), and shall be implemented within 60 days of the effective date of the amendment, but may not exceed March 29, 2020.

Amendment No.: 290. A publicly-available version is in ADAMS under Accession No. ML16235A413; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–16: Amendment revised the Renewed Facility Operating License and Technical Specifications.

*Date of initial notice in **Federal Register:*** July 19, 2016 (81 FR 46963). On July 19, 2016, the NRC staff published a proposed no significant hazards consideration (NSHC) determination regarding the amendment request in the **Federal Register** (81 FR 46963). Subsequently, by letter dated November 2, 2016, the licensee provided additional information that expanded the scope of the amendment request as originally noticed in the **Federal Register**. Accordingly, the NRC staff published a second proposed NSHC determination regarding the amendment request in the **Federal Register** on November 22, 2016 (81 FR 83876), which superseded the original **Federal Register** notice in its entirety. The supplemental letter dated March 1, 2017, provided additional information that clarified the application, did not expand the scope of the application as noticed, and did not change the NRC staff's second proposed NSHC determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 7, 2017.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Docket Nos. 52–025 and 50–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: June 16, 2016.

Brief description of amendments: The amendments changed Combined License Nos. NPF–91 and NPF–92 for the Vogtle Electric Generating Plant Units 3 and 4. The amendments authorized changes to the Updated Final Safety Analysis Report (UFSAR) in the form of departures from the incorporated plant-specific Design Control Document Tier 2 information. Specifically, the changes to the Technical Specifications (TS) and information in the UFSAR revised the AP1000 protection and safety monitoring system functional logic to comply with the requirements on operating bypasses in Clause 6.6, ''Operating Bypasses'' of the Institute of Electrical and Electronics Engineers (IEEE) Std. 603–1991, ''IEEE Standard Criteria for Safety Systems for Nuclear Power Generating Stations.''

Date of issuance: February 24, 2017.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 71/70. A publicly-available version is in ADAMS under Accession No. ML16320A097; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–91 and NPF–92: Amendment revised the Facility Combined License and TS.

*Date of initial notice in **Federal Register:*** August 16, 2016 (81 FR 54610).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 24, 2017.

No significant hazards consideration comments received: No.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit No. 1 (VCSNS), Fairfield County, South Carolina

Date of amendment request: June 30, 2016, as supplemented by letter dated August 4, 2016.

Brief description of amendment: This amendment revised the date of the

Cyber Security Plan implementation schedule for Milestone 8. Milestone 8 requires full implementation of the VCSNS Cyber Security Plan.

Date of issuance: March 9, 2017.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 208. A publicly-available version is in ADAMS under Accession No. ML17011A050; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–12: Amendment revised the Renewed Facility Operating License.

*Date of initial notice in **Federal Register:*** October 4, 2016 (81 FR 68472).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 9, 2017.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 16th day of March 2017.

For the Nuclear Regulatory Commission.

Kathryn M. Brock,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–05990 Filed 3–27–17; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Court Orders Affecting Retirement Benefits

AGENCY: U.S. Office of Personnel Management.

ACTION: 30-day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection request (ICR), Court Orders Affecting Retirement Benefits.

DATES: Comments are encouraged and will be accepted until April 27, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent by email to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent by email to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Public Law 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0204) was previously published in the **Federal Register** on July 21, 2016 at 81 FR 47445 allowing for a 60-day public comment period. No comments were received for this information collection.

Court Orders Affecting Retirement Benefits, 5 CFR 838.221, 838.421 and 838.721 describe how former spouses give us written notice of a court order requiring us to pay benefits to the former spouse. Specific information is needed before OPM can make court-ordered benefit payments. The regulations allow us to make a unique collection of only the information needed for a particular customer case and not over-burden our entire customer base by making a generic information collection request (ICR) that requires the former spouse (or their representative) to possibly review and complete information that we may already have access to.

The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of OPM, including whether the information will have practical utility;
2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of Information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Court Orders Affecting Retirement Benefits, 5 CFR Sections 838.221, Section 838.421 and Section 838.721.

OMB: 3206–0204.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 19,000.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 9,500 hours.

U.S. Office of Personnel Management.

Kathy McGettigan,

Acting Director.

[FR Doc. 2017–06029 Filed 3–27–17; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Civil Service Retirement System Board of Actuaries Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The Civil Service Retirement System Board of Actuaries plans to meet on Thursday, June 1, 2017. The meeting will start at 10:00 a.m. EDT and will be held at the U.S. Office of Personnel Management (OPM), 1900 E Street NW., Room 1350, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Gregory Kissel, Senior Actuary for Retirement Programs, U.S. Office of Personnel Management, 1900 E Street NW., Room 4316, Washington, DC 20415. Phone (202) 606–0722 or email at *actuary@opm.gov*.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is for the Board to review the actuarial methods and assumptions used in the valuations of the Civil Service Retirement and Disability Fund (CSRDF).

The agenda is as follows:

1. Summary of recent and proposed legislation and regulations
2. Review of actuarial assumptions:
   a. Demographic Assumptions
   b. Economic Assumptions
3. CSRDF Annual Report

Persons desiring to attend this meeting of the Civil Service Retirement System Board of Actuaries, or to make a statement for consideration at the meeting, should contact OPM at least 5 business days in advance of the meeting date at the address shown below. The manner and time for any material presented to the Board may be limited.

For the Board of Actuaries.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–06028 Filed 3–27–17; 8:45 am]

BILLING CODE 6325–63–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a closed meeting on Thursday, March 30, 2017 at 11 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(7), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matter at the closed meeting.

Acting Chairman Piwowar, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Adjudicatory matters; and

Other matters relating to enforcement proceedings.

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 from the Office of the Secretary at (202) 551–5400.

Dated: March 23, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–06152 Filed 3–24–17; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80298; File No. SR–C2–2017–011]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Rule 6.15

March 22, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 15, 2017, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks to amend Rule 6.15. The text of the proposed rule change is provided below, (additions are *in italics*; deletions are [bracketed])

* * * * *

C2 Options Exchange, Incorporated

Rules

Rule 6.15. Nullification and Adjustment of Options Transactions including Obvious Errors

The Exchange may nullify a transaction or adjust the execution price of a transaction in accordance with this Rule. However, the determination as to whether a trade was executed at an erroneous price may be made by mutual agreement of the affected parties to a particular transaction. A trade may be nullified or adjusted on the terms that all parties to a particular transaction agree, provided, however, that such agreement to nullify or adjust must be conveyed to the Exchange in a manner prescribed by the Exchange prior to 7:30 a.m. Central Time on the first trading day following execution. It is considered conduct inconsistent with just and equitable principles of trade for any participant to use the mutual adjustment process to circumvent any applicable Exchange rule, the Act or any of the rules and regulations thereunder.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

(a)–(m) No change.

. . . *Interpretations and Policies:*

.01–.06 No change.

.07 Complex Orders and Stock-Option Orders:

(a) If a complex order executes against individual legs and at least one of the legs qualifies as an Obvious Error under paragraph (c)(1) or a Catastrophic Error under paragraph (d)(1), then the leg(s) that is an Obvious or Catastrophic Error will be adjusted in accordance with paragraphs (c)(4)(A) or (d)(3), respectively, regardless of whether one of the parties is a Customer. However, any Customer order subject to this paragraph (a) will be nullified if the adjustment would result in an execution price higher (for buy transactions) or lower (for sell transactions) than the Customer's limit price on the complex order or individual leg(s). If any leg of a complex order is nullified, the entire transaction is nullified.

(b) If a complex order executes against another complex order and at least one of the legs qualifies as an Obvious Error under paragraph (c)(1) or a Catastrophic Error under paragraph (d)(1), then the leg(s) that is an Obvious or Catastrophic Error will be adjusted or busted in accordance with paragraph (c)(4) or (d)(3), respectively, so long as either: (i) the width of the National Spread Market for the complex order strategy just prior to the erroneous transaction was equal to or greater than the amount set forth in the wide quote table of paragraph (b)(3) or (ii) the net execution price of the complex order is higher (lower) than the offer (bid) of the National Spread Market for the complex order strategy just prior to the erroneous transaction by an amount equal to at least the amount shown in the table in paragraph (c)(1). If any leg of a complex order is nullified, the entire transaction is nullified. For purposes of Rule 6.15, the National Spread Market for a complex order strategy is determined by the National Best Bid/Offer of the individual legs of the strategy.

(c) If the option leg of a stock-option order qualifies as an Obvious Error under paragraph (c)(1) or a Catastrophic Error under paragraph (d)(1), then the option leg that is an Obvious or Catastrophic Error will be adjusted in accordance with paragraph (c)(4)(A) or (d)(3), respectively, regardless of whether one of the parties is a Customer. However, the option leg of any Customer order subject to this paragraph (c) will be nullified if the adjustment would result in an execution price higher (for buy transactions) or lower (for sell transactions) than the Customer's limit price on the stock-option order, and the Exchange will attempt to nullify the stock leg. Whenever a stock trading venue nullifies the stock leg of a stock-option order or whenever the stock leg cannot be executed, the Exchange will nullify the option leg upon request of one of the parties to the transaction or in accordance with paragraph (c)(3).

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend C2 Rule 6.15 to add Interpretation and Policy .07. This filing is based on a proposal recently submitted by Chicago Board Options Exchange, Incorporated (''CBOE'') and approved by the Securities and Exchange Commission (the ''Commission'').[5]

In 2015, the Exchange and other options exchanges adopted a new, harmonized rule related to the adjustment and nullification of erroneous options transactions, including a specific provision related to coordination in connection with large-scale events involving erroneous options transactions.[6] The Exchange believes that the changes the options exchanges implemented with the new, harmonized rule have led to increased transparency and finality with respect to the adjustment and nullification of erroneous options transactions. However, as part of the initial initiative, the Exchange and other options exchanges deferred a few specific matters for further discussion.

Specifically, the options exchanges have been working together to identify ways to improve the process related to the adjustment and nullification of erroneous options transactions as it relates to complex orders[7] and stock-option orders. The goal of the process that the options exchanges have undertaken is to further harmonize rules related to the adjustment and nullification of erroneous options transactions. As described below, the Exchange believes that the changes the options exchanges and the Exchange have agreed to propose will provide transparency and finality with respect to the adjustment and nullification of erroneous complex order and stock-option order transactions. Particularly, the proposed changes seek to achieve consistent results for participants across U.S. options exchanges while maintaining a fair and orderly market, protecting investors and protecting the public interest.

The Proposed Rule is the culmination of this coordinated effort and reflects discussions by the options exchanges whereby the exchanges that offer complex orders and/or stock-option orders will universally adopt new provisions that the options exchanges collectively believe will improve the handling of erroneous options transactions that result from the execution of complex orders and stock-option orders.[8]

The Exchange believes that the Proposed Rule supports an approach consistent with long-standing principles in the options industry under which the general policy is to adjust rather than nullify transactions. The Exchange acknowledges that adjustment of transactions is contrary to the operation of analogous rules applicable to the equities markets, where erroneous transactions are typically nullified rather than adjusted and where there is no distinction between the types of market participants involved in a transaction. For the reasons set forth below, the Exchange believes that the distinctions in market structure between equities and options markets continue to support these distinctions between the rules for handling obvious errors in the equities and options markets.

Various general structural differences between the options and equities markets point toward the need for a different balancing of risks for options market participants and are reflected in this proposal. Option pricing is formulaic and is tied to the price of the underlying stock, the volatility of the underlying security and other factors. Because options market participants can generally create new open interest in response to trading demand, as new open interest is created, correlated trades in the underlying or related series are generally also executed to hedge a market participant's risk. This pairing of open interest with hedging interest differentiates the options market specifically (and the derivatives markets broadly) from the cash equities markets. In turn, the Exchange believes that the hedging transactions engaged in by market participants necessitates protection of transactions through adjustments rather than nullifications when possible and otherwise appropriate.

The options markets are also quote driven markets dependent on liquidity providers to an even greater extent than equities markets. In contrast to the approximately 7,000 different securities traded in the U.S. equities markets each day, there are more than 500,000 unique, regularly quoted option series. Given this breadth in options series the options markets are more dependent on liquidity providers than equities markets; such liquidity is provided most commonly by registered market makers but also by other professional traders. With the number of instruments in which registered market makers must quote and the risk attendant with quoting so many products simultaneously, the Exchange believes that those liquidity providers should be afforded a greater level of protection. In particular, the Exchange believes that liquidity providers should be allowed protection of their trades given the fact that they typically engage in hedging activity to protect them from significant financial risk to encourage continued liquidity provision and maintenance of the quote-driven options markets.

In addition to the factors described above, there are other fundamental differences between options and equities markets which lend themselves to different treatment of different classes of participants that are reflected in this proposal. For example, there is no trade reporting facility in the options markets. Thus, all transactions must occur on an options exchange. This leads to significantly greater retail customer participation directly on exchanges than in the equities markets, where a significant amount of retail customer participation never reaches the Exchange but is instead executed in off-exchange venues such as alternative trading systems, broker-dealer market making desks and internalizers. In turn, because of such direct retail customer participation, the exchanges have taken steps to afford those retail customers—generally Priority Customers—more favorable treatment in some circumstances.

[5] *See* Securities Exchange Act Release 80040 (February 14, 2017), 82 FR 11248 (February 21, 2017) (Order Approving SR–CBOE–2016–088).

[6] *See* Securities Exchange Act Release 74900 (May 7, 2015), 80 FR 27392 (May 13, 2015) (SR–C2–2015–012) (the ''Initial Filing'').

[7] *See* Rule 6.13(a) (defining complex orders and stock-option orders).

[8] An exchange that does not offer complex orders and/or stock-option orders will not adopt these new provisions until such time as the exchange offers complex orders and/or stock-option orders.

Complex Orders and Stock-Option Orders

As more fully described below, the Proposed Rule applies much of the Current Rule to complex orders and stock-option orders.[9] The Proposed Rule deviates from the Current Rule only to account for the unique qualities of complex orders and stock-option orders. The Proposed Rule reflects the fact that complex orders can execute against other complex orders or can execute against individual simple orders in the leg markets. When a complex order executes against the leg markets there may be different counterparties on each leg of the complex order, and not every leg will necessarily be executed at an erroneous price. With regards to stock-option orders, the Proposed Rule reflects the fact that stock-option orders contain a stock component that is executed on a stock trading venue, and the Exchange may not be able to ensure that the stock trading venue will adjust or nullify the stock execution in the event of an obvious or catastrophic error. In order to apply the Current Rule and account for the unique characteristics of complex orders and stock-option orders, proposed Interpretation and Policy .07 is split into three parts—paragraphs (a), (b), and (c).

First, proposed Interpretation and Policy .07(a) governs the review of complex orders that are executed against individual legs (as opposed to a complex order that executes against another complex order).[10] Proposed Rule 6.15.07(a) provides:

> If a complex order executes against individual legs and at least one of the legs qualifies as an Obvious Error under paragraph (c)(1) or a Catastrophic Error under paragraph (d)(1), then the leg(s) that is an Obvious or Catastrophic Error will be adjusted in accordance with paragraphs (c)(4)(A) or (d)(3), respectively, regardless of whether one of the parties is a Customer. However, any Customer order subject to this paragraph (a) will be nullified if the adjustment would result in an execution price higher (for buy transactions) or lower (for sell transactions) than the Customer's limit price on the complex order or individual leg(s). If any leg of a complex order is nullified, the entire transaction is nullified.

As previously noted, at least one of the legs of the complex order must qualify as an obvious or catastrophic error under the Current Rule in order for the complex order to receive obvious or catastrophic error relief. Thus, when the Exchange is notified (within the timeframes set forth in paragraph (c)(2) or (d)(2)) of a complex order that is a possible obvious error or catastrophic error, the Exchange will first review the individual legs of the complex order to determine if one or more legs qualify as an obvious or catastrophic error.[11] If no leg qualifies as an obvious or catastrophic error, the transaction stands—no adjustment and no nullification.

Reviewing the legs to determine whether one or more legs qualify as an obvious or catastrophic error requires the Exchange to follow the Current Rule. In accordance with paragraphs (c)(1) and (d)(1) of the Current Rule, the Exchange compares the execution price of each individual leg to the Theoretical Price of each leg (as determined by paragraph (b) of the Current Rule). If the execution price of an individual leg is higher or lower than the Theoretical Price for the series by an amount equal to at least the amount shown in the obvious error table in paragraph (c)(1) of the Current rule or the catastrophic error table in paragraph (d)(1) of the Current Rule, the individual leg qualifies as an obvious or catastrophic error, and the Exchange will take steps to adjust or nullify the transaction.[12]

To illustrate, consider a Customer submits a complex order to the Exchange consisting of leg 1 and leg 2—Leg 1 is to buy 100 ABC calls and leg 2 is to sell 100 ABC puts. Also, consider that Market-Maker 1 is quoting the ABC calls $1.00–1.20 and Market-Maker 2 is quoting the ABC puts $2.00–2.20. If the complex order executes against the quotes of Market-Makers 1 and 2, the Customer buys the ABC calls for $1.20 and sells the ABC puts for $2.00. As with the obvious/catastrophic error reviews for simple orders, the execution price of leg 1 is compared to the Theoretical Price[13] of Leg 1 in order to determine if Leg 1 is an obvious error under paragraph (c)(1) of the Current Rule or a catastrophic error under paragraph (d)(1) of the Current Rule. The same goes for Leg 2. The execution price of Leg 2 is compared to the Theoretical Price of Leg 2. If it is determined that one or both of the legs are an obvious or catastrophic error, then the leg (or legs) that is an obvious or catastrophic error will be adjusted in accordance with paragraphs (c)(4)(A) or (d)(3) of the Current Rule, regardless of whether one of the parties is a Customer.[14] Although a single-legged execution that is deemed to be an obvious error under the Current Rule is nullified whenever a Customer is involved in the transaction, the Exchange believes adjusting execution prices is generally better for the marketplace than nullifying executions because liquidity providers often execute hedging transactions to offset options positions. When an options transaction is nullified the hedging position can adversely affect the liquidity provider. With regards to complex orders that execute against individual legs, the additional rationale for adjusting erroneous execution prices when possible is the fact that the counterparty on a leg that is not executed at an obvious or catastrophic error price cannot look at the execution price to determine whether the execution may later be nullified (as opposed to the counterparty on single-legged order that is executed at an obvious error or catastrophic error price).

Paragraph (c)(4)(A) of the Current Rule mandates that if it is determined that an obvious error has occurred, the execution price of the transaction will be adjusted pursuant to the table set forth in (c)(4)(A). Although for simple orders paragraph (c)(4)(A) is only applicable when no party to the transaction is a Customer, for the purposes of complex orders paragraph (a) of Interpretation and Policy .07 will supersede that limitation; therefore, if it is determined that a leg (or legs) of a complex order is an obvious error, the leg (or legs) will be adjusted pursuant to (c)(4)(A), regardless of whether a party to the transaction is a Customer. The Size Adjustment Modifier defined in subparagraph (a)(4) will similarly apply (regardless of whether a Customer is on the transaction) by virtue of the

[9] In order for a complex order or stock-option order to qualify as an obvious or catastrophic error at least one of the legs must itself qualify as an obvious or catastrophic error under the Current Rule. *See* Proposed Rule .07(a)–(c).

[10] The leg market consists of quotes and/or orders in single options series. A complex order may be received by the Exchange electronically, and the legs of the complex order may have different counterparties. For example, Market-Maker 1 may be quoting in ABC calls and Market-Maker 2 may be quoting in ABC puts. A complex order to buy the ABC calls and puts may execute against the quotes of Market-Maker 1 and Market-Maker 2.

[11] Because a complex order can execute against the leg market, the Exchange may also be notified of a possible obvious or catastrophic error by a counterparty that received an execution in an individual options series. If upon review of a potential obvious error the Exchange determines an individual options series was executed against the leg of a complex order or stock-option order, proposed Rule 6.15.07 will govern.

[12] Only the execution price on the leg (or legs) that qualifies as an obvious or catastrophic error pursuant to any portion of Proposed Rule 6.15.07 will be adjusted. The execution price of a leg (or legs) that does not qualify as an obvious or catastrophic error will not be adjusted.

[13] *See* Rule 6.15(b) (defining the manner in which Theoretical Price is determined).

[14] *See* Rule 6.15(a)(1) (defining Customer for purposes of Rule 6.15 as not including a broker-dealer, Professional Customer, or Voluntary Professional Customer).

application of paragraph (c)(4)(A).[15] The Exchange notes that adjusting all market participants is not unique or novel. When the Exchange determines that a simple order execution is a Catastrophic Error pursuant to the Current Rule, paragraph (d)(3) already provides for adjusting the execution price for all market participants, including Customers.

Furthermore, as with the Current Rule, Proposed Rule 6.15.07(a) provides protection for Customer orders, stating that where at least one party to a complex order transaction is a Customer, the transaction will be nullified if adjustment would result in an execution price higher (for buy transactions) or lower (for sell transactions) than the Customer's limit price on the complex order or individual leg(s). For example, assume Customer enters a complex order to buy leg 1 and leg 2.

- Assume the NBBO for leg 1 is $0.20–1.00 and the NBBO for leg 2 is $0.50–1.00 and that these have been the NBBOs since the market opened.
- A split-second prior to the execution of the complex order a Customer enters a simple order to sell the leg 1 options series at $1.30, and the simple order enters the Exchange's book so that the BBO is $.20–$1.30. The limit price on the simple order is $1.30.
- The complex order executes leg 1 against the Exchange's best offer of $1.30 and leg 2 at $1.00 for a net execution price of $2.30.
- However, leg 1 executed on a wide quote (the NBBO for leg 1 was $0.20–1.00 at the time of execution, which is wider than $0.75).[16] Leg 2 was not executed on a wide quote (the market for leg 2 was $0.50–1.00); thus, leg 2 execution price stands.
- The Exchange determines that the Theoretical Price for leg 1 is $1.00, which was the best offer prior to the execution. Leg 1 qualifies as an obvious error because the difference between the Theoretical Price ($1.00) and the execution price ($1.30) is larger than $0.25.[17]
- According to Proposed Rule 6.15.07(a) Customers will also be adjusted in accordance with Rule 6.15(c)(4)(A), which for a buy transaction under $3.00 calls for the Theoretical Price to by adjusted by adding $0.15 [18] to the Theoretical Price of $1.00. Thus, adjust execution price for leg 1 would be $1.15.
- However, adjusting the execution price of leg 1 to $1.15 violates the limit price of the Customer's sell order on the simple order book for leg 1, which was $1.30.
- Thus, the entire complex order transaction will be nullified [19] because the limit price of a Customer's sell order would be violated by the adjustment.[20]

As the above example demonstrates, incoming complex orders may execute against resting simple orders in the leg market. If a complex order leg is deemed to be an obvious error, adjusting the execution price of the leg may violate the limit price of the resting order, which will result in nullification if the resting order is for a Customer. In contrast, Interpretation and Policy .02 to Rule 6.15 provides that if an adjustment would result in an execution price that is higher than an erroneous buy transaction or lower than an erroneous sell transaction the execution will not be adjusted or nullified.[21] If the adjustment of a complex order would violate the complex order Customer's limit price, the transaction will be nullified.

As previously noted, paragraph (d)(3) of the Current Rule already mandates that if it is determined that a catastrophic error has occurred, the execution price of the transaction will be adjusted pursuant to the table set forth in (d)(3). For purposes of complex orders under Proposed Rule .07(a), if one of the legs of a complex orders is determined to be a Catastrophic Error under paragraph (d)(3), all market participants will be adjusted in accordance with the table set forth in (d)(3). Again, however, where at least one party to a complex order transaction is a Customer, the transaction will be nullified if adjustment would result in an execution price higher (for buy transactions) or lower (for sell transactions) than the Customer's limit price on the complex order or individual leg(s). Again, if any leg of a complex order is nullified, the entire transaction is nullified. Additionally, as is the case today, if an Official determines that a Catastrophic Error has not occurred, the Trading Permit Holder will be subject to a charge of $5,000.[22]

Other than honoring the limit prices established for Customer orders, the Exchange has proposed to treat Customers and non-Customers the same in the context of the complex orders that trade against the leg market. When complex orders trade against the leg market, it is possible that at least some of the legs will execute at prices that would not be deemed obvious or catastrophic errors, which gives the counterparty in such situations no indication that the execution will later by adjusted or nullified. The Exchange believes that treating Customers and non-Customers the same in this context will provide additional certainty to non-Customers (especially Market-Makers) with respect to their potential exposure and hedging activities, including comfort that even if a transaction is later adjusted, such transaction will not be fully nullified. However, as noted above, under the Proposed Rule where at least one party to the transaction is a Customer, the trade will be nullified if the adjustment would result in an execution price higher (for buy transactions) or lower (for sell transactions) than the Customer's limit price on the complex order or individual leg(s). The Exchange has retained the protection of a Customer's limit price in order to avoid a situation where the adjustment could be to a price that a Customer would not have expected, and market professionals such as non-Customers would be better prepared to recover in such situations. Therefore, adjustment for non-Customers is more appropriate.

Second, proposed Interpretation and Policy .07(b) governs the review of complex orders that are executed against other complex orders. Proposed Rule 6.15.07(b) provides:

> If a complex order executes against another complex order and at least one of the legs qualifies as an Obvious Error under paragraph (c)(1) or a Catastrophic Error under paragraph (d)(1), then the leg(s) that is an Obvious or Catastrophic Error will be adjusted or busted in accordance with paragraph (c)(4) or (d)(3), respectively, so long as either: (i) The width of the National Spread Market for the complex order strategy just prior to the erroneous transaction was equal to or greater than the amount set forth in the wide quote table of paragraph (b)(3) or (ii) the net execution price of the complex order is higher (lower) than the offer (bid) of the National Spread Market for the complex order strategy just prior to the erroneous transaction by an amount equal to at least the amount shown in the table in paragraph (c)(1). If any leg of a complex order is nullified, the entire transaction is nullified. For purposes of Rule 6.15, the National Spread Market for a complex order strategy is determined by the National Best Bid/Offer of the individual legs of the strategy.

[15] *See* Rule 6.15(c)(4)(A) (stating that any non-Customer Obvious Error exceeding 50 contracts will be subject to the Size Adjustment Modifier defined in sub-paragraph (a)(4)). The Size Adjustment Modifier may also apply to the option leg of a stock-option order that is adjusted pursuant to Proposed Rule 6.15.07(c).

[16] *See* Rule 6.15(b)(3).

[17] *See* Rule 6.15(c)(1).

[18] *See* Rule 6.15(c)(4)(A).

[19] If any leg of a complex order is nullified, the entire transaction is nullified. *See* Proposed Rule 6.15.07(a).

[20] The simple order in this example is not an erroneous sell transaction because the execution price was not erroneously low. *See* Rule 6.15(a)(2).

[21] *See* Rule 6.15.02.

[22] *See* Rule 6.15(d)(3).

As described above in relation to Proposed Rule 6.15.07(a), the first step is for the Exchange to review (upon receipt of a timely notification in accordance with paragraphs (c)(2) or (d)(2) of the Current Rule) the individual legs to determine whether a leg or legs qualifies as an obvious or catastrophic error. If no leg qualifies as an obvious or catastrophic error, the transaction stands—no adjustment and no nullification.

Unlike Proposed Rule 6.15.07(a), the Exchange is also proposing to compare the net execution price of the entire complex order package to the National Spread Market (''NSM'') for the complex order strategy.[23] Complex orders are exempt from the order protection rules of the options exchanges.[24] Thus, depending on the manner in which the systems of an options exchange are calibrated, a complex order can execute without regard to the prices offered in the complex order books or the leg markets of other options exchanges. In certain situations, reviewing the execution prices of the legs in a vacuum would make the leg appear to be an obvious or catastrophic error, even though the net execution price on the complex order is not an erroneous price. For example, assume the Exchange receives a complex order to buy ABC calls and sell ABC puts.

- If the BBO for the ABC calls is $5.50–7.50 and the BBO for ABC puts is $3.00–4.50, then the Exchange's spread market is $1.00–4.50.[25]
- If the NBBO for the ABC calls is $6.00–6.50 and the NBBO for the ABC puts is $3.50–4.00, then the NSM is $2.00–3.00.
- If the Customer buys the calls at $7.50 and sells the puts at $4.00, the complex order Customer receives a net execution price of $3.00 (debit), which is the expected net execution price as indicated by the NSM offer of $3.00.

If the exchange were to solely focus on the $7.50 execution price of the ABC calls or the $4.00 execution price of the ABC puts, the execution would qualify as an obvious or catastrophic error because the execution price on the legs was outside the NBBO, even though the net execution price is accurate. Thus, the additional review of the NSM to determine if the complex order was executed at a truly erroneous price is necessary. The same concern is not present when a complex order executes against the leg market under Rule 6.15.07(a) because the Exchange is modifying its system in order to ensure the leg will execute at or within the NBBO of the leg markets.[26]

In order to incorporate NSM, Rule 6.15.07(b) provides that if the Exchange determines that a leg or legs does qualify as on obvious or catastrophic error, the leg or legs will be adjusted or busted in accordance with paragraph (c)(4) or (d)(3) of the Current Rule, so long as either: (i) The width of the NSM for the complex order strategy just prior to the erroneous transaction was equal to or greater than the amount set forth in the wide quote table of paragraph (b)(3) of the Current Rule or (ii) the net execution price of the complex order is higher (lower) than the offer (bid) of the NSM for the complex order strategy just prior to the erroneous transaction by an amount equal to at least the amount shown in the table in paragraph (c)(1) of the Current Rule.

For example, assume an individual leg or legs qualifies as an obvious or catastrophic error and the width of the NSM of the complex order strategy just prior to the erroneous transaction is $6.00–9.00. The complex order will qualify to be adjusted or busted in accordance with paragraph (c)(4) of the Current Rule because the wide quote table of paragraph (b)(3) of the Current Rule indicates that the minimum amount is $1.50 for a bid price between $5.00 to $10.00. If the NSM were instead $6.00–7.00 the complex order strategy would not qualify to be adjusted or busted pursuant to .07(b)(i) because the width of the NSM is $1.00, which is less than the required $1.50. However, the execution may still qualify to be adjusted or busted in accordance with paragraph (c)(4) or (d)(3) of the Current Rule pursuant to .07(b)(ii). Focusing on the NSM in this manner will ensure that the obvious/catastrophic error review process focuses on the net execution price instead of the execution prices of the individual legs, which may have execution prices outside of the NBBO of the leg markets.

Again, assume an individual leg or legs qualifies as an obvious or catastrophic error as described above. If the NSM is $6.00–7.00 (not a wide quote pursuant to the wide quote table in paragraph (b)(3) of the Current Rule) but the execution price of the entire complex order package (*i.e.,* the net execution price) is higher (lower) than the offer (bid) of the NSM for the complex order strategy just prior to the erroneous transaction by an amount equal to at least the amount in the table in paragraph (c)(1) of the Current Rule, then the complex order qualifies to be adjusted or busted in accordance with paragraph (c)(4) or (d)(3) of the Current Rule. For example, if the NSM for the complex order strategy just prior to the erroneous transaction is $6.00–7.00 and the net execution price of the complex order transaction is $7.75, the complex order qualifies to be adjusted or busted in accordance with paragraph (c)(4) of the Current Rule because the execution price of $7.75 is more than $0.50 (*i.e.,* the minimum amount according to the table in paragraph (c)(1) when the price is above $5.00 but less than $10.01) from the NSM offer of $7.00. Focusing on the NSM in this manner will ensure that the obvious/catastrophic error review process focuses on the net execution price instead of the execution prices of the individual legs, which may have execution prices outside of the NBBO of the leg markets.

Although the Exchange believes adjusting execution prices is generally better for the marketplace than nullifying executions because liquidity providers often execute hedging transactions to offset options positions, the Exchange recognizes that complex orders executing against other complex orders is similar to simple orders executing against other simple orders because both parties are able to review the execution price to determine whether the transaction may have been executed at an erroneous price. Thus, for purposes of complex orders that meet the requirements of Rule 6.15.07(b), the Exchange proposes to apply the Current Rule and adjust or bust obvious errors in accordance with paragraph (c)(4) (as opposed to applying paragraph (c)(4)(A) as is the case under .07(a)) and catastrophic errors in accordance with (d)(3).

Therefore, for purposes of complex orders under Proposed Rule 6.15.07(b), if one of the legs is determined to be an obvious error under paragraph (c)(1), all Customer transactions will be nullified, unless a Trading Permit Holder (''TPH'')

[23] NSM is the derived net market for a complex order package. *See e.g.,* Rule 6.13.02 (utilizing the term derived net market in the context of complex order strategies). For example, if the NBBO of Leg 1 is $1.00–2.00 and the NBBO of Leg 2 is $5.00–7.00, then the NSM for a complex order to buy Leg 1 and buy Leg 2 is $6.00–9.00.

[24] *See* CBOE Rule 6.81(b)(7). All options exchanges have the same order protection rule. CBOE Rule 6.81 applies to C2 pursuant to Section E of C2 Chapter VI.

[25] The complex order is to buy ABC calls and sell ABC puts. The Exchange's best offer for ABC puts is $7.50 and Exchange's best bid for is $3.00. If the Customer were to buy the complex order strategy, the Customer would receive a debit of $4.50 (buy ABC calls for $7.50 minus selling ABC puts for $3.00). If the Customer were to sell the complex order strategy the Customer would receive a credit of $1.00 (selling the ABC calls for $5.50 minus buying the ABC puts for $4.50). Thus, the Exchange's spread market is $1.00–4.50.

[26] The proposed rule change to modify Exchange systems to ensure the legs of a complex order will execute against legs in the simple order market within the NBBO of the simple order market will be in a separate filing.

submits 200 or more Customer transactions for review in accordance with (c)(4)(C).[27] For purposes of complex orders under Proposed Rule 6.15.07(b), if one of the legs is determined to be a catastrophic error under paragraph (d)(3) and all of the other requirements of Rule 6.15.07(b) are met, all market participants will be adjusted in accordance with the table set forth in (d)(3). Again, however, pursuant to paragraph (d)(3) where at least one party to a complex order transaction is a Customer, the transaction will be nullified if adjustment would result in an execution price higher (for buy transactions) or lower (for sell transactions) than the Customer's limit price on the complex order or individual leg(s). Also, if any leg of a complex order is nullified, the entire transaction is nullified.

Third, proposed Interpretation and Policy .07(c) governs stock-option orders. Proposed Rule 6.15.07(c) provides:

> If the option leg of a stock-option order qualifies as an Obvious Error under paragraph (c)(1) or a Catastrophic Error under paragraph (d)(1), then the option leg that is an Obvious or Catastrophic Error will be adjusted in accordance with paragraph (c)(4)(A) or (d)(3), respectively, regardless of whether one of the parties is a Customer. However, the option leg of any Customer order subject to this paragraph (c) will be nullified if the adjustment would result in an execution price higher (for buy transactions) or lower (for sell transactions) than the Customer's limit price on the stock-option order, and the Exchange will attempt to nullify the stock leg. Whenever a stock trading venue nullifies the stock leg of a stock-option order or whenever the stock leg cannot be executed, the Exchange will nullify the option leg upon request of one of the parties to the transaction or in accordance with paragraph (c)(3).

Similar to proposed Interpretation and Policy .07(a), an options leg (or legs) of a stock-option order must qualify as an obvious or catastrophic error under the Current Rule in order for the stock-option order to qualify as an obvious or catastrophic error. Also similar to Proposed Rule 6.15.07(a), if an options leg (or legs) does qualify as an obvious or catastrophic error, the option leg (or legs) will be adjusted in accordance with paragraph (c)(4)(A) or (d)(3), respectively, regardless of whether one of the parties is a Customer. Again, as with Proposed Rule 6.15.07(a), where at least one party to a complex order transaction is a Customer, the Exchange will nullify the option leg and attempt to nullify the stock leg if adjustment would result in an execution price higher (for buy transactions) or lower (for sell transactions) than the Customer's limit price on the complex order or individual leg(s).

The stock leg of a stock-option order is not executed on the Exchange; rather, the stock leg is sent to a stock trading venue for execution. The Exchange is unaware of a mechanism by which the Exchange can guarantee that the stock leg will be nullified by the stock trading venue in the event of an obvious or catastrophic error on the Exchange. Thus, in the event of the nullification of the option leg pursuant to Proposed Rule 6.15.07(c), the Exchange will attempt to have the stock leg nullified by the stock trading venue by either contacting the stock trading venue or notifying the parties to the transaction that the option leg is being nullified. The party or parties to the transaction may ultimately need to contact the stock trading venue to have the stock portion nullified.

Finally, the Exchange proposes to provide guidance that whenever the stock trading venue nullifies the stock leg of a stock-option order, the option will be nullified upon request of one of the parties to the transaction or by an Official acting on their own motion in accordance with paragraph (c)(3). There are situations in which buyer and seller agree to trade a stock-option order, but the stock leg cannot be executed. The Exchange proposes to provide guidance that whenever the stock portion of a stock-option order cannot be executed, the Exchange will nullify the option leg upon request of one of the parties to the transaction or on an Official's own motion.

Implementation Date

In order to ensure that other options exchanges are able to adopt rules consistent with this proposal and to coordinate the effectiveness of such harmonized rules, the Exchange proposes to delay the operative date of this proposal to April 17, 2017.

2. Statutory Basis

The Exchange believes that its proposal 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.[28] Specifically, the proposal is consistent with Section 6(b)(5) of the Act[29] because it would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest.

As described above, the Exchange and other options exchanges are seeking to adopt harmonized rules related to the adjustment and nullification of erroneous options transactions. The Exchange believes that the Proposed Rule will provide greater transparency and clarity with respect to the adjustment and nullification of erroneous options transactions. Particularly, the proposed changes seek to achieve consistent results for participants across U.S. options exchanges while maintaining a fair and orderly market, protecting investors and protecting the public interest. Based on the foregoing, the Exchange believes that the proposal is consistent with Section 6(b)(5) of the Act[30] in that the Proposed Rule will foster cooperation and coordination with persons engaged in regulating and facilitating transactions.

The Exchange believes the various provisions allowing or dictating adjustment rather than nullification of a trade are necessary given the benefits of adjusting a trade price rather than nullifying the trade completely. Because options trades are used to hedge, or are hedged by, transactions in other markets, including securities and futures, many TPHs, and their customers, would rather adjust prices of executions rather than nullify the transactions and, thus, lose a hedge altogether. As such, the Exchange believes it is in the best interest of investors to allow for price adjustments as well as nullifications.

The Exchange does not believe that the proposal is unfairly discriminatory, even though it differentiates in many places between Customers and non-Customers. As with the Current Rule, Customers are treated differently, often affording them preferential treatment. This treatment is appropriate in light of the fact that Customers are not necessarily immersed in the day-to-day trading of the markets, are less likely to be watching trading activity in a particular option throughout the day, and may have limited funds in their trading accounts. At the same time, the Exchange reiterates that in the U.S. options markets generally there is significant retail customer participation that occurs directly on (and only on) options exchanges such as the Exchange. Accordingly, differentiating

[27] Rule 6.15(c)(4)(C) also requires the orders resulting in 200 or more Customer transactions to have been submitted during the course of 2 minutes or less.

[28] 15 U.S.C. 78f(b).

[29] 15 U.S.C. 78f(b)(5).

[30] 15 U.S.C. 78f(b)(5).

among market participants with respect to the adjustment and nullification of erroneous options transactions is not unfairly discriminatory because it is reasonable and fair to provide Customers with additional protections as compared to non-Customers.

The Exchange believes that its proposal to adopt the ability to adjust a Customer's execution price when a complex order is deemed to be an Obvious or Catastrophic Error is consistent with the Act. A complex order that executes against individual leg markets may receive an execution price on an individual leg that is not an Obvious or Catastrophic error but another leg of the transaction is an Obvious or Catastrophic Error. In such situations where the complex order is executing against at least one individual or firm that is not aware of the fact that they have executed against a complex order or that the complex order has been executed at an erroneous price, the Exchange believes it is more appropriate to adjust execution prices if possible because the derivative transactions are often hedged with other securities. Allowing adjustments instead of nullifying transactions in these limited situations will help to ensure that market participants are not left with a hedge that has no position to hedge against.

The Exchange also believes its proposal related to stock-option orders is consistent with the Act. Stock-option orders consist of an option component and a stock component. Due to the fact that the Exchange has no control over the venues on which the stock is executed the proposal focuses on the option component of the stock-option order by adjusting or nullifying the option in accordance with paragraph (c)(4)(A) or (d)(3). Also, nullifying the option component if the stock component cannot be executed ensures that market participants receive the execution for which they bargained. Stock-option orders are negotiated and agreed to as a package; thus, if for any reason the stock portion of a stock-option order cannot ultimately be executed, the parties should not be saddled with an options position sans stock.

B. Self-Regulatory Organization's Statement on Burden on Competition

C2 does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Importantly, the Exchange believes the proposal will not impose a burden on intermarket competition but will rather alleviate any burden on competition because it is the result of a collaborative effort by all options exchanges to harmonize and improve the process related to the adjustment and nullification of erroneous options transactions. The Exchange does not believe that the rules applicable to such process is an area where options exchanges should compete, but rather, that all options exchanges should have consistent rules to the extent possible. Particularly where a market participant trades on several different exchanges and an erroneous trade may occur on multiple markets nearly simultaneously, the Exchange believes that a participant should have a consistent experience with respect to the nullification or adjustment of transactions. The Exchange understands that all other options exchanges that trade complex orders and/or stock-option orders intend to file proposals that are substantially similar to this proposal.

The Exchange does not believe that the proposed rule change imposes a burden on intramarket competition because the provisions apply to all market participants equally within each participant category (*i.e.,* Customers and non-Customers). With respect to competition between Customer and non-Customer market participants, the Exchange believes that the Proposed Rule acknowledges competing concerns and tries to strike the appropriate balance between such concerns. For instance, the Exchange believes that protection of Customers is important due to their direct participation in the options markets as well as the fact that they are not, by definition, market professionals. At the same time, the Exchange believes due to the quote-driven nature of the options markets, the importance of liquidity provision in such markets and the risk that liquidity providers bear when quoting a large breadth of products that are derivative of underlying securities, that the protection of liquidity providers and the practice of adjusting transactions rather than nullifying them is of critical importance. As described above, the Exchange will apply specific and objective criteria to determine whether an erroneous transaction has occurred and, if so, how to adjust or nullify a transaction.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 [31] and subparagraph (f)(6) of Rule 19b–4 thereunder.[32]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [33] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [34] 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 implement the proposed rule change by April 17, 2017 in coordination with the other options exchanges. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[35]

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.

[31] 15 U.S.C. 78s(b)(3)(A)(iii).

[32] 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.

[33] 17 CFR 240.19b–4(f)(6).

[34] 17 CFR 240.19b–4(f)(6)(iii).

[35] 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).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–C2–2017–011 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–C2–2017–011. 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–C2–2017–011, and should be submitted on or before April 18, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[36]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–06055 Filed 3–27–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80296; File No. SR–NYSEArca–2017–07]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Approving a Proposed Rule Change, as Modified by Amendment Nos. 1, 3, and 4 Thereto, To List and Trade Shares of the ProShares UltraPro 3x Crude Oil ETF and ProShares UltraPro 3x Short Crude Oil ETF Under NYSE Arca Equities Rule 8.200

March 22, 2017.

I. Introduction

On January 26, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[2] and Rule 19b–4 thereunder,[3] a proposed rule change to list and trade shares (''Shares'') of the ProShares UltraPro 3x Crude Oil ETF and ProShares UltraPro 3x Short Crude Oil ETF (each a ''Fund,'' and collectively the ''Funds'') under NYSE Arca Equities Rule 8.200. The proposed rule change was published for comment in the **Federal Register** on February 7, 2017.[4] On March 9, 2017, the Exchange filed Amendment No. 1 to the proposed rule change.[5] On March 10, 2017, the Exchange filed and withdrew Amendment No. 2 to the proposed rule change,[6] and filed Amendment No. 3 to the proposed rule change.[7] On March 20, 2017, the Exchange filed Amendment No. 4 to the proposed rule change.[8] The Commission received no comments on the proposed rule change. This order approves the proposed rule change, as modified by Amendment Nos. 1, 3, and 4 thereto.

II. Exchange's Description of the Proposal[9]

The Exchange proposes to list and trade the Shares under NYSE Arca Equities Rule 8.200, Commentary .02, which governs the listing and trading of Trust Issued Receipts.[10] Each Fund is a

[36] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 79917 (February 1, 2017), 82 FR 9620.

[5] In Amendment No. 1, which amended and replaced the proposed rule change in its entirety, the Exchange: (1) Supplemented its description of the Funds' investments in over-the-counter (''OTC'') transactions; (2) provided clarification and additional specificity regarding the holding and settlement of futures contracts and options on such futures; (3) provided additional details regarding the calculation of the Bloomberg WTI Crude Oil Subindex℠; (4) provided information regarding the calculation and dissemination of the Indicative Fund Value of the Funds; (5) provided additional clarification regarding the difference between the net asset value calculation time and the creation and redemption cut-off time for the Funds; (6) clarified the information that will be made available on the Funds' Web site regarding the Funds and their portfolio holdings; (7) supplemented its description of the Exchange's surveillance procedures; (8) represented that the applicability of Exchange listing rules specified in the proposed rule change shall constitute continued listing requirements for listing the Shares on the Exchange; (9) clarified the type of information that will be available in the Information Bulletin regarding the Funds' portfolio holdings; and (10) made other technical amendments. Amendment No. 1 to the proposed rule change is available at: *https://www.sec.gov/comments/sr-nysearca-2017-07/nysearca201707-1630210-137426.pdf.* Amendment No. 1 is not subject to notice and comment because it is a technical amendment that does not materially alter the substance of the proposed rule change or raise any novel regulatory issues.

[6] Notice of the Exchange's withdrawal of Amendment No. 2 is available at: *https://www.sec.gov/comments/sr-nysearca-2017-07/nysearca201707-1644096-147899.pdf.*

[7] In Amendment No. 3, which partially amended the proposed rule change, as modified by Amendment No. 1 thereto, the Exchange added a representation regarding the dissemination of the value of the Bloomberg WTI Crude Oil Subindex℠. Amendment No. 3 to the proposed rule change is available at: *https://www.sec.gov/comments/sr-nysearca-2017-07/nysearca201707-1644096-147899.pdf.* Amendment No. 3 is not subject to notice and comment because it is a technical amendment that does not materially alter the substance of the proposed rule change or raise any novel regulatory issues.

[8] In Amendment No. 4, which partially amended the proposed rule change, as modified by Amendment Nos. 1 and 3 thereto, the Exchange: (1) Clarified its use of the term ''Futures Contracts'' and (2) provided additional clarification regarding the calculation of the Indicative Fund Value. Amendment No. 4 to the proposed rule change is available at: *https://www.sec.gov/comments/sr-nysearca-2017-07/nysearca201707-1657390-148729.pdf.* Amendment No. 4 is not subject to notice and comment because it is a technical amendment that does not materially alter the substance of the proposed rule change or raise any novel regulatory issues.

[9] A more detailed description of the Funds, the Shares, and the Benchmark, as well as investment risks, creation and redemption procedures, net asset value (''NAV'') calculation, availability of values and other information regarding the Funds' portfolio holdings, and fees, among other things, is included in the Registration Statement, as well as Amendment Nos. 1, 3, and 4, as applicable. *See infra* note 11, and *supra* notes 5, 7, and 8, respectively.

[10] Commentary .02 to NYSE Arca Equities Rule 8.200 applies to Trust Issued Receipts that invest in ''Financial Instruments.'' The term ''Financial Instruments,'' as defined in Commentary .02(b)(4) to NYSE Arca Equities Rule 8.200, means any combination of investments, including cash;

series of the ProShares Trust II (''Trust''), a Delaware statutory trust.[11] The Trust and the Funds are managed and controlled by ProShare Capital Management LLC (''ProShare Capital''). ProShare Capital is registered as a commodity pool operator with the Commodity Futures Trading Commission and is a member of the National Futures Association. Brown Brothers Harriman & Co. will be the custodian, registrar, and transfer agent, and administrator for the Funds. SEI Investments Distribution Co. serves as distributor for the Funds.

Overview of the Funds

The investment objective of the ProShares UltraPro 3x Crude Oil ETF is to seek, on a daily basis,[12] investment results that correspond (before fees and expenses) to three times (3×) the performance of the Bloomberg WTI Crude Oil Subindex℠ (''Benchmark'').[13] The investment objective of the ProShares UltraPro 3x Short Crude Oil ETF is to seek, on a daily basis, investment results that correspond (before fees and expenses) to three times (3×) the inverse of the performance of the Benchmark. The Benchmark is intended to reflect the performance of crude oil as measured by the price of futures contracts of West Texas Intermediate sweet, light crude oil listed on the New York Mercantile Exchange (''NYMEX''), including the impact of rolling, without regard to income earned on cash positions.

In seeking to achieve the Funds' investment objectives, ProShare Capital will utilize a mathematical approach to determine the type, quantity and mix of investment positions that ProShare Capital believes, in combination, should produce daily returns consistent with the Funds' respective objectives. ProShare Capital will rely on a pre-determined model to generate orders that result in repositioning the Funds' investments in accordance with their respective investment objectives.

Investments of the Funds

Each Fund will seek to achieve its respective investment objective by investing, under normal market conditions,[14] substantially all of its assets in futures contracts for West Texas Intermediate sweet, light crude oil listed on the NYMEX, ICE Futures U.S. or other U.S. exchanges (''Futures'') and listed options on such contracts (''Options'' and, together with Futures, ''Futures Contracts''). The Funds will not invest directly in oil. A Fund's investments in Futures Contracts will be used to produce economically ''leveraged'' or ''inverse leveraged'' investment in a manner consistent with the respective Fund's investment objective.

In the event position, price or accountability limits are reached with respect to Futures Contracts,[15] each Fund may obtain exposure to the Benchmark through investments in swap agreements and forward contracts referencing such Benchmark (''Financial Instruments''). To the extent that a Fund invests in Financial Instruments, it would first make use of exchange-traded Financial Instruments, if available. If an investment in exchange-traded Financial Instruments is unavailable, then a Fund would invest in Financial Instruments that clear through derivatives clearing organizations that satisfy the Trust's criteria, if available. If an investment in cleared Financial Instruments is unavailable, then a Fund would invest in other Financial Instruments, including uncleared Financial Instruments in the OTC market. The Funds may also invest in Financial Instruments if the market for a specific Futures Contract experiences emergencies (*e.g.,* natural disaster, terrorist attack or an act of God) or disruptions (*e.g.,* a trading halt) that prevent or make it impractical for a Fund to obtain the appropriate amount of investment exposure using Futures Contracts.

Although each Fund, under normal market conditions, will invest substantially all of its assets in Futures Contracts, each Fund will also hold cash or cash equivalents, such as U.S. Treasury securities or other high credit quality, short-term fixed-income or similar securities (such as shares of money market funds and collateralized repurchase agreements) pending investment in Futures Contracts or Financial Instruments or as collateral for the Funds' investments.

The Exchange represents that, to the extent a Fund enters into swap agreements and other OTC transactions, it will do so only with large, established and well capitalized financial institutions that meet the Sponsor's credit quality standards and monitoring policies. The Exchange states that each Fund will use various techniques to minimize credit risk including early termination or reset and payment, using different counterparties and limiting the net amount due from any individual counterparty.[16]

The Funds do not intend to hold Futures [17] through expiration, but instead intend to ''roll'' or close their respective positions before expiration. When the market for these contracts is such that the prices are higher in the more distant delivery months than in the nearer delivery months, the sale during the course of the ''rolling process'' of the more nearby contract would take place at a price that is lower

securities; options on securities and indices; futures contracts; options on futures contracts; forward contracts; equity caps, collars, and floors; and swap agreements.

[11] The Trust is registered under the Securities Act of 1933 (15 U.S.C. 77a) (''Securities Act''). On December 9, 2016, the Trust filed with the Commission a registration statement on Form S–1 under the Securities Act relating to the Funds (File No. 333–214904) (''Registration Statement''). The description of the operation of the Trust and the Funds herein is based, in part, on the Registration Statement.

[12] The Fund does not seek to achieve its investment objective over a period greater than a single trading day. The Exchange states that the return of a Fund for a period longer than a single trading day is the result of its return for each day compounded over the period and thus will usually differ from a Fund's multiple times the return of the Benchmark for the same period. *See* Amendment No. 1, *supra* note 5, at 5.

[13] According to the Exchange, the Bloomberg WTI Crude Oil Subindex℠ is a ''rolling index,'' which means that the Index performance includes the impact of closing out futures contracts that are nearing expiration and replacing them with futures contracts with later expirations. The Exchange states that this process is commonly referred to as ''rolling.'' *See id.* at 5 n.6.

[14] The term ''normal market conditions'' includes, but is not limited to, the absence of trading halts in the applicable financial markets generally; operational issues (*e.g.,* systems failure) causing dissemination of inaccurate market information; or force majeure type events such as natural or manmade disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance. *See id.* at 6 n.9.

[15] Designated contract markets, such as the NYMEX and ICE Futures U.S., have established accountability levels and position limits on the maximum net long or net short Futures Contracts in commodity interests that any person or group of persons under common trading control (other than as a hedge, which an investment by a Fund is not) may hold, own or control. These levels and position limits apply to the Futures Contracts that each Fund would invest in to meet its investment objective. In addition to accountability levels and position limits, NYMEX and ICE Futures U.S. also set price fluctuation limits on Futures Contracts. The price fluctuation limit establishes the amount that the price of Futures may vary either up or down from the previous day's settlement price. Options do not have individual price limits but rather are linked to the price limit of Futures. *See id.* at 6 n.10.

[16] *See id.* at 7.

[17] The Exchange states that out-of-the-money Options will be held to expiration and will expire worthless. According to the Exchange, Funds intend to hold in-the-money options to expiration, which would occur before the expiration of Futures. In-the-money Options are settled through receipt or delivery of Futures. With respect to Futures positions established through the Options settlement procedure, the Funds intend to close such positions by entering into simultaneous offsetting Futures positions. The effects of contango and backwardation on the price of Futures will impact the price of Options to the same degree of any change in the price of the underlying Futures. *See id.* at 7 n.11.

than the price of the more distant contract.[18]

The Exchange states that the Funds do not expect to have exposure to Futures Contracts and Financial Instruments greater than three times (3x) the Funds' net assets. Thus, the maximum margin held at a future commission merchant would not exceed three times the margin requirement for either Fund.[19] The Exchange represents that not more than 10% of the net assets of a Fund in the aggregate invested in Futures Contracts shall consist of Futures Contracts whose principal market is not a member of the Intermarket Surveillance Group (''ISG'') or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement (''CSSA'').[20]

III. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares is consistent with the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.[21] In particular, the Commission finds that the proposed rule change, as modified by Amendment Nos. 1, 3, and 4 thereto, is consistent with Section 6(b)(5) of the Exchange Act,[22] which requires, among other things, that the Exchange's rules be 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.

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Exchange Act,[23] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers and investors of information with respect to quotations for and transactions in securities. According to the Exchange, quotation and last-sale information regarding the Shares will be disseminated through the facilities of the Consolidated Tape Association (''CTA''). Quotation information for cash equivalents, OTC swaps and forward contracts may be obtained from brokers and dealers who make markets in such instruments. Quotation information for exchange-traded swaps will be available from the applicable exchange and major market vendors. The intraday, closing prices, and settlement prices of the Futures Contracts will be readily available from the applicable futures exchange Web sites, automated quotation systems, published or other public sources, or major market data vendors. Complete real-time data for the Futures Contracts is available by subscription through on-line information services. ICE Futures U.S. and NYMEX also provide delayed futures and options on futures information on current and past trading sessions and market news free of charge on their respective Web sites. The specific contract specifications for Futures Contracts are also available on such Web sites, as well as other financial informational sources. Intra-day price and closing price level information for the Benchmark will be available from major market data vendors.

The Funds' Web site, *www.ProShares.com,* will display the applicable end of day closing NAV. Each Fund's total portfolio composition will be disclosed each business day that the NYSE Arca is open for trading, on the Funds' Web site. The Funds' Web site will also include a form of the prospectus for the Funds that may be downloaded. The Web site will include the Shares' ticker and CUSIP information, along with additional quantitative information updated on a daily basis for each Fund.[24] The Web site disclosure of portfolio holdings will be made daily and will include, as applicable, (i) the name, quantity, value, expiration and strike price of Futures and Options, (ii) the counterparty to and value of swap agreements and forward contracts, and (ii) the aggregate net value of other assets (*i.e.,* Treasury securities, cash equivalents and cash) held in each Fund's portfolio, if applicable.

The Benchmark will be disseminated by one or more major market data vendors every 15 seconds during the NYSE Arca Core Trading Session of 9:30 a.m. to 4:00 p.m. Eastern Time (''E.T.''). The Indicative Fund Value (''IFV'')[25] per Share will be widely disseminated by one or more major market data vendors every 15 seconds during the Exchange's Core Trading Session.[26] The Funds will compute their NAVs at 2:30 p.m. E.T., which is the designated closing time of the crude oil futures listed on NYMEX,[27] or an earlier time as set forth on *www.ProShares.com,* if necessitated by the New York Stock Exchange LLC, the Exchange, or other exchange material to the valuation or operation of such Fund closing early. The NAV for the Shares will be disseminated daily to all market participants at the same time.

The Commission further believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. If the Exchange becomes aware that the NAV with respect to the Shares is not

[18] The Exchange states that this pattern of higher futures prices for longer expiration Futures is referred to as ''contango.'' Alternatively, when the market for these contracts is such that the prices are higher in the nearer months than in the more distant months, the sale during the course of the ''rolling process'' of the more nearby contract would take place at a price that is higher than the price of the more distant contract. This pattern of higher futures prices for shorter expiration Futures is referred to as ''backwardation.'' According to the Exchange, the presence of contango in certain Futures at the time of rolling could adversely affect a Fund with long positions, and positively affect a Fund with short positions. Similarly, the presence of backwardation in certain Futures at the time of rolling such contracts could adversely affect a Fund with short positions and positively affect a Fund with long positions. *See id.* at 7.

[19] *See id.*

[20] *See id.* at 14.

[21] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[22] 15 U.S.C. 78f(b)(5).

[23] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[24] The Funds' Web site will include (1) daily trading volume, the prior business day's reported NAV and closing price, and a calculation of the premium and discount of the closing price or mid-point of the bid/ask spread at the time of NAV calculation (''Bid/Ask Price'') against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily closing price or Bid/Ask Price against the NAV, within appropriate ranges, for at least each of the four previous calendar quarters.

[25] The IFV will be calculated by using the prior day's closing NAV per Share of a Fund as a base and will be updating throughout the Exchange's Core Trading Session to reflect changes in the approximate aggregate per Share value of the investments held by a Fund based on the most recently available prices for the Fund's investments. According to the Exchange, there may be times when trading in the Shares is occurring during the NYSE Arca Core Trading Session, but trading in Futures is not occurring. This may occur when, for example, a futures exchange and NYSE Arca have different holiday schedules, a futures exchange closes prior to the close of the NYSE Arca Core Trading Session, price fluctuation limits are reached in Futures, or a futures exchange imposes any other suspension or limitation on trading in Futures. In such instances, the IFV would be static or priced at the applicable early cut-off time of the exchange trading the applicable Futures. *See* Amendment No. 1, *supra* note 5, at 9; Amendment No. 4, *supra* note 8.

[26] The Exchange notes that several major market data vendors display and/or make widely available IFVs taken from the CTA or other data feeds. *See* Amendment No. 1, *supra* note 5, at 9 n.13.

[27] The Exchange states that the daily value of the Benchmark is calculated as of 2:30 p.m. E.T. to coincide with the designated closing time. Futures Contracts, however, continue to trade past 2:30 p.m. E.T. and through the end of the NYSE Arca Core Trading Session at 4:00 p.m. E.T. *See id.* at 8 n.12.

disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants. Further, the Exchange may halt trading during the day in which an interruption to the dissemination of the IFV or the value of the Benchmark occurs. If the interruption to the dissemination of the IFV or the value of the Benchmark persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption. Trading in Shares of a Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. The Exchange states that it has a general policy prohibiting the distribution of material, non-public information by its employees.[28] Moreover, trading of the Shares will be subject to NYSE Arca Equities Rule 8.200, Commentary .02(e), which sets forth certain restrictions on Equity Trading Permit (''ETP'') Holders acting as registered Market Makers in Trust Issued Receipts to facilitate surveillance.

The Commission notes that the Exchange or the Financial Industry Regulatory Authority (''FINRA''), on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares and certain Futures Contracts with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares and certain Futures Contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and certain Futures Contracts from markets and other entities that are members of ISG or with which the Exchange has in place a CSSA.[29] The Exchange is also able to obtain information regarding trading in the Shares, the physical commodities underlying Futures Contracts through ETP Holders, in connection with such ETP Holders' proprietary or customer trades which they effect through ETP Holders on any relevant market. The Exchange can obtain market surveillance information, including customer identity information, with respect to transactions (including transactions in Futures Contracts) occurring on US futures exchanges, which are members of the ISG.

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. In support of this proposal, the Exchange represented that:

(1) The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.200.

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(3) Trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws, and these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

(4) Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (a) The risks involved in trading the Shares during the Early and Late Trading Sessions when an updated IFV will not be calculated or publicly disseminated; (b) the procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (c) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (d) how information regarding the IFV is disseminated; (e) how information regarding portfolio holdings is disseminated; (f) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (g) trading information.

(5) For initial and continued listing, each Fund will be in compliance with Rule 10A–3 under the Act,[30] as provided by NYSE Arca Equities Rule 5.3.

(6) Each Fund will seek to achieve its respective investment objective by investing, under normal market conditions, substantially all of its assets in Futures Contracts.'' In the event position, price or accountability limits are reached with respect to Futures Contracts, each Fund may obtain exposure to the Benchmark through investments in Financial Instruments. To the extent that a Fund invests in Financial Instruments, it would first make use of exchange-traded Financial Instruments, if available. If an investment in exchange-traded Financial Instruments is unavailable, then a Fund would invest in Financial Instruments that clear through derivatives clearing organizations that satisfy the Trust's criteria, if available. If an investment in cleared Financial Instruments is unavailable, then a Fund would invest in other Financial Instruments, including uncleared Financial Instruments in the OTC market.

(7) Not more than 10% of the net assets of a Fund in the aggregate invested in Futures Contracts shall consist of Futures Contracts whose principal market is not a member of the ISG or is a market with which the Exchange does not have a CSSA.

(8) To the extent a Fund enters into swap agreements and other OTC transactions, it will do so only with large, established and well capitalized financial institutions that meet the Sponsor's credit quality standards and monitoring policies. Each Fund will use various techniques to minimize credit risk including early termination or reset and payment, using different counterparties and limiting the net amount due from any individual counterparty.

(9) A minimum of 100,000 Shares of each Fund will be outstanding at the commencement of trading on the Exchange.

The Exchange represents that all statements and representations made in this filing regarding (a) the description of the portfolios of the Funds or Benchmark, (b) limitations on portfolio holdings or the Benchmark, or (c) the applicability of Exchange listing rules specified in this rule filing shall constitute continued listing requirements for listing the Shares on the Exchange. The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Funds 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

[28] *See id.* at 14.

[29] For a list of the current members of ISG, *see www.isgportal.org.* According to the Exchange, not all components of a Fund may trade on markets that are members of ISG or with which the Exchange has in place a CSSA. *See id.* at 13 n.18.

[30] 17 CFR 240.10A–3.

requirements.[31] If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Equities Rule 5.5(m).

This approval order is based on all of the Exchange's representations and description of the Funds, including those set forth above and in Amendment Nos. 1, 3, and 4. The Commission notes that the Shares must comply with the requirements of NYSE Arca Equities Rule 8.200 and Commentary .02 thereto to be listed and traded on the Exchange on an initial and continuing basis.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment Nos. 1, 3, and 4 thereto, is consistent with Section 6(b)(5) of the Act [32] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[33] that the proposed rule change (SR–NYSEArca–2017–07), as modified by Amendment Nos. 1, 3, and 4 thereto, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–06053 Filed 3–27–17; 8:45 am]

BILLING CODE 8011–01–P

[31] The Commission notes that certain other proposals for the listing and trading of Managed Fund Shares include a representation that the exchange will ''surveil'' for compliance with the continued listing requirements. *See, e.g.,* Securities Exchange Act Release No. 77499 (April 1, 2016), 81 FR 20428 (April 7, 2016) (Notice of Filing of Amendment No. 2, and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, to List and Trade Shares of the SPDR DoubleLine Short Duration Total Return Tactical ETF of the SSgA Active Trust), available at: *http://www.sec.gov/rules/sro/bats/2016/34-77499.pdf.* In the context of this representation, it is the Commission's view that ''monitor'' and ''surveil'' both mean ongoing oversight of the Fund's compliance with the continued listing requirements. Therefore, the Commission does not view ''monitor'' as a more or less stringent obligation than ''surveil'' with respect to the continued listing requirements.

[32] 15 U.S.C. 78f(b)(5).

[33] 15 U.S.C. 78s(b)(2).

[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80300; File No. SR–CTA/CQ–2017–02]

Consolidated Tape Association; Notice of Filing and Immediate Effectiveness of the Twenty-Second Charges Amendment to the Second Restatement of the CTA Plan and the Thirteenth Charges Amendment to the Restated CQ Plan

March 23, 2017.

Pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 608 thereunder,[2] notice is hereby given that on March 2, 2017, the Consolidated Tape Association (''CTA'') Plan participants (''Participants'') [3] filed with the Securities and Exchange Commission (''Commission'') a proposal to amend the Second Restatement of the CTA Plan and the Restated Consolidated Quotation (''CQ'') Plan (''Plans'').[4] These amendments represent the twenty-second Charges Amendment to the CTA Plan and the thirteenth Charges Amendment to the CQ Plan (''Amendments''). The Amendments seek to amend the Plans' fee schedule as well as the non-display use policy to clarify the applicability on the non-display fee, the device fee, and the access fee.

The Commission is publishing this notice to solicit comments from interested persons on the proposed Amendments.

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

[3] *The Participants are:* BATS Exchange, Inc., BATS–Y Exchange, Inc., Chicago Board Options Exchange, Inc., Chicago Stock Exchange, Inc., EDGA Exchange, Inc., EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc., International Securities Exchange, LLC, Investors' Exchange LLC, NASDAQ OMX BX, Inc., NASDAQ OMX PHLX, Inc., Nasdaq Stock Market LLC, National Stock Exchange, New York Stock Exchange LLC, NYSE MKT LLC, and NYSE Arca, Inc.

[4] *See* Securities Exchange Act Release Nos. 10787 (May 10, 1974), 39 FR 17799 (May 20, 1974) (declaring the CTA Plan effective); 15009 (July 28, 1978), 43 FR 34851 (August 7, 1978) (temporarily authorizing the CQ Plan); and 16518 (January 22, 1980), 45 FR 6521 (January 28, 1980) (permanently authorizing the CQ Plan). The most recent restatement of both Plans was in 1995. The CTA Plan, pursuant to which markets collect and disseminate last sale price information for non-NASDAQ listed securities, is a ''transaction reporting plan'' under Rule 601 under the Act, 17 CFR 242.601, and a ''national market system plan'' under Rule 608 under the Act, 17 CFR 242.608. The CQ Plan, pursuant to which markets collect and disseminate bid/ask quotation information for listed securities, is a ''national market system plan'' under Rule 608 under the Act, 17 CFR 242.608.

I. Rule 608(a)

A. Purpose of the Amendments

1. Background

In October 2014, the Participants amended the Plans' fee schedules to establish fees for non-display uses of data and to reduce the device fees assessed on professional subscribers.[5] In so doing, the Participants determined that such a change provided an equitable allocation of fees to the industry that would reflect the value of non-display data usage (subject to the non-display fees) versus display data usage (subject to the lower device fees). At that time, non-display use was defined as consisting of accessing, processing, or consuming real-time Network A or Network B quotation information or last sale price information, whether delivered via direct and/or redistributor data feeds, for a purpose other than in support of a data recipient's display or further internal or external distribution. The Participants established three categories of non-display uses of market data:

- Category 1 applies when a data recipient makes non-display uses of real-time market data on its own behalf.
- Category 2 applies when a data recipient makes non-display uses of real-time market data on behalf of its clients.
- Category 3 applies when a data recipient makes non-display uses of real-time market data for the purpose of internally matching buy and sell orders within an organization.

Data recipients can be charged for each of the three categories of non-display uses. Category 3 is the only non-display fee that can be charged multiple times; a data recipient would be charged for each ATS, exchange, or ECN operated by the data recipient. In the October 2014 Non-Display Filing, the Participants also provided the following non-exhaustive list of examples of non-display use:

- Any trading in any asset class;
- Automated order or quote generation and/or order pegging;
- Price referencing for algorithmic trading;
- Price referencing for smart order routing;
- Operations control programs;
- Investment analysis;
- Order verification;
- Surveillance programs;
- Risk management;
- Compliance; and
- Portfolio valuation.

[5] *See* Securities Exchange Act Release No. 73278 (October 1, 2014), 79 FR 60536 (October 7, 2014) (''October 2014 Non-Display Filing'').

The Participants propose to clarify that any use of data that does not make the data visibly available to the data recipient on a device should be considered non-display use. When a data recipient is using data solely for display purposes, the data recipient will only be charged the device fee.[6] As a result, the Participants believe it would be beneficial to provide additional clarification regarding the definition of non-display use to resolve any ambiguity.

The Participants further propose to clarify that a data recipient is subject to the access fee when the data it is receiving is used for non-display, or can be manipulated and disseminated to other devices even if the data is also displayed on a device. As described below, the Participants are amending the Plans' fee schedules to clarify the applicability of the access fee.

2. *Amended Definition of Non-Display Use*

The Participants are proposing to amend the definition of ''Non-Display Use'' in footnote eight of the Plans' fee schedules to explicitly state that any use of data that does not make data visibly available to a data recipient on a device is a Non-Display Use. The Participants are proposing to make a parallel amendment to footnote two of the Plans' fee schedules to state that the device fee will only be applicable where the data is visibly available to the data recipient; any other data use on a device will be considered Non-Display Use.[7]

In the October 2014 Non-Display Filing, the Participants recognized the relative values of non-display versus display data usage. With the proliferation of automated and algorithmic trading, non-display devices consume large amounts of data and are critical to a firm's businesses. The black boxes and application programming interfaces utilized by these firms process data far more quickly, and as a result, the relative value between non-display and display data usage is pronounced. The disparity in value between non-display and display data usage led the Participants to decrease the professional subscriber device charges in the October 2014 Non-Display Filing while establishing the non-display fees. However, if data is used for non-display purposes, but is subject to the device fee and not the non-display fee, such interpretation would disrupt the balance struck by the Participants in setting the fees.

The Participants believe that amending the language of the fee schedule will create a clear understanding of when the non-display fee is applicable and therefore effectuate the change originally contemplated by the October 2014 Non-Display Filing. To notify data recipients of the amended definition, the Participants will be updating the CTA Market Data Non-Display Use Policy. The CTA Market Data Non-Display Use Policy describes the applicability of the non-display fee to specific uses of real-time Network A and Network B last sale information and quotation information. The CTA Market Data Non-Display Use Policy currently reflects the applicability of the non-display fee as established by the October 2014 Non-Display Filing. The Participants are amending this policy to include the updated definition of Non-Display Use as reflected in the Plans' amended fee schedules. The CTA Market Data Non-Display Use Policy is also being updated to specify that Redistributors that provide market data to their customers and/or data recipients who use the data for Non-Display Use must submit a data feed request to the administrator, and must require that the customers and data recipients of such market data complete the necessary documentation for the data feed request.

The Participants are also amending footnote two and footnote eight of the Plans' fee schedules to make clear that the Participants reserve the right to make the sole determination as to whether a data recipient's use is subject to the non-display fee or the device fee and, if subject to the non-display fee, the category of such Non-Display Use.

3. *Access Fee Applicability*

The Participants are amending footnote ten of the Plans' fee schedules to clarify when the access fee is applicable. Access fees are charged to those who obtain Network A and Network B data feeds. The Participants are not proposing to modify the current access fees. Instead, the Participants are proposing to clarify in the Plans' fee schedules that the access fee is applicable if: (1) The data recipient uses the data for non-display; or (2) the data recipient receives the data in such a manner that the data can be manipulated and disseminated to one or more devices, display or otherwise, regardless of encryption or instructions from the redistribution vendor regarding who has authorized access to the data.

As discussed above, the device fee is applicable when data is displayed only. However, if the data is also used for non-display or can be manipulated and disseminated, the data recipient is subject to the access fee. For example, a data recipient may be receiving data to display on a device. In addition to being displayed on the device, if the data recipient is also able to manipulate the data via a calculation to create additional data and distribute the end result data to other users in a display format or for non-display use, that data recipient should also be subject to the access fee. In such case, even if the data recipient is reporting use for display purposes and is subject to the device fee, if the data is being manipulated and disseminated, that data recipient should also be subject to an access fee and any applicable additional device fees or non-display use fee, as may be applicable for that data recipient's use of the data. As with the proposed amendments to the fee schedule described above, this proposed clarification to the access fee is designed to address that the manner by which a data recipient uses the data drives which fees apply.

B. Governing or Constituent Documents

Not applicable.

C. Implementation of the Amendments

Pursuant to Rule 608(b)(3)(i) under Regulation NMS, the Participants have designated the proposed clarification as establishing or changing fees and are submitting the amendment for immediate effectiveness.

D. Development and Implementation Phases

See Item C above.

E. Analysis of Impact on Competition

The Amendments proposed herein do not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Additionally, the Participants do not believe that the proposed amendments introduce terms that are unreasonably discriminatory for the purposes of Section 11A(c)(1)(D) of the Act. The Participants have submitted this amendment to simply clarify the applicability of the non-display fees established in the October 2014 Non-Display Filing. The Amendments proposed herein will allow data recipients to understand whether a given use will be subject to the non-display fee, the device fee, or the access fee, or a combination of these fees.

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[6] A data recipient can be charged both the non-display fee and the device fee. For instance, a data recipient may be displaying data on a device and also using data to operate an ATS. In such instances, the data recipient would be charged both a device fee and a non-display fee (the data recipient would also be charged an access fee due to its non-display use, as described below).

[7] In addition to the amendments outlined in this transmittal letter, the Participants are making non-substantive edits to correct capitalization in the Plans' fee schedules.

As explained in the October 2014 Non-Display Filing, the non-display fees were established to comport with the proliferation of the use of data for dark pools and other non-display trading applications. In conjunction with the establishment of non-display fees, the Participants reduced the rates for professional subscriber devices in hopes of fostering the widespread availability of real-time market data. At the same time, the non-display fees allowed those who make non-display uses of data to make appropriate contributions to the costs of collecting, processing, and redistributing the data. The clarification proposed herein maintains the balance struck by the Participants in reducing the device fee while establishing the non-display fees.

Additionally, the Participants believe that the Amendments will have a positive effect on competition because the Amendments will ensure that different vendors are classifying their customer's usage in the same manner. A vendor would gain a competitive advantage if they were willing to incorrectly classify a customer's use as subject to the lower device fee rather than the non-display fee. By eliminating the ambiguity in the Plans' fee schedules, the Participants believe that all vendors will be subjected to and subject their customers to the similar fees for similar uses of data.

F. Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plan

As previously stated, the Participants have amended the CTA Market Data Non-Display Use Policy to implement the proposed Amendments. A copy of the changes to the Non-Display Use Policy is attached to the Amendment.

G. Approval by Sponsors in Accordance With Plan

Section XII (b)(iii) of the CTA Plan provides that ''[a]ny addition of any charge to . . . the charges set forth in *Exhibit E* . . . shall be effected by an amendment to this CTA Plan . . . that is approved by affirmative vote of not less than two-thirds of all of the then voting members of CTA. Any such amendment shall be executed on behalf of each Participant that appointed a voting member of CTA who approves such amendment and shall be filed with the SEC.'' Further, Section IX(b)(iii) of the CQ Plan provides that ''additions, deletions, or modifications to any charges under this CQ Plan shall be effected by an amendment . . . that is approved by affirmative vote of two-thirds of all the members of the Operating Committee.''

The Participants have executed this Amendment and represent not less than two-thirds of all of the parties to the Plan. That satisfies the Plans' Participant-approval requirements

H. Description of Operation of Facility Contemplated by the Proposed Amendments

Not applicable.

I. Terms and Conditions of Access

Not applicable.

J. Method of Determination and Imposition, and Amount of, Fees and Charges

The Participants believe that the proposed fee is fair and reasonable and provides for an equitable allocation of dues, fees, and other charges among vendors, data recipients and other persons. As previously stated, the Amendments proposed herein simply clarify the amendments to fees set forth in the October 2014 Non-Display Filing and ensure that the relative value of non-display versus display data usage is reflected in the fees charged for such uses.

The Participants have consulted with members of the industry regarding the proposed fee amendments contained herein.

K. Method and Frequency of Processor Evaluation

Not applicable.

L. Dispute Resolution

Not applicable.

II. Rule 601(a)

A. Equity Securities for Which Transaction Reports Shall Be Required by the Plan

Not applicable.

B. Reporting Requirements

Not applicable.

C. Manner of Collecting, Processing, Sequencing, Making Available and Disseminating Last Sale Information

Not applicable.

D. Manner of Consolidation

Not applicable.

E. Standards and Methods Ensuring Promptness, Accuracy and Completeness of Transaction Reports

Not applicable

F. Rules and Procedures Addressed to Fraudulent or Manipulative Dissemination

Not applicable.

G. Terms of Access to Transaction Reports

Not applicable.

H. Identification of Marketplace of Execution

Not applicable.

III. Solicitation of Comments

The Commission seeks general comments on the Amendments. Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Amendments are consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CTA/CQ–2017–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CTA/CQ–2017–02. 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 Amendments that are filed with the Commission, and all written communications relating to the Amendments 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 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the Amendments also will be available for inspection and copying at the principal office of the CTA.

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–CTA/CQ–2017–02 and should be submitted on or before April 18, 2017.

By the Commission.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–06083 Filed 3–27–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32540; File No. 812–14677]

AB Bond Fund, Inc., et al.

March 22, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order pursuant to: (a) Section 6(c) of the Investment Company Act of 1940 (''Act'') granting an exemption from sections 18(f) and 21(b) of the Act; (b) section 12(d)(1)(J) of the Act granting an exemption from section 12(d)(1) of the Act; (c) sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1), 17(a)(2) and 17(a)(3) of the Act; and (d) section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements and transactions. Applicants request an order that would permit certain registered open-end management investment companies to participate in a joint lending and borrowing facility.

APPLICANTS: AB Bond Fund, Inc., AB Cap Fund, Inc., AB Core Opportunities Fund, Inc., AB Corporate Shares, AB Discovery Growth Fund, Inc., AB Equity Income Fund, Inc., AB Government Exchange Reserves, AB Fixed-Income Shares, Inc., AB Global Bond Fund, Inc., AB Global Real Estate Investment Fund, Inc., AB Global Risk Allocation Fund, Inc., AB Sustainable Global Thematic, Inc., AB Relative Value Fund, Inc., AB High Income Fund, Inc., AB Institutional Funds, Inc., AB International Growth Fund, Inc., AB Large Cap Growth Fund, Inc., AB Municipal Income Fund, Inc., AB Municipal Income Fund II, AB Trust, AB Unconstrained Bond Fund, Inc., AB Variable Products Series Fund, Inc., Sanford C. Bernstein Fund, Inc., Sanford C. Bernstein Fund II, Inc., Bernstein Fund, Inc., The AB Pooling Portfolios, The AB Portfolios, Alliance California Municipal Income Fund, Inc., Alliance Bernstein Global High Income Fund, Inc., AllianceBernstein National Municipal Income Fund, Inc. and AB Multi-Manager Alternative Fund, each an investment company organized as a Maryland corporation or a Massachusetts business trust and registered under the Act as an open-end or closed-end management investment company,[1] and AllianceBernstein L.P. (the ''Adviser''), a Delaware limited partnership registered as an investment adviser under the Investment Advisers Act of 1940.

FILING DATES: The application was filed on July 22, 2016 and amended on January 11, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 17, 2017 and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC, 20549–1090; Applicants: Emile D. Wrapp, AllianceBernstein L.P., 1345 Avenue of the Americas, New York, New York 10105 and Paul M. Miller, Seward & Kissel LLP, 901 K Street NW., Suite 800, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Emerson S. Davis, Senior Counsel, at (202) 551–6868 or Nadya Roytblat, Assistant Chief Counsel, at (202) 551–6823 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would permit the applicants to participate in an interfund lending facility where each Fund could lend money directly to and borrow money directly from other Funds to cover unanticipated cash shortfalls, such as unanticipated redemptions or trade fails.[2] The Funds will not borrow under the facility for leverage purposes and the loans' duration will be no more than 7 days.[3]

2. Applicants anticipate that the proposed facility would provide a borrowing Fund with a source of liquidity at a rate lower than the bank borrowing rate at times when the cash position of the Fund is insufficient to meet temporary cash requirements. In addition, Funds making short-term cash loans directly to other Funds would earn interest at a rate higher than they otherwise could obtain from investing their cash in repurchase agreements or certain other short term money market instruments. Thus, applicants assert that the facility would benefit both borrowing and lending Funds.

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Among others, the Adviser, through a designated committee, would administer the facility as a disinterested fiduciary as part of its duties under the investment management and administrative agreements with the Funds and would receive no additional fee as compensation for its services in connection with the administration of the facility. The facility would be subject to oversight and certain approvals by the Funds' Board, including, among others, approval of the interest rate formula and of the method for allocating loans across Funds, as well as review of the process in place to evaluate the liquidity implications for the Funds. A Fund's aggregate outstanding interfund loans will not exceed 15% of its net assets, and the Fund's loans to any one Fund will not exceed 5% of the lending Fund's net assets.[4]

4. Applicants assert that the facility does not raise the concerns underlying

[1] The Funds (as defined below) that are closed-end management investment companies will not participate as borrowers in the interfund lending facility.

[2] Applicants request that the order apply to the applicants and to any existing or future registered open-end or closed-end management investment company or series thereof for which the Adviser or any successor thereto or an investment adviser controlling, controlled by, or under common control with the Adviser or any successor thereto serves as investment adviser (each a ''Fund'' and collectively the ''Funds'' and each such investment adviser an ''Adviser''). For purposes of the requested order, ''successor'' is limited to any entity that results from a reorganization into another jurisdiction or a change in the type of a business organization.

[3] Any Fund, however, will be able to call a loan on one business day's notice.

[4] Under certain circumstances, a borrowing Fund will be required to pledge collateral to secure the loan.

section 12(d)(1) of the Act given that the Funds are part of the same group of investment companies and there will be no duplicative costs or fees to the Funds.[5] Applicants also assert that the proposed transactions do not raise the concerns underlying sections 17(a)(1), 17(a)(3), 17(d) and 21(b) of the Act as the Funds would not engage in lending transactions that unfairly benefit insiders or are detrimental to the Funds. Applicants state that the facility will offer both reduced borrowing costs and enhanced returns on loaned funds to all participating Funds and each Fund would have an equal opportunity to borrow and lend on equal terms based on an interest rate formula that is objective and verifiable. With respect to the relief from section 17(a)(2) of the Act, applicants note that any collateral pledged to secure an interfund loan would be subject to the same conditions imposed by any other lender to a Fund that imposes conditions on the quality of or access to collateral for a borrowing (if the lender is another Fund) or the same or better conditions (in any other circumstance).[6]

5. Applicants also believe that the limited relief from section 18(f)(1) of the Act that is necessary to implement the facility (because the lending Funds are not banks) is appropriate in light of the conditions and safeguards described in the application and because the open-end Funds would remain subject to the requirement of section 18(f)(1) that all borrowings of the open-end Fund, including combined interfund loans and bank borrowings, have at least 300% asset coverage.

6. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Rule 17d–1(b) under the Act provides that in passing upon an application filed under the rule, the Commission will consider whether the participation of the registered investment company in a joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of the other participants.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–06084 Filed 3–27–17; 8:45 am]

BILLING CODE 8011–01–P

[5] Applicants state that the obligation to repay an interfund loan could be deemed to constitute a security for the purposes of sections 17(a)(1) and 12(d)(1) of the Act.

[6] Applicants state that any pledge of securities to secure an interfund loan could constitute a purchase of securities for purposes of section 17(a)(2) of the Act.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80297; File No. SR–NYSEArca–2017–06]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change Relating to the Listing and Trading of Shares of the Bitcoin Investment Trust Under NYSE Arca Equities Rule 8.201

March 22, 2017.

On January 25, 2017, NYSE Arca, Inc. filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of Bitcoin Investment Trust under NYSE Arca Equities Rule 8.201. The proposed rule change was published for comment in the **Federal Register** on February 9, 2017.[3] The Commission has received three comment letters on the proposed rule change.[4]

Section 19(b)(2) of the Act [5] 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. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates May 10, 2017, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEArca–2017–06).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–06054 Filed 3–27–17; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 79955 (Jan. 3, 2017), 82 FR 7891.

[4] All comments on the proposed rule change as of March 15, 2017 are available on the Commission's Web site at: *https://www.sec.gov/comments/sr-nysearca-2017-06/nysearca201706.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32568; File No. 812–14397]

Spinnaker ETF Trust, et al.

March 22, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) actively-managed series of certain open-end management investment companies (''Funds'') to issue shares redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value (''NAV''); (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds (''Funds of Funds'') to acquire shares of the Funds; and (f) certain Funds (''Feeder Funds'') to create and redeem Creation Units in-kind in a master-feeder structure.

APPLICANTS: OBP Capital, LLC (the ''Initial Adviser''), a Delaware limited liability company registered as an investment adviser under the Investment Advisers Act of 1940, Spinnaker ETF Trust (the ''Trust''), a Delaware statutory trust that is registered under the Act as an open-end management investment company with multiple series, and Capital Investment Group, Inc. (the ''Initial Distributor''), a North Carolina corporation and broker-dealer registered under the Securities Exchange Act of 1934 (the ''Exchange Act'').

FILING DATES: The application was filed on December 5, 2014, and amended on April 6, 2015, April 10, 2015, January 13, 2017, and February 14, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 17, 2017, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: the Initial Adviser and the Trust, 116 South Franklin Street, Rocky Mount, NC 27804; and the Initial Distributor, 100 E. Forks Road, Suite 200, Raleigh, NC 27609.

FOR FURTHER INFORMATION CONTACT: Courtney S. Thornton, Senior Counsel, at (202) 551–6812, or Robert H. Shapiro at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would allow Funds to operate as actively-managed exchange traded funds (''ETFs'').[1] Fund shares will be purchased and redeemed at their NAV in Creation Units only. All orders to purchase Creation Units and all redemption requests will be placed by or through an ''Authorized Participant'', which will have signed a participant agreement with the Distributor. Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Certain Funds may operate as Feeder Funds in a master-feeder structure. Any order granting the requested relief would be subject to the terms and conditions stated in the application.

2. Each Fund will consist of a portfolio of securities and other assets and investment positions (''Portfolio Holdings''). Each Fund will disclose on its Web site the identities and quantities of the Portfolio Holdings that will form the basis for the Fund's calculation of NAV at the end of the day.

3. Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified in the application, purchasers will be required to purchase Creation Units by depositing specified instruments (''Deposit Instruments''), and shareholders redeeming their shares will receive specified instruments (''Redemption Instruments''). The Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions) except as specified in the application.

4. Because shares will not be individually redeemable, applicants request an exemption from section 5(a)(1) and section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units only.

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c–1 under the Act as secondary market trading in shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that hold non-U.S. Portfolio Holdings and that effect creations and redemptions of Creation Units in kind, applicants request relief from the requirement imposed by section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Funds of Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds,

[1] Applicants request that the order apply to the initial series of the Trust and any future series of the Trust offering exchange-traded shares, as well as other existing or future open-end management companies or existing or future series thereof offering exchange-traded shares (and their respective existing or future Master Funds, as defined below), that will utilize active management investment strategies (collectively, ''Future Funds''). Any Future Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser (each, an ''Adviser'') and (b) comply with the terms and conditions of the application.

and any principal underwriter for the Funds, and/or any broker or dealer registered under the Exchange Act, to sell shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act. The application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit persons that are Affiliated Persons, or Second Tier Affiliates, of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions and Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Holdings currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.[2] The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the policies of the Fund of Funds and will be based on the NAVs of the Funds.

9. Applicants also request relief to permit a Feeder Fund to acquire shares of another registered investment company managed by the Adviser having substantially the same investment objectives as the Feeder Fund (''Master Fund'') beyond the limitations in section 12(d)(1)(A) and permit the Master Fund, and any principal underwriter for the Master Fund, to sell shares of the Master Fund to the Feeder Fund beyond the limitations in section 12(d)(1)(B).

[2] The requested relief would apply to direct sales of shares in Creation Units by a Fund to a Fund of Funds and redemptions of those shares. Applicants, moreover, are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

10. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–06085 Filed 3–27–17; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15092 and #15093]

California Disaster #CA–00263

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of California dated 03/20/2017.

Incident: Severe Storms and Flooding.

Incident Period: 02/01/2017 through 02/25/2017.

DATES: Effective Date: 03/20/2017.

Physical Loan Application Deadline Date: 05/19/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 12/20/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Colusa, Lake, Lassen, Plumas, Santa Clara, Santa Cruz.

Contiguous Counties:

California: Alameda, Butte, Glenn, Mendocino, Merced, Modoc, Monterey, Napa, San Benito, San Joaquin, San Mateo, Shasta, Sierra, Sonoma, Stanislaus, Sutter, Tehama, Yolo, Yuba.

Nevada: Washoe.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.750
Homeowners without Credit Available Elsewhere	1.875
Businesses with Credit Available Elsewhere	6.300
Businesses without Credit Available Elsewhere	3.150
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.150
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15092 6 and for economic injury is 15093 0.

The States which received an EIDL Declaration # are California, Nevada.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: March 20, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–06031 Filed 3–27–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15090 and #15091]

Kentucky Disaster #KY–00064

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the Commonwealth of Kentucky dated 03/20/2017.

Incident: Severe Thunderstorms, Hail, Damaging Winds, and Tornadoes.

Incident Period: 02/28/2017 through 03/01/2017.

DATES: Effective Date: 03/20/2017.

Physical Loan Application Deadline Date: 05/19/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 12/20/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Estill.

Contiguous Counties:

Kentucky: Clark, Jackson, Lee, Madison, Powell.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.750
Homeowners without Credit Available Elsewhere	1.875
Businesses with Credit Available Elsewhere	6.300
Businesses without Credit Available Elsewhere	3.150
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.150
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15090 B and for economic injury is 15091 0.

The States which received an EIDL Declaration # are Kentucky.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: March 20, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–06034 Filed 3–27–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15047 and #15048]

Oklahoma Disaster Number OK–00109

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 Oklahoma (FEMA–4299–DR), dated 02/10/2017.

Incident: Severe Winter Storm.

Incident Period: 01/13/2017 through 01/16/2017.

Effective Date: 03/16/2017.

Physical Loan Application Deadline Date: 04/11/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 11/13/2017.

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 Oklahoma, dated 02/10/2017, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Blaine.

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. 2017–06030 Filed 3–27–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15088 and #15089]

California Disaster #CA–00264

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of California (FEMA–4305–DR), dated 03/16/2017.

Incident: Severe Winter Storms, Flooding, and Mudslides.

Incident Period: 01/18/2017 through 01/23/2017.

DATES: Effective Date: 03/16/2017.

Physical Loan Application Deadline Date: 05/15/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 12/18/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 03/16/2017, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: El Dorado, Kern, Los Angeles, Mendocino, Napa, Orange, Riverside, Sacramento, San Diego, San Luis Obispo, San Mateo, Santa Barbara, Santa Cruz, Trinity, Tuolumne, Yolo

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15088B and for economic injury is 15089B.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–06032 Filed 3–27–17; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2017–0013]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*

(SSA), Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2017–0013].

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than May 30, 2017. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Request for Waiver of Overpayment Recovery or Change in Repayment Notice—20 CFR 404.502–404.513, 404.515, 416.550–416.570, and 416.572—0960–0037. When Social Security beneficiaries and Supplemental Security Income (SSI) recipients receive an overpayment, they must return the extra money. These beneficiaries and recipients can use Form SSA–632–BK to take one of three actions: (1) Request an exemption from repaying, as recovery of the payment would cause financial hardship; (2) inform SSA they want to repay the overpayment at a monthly rate over a period longer than 36 months; or (3) request a different rate of recovery. In the latter two cases, the respondents must also provide financial information to help the agency determine how much the overpaid person can afford to repay each month. Respondents are overpaid beneficiaries or SSI recipients who are requesting: (1) A waiver of recovery of an overpayment, or (2) a lesser rate of withholding.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Waiver of Overpayment (Completes Whole Paper Form)	400,000	1	120	800,000
Change in Repayment (Completes Partial Paper Form)	100,000	1	45	75,000
Regional Application (New York Debt Management)	44,000	1	120	88,000
Internet Instructions	500,000	1	5	41,667
Totals	1,044,000			1,004,667

2. RS/DI Quality Review Case Analysis: Sampled Number Holder; Auxiliaries/Survivors; Parent; and Stewardship Annual Earnings Test—0960–0189. Section 205(a) of the Social Security Act (Act) authorizes the Commissioner of SSA to conduct the quality review process, which entails collecting information related to the accuracy of payments made under the Old-Age, Survivors, and Disability Insurance Program (OASDI). Sections 228(a)(3), 1614(a)(1)(B), and 1836(2) of the Act require a determination of the citizenship or alien status of the beneficiary; this is only one item that we might question as part of the Annual Quality review. SSA uses Forms SSA–2930, SSA–2931, and SSA–2932 to establish a national payment accuracy rate for all cases in payment status, and to serve as a source of information regarding problem areas in the Retirement Survivors Insurance (RSI) and Disability Insurance (DI) programs. We also use the information to measure the accuracy rate for newly adjudicated RSI or DI cases. SSA uses Form SSA–4659 to evaluate the effectiveness of the annual earnings test, and to use the results in developing ongoing improvements in the process. About twenty-five percent of respondents will have in-person reviews and receive one of the following appointment letters: (1) SSA–L8550–U3 (Appointment Letter—Sample Individual); (2) SSA–L8551–U3 (Appointment Letter—Sample Family); or (3) the SSA–L8552–U3 (Appointment Letter—Rep Payee). Seventy-five percent of respondents will receive a notice for a telephone review using the SSA–L8553–U3 (Beneficiary Telephone Contact) or the SSA–L8554–U3 (Rep Payee Telephone Contact). To help the beneficiary prepare for the interview, we include three forms with each notice: (1) SSA–85 (Information Needed to Review Your Social Security Claim) lists the information the beneficiary will need to gather for the interview; (2) SSA–2935 (Authorization to the Social Security Administration to Obtain Personal Information) verifies the beneficiary's correct payment amount, if necessary; and (3) SSA–8552 (Interview Confirmation) confirms or reschedules the interview if necessary. The respondents are a statistically valid sample of all OASDI beneficiaries in current pay status or their representative payees.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–2930	1,500	1	30	750
SSA–2931	850	1	30	425
SSA–4659	325	1	10	54
SSA–L8550–U3	385	1	5	32
SSA–L8551–U3	95	1	5	8
SSA–L8552–U3	35	1	5	3
SSA–L8553–U3	4970	1	5	414
SSA–L8554–U3	705	1	5	59
SSA–8552	2350	1	5	196
SSA–85	3850	1	5	321
SSA–2935	2350	1	5	196
SSA–8510 (also saved under OMB No. 0960–0707)	800	1	5	67
Totals	17,700			2,525

3. Electronic Records Express—20 CFR 404.1512 and 416.912—0960–0753. Electronic Records Express (ERE) is a Web-based SSA program which allows medical and educational providers to electronically submit disability claimant data to SSA. Both medical providers and other third parties with connections to disability applicants or recipients (*e.g.,* teachers and school administrators for child disability applicants) use this system once they complete the registration process. SSA employees and State agency employees request the medical and educational records collected through the ERE Web site. The agency uses the information collected through ERE to make a determination on an Application for Benefits. We also use the ERE Web site to order and receive consultative examinations when we are unable to collect enough medical records to determine disability findings. The respondents are medical providers who evaluate or treat disability claimants or recipients, and other third parties with connections to disability applicants or recipients (*e.g.,* teachers and school administrators for child disability applicants), who voluntarily choose to use ERE for submitting information.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
ERE	5,376,998	1	10	896,166

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than April 27, 2017. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. State Mental Institution Policy Review Booklet—20 CFR 404.2035, 404.2065, 416.635, & 416.665—0960–0110. SSA uses Form SSA–9584–BK: (1) To determine if the policies and practices of a state mental institution acting as a representative payee for SSA beneficiaries conform to SSA's regulations in the use of benefits; (2) to confirm institutions are performing other duties and responsibilities required of representative payees; and (3) as the basis for conducting onsite reviews of the institutions and preparing subsequent reports of findings. The respondents are state mental institutions serving as representative payees for Social Security beneficiaries and SSI recipients.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–9584–BK	69	1	60	69

2. Statement of Death by Funeral Director—20 CFR 404.715 and 404.720—0960–0142. When an SSA-insured worker dies, the funeral director or funeral home responsible for the worker's burial or cremation completes Form SSA–721 and sends it to SSA. SSA uses this information for three purposes: (1) To establish proof of death for the insured worker; (2) to determine if the insured individual was receiving any pre-death benefits SSA needs to terminate; and (3) to ascertain which surviving family member is eligible for the lump-sum death payment or for other death benefits. The respondents are funeral directors who handled death arrangements for the insured individuals.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–721	703,638	1	4	46,909

3. Employee Identification Statement—20 CFR 404.702—0960–0473. When two or more individuals report earnings under the same Social Security Number (SSN), SSA collects information on Form SSA–4156 to credit the earnings to the correct individual and SSN. We send the SSA–4156 to the employer to: (1) Identify the employees involved; (2) resolve the discrepancy; and (3) credit the earnings to the correct SSN. The respondents are employers involved in erroneous wage reporting for an employee.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–4156	4,750	1	10	792

4. Employee Work Activity Questionnaire—20 CFR 404.1574, 404.1592—0960–0483. Social Security Disability Insurance (SSDI) beneficiaries and SSI recipients qualify for payments when a verified physical or mental impairment prevents them from working. If disability claimants attempt to return to work after receiving payments, but are unable to continue working, they submit the SSA–3033, Employee Work Activity Questionnaire, so SSA can evaluate their work attempt. SSA also uses this form to evaluate unsuccessful subsidy work and determine applicants' continuing eligibility for disability payments. The respondents are employers of SSDI beneficiaries and SSI recipients who unsuccessfully attempted to return to work.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–3033–BK	15,000	1	15	3,750

5. Request for Medical Treatment in an SSA Employee Health Facility: Patient Self-Administered or Staff Administered Care—0960–0772. SSA operates onsite Employee Health Clinics (EHC) in eight different States. These clinics provide health care for all SSA employees including treatments of personal medical conditions when authorized through a physician. Form SSA–5072 is the employee's personal physician's order form. The information we collect on Form SSA–5072 gives the nurses the guidance they need by law to perform certain medical procedures and to administer prescription medications such as allergy immunotherapy. In addition, the form allows the medical officer to determine whether they can administer treatment safely and appropriately in the SSA EHCs. Respondents are physicians of SSA employees who need to have medical treatment in an SSA EHC.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–5072 Annually	25	1	25	5	2
SSA–5072 Bi-Annually	75	2	150	5	13
Totals	100				15

Dated: March 22, 2017.

Naomi R. Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2017–06025 Filed 3–27–17; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2017–0004]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by May 30, 2017.

ADDRESSES: You may submit comments identified by DOT Docket ID 2017–0004 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Karen Scurry, 609–637–4207, Office of Safety, Federal Highway Administration, Department of Transportation, 840 Bear Tavern Road, Suite 202, West Trenton, NJ, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Highway Safety Improvement Program.

Background: The Fixing America's Surface Transportation (FAST) Act (Pub. L. 114–94) continues the Highway Safety Improvement Program (HSIP) as a core federal-aid program with the purpose to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal lands. The HSIP requires a data-driven, strategic approach to improving highway safety on all public roads that focuses on performance.

The existing provisions of Title 23 U.S.C. 130, Railway-Highway Crossings Program, as well as implementing regulations in 23 CFR part 924, remain in effect. Included in these combined provisions are requirements for State DOTs to annually produce and submit to FHWA by August 31 reports related to the implementation and effectiveness of their HSIPs, that are to include information on: (a) Progress being made to implement HSIP projects and the effectiveness of these projects in reducing traffic fatalities and serious injuries [Sections 148(h)]; and (b) progress being made to implement the Railway-Highway Crossings Program and the effectiveness of the projects in that program [sections 130(g) and 148(h)], which will be used by FHWA to produce and submit biennial reports to Congress. To be able to produce these reports, State DOTs must have safety data and analysis systems capable of identifying and determining the relative severity of hazardous highway locations on all public roads, based on both crash experience and crash potential, as well as determining the effectiveness of highway safety improvement projects. FHWA provides an online reporting tool to support the annual HSIP reporting process. Additional information is available on the Office of Safety Web site at *http://safety.fhwa.dot.gov/hsip/resources/onrpttool/.* Reporting into the online reporting tool meets all report requirements and USDOT Web site compatibility requirements. The information contained in the annual HSIP reports provides FHWA with a means for monitoring the effectiveness of these programs and may be used by Congress for determining the future HSIP program structure and funding levels.

Respondents: 51 State Transportation Departments, including the District of Columbia.

Frequency: Annually.

Estimated Average Burden per Response: 250 hours.

Estimated Total Annual Burden Hours: 12,750 hours (51 states at an average of 250 hours each).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: March 23, 2017.

Michael Howell,

Information Collection Officer.

[FR Doc. 2017–06134 Filed 3–27–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on the Interstate 64 Peninsula Study in Virginia

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA.

SUMMARY: The actions relate to a proposed highway project that would widen approximately four miles of Interstate 64 from approximately Exit 200 to approximately Exit 205. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the project will be barred unless the claim is filed on or before August 25, 2017. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Mr. John Simkins, Planning and Environment Team Leader, Federal Highway Administration, 400 North 8th Street, Richmond, Virginia 23219; telephone: (804) 775–3352; email: *John.Simkins@dot.gov.* The FHWA Virginia Division Office's normal business hours are 7:00 a.m. to 5:00 p.m. (Eastern Time). For the Virginia Department of Transportation (VDOT): Mr. Scott Smizik, 1401 East Broad Street, Richmond, Virginia 23219; email: *Scott.Smizik@vdot.virginia.gov;* telephone: (804) 371–4082.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following project in the State of Virginia: The widening of Interstate 64 for approximately four miles from approximately Exit 200 to approximately Exit 205. The project would involve constructing one additional lane in each direction in the median. The actions taken by FHWA, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS), approved on November 26, 2013, the Request for the Record of Decision (ROD) signed on August 26, 2016, and the ROD issued on January 13, 2017, and other documents in the FHWA project records. The FEIS, Request for the ROD, and ROD can be viewed on the project's Internet site at *http://www.virginiadot.org/projects/richmond/i-64_widening_to_new_kent.asp.* These documents and other project records are also available by contacting FHWA or the Virginia Department of Transportation at the phone numbers and addresses provided above.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128].

2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*].

6. *Social and Economic:* Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Issued on: March 21, 2017.

John Simkins,

Planning and Environment Team Leader, Richmond, Virginia.

[FR Doc. 2017–06104 Filed 3–27–17; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2017–0005]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by May 30, 2017.

ADDRESSES: You may submit comments identified by DOT Docket ID 2017–0005 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. David Bartz, (512) 536–5906, Office of Program Administration, Federal Highway Administration, Department of Transportation, 300 East 8th Street, Suite 826, Austin, Texas 78701. Office hours are from 7:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Preparation and Execution of the Project Agreement and Modifications.

OMB Control Number: 2125–0529.

Background: Formal agreements between State Transportation Departments and the FHWA are required for Federal-aid highway projects. These agreements, referred to as ''project agreements'' are written contracts between the State and the Federal government that define the extent of work to be undertaken and commitments made concerning a highway project. Section 1305 of the Transportation Equity Act for the 21st Century (TEA–21, Pub. L. 105–178) amended 23 U.S.C. 106(a) and combined authorization of work and execution of the project agreement for a Federal-aid project into a single action. States continue to have the flexibility to use whatever format is suitable to provide the statutory information required, and burden estimates for this information collection are not changed.

Respondents: There are 56 respondents, including 50 State Transportation Departments, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Territories of Guam, the Virgin Islands and American Samoa.

Frequency: On an on-going basis as project agreements are written.

Estimated Average Annual Burden per Response: There is an average of 400 annual agreements per respondent. Each agreement requires 1 hour to complete.

Estimated Total Annual Burden Hours: 22,400 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: March 23, 2017.

Michael Howell,

Information Collection Officer.

[FR Doc. 2017–06133 Filed 3–27–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2017–0002–N–3]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA is seeking to conduct the information collection activities listed below. Before submitting this information collection request (ICR) to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activity identified below.

DATES: Comments must be received no later than May 30, 2017.

ADDRESSES: Submit written comments on the following information collection activity by mail to either: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Safety Analysis Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 17, Washington, DC 20590, or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, ''Comments on OMB control number 2130—NEW'', and should also include the title of the information collection. Alternatively, comments may be faxed to (202) 493–6216 or (202) 493–6497, or emailed to Mr. Brogan at *Robert.Brogan@dot.gov,* or to Ms. Toone at *Kim.Toone@dot.gov.* Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Safety Analysis Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6292) or Ms. Kimberly Toone, Information Collection Clearance Officer, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6132). These telephone numbers are not toll-free.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested parties to comment on the following summary of an information collection activity regarding: (1) Whether the information collection activity is necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimate of the burden of the information collection activity, including the validity of the methodology and assumptions used to determine the estimate; (3) how FRA can enhance the quality, utility, and clarity of the information being collected; and (4) how FRA can minimize the burden of the information collection activity on the public by automated, electronic, mechanical, or other technological collection techniques and other forms of information technology (*e.g.,* permitting electronic submission of responses). *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information. In summary, FRA reasons that comments received will advance three objectives: (1) Reduce reporting burdens; (2) ensure it organizes information collection requirements in a ''user-friendly'' format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

Below is a brief summary of the proposed ICR that FRA will submit for OMB clearance as required under the PRA:

Title: Workforce Development (WFD) Survey.

OMB Control Number: 2130—NEW.

Abstract: FRA has statutory responsibility to ensure the safety of railroad operations under 49 U.S.C. 20103. To conduct safe railroad operations, the workforce must have the requisite skills to operate equipment and technologies. Therefore, it is FRA's responsibility to promote workforce development policy and standards to ensure the workforce has the necessary skills and talent to conduct safe railroad operations. Due to an increasingly dynamic and maturing workforce combined with changing skills' requirements new technologies impose, there is an increasing risk of not having the necessary talent pools to fill critical railroad operational positions.

In 2011, FRA published the Railroad Industry Modal Profile: An Outline of the Railroad Industry Workforce Trends, Challenges, and Opportunities (Railroad Industry Modal Profile), which provided a comprehensive overview of the railroad industry workforce as of December 31, 2008. This document is available to the public through FRA's Web site at *https://www.fra.dot.gov/eLib/Details/L01294.* FRA published the Railroad Industry Modal Profile in response to the DOT National Transportation Workforce Development Initiative that required each DOT Operating Administration (OA) to produce an analysis of its industry workforce. *See https://www.rita.dot.gov/ntwd* for information on the initiative.

The prevailing workforce concerns during the early stages of the DOT National Transportation Workforce Development Initiative were the large number of retirement-eligible employees in transportation-related fields and the national shortage of science, technology, engineering, and math graduates. Since the railroad industry did very little hiring in the late 1980s and through most of the 1990s, the retirement-eligible population became quite large—even more than most other industries and transportation modes (which were grappling with similar retirement population concerns).

These industry hiring practices create risk in maintaining a viable workforce, and, to take effective and efficient action to minimize these risks, FRA requires railroads to submit trustworthy information on current Work Force Development strategies and challenges. Initial data FRA collected for the Railroad Industry Modal Profile established a baseline understanding of the risks and status. FRA proposes this survey to validate and further develop its understanding of the risks. With this submission, FRA is requesting permission to acquire the necessary information on the railroad industry workforce.

Form Number(s): FRA 240.

Affected Public: Class I freight and passenger railroads, short line and regional railroads, labor unions, major associations, academia, and specialty experts.

Respondent Universe: 91.

Frequency of Submission: One-time.

Reporting Burden:

Stakeholder segment	Number invited to survey	Burden hours @ 1⁄3 hour per survey
Class I Passenger	5	1.65
Class I Freight	10	3.3
Short Line and Regional	50	16.5
Labor Unions	7	2.3
Associations	10	3.3
Academia	9	3
Total	91	30.05

Total Estimated Annual Responses: 91.

Total Estimated Annual Burden: 30.05 hours.

Type of Request: Approval of a new Information Collection.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Sarah L. Inderbitzin,

Acting Chief Counsel.

[FR Doc. 2017–06046 Filed 3–27–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Usual and Customary Business Records Maintained by Brewers

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection request(s) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on the collection(s) listed below.

DATES: Comments should be received on or before April 27, 2017 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Alcohol and Tobacco Tax and Trade Bureau (TTB)

Title: Usual and Customary Business Records Maintained by Brewers.

OMB Control Number: 1513–0058.

Type of Review: Revision of a currently approved collection.

Abstract: The Internal Revenue Code (IRC) at 26 U.S.C. 5415 requires brewers to keep records in such form and containing such information as the Secretary of the Treasury may prescribe by regulation as necessary to protect the revenue. Under this authority, TTB regulations in 27 CFR part 25 require brewers to keep usual and customary business records that allow TTB to verify, for example, the quantities of raw materials received at a brewery, the quantity of beer and cereal beverages produced and removed tax paid or without payment of tax from a brewery, and the quantity of beer previously removed subject tax that is returned to the brewery.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 1.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: March 23, 2017.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2017–06126 Filed 3–27–17; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Designation of Financial Market Utilities

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection request(s) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on the collection(s) listed below.

DATES: Comments should be received on or before April 27, 2017 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Departmental Offices (DO)

Title: Designation of Financial Market Utilities

OMB Control Number: 1505–0239.

Type of Review: Extension without change of a currently approved collection.

Abstract: The information collected in § 1320.20 from Financial Market Utilities (FMUs) will be used generally by the Financial Stability Oversight Council to determine whether to designate or rescind the designation of an FMU under Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The collection of information in § 1320.11 provides an opportunity for an FMU to submit written materials to the Council before the Council decides whether to propose: (1) The designation of the FMU as systemically important; or (2) rescinding the designation of the FMU as systemically important. Similarly, the collection of information in § 1320.12 provides an opportunity for an FMU to request a hearing or submit written materials to the Council to contest the Council's proposed determination to either designate the FMU as systemically important or rescind the designation of the FMU.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 500.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: March 23, 2017.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2017–06125 Filed 3–27–17; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple IRS Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection request(s) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on the collection(s) listed below.

DATES: Comments should be received on or before April 27, 2017 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: United States Estate (and Generation-Skipping Transfer) Tax Return.

OMB Control Number: 1545–0015.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 706 is used by executors to report and compute the Federal Estate Tax imposed by IRC section 2001 and the Federal Generation Skipping Tax imposed by IRC section 2601. IRS uses the information to enforce these taxes and to verify that the tax has been properly computed.

Form: 706, 706 continuation schedule, Schedule A, Sch. A–1, Sch B, Sch C, Sch D, Sch E, Sch F, Sch G, Sch H, Sch I, Sch J, Sch K, Sch L, Sch M, Sch O, Sch P, Sch Q, Sch R, Sch R–1, Sch U, Sch PC.

Affected Public: Individuals or Households.

Estimated Total Annual Burden Hours: 2,048,710.

Title: Form 926—Return by a U.S. Transferor of Property to a Foreign Corporation.

OMB Control Number: 1545–0026.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 926 is filed by any U.S. person who transfers certain tangible or intangible property to a foreign corporation to report information required by section 6038B.

Form: 926.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 30,195.

Title: Application For Certificate Discharging Property Subject To Estate Tax Lien.

OMB Control Number: 1545–0328.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 4422 is completed by either an executor, administrator, or other interested party for requesting release of any/all property of an estate from the Estate Tax Lien. It is used when property is being sold (for example a residence) and the title company needs a release of the estate tax lien to issue a title policy and close the sale of the property. The information is used to make a determination of the Government's lien interest in property.

Form: 4422.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 1,500.

Title: Revised Regulations Concerning Section 403(b) Tax-Sheltered Annuity Contracts—TD 9340 (Final).

OMB Control Number: 1545–2068.

Type of Review: Extension without change of a currently approved collection.

Abstract: The collection of information in the regulations is in final regulations under section 403(b) of the Internal Revenue Code and under related provisions of sections 402(b), 402(g), 402A, and 414(c). The regulations provide updated guidance on section 403(b) contracts of public schools and tax-exempt organizations described in section 501(c)(3). Such information exchange is necessary to ensure compliance with tax law requirements relating to loans and hardship distributions from section 403(b) plans and sponsors of section 403(b) contracts, administrators, participants, and beneficiaries.

Form: None.

Affected Public: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 45,000.

Title: Temporary Shelter for Individuals Displaced by Severe Storms and Tornadoes in Oklahoma.

OMB Control Number: 1545–2244.

Type of Review: Extension without change of a currently approved collection.

Abstract: The Internal Revenue Service is suspending certain requirements under § 42 of the Internal Revenue Code for low-income housing credit projects to provide emergency housing relief needed as a result of the devastation caused by severe storms and tornadoes in the State of Oklahoma beginning May 18, 2013. This relief is being granted pursuant to the Service's authority under § 42(n) and § 1.42–13(a) of the Income Tax Regulations.

Form: None.

Affected Public: Businesses or other-for-profits.

Estimated Total Annual Burden Hours: 325.

Title: Form 8453–R—Declaration and Signature for Electronic Filing of Forms 8947 and 8963.

OMB Control Number: 1545–2253.

Type of Review: Extension without change of a currently approved collection.

Abstract: Use Form 8453–R to authenticate the electronic filing of Form 8947, Report of Branded Prescription Drug Information, and Form 8963, Report of Health Insurance Provider Information.

Form: 8453–R.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 4,131.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: March 23, 2017.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2017–06127 Filed 3–27–17; 8:45 am]

BILLING CODE 4830–01–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on April 13, 2017 on ''China's Hotspots along China's Maritime Periphery''.

DATES: The hearing is scheduled for Thursday, April 13, 2017 from 9:30 a.m. to 3:50 p.m.

ADDRESSES: Dirksen Senate Office Building, Room 419, Washington, DC. A detailed agenda for the hearing will be posted on the Commission's Web site at *www.uscc.gov.* Also, please check the Commission's Web site for possible changes to the hearing schedule. *Reservations are not required to attend the hearing.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Leslie Tisdale, 444 North Capitol Street NW., Suite 602, Washington DC 20001; telephone: 202–624–1496, or via email at *ltisdale@uscc.gov. Reservations are not required to attend the hearing.*

SUPPLEMENTARY INFORMATION:

Background: Taiwan remains the primary focus of the People's Liberation Army (PLA) modernization while China has simultaneously increased its preparations for other crisis areas, including conflicts in the East and South China seas. Beijing's security concerns along China's maritime periphery constitute ''regional hotspots'' for which the PLA is preparing contingency plans that could result in armed conflicts between China and U.S. allies, friends, and partners in the Asia Pacific region. This hearing will explore threats Beijing perceives to Chinese sovereignty in the East and South China seas, how the PLA plans to respond to challenges, as well as implications for the United States and U.S. allies, partners, and friends should China initiate a conflict in the Asia Pacific region. The hearing will be co-chaired by Vice Chairman Dennis C. Shea and Senator Carte P. Goodwin. Any interested party may file a written statement by April 13, 2017, by mailing to the contact information above. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Public Law 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Date: March 23, 2017.

Michael Danis,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2017–06105 Filed 3–27–17; 8:45 am]

BILLING CODE 1137–00–P

DEPARTMENT OF VETERANS AFFAIRS

Cost of Living Adjustments for Service-Connected Benefits

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As required by the Veterans' Compensation COLA Act of 2016, the Department of Veterans Affairs (VA) is hereby giving notice of adjustments in certain benefit rates. These adjustments affect the compensation program.

DATES: These adjustments became effective on December 1, 2016, the date provided by the Act.

FOR FURTHER INFORMATION CONTACT: Jonathan Hughes, Chief, Policy Staff (211B), Compensation Service, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–9700. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: Section 2 of the Veterans' Compensation COLA Act of 2016, Public Law 114–197, provides for an increase in each of the rates in sections 1114, 1115(1), and 1162 of title 38, United States Code. VA is required to increase these benefit rates by the same percentage as increases in the benefit amounts payable under title II of the Social Security Act. The increased rates are required to be published in the **Federal Register**.

The Social Security Administration has announced that there will be a 0.3 percent cost-of-living increase in Social Security benefits for 2017. Therefore, applying the same percentage, the following rates for VA's compensation program became effective on December 1, 2016:

DISABILITY COMPENSATION

[38 U.S.C. 1114]

Disability evaluation percent	Monthly rate
10	$133.57
20	264.02
30	408.97
40	589.12
50	838.64
60	1,062.27
70	1,338.71
80	1,556.13
90	1,748.71
100	2,915.55
(38 U.S.C. 1114(k) through (t)):	
38 U.S.C. 1114(k)	$103.54
38 U.S.C. 1114(l)	3,627.87
38 U.S.C. 1114(m)	4,003.72
38 U.S.C. 1114(n)	4,554.51
38 U.S.C. 1114(o)	5,090.83
38 U.S.C. 1114(p)	5,090.83
38 U.S.C. 1114(r)	2,183.56; 3,253.08
38 U.S.C. 1114(s)	3,263.43
38 U.S.C. 1114(t)	3,253.08

ADDITIONAL COMPENSATION FOR DEPENDENTS

[38 U.S.C. 1115(1)]

38 U.S.C. 1115(1):	
38 U.S.C. 1115(1)(A)	$162.56
38 U.S.C. 1115(1)(B)	281.61; 80.76
38 U.S.C. 1115(1)(C)	108.72; 80.76
38 U.S.C. 1115(1)(D)	130.45
38 U.S.C. 1115(1)(E)	311.64
38 U.S.C. 1115(1)(F)	260.91

CLOTHING ALLOWANCE

[38 U.S.C. 1162]

$779.62 per year

Signing Authority

The Secretary of Veterans Affairs, or designee, 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. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on March 16, 2017, for publication.

Dated: March 17, 2017.

Jeffrey Martin,

Office Program Manager, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2017–06059 Filed 3–27–17; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 82 Tuesday,

No. 58 March 28, 2017

Part II

Federal Communications Commission

47 CFR Parts 1 and 54

Connect America Fund; Universal Service Reform—Mobility Fund; Final Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 54

[WC Docket No. 10–90, WT Docket No. 10–208; FCC 17–11]

Connect America Fund; Universal Service Reform—Mobility Fund

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) adopts the framework to allocate funds to assist in the deployment of 4G LTE to areas that are so costly that the private sector has not yet deployed there and to preserve such service where it might not otherwise exist. This framework redirects funding from legacy subsidies and distributes them through the Mobility Fund Phase II and Tribal Mobility Fund Phase II, using market-based, multi-round reverse auctions, and contains defined, concrete compliance requirements to help ensure rural consumers will be adequately served by mobile carriers receiving universal support.

DATES: Effective April 27, 2017 except for additions of §§ 54.1013, 54.1014, 54.1015(a) through (e), 54.1016(a) and (b), 54.1017, 54.1019, 54.1020, and 54.1021, which contain new or modified information collection requirements that require approval by the Office of Management and Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date of those additions.

FOR FURTHER INFORMATION CONTACT: Wireless Telecommunications Bureau, Auction and Spectrum Access Division, Mark Montano, at (202) 418–0660. For further information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Cathy Williams at (202) 418–2918, or via the Internet at *PRA@fcc.gov.*

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

SUPPLEMENTARY INFORMATION: This is a summary of the Report and Order and Further Notice of Proposed Rulemaking (*MF–II Order*), WC Docket No. 10–90, WT Docket No. 10–208, FCC 17–11, adopted on February 23, 2017 and released on March 7, 2017. The complete text of this document is available for public inspection and copying from 8:00 a.m. to 4:30 p.m. Eastern Time (ET) Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The complete text is also available on the Commission's Web site at *http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0309/FCC-17-11A1.pdf.* Alternative formats are available to persons with disabilities by sending an email to *FCC504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) of the possible significant economic impact on small entities of the policies and rules adopted in this document. The FRFA is set forth in an appendix to the *MF–II Order,* and is summarized below. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of this *MF–II Order,* including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).

Paperwork Reduction Act

The *MF–II Order* contains new and modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new and modified information collection requirements contained in this proceeding.

Congressional Review Act

The Commission will send a copy of this *MF–II Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act (CRA), see 5 U.S.C. 801(a)(1)(A).

I. Introduction

1. In the *MF–II Order,* the Commission adopts the framework for moving forward with the Mobility Fund Phase II (MF–II) and Tribal Mobility Fund Phase II (Tribal MF–II), which will allocate up to $4.53 billion over the next decade to advance the deployment of 4G LTE service to areas that are so costly that the private sector has not yet deployed there and to preserve such service where it might not otherwise exist. The funding for this effort will come from the redirection of legacy subsidies and distributed using a market-based, multi-round reverse auction and will come with defined, concrete compliance requirements so that rural consumers will be adequately served by the mobile carriers receiving universal service support.

2. The Commission expects to release a list of presumptively eligible areas shortly, to finalize the challenge process in the coming months, and to conclude the challenge process by January 31, 2018. The Commission expects to commence the auction shortly thereafter. The phase-down of legacy support is scheduled to commence in the first month following the close of the MF–II auction.

II. Background

3. In the *USF/ICC Transformation Order,* 76 FR 73829, November 29, 2011, the Commission sought to achieve the universal availability of "mobile networks capable of delivering mobile broadband and voice service in areas where Americans live, work, or travel." This goal was "designed to help ensure that all Americans in all parts of the nation, including those in rural, insular, and high-cost areas, have access to affordable technologies that will empower them to learn, work, create, and innovate." At the same time, the Commission recognized the importance of minimizing the universal service contribution burden on consumers and businesses. The Commission sought to balance the objective of "providing support that is sufficient but not excessive so as to not impose an excessive burden on consumers and businesses who ultimately pay to support the Fund."

4. Applying those goals, the Commission targeted funding to expand mobile coverage, while ensuring that the funding is "cost-effective and targeted to areas that require public funding to receive the benefits of mobility." As a result, the Commission eliminated the "identical support rule," which previously had set the level of support for competitive eligible telecommunications carriers (CETCs), including those providing mobile services, at the level received by the incumbent local exchange carrier, and had limited CETC support to those areas where wireline providers received support because of their high costs. The Commission concluded that "[t]he support levels generated by the identical support rule bear no relation to the efficient cost of providing mobile voice service in a particular geography," and established the Mobility Fund to assure that universal service support for mobile service would be targeted in a more cost

effective manner. The Mobility Fund included two phases. For Mobility Fund Phase I (MF–I), the Commission provided up to $300 million in one-time support payments, to be awarded through a reverse auction. The Commission also provided an additional $50 million in one-time support dedicated to Tribal lands. For MF–II, the Commission decided it would provide up to $500 million per year in ongoing support—including support to Tribal lands—and sought comment in the *USF/ICC Transformation FNPRM,* 76 FR 78383, December 16, 2011, on the structure and operational details of that fund.

5. To minimize ''shocks to service providers that may result in service disruptions for consumers,'' the *USF/ICC Transformation Order* provided for a five-year transition period during which legacy support going to CETCs would phase down 20 percent per year beginning July 1, 2012. The Commission noted that, during the transition period, mobile carriers would have the opportunity to seek one-time MF–I support to expand 3G or better service to areas where such service was unavailable while also receiving phase-down legacy support. The Commission also provided that if MF–II were not operational by July 1, 2014, the phase down of legacy support for CETCs would pause at the 60 percent level in effect on that date. The Commission also provided that the phase-down of legacy support for CETCs serving Tribal lands would pause at that time if Phase II of the Tribal Mobility Fund were not implemented.

6. Following the comments filed in response to the *USF/ICC Transformation Order FNPRM* accompanying the *USF/ICC Transformation Order,* the Wireless Telecommunications Bureau and the Wireline Competition Bureau (the Bureaus) issued a Public Notice in November 2012, 77 FR 73586, December 11, 2012, seeking to develop a more comprehensive, robust record on certain issues related to the award of ongoing support for advanced mobile services. The Bureaus sought to build upon their experience in implementing a reverse auction to distribute universal service support and the experiences of carriers that participated in MF–I. In particular, among other things, the Bureaus sought further feedback on issues pertaining to the method for identifying the geographic areas that are eligible for MF–II support and establishing the base unit for bidding and measuring coverage, performance obligations, and the term of support.

7. In April 2014, the Commission in the *2014 CAF Further Notice,* 79 FR 39195, July 9, 2014, again took the opportunity to expand upon what it had learned from its efforts to modernize universal service as well as the considerable developments in the marketplace for mobile wireless services that had occurred since adoption of the *USF/ICC Transformation Order.* Given the significant commercial deployment of 4G LTE, the Commission proposed to retarget the focus of MF–II to address those areas of the country where LTE would not be available absent support and existing mobile voice and broadband service would not be preserved without support.

8. In September 2016, the Wireless Telecommunications Bureau released its analysis of mobile broadband providers' December 2015 Form 477 submissions in order to identify and quantify the areas in the country that may require support on an ongoing basis in order to have 4G LTE coverage. In addition to identifying the specific areas of the country without 4G LTE coverage, Wireless Telecommunications Bureau staff examined the current distribution of high-cost support to assess the efficacy of that support. That analysis reveals that 4G LTE is absent from or only provided with support in one-fifth of the area of the United States excluding Alaska and that a conservative estimate is that three-quarters of support currently distributed to mobile providers is being directed to areas where it is not needed. In other words, carriers are receiving approximately $300 million or more each year in subsidies to provide service even though such subsidies are unnecessary and may deter investment by unsubsidized competitors from increasing competition in those areas.

III. Goals of the Mobility Fund Phase II

9. The Commission reaffirms the following goals for Phase II of the Mobility Fund.

10. First, the Commission reaffirms that universal service funding for the preservation and advancement of high-speed advanced services such as 4G LTE is an appropriate and necessary use of universal service funds. Because they are unmoored from a fixed point, mobile devices empower Americans to make calls and access the web and web-based applications while on the go.

11. Second, the Commission reaffirms that it should target universal service funding to support the deployment of the highest level of mobile service available today—4G LTE. In the *2014 CAF Further Notice,* the Commission observed that two major wireless providers had widely deployed 4G LTE throughout the country. Since that time, consumers increasingly demand 4G LTE service in order to take advantage of the significantly better performance characteristics, including faster data transfer speeds that 4G LTE provides while using the web or web-based applications. Targeting MF–II support to expand and preserve 4G LTE coverage will ensure that the Commission does not relegate rural areas to substandard service.

12. Third, the Commission reaffirms that it should target universal service funding to coverage gaps, not areas already built out by private capital. Despite a surge in private investment in mobile deployment, recent analysis shows that at least 575,000 square miles (approximately 750,000 road miles and 3 million people) either lack 4G LTE service or are being served only by subsidized 4G LTE providers. Virtually all commenters agree that proceeding with MF–II is critically important to supporting mobile voice and broadband coverage. Thus, by proceeding to MF–II, the Commission seeks to assure that 4G LTE service is preserved and advanced to those areas of the country where there is no unsubsidized service, all consonant with the Commission's goal of ''ubiquitous availability of mobile services.''

13. Fourth, the Commission reaffirms that it is committed to minimizing the overall burden of universal service contributions on consumers and businesses by expending the finite funds it has available in the most efficient and cost effective manner. The Wireless Telecommunications Bureau's latest analysis indicates that a substantial majority of current ongoing legacy CETC support is allocated to census blocks that already have complete 4G LTE coverage from one or more unsubsidized competitors.

IV. Framework for Mobility Fund Phase II

14. The Commission adopts a reverse auction to distribute high-cost support for mobile services to areas that lack unsubsidized 4G LTE service, while completing the phase-down of legacy support going to mobile CETCs, thereby eliminating duplicative and unnecessary CETC support, and better managing its finite financial resources. Utilizing an annual budget of $453 million for a term of ten years, the Commission will provide ongoing support for provision of service in areas that would lack mobile voice and broadband coverage absent government subsidies. Likewise, consistent with the Commission's decision in the *USF/ICC*

Transformation Order to abandon the identical support rule and to depart from duplicative investments in multiple CETCs in the same geographic area, the Commission will award support to one provider per eligible geographic area. This section describes this basic framework for MF–II and its conclusions on these issues. The Commission intends before the commencement of the MF–II auction to supplement the performance goals and measures for the program.

A. Reverse Auction To Award Mobility Fund Phase II Support

15. The Commission adopts a nationwide, multi-round reverse auction with competition within and across geographic areas to award MF–II support. Utilizing an auction mechanism will allow the Commission to distribute support consistent with its policy goals and priorities in a transparent, speedy, and efficient manner. An auction provides a straightforward means of identifying those providers that are willing to provide 4G LTE service at the lowest cost to the budget, targeting support to prioritized areas, and determining support levels that awardees are willing to accept in exchange for the obligations the Commission imposes. Moreover, a reverse auction is consistent with the Commission's decision to provide support to at most one provider per area. While auction alternatives suggested by commenters may address some of these objectives—for example, a cost model could theoretically determine appropriate support amounts for an area—the Commission is not persuaded that there is an alternative approach that would achieve all its core policy objectives that could be implemented in a timely manner. Furthermore, the Commission's experience in administering Auction 901 for MF–I funding was a new endeavor in 2012, and it can apply the lessons learned to the MF–II auction.

16. The Commission finds that those parties advocating for use of a model do not acknowledge or resolve the myriad policy goals that are addressed by the Commission's reverse auction proposal, and therefore do not offer a realistic alternative—consistent with its decisions—to the proposed auction mechanism. This determination is substantiated by the fact that the Commission has not received a fully developed cost model for ongoing support since it first sought comment on the issue in 2011. The Commission received a developed model regarding Alaska, but it recently adopted a different approach for mobile carriers there. The Alaska Mobile Plan is a consensus plan among the mobile providers in remote areas of Alaska that provides predictable, stable high-cost support to those providers, frozen at 2014 levels for a term of ten years. Because the Commission adopted the Alaska Plan for mobile carriers as an Alaska-specific comprehensive substitute mechanism for mobile high-cost support, the Commission decided that no support provided under MF–II or Tribal MF–II will be provided for mobile service within Alaska. In the absence of a workable, nationwide model to award ongoing support that addresses all of the Commission's core policy objectives, the Commission adopts its proposal to use a reverse auction mechanism to distribute MF–II support.

17. The Commission declines to adopt a federal-state broadband mobile grant program in lieu of an auction as proposed earlier this year by one commenter. This proposal would impose significant responsibilities on the states that choose to participate, including an obligation to contribute funds (that the Commission would match), review service providers' applications and subsequently award grants, and verify providers' compliance with the Commission's performance requirements. It would require significant Commission coordination and oversight to implement such a proposal, which is inconsistent with the Commission's desire to act quickly so that providers can expand to those areas lacking 4G LTE coverage and the Commission can take fiscally responsible measures to redistribute current support from those areas with unsubsidized 4G LTE. Based on the record before the Commission, as well as its experience in MF–I, the Commission is not convinced that this approach would be a more efficient or effective means of awarding MF–II support than using a reverse auction.

B. Mobility Fund Phase II Budget

18. The Commission adopts a budget of $4.53 billion for MF–II over ten years—the amount of legacy support mobile carriers outside Alaska would receive over the next decade less the funding needed to phase-down support in census blocks fully built with private capital. Current legacy high-cost support received by wireless providers is approximately $483 million per year, excluding Alaska, and around $300 million of that amount is being provided to census blocks fully covered with unsubsidized 4G LTE. In the *MF–II Order,* the Commission is phasing down the support it pays for those areas over two years, with these phase-down payments totaling one year's support, *i.e.,* approximately $300 million. In keeping with its obligation to be fiscally responsible, the Commission arrives at an annual MF–II budget by taking $483 million (representing current CETC support), minus $30 million (representing the estimated $300 million phase-down payments for those areas, evenly apportioned over the ten-year term), for a total each year of $453 million. Given the need to preserve and advance 4G LTE service revealed by its staff analysis, the Commission concludes that retargeting existing funds is appropriate.

19. The cost of universal service programs is ultimately borne by the consumers and businesses that pay to fund these programs, and the Commission has a corresponding obligation to exercise fiscal responsibility by avoiding excessive subsidization and overburdening communications consumers. The courts have recognized that over-subsidizing universal service programs can actually undermine the statutory principles set forth in section 254(b) of the Communications Act of 1934, as amended (Communications Act), 47 U.S.C. 254. The Commission adopts an MF–II budget to balance the various competing objectives in section 254 of the Communications Act, including the objective of providing support that is sufficient, but not so excessive so as to impose an undue burden on consumers and businesses. The Commission further notes that MF–II is only one component of its broader reform efforts, and the MF–II annual budget also reflects a careful analysis of the respective needs and objectives of all aspects of the universal service program.

20. The Commission finds that this level of support over the next ten years will allow MF–II to achieve its objectives in a fiscally responsible manner. The Commission recognizes that the currently unserved areas are likely the most expensive areas in the country to serve; however, its budget—when distributed cost-effectively—should make meaningful progress in eliminating the lingering coverage gaps. The Commission also remains free, after the auction has concluded, to assess its results and determine whether additional funding is needed to advance the deployment of advanced mobile services throughout rural America.

21. The Commission declines to adopt the proposal in the *2014 CAF Further Notice* to significantly reduce the budget for MF–II. The proposal to reduce the budget in the *2014 CAF Further Notice* was made in the context of awarding

support for service based on uncovered population, rather than land areas where mobile broadband is absent. Because the Commission has decided to award support to cover square miles, its projected funding requirements in 2014 are inapplicable.

22. The Commission declines to adopt two separate budgets—one to fund operating expenses for preservation of service and one to fund capital expenses for expansion of service—as proposed by one commenter. This proposal would require two separate auctions to award support from two funds, which would be administratively less efficient and risk duplicative funding to eligible areas. Moreover, two funds would require the Commission to decide in advance the levels of support for each, and would require the Commission to monitor and enforce restrictions on the purposes for which these two types of support can be used. By contrast, a single fund allows reverse auction bidders to make their own efficiency tradeoffs between operating and capital expenses.

23. In establishing the MF–II annual budget, the Commission affirms its commitment to fiscal responsibility, and takes steps herein to ensure that the support awarded is not excessive. The Commission makes clear that there is discretion to set reserve prices as part of the procedures for the reverse auction, which will provide a backstop in the event there is insufficient competition to act as a restraint on the price of the support to be provided in particular cases. To safeguard the monies dedicated to this budget, the Commission adopts requirements to ensure that MF–II support recipients are meeting the service obligations and conditions associated with the ongoing award of such annual support. The Commission retains the discretion to distribute less than the total amount authorized in a given year if support recipients fail to meet performance or other program obligations.

24. The Commission denies the Petition for Declaratory Ruling filed by United States Cellular Corporation, requesting that the Commission award to ''next-in-line'' bidders in Auction 901 more than $68 million of undisbursed MF–I support on which the winning bidders in that auction defaulted. The Commission will not award the unclaimed MF–I support to the next-in-line bidders in Auction 901. As the petitioner recognizes, the Commission addressed undisbursed support payments in the *USF/ICC Transformation Order.* Among the goals and purposes of the Universal Service program is the goal to award support in a fiscally responsible manner, thereby minimizing the universal service contribution burden on consumers and businesses. In its decision, the Commission adopts ongoing support with an annual budget of $453 million for MF–II and target support to areas where it is most needed, *i.e.,* areas that lack 4G LTE service and areas where service only exists due to a subsidy. The Commission finds this is a better use of universal service funds than allocating funds to the next-in-line bidders in Auction 901, based on the outdated standards for eligible areas used in 2012 for MF–I.

C. Tribal Mobility Fund Phase II

25. The Commission reserves support to Tribal lands (excluding Alaska) as part of the overall MF–II budget. The Commission will calculate this budget by applying the ratio of square miles in eligible Tribal lands to square miles of all eligible areas (adjusting for a terrain factor) to the total budget it has chosen for MF–II. The Commission expects that Tribal lands likely will be more expensive to serve than non-Tribal lands due to their lower population density and income levels, as well as the lack of power or roads in some parts of Indian country and the need for federal approval (such as from the Bureau of Indian Affairs) before broadband can be deployed there. The Commission concludes that reserving this support within MF–II is a fair means and reasonable metric to ensure that Tribal lands are not left behind in the auction. Current estimates are that this ratio would be about 7%, so the Commission expects to reserve at least $340 million from the MF–II budget as support for Tribal Lands. The definitive budget will be set when the final set of eligible areas is determined after the challenge process.

26. The Commission concludes that it is appropriate to freshly consider the size of the Tribal MF–II budget rather than seek to simplistically follow earlier Commission decisions pre-dating several important developments. The Commission originally proposed to set aside up to $100 million annually for Tribal lands, but then later dedicated $96 million annually to Tribal lands in remote areas of Alaska. Subtracting the latter from the former would leave a Tribal MF–II budget of only $4 million. If the Commission looked to the Tribal Mobility Fund Phase I auction as a way of apportioning the Commission's initial estimate, it would see that the vast majority of those funds (81 percent) were won by Alaskan bidders. Subtracting that proportion for the Commission's initial $100 million proposal would leave mainland Tribal lands with only $19 million. The Commission believes that premising the Tribal MF–II budget on the Commission's earlier actions is likely insufficient to reflect the need for funding to advance 4G LTE services on Tribal lands in 2017 and beyond. Rather, the Commission finds that the methodology described in the *MF–II Order* will better serve the public interest.

27. Providers of service to eligible areas within Tribal lands will also be able to bid for general support in MF–II—so, with sufficient auction participation, the funds reserved as part of the Tribal Mobility Fund will be a floor, not a ceiling, on support for Tribal lands.

28. The Commission adopts the proposal to award MF–II support for Tribal lands subject to the same terms and conditions as are applicable to all eligible areas in MF–II. The Commission declines to adopt the rules proposed in the *USF/ICC Transformation FNPRM* regarding special ETC designation treatment for Tribal MF–II participants because the Commission is revising the timing of its ETC designation requirement for all MF–II participants. The Commission declines to adopt separate coverage units for Tribal MF–II. The Commission declines to pursue the suggestion of one commenter that carriers serving Tribal lands be allowed to participate in an opt-in funding plan similar to the Alaska Plan. The unique basis for the Commission's adoption of the Alaska plan was not the existence of Tribal lands in Alaska, but rather its concerns about the need for support to be flexible enough to accommodate Alaska's unique conditions, including its ''remoteness, lack of roads, challenges and costs associated with transporting fuel, lack of scalability per community, satellite and backhaul availability, extreme weather conditions, challenging topography, and short construction season.'' The Alaska Plan is limited to addressing these unique challenges.

29. The Commission will establish procedures for MF–II in consultation and coordination with the Commission's Office of Native Affairs and Policy. This will allow funds reserved for Tribal lands to be included as part of the MF–II auction. The Commission believes this path of conducting Tribal MF–II as a component of MF–II is best for quickly initiating support for mobile networks on tribal areas.

30. The Commission declines to adopt a formal Tribal engagement obligation or a bidding credit preference for Tribally-

owned-and-controlled entities. The Commission agrees with commenters that a tribal engagement obligation is not necessary because it could create an excessive administrative burden, without a material countervailing benefit, when many carriers already have established relationships with Tribes. In addition, adopting formal Tribal engagement requirements could deter participation in Tribal lands and would likely divert providers' resources, thus potentially delaying their deployment of service to Tribal lands. The Commission expects carriers participating in the Tribal MF–II to work with Tribes to facilitate the deployment of the highest quality service to the people living on Tribal lands. The Commission finds that a bidding credit preference for Tribally-owned-and-controlled entities is unnecessary for the MF–II auction. Although several commenters assert that a bidding credit preference would create an incentive for bids and increase the likelihood of service to Tribal lands, the Commission finds that setting aside funds specifically to serve Tribal lands is likely to accomplish the Commission's goal of ensuring greater coverage on Tribal lands. The Commission also finds that layering an additional bidding credit for Tribal carriers on top of the funding exclusively available for service to Tribal lands could deter other entities from bidding to serve Tribal lands, reducing both the competitiveness of the auction and the potential reach of the Commission's finite funds for MF–II. Furthermore, commenters fail to demonstrate that the benefits of a bidding credit preference outweigh the costs of potentially depriving other eligible areas of MF–II support.

D. Identifying Geographic Areas Eligible for Support

1. Geographic Area as the Metric for Assessing Mobile Coverage

31. The Commission will use geographic area expressed in square miles as the metric for measuring coverage, comparing bids, and assessing compliance with the corresponding coverage requirement for winning bids in MF–II. The Commission will only award support for those geographic areas without 4G LTE from an unsubsidized provider. The Commission will be making eligible for support only the unserved geographic areas within a census block, rather than the entire area within the block.

32. Requiring coverage of a geographic area most closely reflects the Commission's goal to have mobile services available everywhere people live, work, and travel. A geographic area is a broad measure that encompasses all the alternative metrics proposed in the record, such as roads, population, farm land, and areas remote from roads or significant population centers. Targeting support for mobile broadband service based solely on where people may live or where roads of certain sizes may be located is not enough. Those narrower approaches would not direct support everywhere consumers need and use a mobile service. Basing the award of MF–II support on a bid for square miles takes into account many of the other areas where mobile service is important but for which standardized data are less available—such as business locations, recreation areas, work sites, and agricultural spaces. For example, precision agriculture relies on mobile networks for connectivity, so the value of having coverage in farmland is not directly related to the number of people or number of roads there.

33. Using geographic areas as the metric for MF–II will be relatively simple to administer. The Commission will examine the areas that do not appear in the coverage shapefiles from providers' Form 477 data. There will be no need to obtain and validate the accuracy of another data source (*e.g.,* road maps or population data) and then overlay those data on the shapefiles. Although the Commission utilized road miles for MF–I, there were drawbacks to that approach. In particular, the Commission found that roads may not be consistently categorized by states into TIGER categories for which support is provided and that there are different opinions regarding the specific TIGER categories of roads that should be included. With respect to population, standardized data are available regarding total population per census block, but not with respect to where population is located within a census block. The difficulties in measuring compliance based on population stem from the fact that, while the Commission knows how many people are in a given census block, it does not know where in that census block they are located. While this challenge could be overcome by a 100 percent coverage requirement, commenters generally oppose such a coverage requirement.

2. Minimum Geographic Area for Bidding and Support

34. The Commission concludes that the minimum geographic area for bidding should be census block groups or census tracts containing one or more census blocks with eligible areas for bidding and support for MF–II. The Commission expressed its intent to employ this same approach in the *Connect America Phase II Auction Order,* 81 FR 44413, July 7, 2016. The full Commission will make the final decision on minimum geographic area in the pre-auction process. The Commission refers generally to the ''pre-auction process'' in the *MF–II Order,* which is the process through which final auction procedures will be implemented and the final list of eligible areas will be determined. The Commission may seek comment on, and/or resolve, certain final auction procedures in separate public notices if doing so better conduces to the proper dispatch of business. Any such public notices will be released during the pre-auction process and well in advance of the auction.

35. Although the Commission continues to recognize that using census blocks allows it to target support to specific areas thereby providing bidders the ability to tailor their bids to their business plans, its experience with the MF–I auction demonstrates the need to limit the number of discrete biddable units. The Commission concludes it is best to set performance requirements based on an area larger than a census block. The Commission adopts a broader, more manageable approach that will combine one or more census blocks containing eligible areas into census block groups or census tracts.

3. Identifying Areas That Need Mobility Fund Phase II Support

36. The Commission reaffirms its goals and now seeks to promote the deployment of 4G LTE in all areas where it would not be offered by the private sector in the absence of universal service support. The Communications Act directs the Commission to fund ''reasonably comparable'' services in rural areas to those commonly available in urban areas. Looking to the mobile speeds generally reported by nationwide carriers on their Form 477 submissions, the Commission finds that such carriers are generally reporting the deployment of 4G LTE reported at minimum advertised download speeds of at least 5 Mbps. The Commission will use this speed benchmark to identify areas eligible for MF–II. The Commission rejects requests to use the same 10/1 Mbps thresholds for determining area eligibility that it requires of MF–II support recipients for determining compliance with performance requirements.

37. The Commission concludes that any census block that is not fully covered by unsubsidized 4G LTE will

contain areas that are eligible for support in the MF–II auction. This sub-census block approach to eligibility addresses long-standing concerns that current methods used to estimate network coverage may classify whole census blocks as served notwithstanding that they contain significant areas that remain unserved.

4. Source of Coverage and Subsidy Data

38. The Commission concludes that Form 477 data is the most reliable data currently available for the purpose of determining the coverage levels of existing mobile services, including unserved areas, and areas served by the various technologies that provide 2G, 3G, 4G, and 4G LTE services. The Commission will use Form 477 mobile wireless coverage data and high-cost disbursement data available from the Universal Service Administrative Company (USAC) to determine coverage levels in individual census blocks and whether high-cost support is being awarded. Prior to an MF–II auction, the Commission will compile the list of potentially eligible areas from the data submissions that are most recently available for this purpose.

39. In the *477 Report and Order,* 78 FR 49126, August 13, 2013, the Commission made clear that the enhanced deployment data collection requirements it adopted were ''needed to fulfill [its] universal service mandate.'' The *477 Report and Order* significantly enhanced the reliability of the data the Commission collects by requiring the submission of deployment shapefiles that depict ''the coverage boundaries where, according to providers, users should expect the minimum advertised upload and download data speeds associated with [a] network technology,'' such as LTE. Specifically, for each mobile broadband network technology (*e.g.,* EV–DO, WCDMA, HSPA+, LTE, WiMAX) deployed in each frequency band (*e.g.,* 700 MHz, Cellular, AWS, PCS, BRS/EBS), every facilities-based mobile broadband provider must submit polygons representing its nationwide coverage area (including U.S. territories) of that technology. While these coverage data provide the most accurate depiction the Commission has on the deployment of mobile networks, they do not indicate the extent to which providers affirmatively offer service to residents in the covered areas. By requiring a single, uniform filing format for the shapefiles, the Commission reduces the potential for distortion or misleading comparisons of the data. The Commission requires all facilities-based broadband providers to file Form 477 twice a year, and the Commission requires that the providers certify as to the accuracy of the data submitted. As Wireless Telecommunications Bureau staff has demonstrated, Form 477 data along with USAC CETC support data can provide sufficiently granular information to identify those areas of the country that lack 4G LTE service or where such service is only provided by a subsidized provider.

40. The Commission has recently concluded that ''data from the Form 477 . . . help [it] better analyze mobile broadband deployment than in years past.'' The Wireless Telecommunications Bureau determined that the Form 477 coverage data ''provide the most accurate depiction the Commission has on the deployment of mobile networks,'' and none of the commenters criticizing the Form 477 data has identified a better data source for moving forward expeditiously to implement MF–II. Recognizing that no data source—including Form 477—will be perfectly accurate, the Commission will utilize a challenge process to improve the accuracy of the coverage analysis underlying eligibility determinations reached in reliance on Form 477 data.

41. Finally, one public service commission urges the Commission to seek input from states that have instituted programs to identify areas lacking coverage. The Commission recognizes that some state commissions have acquired detailed information about coverage within their states, and encourage states to submit information that is probative for determining eligibility during the challenge process. However, because individual state and territory information may not be uniform throughout the nation, the Commission declines to rely on such data to the exclusion of other sources and will continue to rely primarily on Form 477 data certified by providers. Nonetheless, the Commission will consider coverage data from states and other sources in its challenge process.

5. Applying Coverage and Subsidy Data to Census Blocks

42. The Commission concludes that it will apply an actual coverage analysis to determine presumptive eligible areas for MF–II support, in lieu of the centroid method employed in MF–I. In the time that has passed since the Commission first proposed using the centroid method in MF–II, the Commission has been able to gather much more robust information about service coverage areas from the certified Form 477 data that providers are required to submit twice a year. The Commission can now more reliably identify those areas within census blocks that do not today have unsubsidized 4G LTE coverage; use high-cost support data to determine where 4G LTE is provided without subsidy; and by overlaying the coverage and the support data, identify the areas presumptively lacking unsubsidized 4G LTE. The resulting analysis presents the most accurate data currently available on which areas should be eligible for MF–II. The Wireless Telecommunications Bureau staff released its analysis using providers' Form 477 data last fall and will publish a preliminary list of eligible areas as part of the pre-auction process. The data released on eligible square miles will be grouped by census blocks, which in turn will be grouped by census block group or census tract as the minimum geographic area for bidding, and include the total eligible square miles in each census block and the location of each eligible area. As explained in the *MF–II Order,* these groupings will be announced by public notice as part of the pre-auction process. The location of each presumptively eligible area will be necessary to define the service areas being auctioned and to define coverage obligations.

43. In response to the *USF/ICC Transformation FNPRM* and *Further Inquiry Public Notice,* 77 FR 73586, December 11, 2012, some carriers express concern that the centroid method may not accurately reflect coverage. Some rural commenters note, for example, that in some cases the centroid of a block may be covered, but large areas outside the centroid are not and that such blocks may be unfairly excluded from support. Many of those commenters support the proportional method, which determines eligibility for support based on whether each census block's coverage percentage is below a certain threshold, as an alternative. Like the proportional method, the approach the Commission adopts in the *MF–II Order* examines coverage at the sub-census block level, thereby remedying the chief concern with the centroid method. Because it can identify specific areas within each census block where 4G LTE coverage is absent, the actual area coverage approach is a significant improvement over the centroid method in reaching the Commission's universal service goals. It is a far more precise way to target the MF–II budget.

6. Challenge Process

44. Consistent with the general approach adopted for MF–I and more recently, for Connect America Fund Phase II (CAF–II), the Commission concludes that it will provide a robust

process for interested parties to challenge the list of presumptively eligible areas for MF–II support. The challenge process will address challenges to coverage determinations only and will not address challenges to the allocation of legacy CETC support within study area geographies. To provide interested parties the opportunity to review the coverage analysis on which eligible areas are identified, the Commission directs the Bureaus to make an initial determination of eligible areas by census block as part of the pre-auction process. Subsequently, the Bureaus shall implement a process consistent with the decisions the Commission will make after review of the record received in response to the Further Notice of Proposed Rulemaking adopted along with the *MF–II Order.* The Commission defers making further decisions regarding the challenge process in the *MF–II Order* because, while commenters generally support a challenge process, they have different views with respect to how such a process should work, and the Commission finds that seeking further comment will be helpful in reaching decisions.

45. The Commission expects that the challenge process will conclude by the end of January 2018. At the conclusion of the challenge process, the Commission directs the Bureaus to make a final determination of areas eligible for MF–II support.

E. Transition of CETC Support to MF–II Support and Preservation of Service

46. The Commission amends its rules for the phase-down of identical support in order to smoothly transition to the Commission's provision of MF–II support, as well as to provide continuing support to those eligible areas that do not receive MF–II support. The Commission's phase-down rules have been designed so as not to be inconsistent with the provisions in 47 CFR 54.307(e)(5)–(6) (2015), unless and until the restrictions in Consolidated Appropriations Act, 2016, Public Law 114–113, Div. E, Title VI, section 631, 129 Stat. 2242, 2470 (2015), are no longer in effect. The Commission adopts differing phase-down schedules for CETC support in ineligible and eligible areas.

47. First, as part of the pre-auction process, the Commission directs the Bureaus to disaggregate each CETC's legacy support among the census blocks it serves using that support. Currently, legacy support is provided to a CETC's entire study area (SAC), with no attribution to particular sub-areas within the SAC. That creates a problem for comparing support among CETCs to serve a given area and for determining how much support is being used to compete with private capital. The Commission faced a similar problem when it decided to disaggregate support for legacy rate-of-return carriers last year and retarget that support to areas unserved by unsubsidized competitors.

48. In choosing a disaggregation method, the Commission is persuaded that it should account for the relative costs of deploying a coverage-based network given the differing terrain throughout the United States. Specifically, the Commission declines to adopt a disaggregation method that assumes that support is allocated uniformly throughout a provider's SAC—doing so would specifically ignore the additional costs that wireless providers incur to deploy service in more difficult terrain. Instead, the Bureaus shall apply a more-refined methodology that uses a terrain factor as a proxy for determining higher cost areas. For example, more mountainous terrains with greater variations in slope are areas that tend to be more costly to serve than level plains. The terrain factor would be used to weight the area of a block such that eligible areas in more mountainous areas would be allocated a greater amount of a CETC's total legacy support to reflect the higher costs of serving such areas.

49. Second, the Commission establishes the following schedule for the phase-down of legacy support and commencement of auction payments. In census blocks determined (after the completion of the challenge process) not to be eligible for MF–II support, legacy support will be phased down starting the first day of the month following release of a public notice announcing the close of the MF–II auction. On that same date, legacy support for current recipients in eligible census blocks shall either be converted to MF–II support (for the winning bidder), maintained (for one CETC in areas without a winning bidder), or subject to phase down (for all other CETCs). The Commission concludes that this schedule is fully consonant with its rules, which require that CETCs continue to receive support at current levels until MF–II and Tribal MF–II are implemented. MF–II and Tribal MF–II will be implemented when the public notice announcing the close of the MF–II auction and identifying the winning bidders has been released. This schedule will apply only to the recipients of legacy support. A different schedule will apply to winning bidders that do not receive legacy support in the areas of their winning bids.

50. More specifically, in census blocks determined (after the completion of the challenge process) not to be eligible for MF–II, legacy support will be phased down starting the first day of the month following the close of the MF–II auction. For the first 12 months thereafter, phase-down support shall be ⅔ of the legacy support for each CETC associated with that area. For the next 12 months, phase-down support shall be ⅓ of the legacy support for each CETC associated with that area. All legacy support shall end thereafter.

51. For a winning bidder that is a CETC receiving legacy support in the area of its bid, MF–II support shall commence on the first day of the month after the auction concludes. To ensure a smooth transition to MF–II support, and to the extent the Commission authorizes a winning bidder to receive MF–II support after that date, a winning bidder will receive support payments at the current legacy support level until such Commission action. A winning bidder that is also entitled to legacy support for an area subject to its winning bid will not be entitled to receive MF–II support until the Commission issues a public notice authorizing support to that bidder. In the public notice, the Commission will direct and authorize USAC to disburse monthly MF–II payments to the winning bidder and to cease paying it at the legacy support level. Furthermore, to ensure that the winning bidder receives the appropriate amount of MF–II support, the Commission will direct USAC to adjust, on a going-forward basis, the amount of the monthly MF–II payments for a limited period of time to account for the difference between the payments at the legacy support level and the MF–II payments in the amounts to which the winning bidder has committed at auction, for the period between the close of the auction and the issuance of the public notice.

52. If the Commission does not authorize the bidder to receive MF–II support, it will direct USAC to adjust the amount of the bidder's preservation-of-service or phase-down support under the MF–II rules, on a going-forward basis, to account for the difference between the payments at the legacy support level and the preservation-of-service or phase-down payments for the period between the close of the auction and the Commission's denial of authorization. As an additional mechanism to prevent perverse incentives, however, the Commission finds that, in applying these rules, a winning bidder committing an auction default will be considered as having received support in the amount of its

winning MF–II bid if that bid is less than its level of CETC support for this area. In light of the Commission's experience with the MF–I auctions, it also adopts a contingency plan to address the possibility that such a winning bidder might default on its bid prior to the authorization of support or be denied such authorization. Under this contingency plan, no MF–II support will be awarded for the area. In that event, the Commission will, however, to the extent applicable, provide legacy support to CETCs under the preservation-of-service rule and the phase-down rule. The Commission concludes that this schedule is fully consonant with its rules, which mandate that a winning bidder ''cease to be eligible for phase-down support in the first month for which it receives Mobility Fund Phase II support.''

53. The Commission adopts a different schedule for winning bidders that are not CETCs in the areas of their winning bids. Because non-CETC winning bidders must meet the same construction deadlines as CETC winning bidders, the Commission will provide an initial balloon payment of MF–II support to non-CETC winning bidders to place non-CETC winning bidders on approximately the same footing as other winning bidders. The balloon payment will consist of the non-CETC winning bidder's monthly MF–II payment amount multiplied by the number of whole months between the first day of the month after the close of the auction and the issuance of the public notice authorizing support. Unlike other winning bidders, a non-CETC winning bidder will not receive MF–II support for the area of its winning bid on the first day of the month after the auction concludes because it would not necessarily be designated as an ETC in that area. A non-CETC winning bidder instead will receive MF–II support once the Commission issues a public notice authorizing MF–II support to the bidder. Based on this schedule, there is no need to adjust payments to account for the continued payments at the legacy support level. The remainder of the discussion in this section concerns the phase down of legacy support for mobile CETCs.

54. In eligible areas where there is no winning bidder in MF–II, the CETC receiving the minimum level of sustainable support will continue to receive such support until further Commission action, but for no more than five years from the first day of the month following the close of the MF–II auction. The Commission defines the minimum level of sustainable support to be the lowest amount of legacy support among CETCs that have deployed the highest technology for that area. The Commission concludes maintaining such support is necessary to preserve service for consumers in such areas pending further Commission action.

55. For CETCs receiving support in areas eligible for MF–II that do not either win MF–II support or receive the minimum level of sustainable support, the phase-down of support shall commence on the first day of the month after the auction concludes. For the first 12 months, phase-down support shall be ⅔ of the legacy support for each CETC associated with that area. For the next 12 months thereafter, phase-down support shall be ⅓ of the legacy support for each CETC associated with that area. All legacy support shall end thereafter. The Commission concludes that this two-year phase-down schedule will ensure that the affected CETCs will have a smooth transition in areas that are too costly to serve absent universal service subsidies.

56. The Commission adopts this phase-down schedule to fund new service obligations undertaken by new MF–II auction winners, protect customers of current support recipients from a potential loss of service, and minimize the disruption to legacy support providers from a loss of funding. The Commission balances the concerns recipients of legacy support express regarding a rapid termination of legacy support with its need to preserve its finite universal service funds and begin funding service under the terms and amounts established by winning bids in its MF–II reverse auction. Accordingly, in the Commission's implementation of MF–II support, it now establishes a certain path toward no longer paying such legacy support, except to preserve service where it exists on a subsidized basis in eligible areas where there is no winning bidder in the MF–II auction.

57. Finally, in light of the phase down schedules the Commission is adopting, it sees no need to treat differently the phase down of support going to any mobile CETC for which high-cost support represents one percent or less of its wireless revenues. As a result, legacy CETC support to these providers will proceed on the same phase-down schedule as for other providers.

F. One Provider per Eligible Area

58. The Commission limits support to a single provider for a given geographic area going forward. The Commission has a statutory obligation to ensure access to advanced telecommunications and information service in all regions of the country at reasonably comparable rates, and a related obligation to ensure that public funding is used effectively and efficiently in furtherance of the Commission's statutory mandate. It is therefore incumbent upon the Commission to adopt a structure for awarding universal service support that ensures the finite public funds available are directed in a way that sustains and expands the availability of mobile services to maximize consumer benefits.

V. Public Interest Obligations

59. Having established the framework of MF–II, the Commission now addresses the public interest obligations that must be met by recipients of MF–II support, including performance metrics for minimum data speeds, maximum latency measurements, and minimum usage allowances, consistent with the provision of 4G LTE service. These performance requirements will be used to measure compliance with established benchmarks during the ten-year term of support.

A. Performance Metrics

60. The Commission will require recipients of MF–II support to deploy 4G LTE. Around 84 percent of the nation's square miles (excluding Alaska) are covered by 4G LTE networks, as of December 2015. As the transition to 4G LTE service and the transition of voice to voice over LTE technology become widespread, the Commission anticipates that older devices will be retired and future devices will be LTE capable. With the nearly universal deployment of 4G LTE comes a broad record consensus that the network technology for any new deployment the Commission funds in MF–II should be 4G LTE. Targeting MF–II support to 4G LTE will ensure that the Commission does not relegate rural areas to substandard service that is not comparable to urban LTE service, and that the supported service is technologically capable of supporting roaming on the industry LTE standard, including the networks of the four nationwide mobile wireless service providers. The Commission's standards for supported service should ensure that its finite universal service funds are used efficiently to provide consumers access to robust mobile broadband service that is comparable to the 4G LTE service being offered today in urban areas. By requiring the deployment of 4G LTE with on-going MF–II support, the Commission can better utilize universal service support to reach the approximately 575,000 square miles that either lack 4G LTE coverage or only have coverage because of subsidized service.

61. The Commission requires recipients of MF–II support to offer voice service, and it adopts minimum requirements for network performance and an offered service plan that, together with the 4G LTE requirement, will define the baseline 4G LTE performance standard for MF–II recipients. Recipients of MF–II funding will be required to meet minimum baseline performance requirements for data speeds, data latency, and data allowances in areas that receive support for at least one plan that they offer. The median data speed of the network for the supported area must be 10 Mbps download speed or greater and 1 Mbps upload speed or greater, with at least 90 percent of the required download speed measurements being not less than a certain threshold speed. For latency, at least 90 percent of the required measurements must have a data latency of 100 milliseconds or less round trip. Support recipients must offer at least one service plan that includes a data allowance comparable to mid-level service plans offered by nationwide providers. Currently, mid-level plans offer a data allowance of at least 2 GB of data per month. Because industry and consumer practices may evolve over time, the Commission will consider, after an opportunity for comment, whether to require a larger data allowance, initially or during the term of support, based on then-available mid-level plans and/or the average per subscriber data usage. The Commission will conduct the initial consideration of these issues, with subsequent consideration occurring by the Bureaus on delegated authority. A support recipient's service plan with the required data allowance must be offered to consumers at a rate that is within a reasonable range of rates for similar service plans offered by mobile wireless providers in urban areas. These conditions will be defined more precisely in the pre-auction process. The Commission will retain its authority to look behind recipients' performance certifications and take action to address any violations that develop.

B. Term of Support

62. The Commission adopts a ten-year term for MF–II support, which will begin on the first day of the month after the MF–II auction concludes. As the Commission approaches the end of the ten-year term, it can reassess the marketplace and determine whether a mechanism to provide future support for mobile services is needed. In addition, the Commission declines to adopt a renewal expectancy for winning bidders.

63. A ten-year term of support is consistent with the term adopted by the Commission for Connect America Phase II support. As the Commission recognized in the *2014 CAF Order,* 79 FR 39163, July 9, 2014 providing support for a period of ten years is appropriate as it may stimulate greater interest in the competitive bidding process. Consequently, that ''[i]ncreased participation in the competitive bidding process will help ensure that funding is targeted efficiently to expand broadband-capable infrastructure throughout the country.'' The Commission is mindful of using the lessons learned from CAF in its implementation of MF–II.

64. The Commission further agrees with commenters that a ten-year term of support is appropriate in light of the significant capital and effort needed to deploy and upgrade broadband networks and is consistent with the timeframe used by rural carriers to plan and schedule network upgrades. The certainty provided by a term of this length will help encourage more bidders—particularly smaller wireless carriers—to participate in the auction.

65. Although the Commission does expect the marketplace to evolve over the next ten years, it will not adopt performance metrics that increase over the term of support. The Commission concludes that the disincentives to auction participation potentially created by evolving performance standards and the administrative complexity of establishing such standards outweigh the performance benefits to consumers during the latter portion of the support period. Winning bidders are required under section 254(e) of the Communications Act to use their support throughout their term for ''the provision, maintenance, and upgrading of facilities and services,'' and the Commission expects winning bidders, to the extent possible, to upgrade their networks to increase capacity and offer better services over time.

66. The Commission declines to adopt any renewal expectancy or similar preference for winning bidders after their ten-year term of support expires. Although a few parties support a renewal that is based on whether a carrier has met its deployment and service obligations, a renewal expectancy might undermine the Commission's ability to satisfy fiscal management principles, such as the Anti-Deficiency Act. The Commission therefore declines to adopt a renewal expectancy, because to do so may undermine its ability to target future universal service support where it is most needed.

C. Construction Requirements/ Benchmarks

67. Consistent with the approach the Commission adopted in the *Connect America Phase II Auction Order,* the Commission adopts interim benchmarks as well as a final benchmark for deployment of service that meets the performance metrics detailed in the *MF–II Order.* Specifically, the Commission defines the starting point for the interim benchmarks as six months from the first day of the month that follows the month in which the MF–II auction closes. The Commission requires a winning bidder to demonstrate coverage of at least 40 percent by three years after the starting point, 60 percent by four years after the starting point, 80 percent by five years after the starting point, and 85 percent by six years after the starting point across all areas for which it receives MF–II support in a state.

68. The Commission concludes that the benchmarks serve as an appropriate construction schedule for MF–II recipients. Interim milestones ensure that sufficient progress is being made with the finite funds it has available. Aligning the MF–II deployment requirements with the CAF–II requirements not only strikes an appropriate balance among carriers' competing concerns, but also increases efficiency and eases administration by leveraging the knowledge and experience the Commission gained during the CAF–II process. The Commission finds that by setting these benchmarks, it will ensure that support recipients make consistent progress towards providing 4G LTE service to unserved areas of our nation, while still allowing winning bidders flexibility to address unforeseen problems or delays in reaching their overall coverage obligations. The Commission observes that while several commenters sought only a 75 percent coverage requirement with the expectation of providing 4G LTE mobile broadband within three years, the Commission concludes that its 85 percent coverage requirement is more consistent with its policy objective of ubiquitous mobile coverage.

69. Recipients that fail to meet and maintain these performance obligations within the time provided to submit their representative data and to certify to coverage requirements will be subject to defined measures, and must cure these failures to meet the deployment requirements or they will be in performance default.

70. Consistent with the Commission's CAF–II framework, support recipients

must meet their required benchmarks across all areas for which they receive MF–II in a state. For the final benchmark, every census block group or census tract in a state (depending on minimum bidding unit) must also be at least 75 percent covered. This requirement will help ensure that the Commission's coverage requirements are meaningful for all consumers in supported areas.

71. In accordance with the data the Commission will ultimately require for a successful challenge of the eligibility of an area, it will require parties awarded MF–II support to submit data sufficient to demonstrate compliance with its coverage requirements. Parties' demonstrations shall be consistent with the evidence the Commission determines to be necessary to be submitted in the challenge process. Concurrent with their submissions of data, recipients of support will have to certify that they have met the Commission's deployment benchmarks. The Commission directs the Bureaus to precisely define these requirements in the pre-auction process. This is consistent with the *USF/ICC Transformation Order* in which the Commission directed the Bureaus and the Office of Engineering and Technology to refine the methodology for broadband performance testing. The Commission is entrusted with distributing significant amounts of universal service contributions from consumers and businesses, and it must ensure that there is actual coverage for consumers in areas where it is paying support recipients.

D. Collocation and Voice and Data Roaming

72. The Commission adopts the same collocation and voice and data roaming obligations for MF–II winning bidders as the Commission adopted for MF–I, with certain minor, non-substantive changes. With respect to collocation obligations, the Commission requires that recipients of MF–II support allow for reasonable collocation by other providers on all towers that they own or manage in the areas for which they receive support. The Commission also requires that support recipients comply with its voice and data roaming requirements on networks that receive MF–II support. Specifically, consistent with the approach adopted for MF–I, the Commission requires that recipients of MF–II support provide roaming pursuant to 47 CFR 20.12 and comply with any modifications of the roaming rules that it makes during the period MF–II support is provided throughout networks that receive MF–II support.

73. The Commission declines to expand the data roaming obligations as some commenters suggest, as the Commission's experience in MF–I indicates that the rules it adopted there provide sufficient safeguards. Violations of these obligations by support recipients could result in the withholding of monthly universal service support, a finding of performance default, and losing eligibility for future Mobility Fund or USF participation. The Commission's general enforcement tools are also available to redress any violation of its rules.

E. Reasonably Comparable Rates

74. To implement the statutory principle for MF–II, the Commission adopts the proposed rules and will require recipients to certify in their long-form applications and annually that in areas where they receive support they offer service at rates that are within a reasonable range of rates for similar service plans offered by mobile wireless providers in urban areas. Recipients' service offerings will be subject to this requirement until the end of the term of support.

75. The Commission adopts a presumption that if a given provider is offering the same rates, terms and conditions (including usage allowances, if any, for a specified rate) to both urban and rural customers, then that is sufficient to meet the statutory requirement that services be reasonably comparable.

76. The Commission further concludes that a recipient can demonstrate compliance with the required certification if its stand-alone voice plan and one service plan that offers data services is substantially similar to a service plan offered by that provider, if the provider has urban service areas, or by at least one mobile wireless provider in an urban area and is offered for the same or lower rate than the matching urban service plan. During the pre-auction process, the Commission may define more precisely the circumstances under which a provider can demonstrate compliance with this certification. The Bureaus will conduct any subsequent consideration of possible revisions regarding compliance with this requirement. The Commission retains its authority to look behind recipients' certifications and take action to address any violations that develop.

VI. Provider Eligibility Requirements

77. The requirements the Commission adopts are essentially the same as those adopted for MF–I, with the limited exception that for MF–II, an applicant seeking to participate in the auction will be permitted to be designated as an ETC after it is announced as a winning bidder for a particular area in accordance with procedures it implements. Consistent with the eligibility requirements for MF–I, a qualified MF–II applicant must demonstrate access to spectrum capable of the appropriate level of service in the geographic areas to be served, and certify as to its financial and technical capability to provide service within the specified timeframe. The Commission concludes that it will not impose any additional eligibility requirements to participate in MF–II.

A. Designation as an ETC

78. The Commission will permit a winning bidder in the MF–II auction to obtain its ETC designation after the close of the auction, provided it submits proof of its ETC designation within 180 days of the public notice identifying winning bidders. Before MF–II support is disbursed to a winning bidder, it must demonstrate that it has been designated an ETC covering each of the geographic areas for which it seeks to be authorized for support and that its ETC designation allows it to fully comply with the Commission's coverage requirements. The Commission declines to disturb the current system of state jurisdiction over ETC designations, even as the Commission permits winning bidders to obtain ETC status after being announced as winners in the MF–II auction.

79. Although the Commission initially proposed to follow the approach it adopted for MF–I and require all applicants to demonstrate ETC designations prior to the auction, its experience after Auction 901 and Auction 902, and its most recent conclusions regarding ETC designations in the CAF–II context, weigh in favor of a more flexible approach for MF–II.

80. As the Commission concluded in the CAF–II context, permitting post-auction ETC designations for MF–II may improve applicant participation in the auction. It will also conserve participants' resources by avoiding obligations for auction participants who do not win any coverage areas in the auction, as well as safeguarding potential bidding strategies of applicants seeking ETC designation before an auction. The Commission will not provide any support until a winning bidder has obtained and demonstrated ETC designation for its entire winning bid area, and is not persuaded by the concerns raised by one commenter, which argues that allowing applicants to seek ETC designation after winning

would encourage speculation by carriers seeking to obtain federal funding to serve areas that are unfamiliar to them.

81. Similar to the process adopted for CAF–II support, the Commission requires winning bidders of MF–II support to submit proof of their ETC designations within 180 days of the public notice announcing them as winning bidders. Failure to obtain ETC status and submit the required documentation by the deadline will be considered an auction default, though the Commission will consider applications for waiver of the 180-day deadline from entities who are diligently pursuing ETC designation.

82. Based on what the Commission observed in the rural broadband experiments, when considering waivers of the 180-day timeframe for obtaining ETC designation, the Commission will presume that an entity will have acted in good faith if the entity files its ETC application within 30 days of the release of the public notice announcing that it is a winning bidder. Consistent with the rural broadband experiments, where the Commission delegated authority to the Wireline Competition Bureau to act on waivers, here, the Commission directs the Wireless Telecommunications Bureau to act on any such waivers.

83. Any circumstances where a state will need more time due to procedural requirements or resource issues can be dealt with through the waiver process. Accordingly, to preserve the primary role that Congress gave the states in designating ETCs, the Commission reaffirms that it will act on an ETC designation petition pursuant to 47 U.S.C. 214(e)(6) ''only in those situations where the carrier can provide the Commission with an affirmative statement from the state commission or a court of competent jurisdiction that the carrier is not subject to the state commission's jurisdiction.''

B. Forbearance From Service Area Redefinition Process

84. The Commission concludes that forbearance from the 47 U.S.C. 214(e)(5) service area conformance requirement for recipients of the MF–II competitive bidding process serves the public interest. The Commission has decided that providing MF–II support to only one provider in a given geographic area in exchange for its commitment to offer service that meets its requirements throughout the funded area achieves its objectives for fiscal responsibility.

85. For those entities that obtain ETC designations as a result of being selected as winning bidders for the MF–II auction, the Commission forbears from applying 47 U.S.C. 214(e)(5) and 47 CFR 54.207(b). Forbearing from the service area conformance requirement eliminates the need for redefinition of any rural telephone company service areas in the context of the MF–II auction. Accordingly, Commission rules regarding the redefinition process are inapplicable to petitions that are subject to this order. However, if an existing ETC seeks support through the MF–II auction for areas within its existing service area, this forbearance will not have any impact on the ETC's pre-existing obligations with respect to other support mechanisms and the existing service area.

86. The Commission concludes that forbearance is warranted in these limited circumstances. The Commission's objective is to distribute support to winning bidders as soon as possible so that they can begin the process of deploying mobile service to consumers in those areas. Case-by-case forbearance would likely delay the Commission's post-auction review of entities once they are announced as winning bidders. The Communications Act requires the Commission to forbear from applying any of its requirements or the Commission's regulations to a telecommunications carrier if it determines that: (1) Enforcement of the requirement is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory; (2) enforcement of that requirement is not necessary for the protection of consumers; and (3) forbearance from applying that requirement is consistent with the public interest. The Commission's experience in MF–I has shown that service area conformance forbearance was just and reasonable in accomplishing the goals of the Mobility Fund, did not harm consumer protections, and was in the public interest in the Mobility Fund context. The Commission concludes that each of these statutory criteria is met for winning bidders of the MF–II competitive bidding process, and the Commission incorporates by reference here the analysis of these forbearance factors that it considered and found warranted forbearance in MF–I and CAF–II.

C. Spectrum Access

87. The Commission requires that an applicant for an MF–II auction have access to spectrum necessary to fulfill any obligations related to support. An MF–II applicant must describe its required spectrum access and certify that the description is accurate and that the applicant will retain such access for at least ten years from the date on which it is authorized to receive support. Specifically, an applicant will be required to disclose whether it currently holds or leases the spectrum, including any necessary renewal expectancy, and whether such spectrum access is contingent on obtaining support in a MF–II auction. The Commission specifies that any other contingency will render the relevant spectrum access insufficient for the party to meet the Commission's requirements for participation. For the described spectrum access to be sufficient, the Commission further concludes that the applicant must obtain any necessary approvals from the Commission prior to filing its short-form application.

88. Because it would be inconsistent with the level of commitment the Commission thinks a serious applicant should demonstrate, the Commission declines to adopt the suggestion of some commenters to allow for a substantially more relaxed standard that would permit entities to seek to acquire access to spectrum on a ''fill-in'' basis after the short-form filing deadline.

89. Consistent with the Commission's decision in MF–I, the Commission concludes that an applicant seeking MF–II support must have access to spectrum necessary to fulfill any MF–II obligations prior to participating in the MF–II auction because allowing otherwise would be inconsistent with the serious undertakings implicit in bidding for ongoing support. The Commission therefore requires applicants to ensure that if they become winning bidders, they will have the spectrum to meet their obligations as quickly and successfully as possible, and adopts the spectrum access rule proposed in the *2014 CAF Further Notice.*

90. The Commission will require that applicants identify the particular frequency bands and the nature of the access on which they assert their spectrum access necessary to demonstrate eligibility for support. The Commission will assess the reasonableness of those eligibility certifications based on information it will require to be submitted in short- and long-form applications. The Commission cautions applicants that if they make this certification and do not have or maintain access to the appropriate level of spectrum, they will be subject to the auction or performance default rules.

D. Financial and Technical Capability

91. In MF–I, the Commission concluded that it would require a party to be financially and technically capable of satisfying the performance requirements of providing service within the specified timeframe in the geographic areas for which it sought support. In proposing that parties seeking MF–II support satisfy this same eligibility requirement, the Commission proposed to require an entity to certify, in the pre-auction short-form application and in the post-auction long-form application, that it is financially and technically capable of providing service within the specified timeframe in the geographic areas for which it seeks support. The Commission's experience with MF–I indicates that requiring these certifications is a reasonable protection for the auction process and to safeguard the award of universal service funds. The Commission adopts its proposed requirement and the proposed rule, with the clarification that the applicant must certify that it is financially and technically qualified to provide the services supported by MF–II within the specified timeframe in the geographic areas for which it sought support.

E. Encouraging Participation

92. The Commission will permit all qualified eligible applicants to participate in the MF–II auction. In so doing, the Commission seeks to encourage participation by the widest possible range of applicants possible, regardless of their size. The Commission's commitment to fiscal responsibility requires that it distributes its finite budget to the provider that submits the superior, most cost-effective bid in the MF–II auction. The Commission will not limit eligibility for MF–II to smaller providers thereby potentially limiting the Commission's ability to further close the 4G LTE coverage gap. The Commission therefore declines to adopt the proposals of some small, rural providers that suggest that it should restrict the participation of certain classes of carriers in order to facilitate participation. Furthermore, as the Commission concluded in MF–I, it will not bar any party from seeking MF–II support based solely on the party's past decision to relinquish Universal Service Funds provided on another basis. Consistent with its approach in spectrum auctions, the Commission expects that its general auction rules and procedures will provide the basis for an auction process that will promote the Commission's objectives for MF–II and provide a fair opportunity for all serious, interested parties to participate.

F. Inter-Relationship With Other Universal Service Mechanisms and Obligations

93. Consistent with the record, the Commission will allow recipients of MF–I support to participate in an MF–II auction. While the Commission does not anticipate that it will prohibit MF–II winning bidders from seeking support through other universal service mechanisms merely because they have received MF–II support, the Commission notes that the goals of Phase II of the Mobility Fund are to help ensure the availability of mobile voice and broadband services across the country. The Commission emphasizes that in establishing rules for each separate universal service funding mechanism, it is including rules to prevent the disbursement of redundant support.

94. The Commission stresses that because Phase I provided strictly non-recurring support, the Commission required an MF–I participant to certify at the pre-auction, short-form stage that it was financially and technically capable of providing 3G or better service within the specified timeframe in the geographic areas for which it sought support without any assurance of ongoing support, but it did not foreclose the potential of such an entity subsequently receiving ongoing support to maintain that service after the five-year time frame expired. Insofar as it furthers the Commission's policy goals to expand and preserve service to areas that would not be covered absent government subsidies, the Commission concludes that a winning bidder in MF–I may participate in the auction to seek ongoing support in MF–II for any area deemed eligible.

95. On the issue of the interrelationship of MF–II and the Remote Areas Fund (RAF), the Commission has not limited the availability of MF–II support based on the existence of the RAF, which is a concern for several commenters. Rather, the Commission has set the budget based on the reasons discussed in the *MF–II Order.* The Commission reaffirms the commitment to the RAF framework and rules adopted in the *Connect America Phase II Auction Order.* The Commission also concludes that it would not make sense to fund a mobile provider in an eligible area through MF–II and fund yet another such provider (or possibly the same one) in that same area in the RAF. Accordingly, the Commission decides that it shall structure the RAF so as not to award support to a mobile provider in any area where it has awarded MF–II support.

G. Partnerships

96. The Commission concludes that the rules it is adopting for MF–II are sufficiently flexible to allow recipients of MF–II to fulfill their public interest obligations associated with MF–II. The Commission is committed to preserving and expanding mobile voice and broadband coverage to those areas that lack services without subsidies, and concludes that allowing support recipients to reach agreements with other providers for this purpose may further that objective. The Commission recognizes based on its experience with MF–I that providers are best suited to determine the most efficient and cost effective manner to fulfill their public interest obligations, and the Commission has designed rules that should afford them the flexibility to consider arrangements that meet their individual business needs without prescribing any particular solutions or limitations, provided that such agreements otherwise comply with relevant statutory and regulatory requirements. The Commission cautions applicants seeking support, however, that regardless of any agreements they may enter, the winning bidder is the entity responsible for maintaining its eligibility, including but not limited to its ETC status, and meeting its performance obligations for MF–II support. Similarly, all monies awarded through the auction process must flow directly to the winning bidder as that is the entity upon which the Commission has assessed compliance with all support requirements, including its ETC status.

H. Bidding Preference for Small Businesses

97. The Commission declines to adopt a bidding preference for small businesses for MF–II. In view of the Commission's experience with MF–I, where numerous smaller carriers placed winning bids to receive funding for service without the aid of bidding credits, the Commission concludes that it is unnecessary to adopt small business bidding credits for a MF–II auction. Also, a bidding credit for small businesses would potentially reduce the reach of the Commission's finite funds. The Commission is unwilling to forgo additional coverage expansion or preservation in order to favor smaller providers, particularly in light of the participation and success of small and rural businesses in MF–I.

VII. Auction Rules and Process

98. The Commission adopts rules that govern the auction process for MF–II, including pre-auction requirements and general rules for auction design and the bidding process. These rules provide the basic framework and requirements for participating in an auction for MF–II support. Consistent with past practice, the specific procedures will be established as part of the pre-auction process, including determining auction-related timing and dates, identifying areas eligible for support, and establishing detailed bidding procedures consistent with the *MF–II Order* as well as any issues resolved following the Further Notice of Proposed Rulemaking adopted at the same time as the *MF–II Order*. This pre-auction process will be similar to those the Commission has used for spectrum auctions and to those used in Auction 901 to distribute MF–I support.

A. Pre-Auction Application Process

99. Based on the Commission's experience with MF–I and the process it adopted in CAF–II, the Commission adopts a two-stage application process for an applicant seeking to participate in the MF–II auction. Under this process, interested parties will submit a pre-auction ''short-form'' application, providing basic information and certifications regarding their eligibility to receive support. After the application deadline, Commission staff will review the short-form applications to determine whether applicants have provided sufficient information required at the short-form stage to be eligible to participate in a MF–II auction. Once review is complete, Commission staff will release a public notice indicating which short-form applications are deemed complete and which are deemed incomplete. Applicants whose short-form applications are deemed incomplete will be given a limited opportunity to cure defects and to resubmit correct applications. Only minor modifications to an applicant's short-form application will be permitted. Major modifications would include, for example, changes in ownership of the applicant that would constitute an assignment or transfer of control. The Commission will then release a second public notice designating the applicants that are qualified to participate in the MF–II auction. After the close of the auction, winning bidders will be required to submit ''long-form'' applications with more extensive information to allow for an in-depth review of their qualifications prior to authorization of support.

100. The Commission also adopts the proposals, with certain amendments, in the *USF/ICC Transformation FNPRM* regarding the types of information bidders will be required to disclose in their MF–II auction short-form applications. The Commission concludes that, based on its experience with MF–I, this approach strikes an appropriate balance in ensuring that entities are legally, technically, and financially qualified, while at the same time minimizing the burden on applicants and Commission staff. Thus, the Commission will require that each auction applicant provide information to establish its identity, including disclosure of parties with ownership interests, consistent with the ownership interest disclosure required in Part 1 of the Commission's rules for applicants for spectrum licenses, as well as any agreements the applicant may have relating to the support to be sought through the auction. Applicants will only be able to make minor modifications to their short-form applications. Major amendments, for example, changes in an applicant's ownership that constitute an assignment or transfer of control, will make the applicant ineligible to bid.

101. Each applicant will be required to disclose and certify its ETC status, although, the Commission does not require an applicant to obtain an ETC designation prior to bidding in MF–II. With respect to eligibility requirements relating to spectrum access, applicants will be required to disclose and certify the source of the spectrum they plan to use to meet Mobility Fund obligations in the particular area(s) for which they plan to bid. Specifically, applicants will be required to disclose whether they currently hold a license or lease the spectrum, including any necessary renewal expectancy, and whether such spectrum access is contingent on obtaining support in an MF–II auction. Applicants must have secured any Commission approvals necessary for the required spectrum access prior to submitting an auction application. Moreover, applicants will be required to certify that they will retain their access to the spectrum for at least ten years from the date support is authorized. The Commission notes that no commenters addressed the Commission's proposed pre-auction application process for MF–II, and therefore concludes that the rules it adopted will best serve the Commission's ability to hold a fair and efficient auction.

B. Bidding Process

1. Auction Design and Competitive Bidding Mechanisms and Procedures

102. The Commission adopts, with certain minor non-substantive changes, the existing 47 CFR part 1 rules on competitive bidding for universal service support contained in Subpart AA. The high-level auction rules for competitive bidding procedures for universal service support that the Commission adopts set out a range of options and mechanisms that the Commission may use for such purposes. The Commission takes the opportunity to reorganize the way it articulates certain of the relevant rules, without altering the substance, to be consistent with the latest developments regarding the Commission's approach to competitive bidding in other contexts. Specifically, the Commission restructures the rules to present them in terms of auction procedures governing bid collection, assignment of winning bids, determination of support payment amounts, as well as particular mechanisms for conducting the auctions. The reorganized competitive bidding procedures rules will facilitate the development of procedures for the MF–II auction that are consistent with the universal service support technical requirements and policies generally and that address the needs of the Commission and interested bidders. The bidding procedures for the MF–II auction will include, among other things, details pertaining to multiple round bidding and package bidding.

2. Information and Communications

103. To maximize competition and promote fairness, the Commission proposed to retain for MF–II its usual auction policies regarding permissible communications during the auction and the public release of certain auction-related information. The Commission adopts the proposed rules prohibiting auction applicants from communicating with one another regarding the substance of their bids or bidding strategies, and providing for limited public disclosure of auction-related information as appropriate.

C. Auction Cancellation

104. In the *USF/ICC Transformation FNPRM,* the Commission proposed, consistent with its approach in spectrum auctions and Mobility Fund Phase I, that its rules provide discretion to delay, suspend, or cancel bidding before or after a reverse auction begins under a variety of circumstances, including natural disasters, technical failures, administrative necessity, or any

other reason that affects the fair and efficient conduct of the bidding. Based on its experience with spectrum license auctions and Mobility Fund Phase I, the Commission concludes that such a rule is necessary and adopts it.

VIII. Post-Auction Process and Support

105. The Commission adopts rules to govern the post-auction process and the authorization of support for MF–II. These rules provide the basic framework and requirements for winning bidders to demonstrate their qualifications for MF–II support. This post-auction process will be similar to that used for MF–I support. Shortly after bidding has ended, the Bureaus will issue a public notice declaring the auction closed, identifying the winning bidders, and establishing details and deadlines for next steps, beginning with the long-form application.

A. Long-Form Application

106. In the *USF/ICC Transformation FNPRM,* the Commission proposed to apply the same long-form application process for MF–II as it adopted for MF–I. Under this process, applicants for MF–II support would be required to demonstrate in their long-form applications that they are legally, technically, and financially qualified to receive MF–II support. The Commission concludes that winning bidders for MF–II support will be required to comply with the same long-form application process it adopted for MF–I, and adopts a rule to govern this process, modified from that originally proposed consistent with the Commission's stance on ETC designation timing and other rules adopted in the *MF–II Order.* Consistent with the Commission's standard practices, upon close of an MF–II auction, the Bureaus will release a public notice, which will provide further details regarding the submission and processing of the long-form application.

1. Ownership Disclosure

107. The Commission also adopts the ownership disclosure requirements proposed in the *USF/ICC Transformation Order* for MF–II. Specifically, the Commission will require the same Part 1 ownership disclosure requirements that already apply in the spectrum license context, and therefore adopts the related proposed rule. Pursuant to these requirements, an applicant for MF–II support must fully disclose its ownership structure as well as information regarding the real party- or parties-in-interest of the applicant or application. The Commission anticipates that wireless providers that have participated in spectrum license auctions will already be familiar with the disclosure requirements. These companies will also have ownership disclosure reports (in the short-form application or FCC Form 602) on file with the Commission, which may simply need to be updated, minimizing the reporting burden on winning bidders.

2. ETC Eligibility

108. Consistent with the eligibility requirements adopted in the *MF–II Order,* the Commission will permit a winning bidder in the MF–II auction to obtain its ETC designation after the close of the auction, provided that it submits proof of its ETC designation within 180 days of the public notice identifying winning bidders.

109. Before MF–II support is authorized, a winning bidder must demonstrate that it has been designated an ETC covering each of the geographic areas for which it seeks to be authorized for support and that its ETC designation allows it to fully comply with the Commission's coverage requirements within the time provided to meet this requirement. A winning bidder must submit appropriate documentation of its ETC designation in all the areas for which it will receive support in its long form application or certify that it will do so within 180 days of the public notice identifying winning bidders. Appropriate documentation should include the original designation order, any relevant modifications (*e.g.,* expansion of service area or inclusion of wireless), along with any name-change orders. Each winning bidder should connect the designations to the winning bids so that it is clear that the bidder has ETC status in each winning area. This obligation may be satisfied by providing maps of the recipient's ETC designation area, map overlays of the MF–II support areas, and narrative explanations explaining the connections between the ETC designations and MF–II support areas.

3. Financial and Technical Capability Certification

110. As in the pre-auction short-form application stage, a long-form applicant must certify that it is financially and technically capable of providing the required coverage and performance levels within the specified timeframe in the geographic areas in which it won support. An applicant should take care to review its resources and its plans before making the required certification and be prepared to document its review, if necessary. Thus, the Commission adopts the proposed rule regarding financial and technical capability certification, as amended.

4. Network Coverage Plan

111. For winning bids, the applicant must submit a project description that describes the network to be built or upgraded; identifies the proposed technology; demonstrates that the project is technically feasible; discloses the complete project budget; and discusses each specific phase of the project (*e.g.,* network design, construction, deployment, and maintenance). A complete project schedule, including timelines, milestones, and costs, must also be provided. Milestones should include the start and end date for network design; start and end date for drafting and posting requests for proposal (RFPs); start and end date for selecting vendors and negotiating contracts; and start date for commencing construction and end date for completing construction. Winning bidders may file as separate documents a public/redacted version of their project descriptions and a confidential version of their project descriptions, if necessary, accompanied by a Request for Confidentiality that aligns with existing Commission rules. Project descriptions must align project schedules with the required buildout milestones.

5. Spectrum Access

112. The Commission adopts its proposed rule to require applicants to provide a description of the spectrum access that the applicant will use to meet its obligations in areas for which it is the winning bidder, including whether it currently holds a license or leases the spectrum, along with any necessary renewal expectancy, and certify that the description is accurate and that the applicant will retain such access for the entire ten year support term. The description should identify the license applicable to the spectrum to be accessed. The description of the license must include the type of service (*e.g.,* AWS, 700 MHz, BRS, PCS, etc.), the particular frequency bands and the call sign. This information should be verifiable in the Commission's Universal Licensing System. Reference to other Commission data repositories should not be necessary, as the complete information needed to determine on what licenses the applicant intends to rely should be included in the MF–II long-form application. Applications will be reviewed to assess the reasonableness of the certification.

6. Certifications as to Program Requirements

113. With regard to certifications of program requirements, the Commission concludes that an applicant must certify in its long-form application that it has the funds available for all project costs that exceed the amount of support to be received, and that it will comply with all program requirements. These requirements include the public interest obligations contained in the Commission's rules and set forth in the *MF–II Order.* Applicants must certify that they will meet the applicable deadlines and requirements for demonstrating interim and final performance benchmarks set forth in the rules, and that they will comply with the MF–II collocation, voice and data roaming, and reasonably comparable rate obligations. The Commission will retain its authority to look behind recipients' certifications and take action to address any violations that develop.

7. Other Information

114. Any additional information that is required to establish whether an applicant is eligible for MF–II support will be announced by public notice.

8. Transfers and Assignments

115. The award of MF–II support is based upon the eligibility and performance of the winning bidder. Therefore, a recipient of MF–II support that later seeks to transfer control or assign its licenses in the winning bid area to another carrier should be aware that, if the buyer or assignee carrier is not eligible to receive MF–II funds or is uninterested in remaining in the program, the winning bidder will remain liable for its winning bid obligations and will be considered to have committed a performance default if it can no longer fulfill those obligations after completing the transfer or assignment. All assignees seeking to receive MF–II support will become subject to the eligibility, certification, and disclosure requirements included in the MF–II rules.

B. Authorization Requirements and Steps

116. In the *USF/ICC Transformation FNPRM,* the Commission proposed to apply the same process for authorization of release of awarded funds for MF–II support as was adopted in Phase I. The Commission concludes that before being authorized for support, a winning bidder must submit an irrevocable standby letter of credit (LOC), which shall be acceptable in all respects to the Commission. Additionally, winning bidders must supply a legal counsel's opinion letter stating that the funds secured by the LOC will not be considered to be part of the recipient's bankruptcy estate in the event of a bankruptcy proceeding under section 541 of the Bankruptcy Code. These safeguards will allow us to utilize an LOC to resolve a performance default. Accordingly, the following authorization requirements must be satisfied in order for MF–II support to be authorized.

1. Letters of Credit

117. In MF–I, the Commission required all winning bidders to obtain LOCs ensuring the successful fulfillment of each winning bid and protecting the Commission's investment of universal service funds. In the CAF–II auction context, the Commission adopted LOC requirements with standards that initially cover the first year of support of a recipient's winning bid, and that are adjusted annually thereafter, reasoning that LOCs were an effective means for fulfilling the Commission's role as stewards of public funds.

118. Consistent with the rules governing MF–I and CAF–II auctions, the Commission adopts a rule for MF–II requiring that, prior to the authorization of support, all winning bidders for support must provide us with an irrevocable standby LOC by a bank that is acceptable to the Commission in substantially the same form as the model Letter of Credit set forth in the appendix to the *MF–II Order,* and, in any event, must be acceptable in all respects to the Commission. Specifically, the Commission adopts requirements for a bank to be acceptable to the Commission to issue the LOC that are similar to the requirements adopted for MF–I, with the exception of the expansion of the acceptable banks noted below.

119. The Commission concludes that an LOC meeting the requirements set out below is neither unreasonably burdensome nor excessively costly for a winning bidder to obtain in light of the benefit to the universal service program. While obtaining an LOC incurs costs, the Commission anticipates that bidders can incorporate these costs when determining their bids. As the Commission found in MF–I, and in considering this issue in other aspects of the Connect America Fund, companies with existing lending relationships often use LOCs in the normal course of operating their businesses and, generally, are able to maintain multiple forms of financing for varying purposes. Therefore, on balance, the Commission concludes that the government's need to safeguard the disbursement of these monies outweighs the limited burden incurred by winning bidders.

120. In reaching this conclusion, the Commission carefully weighed the comments it received on whether it should require LOCs for MF–II. While the concerns expressed by some commenters do not warrant abandoning an LOC requirement altogether, they do support the Commission's decision to depart from the LOC provisions utilized in MF–I, and to instead adopt LOC provisions that closely align with the CAF–II LOC process and MF–II performance requirements. For instance, allowing the LOC to decrease over time as a support recipient satisfies its minimum coverage and service requirements, as the Commission allowed in the CAF–II context, should effectively protect public funds under less onerous terms than were applied in the MF–I auction. Moreover, the Commission can also incorporate other terms and processes adopted in the CAF–II auction context to address the concerns of commenters to achieve greater efficiencies in the MF–II LOC requirements. The Commission therefore requires an LOC for MF–II winning bids that will remain in place until USAC, in conjunction with the Commission, verifies that a MF–II winning bidder has met its minimum coverage and service requirements at the end of the six-year milestone.

121. Consistent with the approach utilized in CAF–II, the Commission will require that the initial value of the LOC to be set to at least the amount of authorized MF–II support for the first year. Before the winning bidder can receive its next year's MF–II support, it must modify, renew, or obtain a new letter of credit to ensure that it is valued at a minimum at the total amount of money that has already been disbursed plus the amount of money that is going to be provided in the next year.

122. Moreover, similar to the process adopted in CAF–II, the Commission will allow a support recipient to modestly reduce its LOC as it meets its interim benchmarks. The LOC must be maintained for 100 percent of the total support amount disbursed plus the amount to be disbursed in the next year until USAC, in coordination with the Commission, has determined that the recipient has met its interim benchmark for deployment to 60 percent of the required coverage area; and subject to USAC's consent, the amount of the LOC may decrease to an amount equal to 90 percent of the total support amount already disbursed plus the amount that will be disbursed in the coming year.

Once USAC, in coordination with the Commission, has determined that the recipient has met its interim benchmark for deployment to 80 percent of the required coverage area, and subject to USAC's consent, the amount of the LOC may decrease to an amount equal to 80 percent of the total support amount already disbursed plus the amount that will be disbursed in the coming year. After USAC, in coordination with the Commission, has determined that the recipient has met its final benchmark for deployment to a minimum of 85 percent of the required coverage area by state and at least 75 percent by each census block group or census tract in a state included in the LOC, the recipient may relinquish its LOC. Recognizing that the risk of a default will lessen as a recipient makes progress towards building its network, the Commission finds that it is appropriate to modestly reduce the value of the letter of credit in an effort to reduce the cost of maintaining a letter of credit as the recipient meets certain service milestones. Such a system of modest reductions in the value of the LOC aligns with the LOC procedure adopted in CAF–II.

123. These LOC requirements should help to achieve the Commission's goal of fiscal responsibility and should protect the disbursement of universal service funds while also being responsive to concerns expressed in the record that MF–II LOC requirements should not be onerous. The reporting and performance requirements that it has adopted for MF–II together with these LOC provisions, which are consistent with the CAF–II auction LOC requirements previously adopted by the Commission, should ensure that in the event of a performance default, monies are in place to satisfy a recipient's obligations for failing to comply with the terms of support. All MF–II recipients, along with the federal government, should bear the responsibilities of safeguarding these funds. However, the Commission nonetheless recognizes that there may be a need for greater flexibility regarding LOCs for Tribally-owned and controlled winning bidders. Thus, if any Tribally-owned and -controlled MF–II winning bidder is unable to obtain a LOC, it may file a petition for a waiver of the LOC requirement. Waiver applicants must show, with evidence acceptable to the Commission, that the Tribally-owned and -controlled winning bidder is unable to obtain a LOC.

124. In addition to providing greater flexibility on the amount of support the LOC will cover, the Commission concludes that there are additional specific measures it can take to provide MF–II recipients greater flexibility in obtaining their LOCs. For instance, to reduce the number of LOCs that a winning bidder may need, the Commission will allow winning bidders to provide a single LOC covering all its winning bids within a single state. The Commission therefore directs the Bureaus to establish a reasonable means to permit a winning bidder to provide a single LOC that covers all its winning bids within a single state in the amount specified in the *MF–II Order,* if the recipient so desires. Moreover, consistent with the Commission's decision in the CAF–II context, if a winning bidder chooses to obtain a letter of credit for each of its bids that are located in a state and defaults after its failure to pay the recoupment calculation for non-compliance, the Bureaus will authorize a draw on all of the letters of credit covering all of the bids in that state.

125. Furthermore, consistent with the acceptable bank standards recently adopted for the CAF–II auction process, the Commission amends and expands the definition of an ''acceptable bank'' for the purposes of MF–II LOC requirements. By expanding the list of banks eligible to provide LOCs, the Commission seeks to lower barriers for entities, particularly small and rural businesses that might otherwise face obstacles in obtaining an LOC from a smaller pool of banks, while still ensuring that there are adequate considerations given to the soundness of the bank issuing a letter of credit.

126. Accordingly, the Commission will require that, for U.S. banks, the bank must be insured by the Federal Deposit Insurance Corporation (FDIC) and have a Weiss bank safety rating of B− or higher. This modification to the definition of acceptable banks expands the number of eligible U.S. banks from fewer than 70 banks, as were allowed in MF–I, to approximately 3,600 banks for MF–II winning bidders. These provisions together should help to ensure that LOCs are secured by financially sound institutions. Moreover, unlike credit ratings obtained by banks in the commercial markets, Weiss rates all banks that report sufficient data for Weiss to analyze and, more importantly, is a subscription service and is not compensated by the banks that it rates. Weiss therefore offers an independent and objective perspective of the safety of the banks it rates based on capitalization, asset quality, profitability, liquidity, and stability indexes. Requiring that the banks have a Weiss rating of at least B− ensures that the bank has a rating that at a minimum demonstrates that the bank offers good financial security and has the resources to deal with a variety of adverse economic conditions. And requiring that U.S. issuing banks also be FDIC-insured has the added benefit of relying on the oversight of the FDIC and its protections. The Commission therefore concludes that this more expansive definition of acceptable banks achieves an appropriate balance between reducing burdens for winning bidders, particularly small and rural entities, while still protecting the public funds.

127. For similar reasons, the Commission will also permit entities to obtain letters of credit from CoBank, ACB (CoBank) or the National Rural Utilities Cooperative Finance Corporation (CFC) as long as each of these two entities maintains assets that place them among the top-100 U.S. banks in terms of the amount of assets, and they maintain a credit rating of BBB− or better from Standard & Poor's (or the equivalent from a nationally-recognized credit rating agency). The entity's assets will be determined on the basis of total assets as of the end of the calendar year immediately preceding the issuance of the letter of credit, determined on a U.S. dollar equivalent basis as of such date. The Commission has recognized that these entities are not traditional banks in that they do not accept deposits from members of the public. Thus, these entities do not have a Weiss bank safety rating and are not FDIC-insured. However, CFC and CoBank can be considered banks in the context of the Commission's program because they use their capital resources to make loans. Accordingly, the Commission finds these two entities to be sufficiently comparable to commercial depository banks to issue letters of credit in the MF–II program.

128. CoBank has met the more stringent issuing bank eligibility requirements for MF–I and rural broadband experiments, and has issued a number of letters of credit for these programs. Although CoBank is not FDIC-insured, it is insured by the Farm Credit System Insurance Corporation, which the Commission found provides protections that are equivalent to those indicated by holding FDIC-insured deposits. As long as CoBank retains its standing with assets equivalent to a top-100 U.S. bank and a qualified credit rating, the Commission sees no reason to depart from its conclusion not to exclude CoBank from eligibility simply because CoBank is not rated by Weiss.

129. CFC's assets also make it comparable to commercial depository banks that are in the top 100 based on

total assets, and it has a credit rating from Standard & Poor's of A. But because CFC is not a depository institution and it is not part of the Farm Credit System, it is not FDIC or FCSIC-insured. Nevertheless, CFC is uniquely situated and should be made eligible to the extent it retains its standing with assets equivalent to a top-100 U.S. bank and a qualified credit rating. CFC is ''owned by, and exclusively serves'' rural utility providers, and CFC manages and funds its affiliate, the Rural Telephone Finance Cooperative (RTFC), which lends primarily to telecommunications providers and affiliates across the nation. As the largest non-governmental lender for rural utilities, CFC has specialized institutional knowledge regarding the types of entities expected to participate in universal service competitive bidding to serve fixed locations and has demonstrated that it has significant and long-term experience in financing the deployment of rural networks. This unique and long-standing role in rural network deployment coupled with CFC's qualifications, provides the Commission with sufficient assurance that CFC has the qualifications to assess the financial health of winning bidders and honor the LOCs that it issues, without the need for the independent oversight of CFC's safety and soundness that would be offered by FDIC or FCSIC insurance or a Weiss safety rating. The Commission concludes that, based on the totality of these circumstances, CFC is eligible to issue LOCs despite the fact that it does not meet the FDIC and Weiss rating requirements. The decision to make CFC an eligible issuer is conditioned on CFC notifying the Commission of any significant change to any of the showings it has made to the Commission.

130. The Commission further notes that it is not adopting alternative eligibility requirements that would permit banks that are not FDIC or FCSIC-insured or that do not have a Weiss bank safety rating to issue letters of credit. Instead, the Commission concludes that, for purposes of providing security for winning bidders, an LOC from CFC provides assurances that are equivalent to those provided by banks meeting the Commission's general criteria, due to CFC's uniquely extensive experience in financing rural networks, its significant participation in other federal government programs, and its long-standing relationship with many entities that may become MF–II winning bidders.

131. If a recipient seeks to obtain its LOC from a non-U.S. bank, the Commission requires that the bank be among the 100 largest non-U.S. banks in the world (determined on the basis of total assets as of the end of the calendar year immediately preceding the issuance of the letter of credit, determined on a U.S. dollar equivalent basis as of such date) and maintain a credit rating of BBB− or better from Standard & Poor's (or the equivalent from a nationally-recognized credit rating agency). The bank must also have a branch in the District of Columbia or such other branch office as agreed to by the Commission and must issue the letter of credit payable in United States dollars.

132. As in the process permitted in the CAF–II rules and also followed in MF–I, if the winning bidder is not prepared to present its LOC at the time of the long-form application filing, the Commission will allow the submission of a commitment letter from the bank issuing the LOC in the long-form application filing. A winning bidder will, however, be required to have its LOC in place and approved by USAC before it is authorized to receive MF–II support.

2. Opinion Letters

133. Consistent with the rules for MF–I and CAF–II, at the time a winning bidder for MF–II support submits its LOC, it also will be required to provide an opinion letter from legal counsel clearly stating, subject only to customary assumptions, limitations and qualifications, that, in a proceeding under the Bankruptcy Code, the bankruptcy court would not treat the LOC or proceeds of the LOC as property of the winning bidder's bankruptcy estate, or the bankruptcy estate of any other bidder-related entity requesting issuance of the LOC, under 11 U.S.C. 541. A winning bidder will be required to have its opinion letter in place before it is authorized to receive MF–II support and before any support is disbursed.

C. Disbursements

134. Consistent with the process adopted in the CAF–II auction context, the Commission concludes that MF–II support should be disbursed in monthly installments over the course of the ten-year support term. For MF–II, support recipients will have made winning bids to provide service at established performance requirements to at least 85 percent of the eligible square miles across all winning bid areas for which they win MF–II support in a state by the final milestone, to provide service to at least 75 percent of every census block group or census tract in a state (depending on minimum bidding unit), and to continue to provide service throughout the ten-year support term. During the ten-year support term, provided that the winning bidder files acceptable, complete, and timely annual and milestone reports, fulfills the milestone coverage requirements, and does not otherwise have a performance default, the recipient will receive monthly disbursements of 100 percent of the total winning bid(s).

135. This approach provides MF–II recipients with reliable and predictable support payments that conform to a variety of business cycles and correspond to suggestions in the record. The Commission is mindful that some carriers might incur higher up-front project costs prior to their ability to commence the provision of service to the targeted area because infrastructure expansion projects might require larger payments in the earlier years of the disbursement term. The Commission concludes that MF–II monthly disbursements will best accommodate carriers' project schedules or ongoing expenses of providing service in a manner that is efficient from an administrative prospective. Moreover, because the Commission decides that support payments should be regular and predictable over the entire course of the ten-year term for all recipients, and because the Commission seeks to not exceed the budget in any one year of the term, recipients will not be able to receive accelerated payment of their support for attaining the interim milestones early. This determination aligns with the decision to reject accelerated payments in CAF–II as well.

136. All MF–II recipients have a continuing obligation to maintain the accuracy and completeness of the information provided in their long-form applications and their annual and milestone reports. All winning bidders shall provide information about any substantial change that may be of decisional significance regarding their eligibility for MF–II support and compliance with MF–II requirements.

137. The Commission reserves the right for USAC to cease monthly disbursements immediately should the winning bidder have a performance default, or if it fails to comply with any of the terms or conditions for the receipt of the support under any of the Commission's rules. In addition, the Commission directs the Bureaus and the Office of Managing Director to postpone disbursements and/or the incurrence of additional obligations, to preclude an ADA violation if the USF's current exemption expires or is repealed.

IX. Accountability and Oversight

138. As the Commission recognized from the outset of this proceeding, the monies used to achieve the Mobility Fund goals come from American consumers and businesses, and therefore it is critical for the success of the program that support recipients meet their obligations. This task requires ongoing vigilance and oversight by the Commission together with the Fund administrator, USAC. As the Commission noted in the CAF–II proceeding, reporting obligations serve the public interest by enhancing the ability to monitor the use of Connect America Fund support and ensure its use for intended purposes.

139. In the *USF/ICC Transformation FNPRM,* the Commission proposed applying the same general rules for accountability and oversight to MF–II as were applied to recipients of MF–I support, including reporting, audit, and record retention requirements. The reporting requirements the Commission adopted for MF–I, and adopts here for MF–II, differ in certain respects from those adopted for CAF and CAF–II due to the specific requirements of the provision of mobile service. Therefore, the Commission excluded MF–I from the application of 47 CFR 54.313(k), which applies generally to recipients of high cost support, and now also excludes that provision for MF–II support recipients.

140. The Commission also proposed that MF–II support recipients should be required to include in their annual reports the same information required of MF–I support recipients. The Commission adopts certification and reporting requirements relating to the performance obligations adopted in the *MF–II Order.* It also addresses consequences for failure to meet program reporting rules and discusses its record retention rules.

A. Mobile Reporting, Mobility Fund Phase II Annual Reports, and Mobility Fund Phase II Milestone Reports

141. *Annual Reports.* The Commission adopts an annual reporting requirement that will enable the Commission and USAC to monitor the ongoing progress and performance of all MF–II recipients, similar to the annual reporting obligations of all other recipients of federal high-cost universal service support. Winning bidders of MF–II support will be subject to the annual reporting requirement, and recipients will be required to file their reports each year following the year in which the auction closes by July 1, including all the certifications required under the MF–II rules, and in which the recipient will update information, as required for the following year.

142. *Milestone Reports.* In order to ensure that ongoing payment of MF–II support is warranted, and in alignment with the similar progress reporting system instituted for CAF–II, the Commission will require recipients to file a Milestone Report on or before its third, fourth, fifth, and sixth year performance deadline. These Milestone Reports will be where MF–II recipients report the data that demonstrates that they have met their interim benchmarks for deployment and their minimum final deployment requirement at the end of the construction term necessary to support the disbursements of MF–II funds. Reports should be filed via the portal that USAC is creating to receive filings by universal service support recipients. The Commission directs the Bureaus to define more precisely the content and format of the information, including substantiation that recipients are required to include in their Milestone Reports, such that it is consistent with the evidence that will be required in the challenge process.

143. All recipients of MF–II support will also be subject generally to the same audit requirements as recipients of CAF–II support and all other high-cost support.

144. Moreover, in line with the procedures adopted in CAF–II to address missed filing deadlines, the Commission adopts a rule to reduce the support for recipients that miss reporting, certification, and milestone filing deadlines. The Commission will impose a minimum reduction of seven days of total statewide support for a winning bid in any state for which a filing deadline is missed, given the importance of recipients meeting filing deadlines. In addition to the reduction of the initial seven days of support, support will be reduced further statewide on a pro-rata daily basis until the MF–II recipient files the required report or certification. Reducing support on a day-by-day basis plus an additional seven-day reduction is an appropriate measure to create incentives for MF–II recipients to make their filings as soon as they have determined that they have missed the applicable deadlines.

145. The Commission recognizes that despite its best efforts, a recipient may miss a deadline due to an administrative oversight but still file within a few days of the deadline. For a late filer, the Commission finds that it is appropriate to provide a one-time grace period of three days so that a recipient that quickly rectifies its error within three days of the deadline will not be subject to the seven-day minimum loss of support. The Commission directs USAC to send a letter to such a recipient notifying it that its filing was late but cured within the grace period. If the recipient again files any filing late, the grace period will not be available. Repeated mistakes, even inadvertent, are indicative of a lack of adequate policies and procedures to ensure timely filing. If a recipient misses a filing deadline more than once due to its inadvertence, the support reductions that the Commission adopts should provide an incentive to recipients to revise their procedures to ensure that such inadvertence does not become a pattern.

146. *Maintaining the Accuracy of Filings.* To additionally safeguard the government's monthly disbursement of support, the Commission will require recipients to maintain the accuracy and completeness of the information they furnish in their long-form applications and their annual and milestone reports. Accordingly, the Commission will require recipients to update their annual reports and milestone reports to provide information about any substantial change that may be of decisional significance regarding their eligibility for MF–II support and compliance with MF–II requirements. Such notification of a substantial change, including any reduction in the percentage of eligible square miles being served or any failure to comply with any of the MF–II requirements, shall be submitted within 10 business days after the reportable event occurs, as is also required in CAF–II. A recipient that is required to provide such updated or supplemental information prior to having filed its first annual report, may nevertheless comply with the 10-day filing requirement by submitting that information to the entities listed in 47 CFR 54.1019(c). Moreover, while the Commission expects that it will be a rare occurrence, if a support recipient drops below the level of service to which it has certified in a milestone report or an annual report during the six-year deployment period, it will be subject to the provisions set out in the *MF–II Order* for non-compliance.

B. Defaults

147. In MF–I, the Commission adopted two types of default payment obligations for MF–I winning bidders: An auction default payment owed by winning bidders if they failed to satisfy their auction obligations prior to being authorized to receive support, and a performance default payment owed by winning bidders authorized for support who subsequently failed to meet their

public interest obligations or other terms and conditions of MF–I support. As summarized below, for ease of administration, the Commission modifies its proposal and adopts default rules for MF–II that more closely parallel the CAF–II rules.

1. Forfeiture in the Event of an Auction Default

148. MF–I winning bidders, like all winning bidders in Commission spectrum auctions, had a binding obligation to file a post-auction long-form application—by the applicable deadline and consistent with other requirements of the long-form application process—and failure to do so constituted an auction default. For MF–II, the Commission proposed that a winning bidder for MF–II support would be subject to the same auction default payment obligations adopted for winning bidders of MF–I support, including a default on a winning bid before authorizations, the failure to timely file a long-form application, being found ineligible or unqualified to be a recipient of MF–II support, or if a long-form application is dismissed for any reason after the close of the auction. For CAF–II, the Commission concluded that any entity that files a short-form application to participate in the CAF–II competitive bidding process will be subject to a forfeiture in the event of a default before it is authorized to begin receiving support.

149. The Commission concludes that it will align the MF–II rules with its approach in CAF–II and adopts a rule that subjects a MF–II winning bidder to a forfeiture payment if it defaults on its bid(s) before it is authorized to begin receiving support. This forfeiture payment shall satisfy the requirements of 47 CFR 1.21004(b) with respect to default payments. The Commission holds that such an approach will ensure that each violation has a relationship to the area affected by the auction default, but will not be unduly punitive. Moreover, such an approach will also ensure that the total forfeiture for a default is generally proportionate to the overall scope of the winning bidder's bid. The Commission will determine the minimum geographic unit to be census block groups or census tracts in the pre-auction process. A winning bidder that fails to become authorized to receive MF–II support will then have violated the Commission's rules for each of the census block groups or census tracts included in its defaulted bid. If a winning bidder defaults on a bid that includes 10 census block groups/census tracts, that entity could be subject to a base forfeiture of $30,000 (10 census block groups/census tracts multiplied by the base forfeiture of $3,000).

150. An entity will be considered to have an auction default and will be subject to forfeiture if it fails to timely file a long-form application or meet the document submission deadlines outlined in the *MF–II Order* or is found ineligible or unqualified to receive Phase II support by the Bureaus, or otherwise defaults on its bid or is disqualified for any reason prior to the authorization of support. Specifically, as the Commission found in the CAF–II context, it is reasonable to subject all bidders to the same $3,000 base forfeiture per violation, subject to adjustment based on the criteria set forth in the Commission's forfeiture guidelines. A winning bidder will be subject to the base forfeiture for each separate violation of the Commission's rules.

151. For MF–II competitive bidding purposes, the Commission defines a violation as any form of default with respect to each geographic unit subject to a bid. However, to ensure that the amount of the base forfeiture is not disproportionate to the amount of an entity's bid, the Commission limits the total base forfeiture that could be owed by a winning bidder to five percent of its total bid amount for the entire ten-year support term. This would occur in situations where the dollar amount associated with the bid is low. As an example, assume Bidder A bids to serve 100 census block groups (CBGs) for $100,000 over the ten-year support term. The Commission would impose a base forfeiture of $5,000 (5 percent of $100,000) because otherwise the base forfeiture would be $300,000 ($3,000 × 100 CBGs), which is three times the entire bid amount. In contrast, if Bidder B bids to serve 100 census block groups for $7,000,000 over the support term, the Commission would impose a base forfeiture of $300,000 ($3,000 × 100 CBGs), which is 4.3 percent of the total bid.

152. By adopting such a forfeiture, the Commission impresses upon recipients the importance of being prepared to meet all requirements for the post-selection review process, and emphasizes the requirement that the recipients conduct a due diligence review to ensure that they are qualified to participate in the MF–II competitive bidding process and meet its terms and conditions.

153. Failures by MF–II bidders to fulfill their auction obligations will undermine the stability and predictability of the auction process, and impose costs on the Commission and higher support costs for USF. The Commission therefore finds that subjecting entities to a forfeiture for an auction default is appropriate to ensure the integrity of the auction process and to safeguard against costs to the Commission and the USF. Thus, as a condition of participating in an MF–II auction, entities acknowledge that they are subject to a forfeiture in the event of an auction default.

154. The Commission distinguishes between an MF–II winning bidder that is subject to an auction default, and a winning bidder whose long-form application is approved but subsequently has a performance default or otherwise fails to comply with the terms and conditions of receiving MF–II support.

2. Measures for Non-Compliance

155. In the *USF/ICC Transformation FNPRM,* the Commission proposed that a recipient of MF–II support would be subject to the same performance default payment provisions as recipients of MF–I support. For MF–I, the Commission required that in the event of a default, a recipient would be required to repay all the support that it had received plus an additional performance default of 10 percent of total support for which the recipient is eligible.

156. In CAF–II, the Commission adopted a framework for reporting and support reductions for all CAF–II recipients that fail to meet the requisite service milestones. Specifically, the framework was adopted to calibrate support reductions to the extent of an ETC's non-compliance with service milestones. The Commission subsequently extended that framework to rate-of-return carriers.

157. Given the policy goals underlying MF–II support, the public interest benefit of establishing procedures for MF–II that are substantially the same as those adopted for CAF–II, and the record gathered on this issue, the Commission concludes that it should adopt a more measured approach to recouping payment in the event of default than the Commission employed in the MF–I auction. Accordingly, the Commission adopts a process by which the Wireline Competition Bureau or the Wireless Telecommunications Bureau will authorize USAC to draw on the LOC(s) to recover all the support that has been disbursed in a state in the event that the MF–II recipient does not meet the relevant service milestones and does not cure its compliance gap pursuant to the steps outlined below. For CAF–II, the Commission determined that USAC would recover support from ETCs

associated with their compliance gap in three separate circumstances. The Commission will adopt a corresponding approach for MF–II recipients. If, after six months, the ETC fails to repay in full, either the Wireline Competition Bureau or the Wireless Telecommunications Bureau will issue a letter authorizing USAC to draw on the letter of credit to recover 100 percent of the support that has been disbursed to the ETC within the state.

158. First, for interim milestones, if the ETC has a compliance gap of 50 percent or more of the eligible square miles that the ETC is required to have covered by the relevant interim milestone (*i.e.,* Tier 4 status) at the state level, USAC will withhold 50 percent of the ETC's monthly support for that state, and the ETC will be required to file quarterly reports. If, after having 50 percent of support withheld for six months, the ETC has not reported that it has a compliance gap of less than 50 percent at the state level (*i.e.,* the ETC is eligible for Tier 3 or lower or is in compliance), USAC will withhold 100 percent of the ETC's support for the state and will commence recovery action for a percentage of support that is equal to the ETC's compliance gap plus 10 percent of the ETC's support that has been paid to that point. At this point, this ETC will have six months to pay back the amount of support that USAC seeks to recover. An ETC is encouraged to continue building out its MF–II projects during and after any recovery of funds by USAC. If, at any point during the six-year period for deployment, the ETC reports that it is eligible for Tier 1 status, and USAC is able to substantiate that report, the ETC will have its support fully restored including any support that had been withheld, USAC will repay any funds that were recovered, and the ETC will move to Tier 1 status. If, at the end of six months the ETC has not fully paid back the support, the Wireline Competition Bureau or the Wireless Telecommunications Bureau will issue a letter to that effect and USAC will draw on the letter of credit to recover all of the support that has been disbursed to the ETC. Consistent with CAF–II, the Commission will review compliance with build-out milestones on a state-wide basis. Accordingly, if a winning bidder chooses to obtain multiple letters of credit for separate bids that are located in a state and defaults, either of the Bureaus will authorize a draw on all the letters of credit covering all the bids in that state.

159. Second, if an ETC misses the final milestone(s), it must identify by what percentage the milestone has been missed at the state level and/or any of the census block group(s) or census tract(s) in the state. The ETC will then have 12 months from that date to come into full compliance with both of those milestones. If it does not come into full compliance within 12 months because it fails to meet the 85 percent benchmark (even if it meets the 75 percent benchmark for some or all the census block group(s) or census tract(s)), the Wireline Competition Bureau or the Wireless Telecommunications Bureau will issue a letter, and USAC will recover disbursement(s) in an amount of support that is equal to 1.89 multiplied by the average amount of support the ETC received per eligible square mile in the state over the six-year period multiplied by the number of square miles unserved in the ETC's winning areas in the state that would be required to meet the 85 percent benchmark, plus 10 percent of the ETC's total MF–II support received in the state over the six-year period for deployment. It is reasonable to assume that many of the areas left unserved would have higher than the average cost per area of the winning bid. Therefore, a higher amount per area than the average is appropriate. Moreover, the Commission wants to provide more incentive to carriers to complete the build out for their winning bid. Thus, the Commission finds that the administrative simplicity and predictability of using one factor for all bidders outweighs the precision that would come from applying a factor specific to each winning bidder and area. This multiplier was adopted by the Commission for CAF–II.

160. After the ETC has paid the calculated recovery amount for failure to comply with the final deployment milestone, the Bureaus will calculate a reduced support payment for the remaining support term based on the percentage of deployment coverage completed. The reduced ongoing annual support amount will be the total of the ETC's original winning bid amounts for annual support in the state multiplied by the sum of the actual deployment percentage plus 15 percent (*i.e.,* the difference between 100 percent coverage and the required 85 percent minimum coverage), or (annual support) * (percentage covered + 0.15).

161. If at the end of six months the ETC has not fully paid back the support for missing the relevant 85 percent benchmark, the ETC shall be liable for repayment of all the support that has been disbursed to the ETC for that state, the Wireline Competition Bureau or the Wireless Telecommunications Bureau will issue a letter to that effect, and USAC will draw on the LOC(s) to recover all the support that has been disbursed to the ETC for that state.

162. A similar approach will apply if the ETC meets the 85 percent statewide benchmark but misses the 75 percent benchmark(s) for any census block group(s) or census tract(s) in the state at the final milestone and the ETC does not come into full compliance by meeting the 75 percent benchmark within 12 months. The Wireline Competition Bureau or the Wireless Telecommunications Bureau will issue a letter for any such census block group(s) or census tract(s), and USAC will recover disbursement(s) in an amount of support that is equal to 1.89 multiplied by the average amount of support the ETC received per eligible square mile in the census block group(s) or census tract(s) in the state over the six-year period multiplied by the number of square miles unserved in each of the ETC's winning census block group(s) or census tract(s) in the state that would be required to meet their respective 75 percent benchmarks, plus 10 percent of the ETC's total MF–II support received in the relevant census block group(s) or census tract(s) over the six-year period for deployment. At this point, the ETC will have six months to repay the support USAC seeks to recover. After the ETC has paid the calculated recovery amount, the Bureaus will calculate a reduced support payment for the remaining support term. The reduced ongoing annual support amount will be the ETC's original winning bid amount for annual support in any such census block group or census tract, multiplied by the sum of the actual deployment percentage plus 25 percent (*i.e.,* the difference between 100 percent coverage and the required 75 percent minimum coverage), or (annual support) * (percentage covered + 0.25). If at the end of six months the ETC has not fully paid back the support for missing the relevant 75 percent benchmark(s), the ETC shall be liable for repayment of all the support that has been disbursed to the ETC for that state, the Wireline Competition Bureau or the Wireless Telecommunications Bureau will issue a letter to that effect, and USAC will draw on the LOC(s) to recover all the support that has been disbursed to the ETC for that state. In the event that USAC draws on a letter of credit to recover all the support that has been disbursed to the ETC for a state, the ETC's participation in MF–II in that state will immediately end and no further support will be paid.

163. Third, after compliance with the final build-out milestones has been verified and the ETC closes its letter of

credit, if at any point during the remainder of the 10-year term of support it is determined that the ETC does not have sufficient evidence to demonstrate that it is offering the requisite service to the required percentage of square miles by census block group or census tract, or state, USAC will withhold support for a period not to exceed six months until the ETC demonstrates that it is again providing the requisite service to the required percentage of square miles. When the ETC's demonstration of coverage has been verified by USAC, USAC will pay any withheld support and resume ongoing disbursements. If the ETC cannot provide a verifiable demonstration of coverage within the permitted six-month period, USAC will recover an amount of support that is equal to 1.89 times the average amount of support per square mile received in the winning bid area over the six-year deployment period for the relevant number of square miles for which the ETC has failed to produce sufficient evidence, plus 10 percent of the ETC's total support received in that winning bid area over the six-year deployment time period, and will reduce ongoing annual support as described in the *MF–II Order.* Because the ETC's build-out will have already been verified before it may close its letter of credit, the Commission does not find it necessary to require that the ETC continue to keep its letter of credit open in the event that the ETC does not repay the Commission after it is found to be lacking evidence of continued service deployment. Instead, if the ETC does not repay the Commission after a six-month period permitted for repayment, it may be subject to additional non-compliance measures, including the reduction of support payments for the remaining support term as discussed in the *MF–II Order,* and forfeitures.

164. Drawing on the letter of credit in the event that the ETC fails to repay the support that USAC is instructed to recover will ensure that the Commission will be able to recover the support in the event that the ETC is unable to pay. Through the support reduction framework the Commission adopted for CAF–II, the ETC will have a number of opportunities to cure before the Commission will seek to recover the support that is associated with the compliance gap. And the Commission will only recover 100 percent of the support that has been disbursed via the LOC in those cases where the ETC is unable to repay the support associated with its compliance gap. Because an ETC that is unable to repay the support is also unlikely to be able to meet its obligations to use the support disbursed to offer service meeting the Commission's requirements, recovering 100 percent of the support will allow the Commission to re-award the support through an alternative mechanism to an ETC that will be able to meet its obligations. This decision is consistent with the conclusions reached by the Commission in the CAF II context, that if an entity fails to repay the support amount associated with its compliance gap, the risk becomes greater that the entity will be unable to continue to serve its customers or may go into bankruptcy, and thus it is necessary to ensure that the Commission can recover the entire amount of support that it has disbursed.

165. If an ETC has a performance default for reasons other than compliance with its construction milestones, such as the failure to maintain its spectrum access, its LOC, or its ETC eligibility, these performance defaults are incurable. The ETC must report its incurable performance default within 10 days to the Commission, USAC will cease disbursing MF–II support payments in the following month for the affected area (whether one or more census block groups or a state), the ETC's participation in MF–II in the affected census block group(s) or census tract(s) will immediately end, and the amount of support subject to recoupment for the ETC's non-compliance will then be calculated based upon the final six-year milestone for either the relevant census block group(s) or census tract(s) or the entire state, depending upon the circumstances of the performance default. Specifically, the Wireline Competition Bureau or the Wireless Telecommunications Bureau will issue a letter for any census block group(s) or census tract(s) or the entire state in which there has been an incurable performance default. If the incurable performance default is only for some of the ETC's census block group(s) or census tract(s), USAC will recover disbursement(s) in an amount of support that is equal to 1.89 multiplied by the average amount of support the ETC received per eligible square mile in the census block group(s) or census tract(s) in the state over the time period it has received MF–II disbursements multiplied by the number of square miles unserved in each of the ETC's winning census block group(s) or census tract(s) in the state that would be required to meet its respective 75 percent benchmarks, plus 10 percent of the ETC's total MF–II support received in the relevant census block group(s) or census tract(s) over the relevant period for deployment. If the incurable performance default is for an entire state, USAC will recover disbursement(s) in an amount of support that is equal to 1.89 multiplied by the average amount of support the ETC received per eligible square mile in the state over the time period it has received MF–II disbursements multiplied by the number of square miles unserved in the ETC's winning areas in the state that would be required to meet the 85 percent benchmark, plus 10 percent of the ETC's total MF–II support received in the state over the relevant period for deployment. At this point, the ETC will have six months to repay the support USAC seeks to recover. If at the end of six months the ETC has not fully paid back the support for missing the relevant benchmark, the ETC shall be liable for repayment of all the support that has been disbursed to the ETC for that state, the Wireline Competition Bureau or the Wireless Telecommunications Bureau will issue a letter to that effect, and USAC will draw on the LOC(s) to recover all of the support that has been disbursed to the ETC for that state. After the ETC has paid the calculated recovery amount for an incurable performance default in a portion of a state, the Bureaus will calculate a reduced support payment for the remaining support term as set out in the *MF–II Order.*

166. Finally, the Commission notes that MF–II recipients may also be subject to other sanctions for non-compliance with the terms and conditions of high-cost funding, including, but not limited to potential revocation of ETC designation and suspension or debarment.

C. Record Retention

167. In the *USF/ICC Transformation FNPRM,* the Commission proposed that a recipient of MF–II support would be subject to the same rules for accountability and oversight (including reporting, audit, and record retention requirements) that apply to all recipients of CAF support. The Commission also proposed that recipients of MF–II support be required to include in their annual reports the same types of additional information that are required of recipients of MF–I support. In MF–I, the Commission adopted requirements that the record retention requirements for recipients of support apply to all agents of the recipient, and any documentation prepared for or in connection with the recipient's MF–I support. The Commission also adopted revised requirements that extend the record

retention period to 10 years for all recipients of high-cost and CAF support, including recipients of Mobility Fund support. The retention period runs from the date of the receipt of the final disbursement of Mobility Fund funds. The Commission concludes that MF–II recipients are subject to the same accountability and oversight requirements in 47 CFR 54.320, including the same audit and record retention requirements as all other recipients of high-cost support.

X. Procedural Matters

A. Final Regulatory Flexibility Analysis

168. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *USF/ICC Transformation FNPRM* and the *2014 CAF Further Notice.* The Commission sought written public comment on the proposals in the *USF/ICC Transformation FNPRM* and *2014 CAF Further Notice,* including comment on the IRFAs. The Commission did not receive any comments in response to these IRFAs. The Final Regulatory Flexibility Analysis (FRFA) in the *MF–II Order* conforms to the RFA.

1. Need for, and Objectives of, the Report and Order

169. Despite the growing expansion of 4G Long Term Evolution (LTE) service, rural and high-cost areas of our country have been left behind. At the same time, the Universal Service Fund spends $25 million a month (a conservative estimate) distributing legacy subsidies to mobile carriers that compete with private capital and millions more distributing duplicative subsidies to multiple carriers in the same area.

170. In the *MF–II Order,* the Commission adopts the framework for moving forward with the Mobility Fund Phase II (MF–II) and Tribal Mobility Fund Phase II (Tribal MF–II), which will allocate up to $4.53 billion over the next decade to advance the deployment of 4G LTE service to areas that are so costly that the private sector has not yet deployed there and to preserve such service where it might not otherwise exist. The funding for this effort will come from the redirection of legacy subsidies and be distributed using a market-based, multi-round reverse auction and will come with defined, concrete compliance requirements so that rural consumers will be adequately served by the mobile carriers receiving universal service support.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

171. There were no comments filed that specifically addressed the rules and policies proposed in the *USF/ICC Transformation FNPRM* IRFA or the *2014 CAF Further Notice* IRFA.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

172. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rule(s) as a result of those comments.

173. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

174. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act. A ''small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

175. *Small Entities, Small Organizations, Small Governmental Jurisdictions.* The Commission's actions, over time, may affect small entities that are not easily categorized at present. The Commission therefore describes here, at the outset, three comprehensive small entity size standards that could be directly affected herein. As of 2014, according to the SBA, there were 28.2 million small businesses in the U.S., which represented 99.7% of all businesses in the United States. Additionally, a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 2007, there were approximately 1,621,215 small organizations. Finally, the term ''small governmental jurisdiction'' is defined generally as ''governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' Census Bureau data for 2012 indicate that there were 89,476 local governmental jurisdictions in the United States. The Commission estimates that, of this total, as many as 88,761 entities may qualify as ''small governmental jurisdictions.'' Thus, the Commission estimates that most governmental jurisdictions are small.

176. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, census data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more. Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities. Similarly, according to internally developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service, and Specialized Mobile Radio Telephony services. Of this total, an estimated 261 have 1,500 or fewer employees, and 152 have more than 1,500 employees. Thus, using available data, the Commission estimates that the majority of wireless firms can be considered small.

177. *Internet Service Providers.* Since 2007, these services have been defined within the broad economic census category of Wired Telecommunications Carriers; that category is defined as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies.'' The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such firms having 1,500

or fewer employees. Census Bureau data for 2012 shows that there were 3,117 firms that operated for the entire year. Of this total, 3,083 firms had employment of 999 or fewer employees, and 34 firms had employment of 1,000 employees or more. Thus, under this size standard, the majority of firms in this industry can be considered small. In addition, while Internet Service Providers (broadband) are a subcategory of the broader category of Wired Telecommunications Carrier, there is Census Bureau data specific to Internet Service Providers (broadband). For 2012, Census Bureau data shows there were a total of 1,180 firms in the subcategory of Internet Service Providers (broadband) that operated for the entire year. Of this total, 1,178 firms had employment of 999 or fewer employees, and two firms had employment of 1000 employees or more. Consequently, the Commission estimates that the majority of these firms are small entities that may be affected by rules adopted pursuant to the *MF–II Order.*

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

178. In the *MF–II Order,* the Commission adopts the framework for moving forward with MF–II and Tribal MF–II, which will allocate up to $4.53 billion over the next decade to advance the deployment of 4G LTE service to areas that are so costly that the private sector has not yet deployed there and to preserve such service where it might not otherwise exist. The funding for this effort will come from the redirection of legacy subsidies and distributed using a market-based, multi-round reverse auction and will come with defined, concrete compliance requirements so that rural consumers will be adequately served by the mobile carriers receiving universal service support. The recordkeeping and other obligations of MF–II established in the *MF–II Order* are summarized in this FRFA. Additional information on each of these requirements can be found in the *MF–II Order.*

179. Recipients of MF–II support will be required to deploy 4G LTE and to offer voice service. Recipients of MF–II funding will be required to meet minimum baseline performance requirements for data speeds, data latency, and data allowances in areas that receive support for at least one plan that they offer. Specifically, the median data speed of the network for the supported area must be 10 Mbps download speed or greater and 1 Mbps upload speed or greater, with at least 90 percent of the required download speed measurements being not less than a certain threshold speed. For latency, at least 90 percent of the required measurements must have a data latency of 100 milliseconds or less round trip. For data allowances, support recipients must offer at least one service plan that includes a data allowance comparable to mid-level service plans offered by nationwide providers—currently at least 2 GB of data per month—and that is at a rate that is within a reasonable range of rates for similar service plans offered by mobile wireless providers in urban areas. These conditions will be defined more precisely in the pre-auction process.

180. MF–II support recipients will be given a ten-year term of support with no renewal expectancy, which will begin on the first day of the month after the MF–II auction concludes. The Commission adopts interim benchmarks as well as a final benchmark for deployment of service that meets the performance metrics. The starting point for the interim benchmarks is defined as six months from the first day of the month that follows the month in which the MF–II auction closes. The Commission requires a winning bidder to demonstrate coverage of at least 40 percent by three years after the starting point, 60 percent by four years after the starting point, 80 percent by five years after the starting point, and 85 percent by six years after the starting point across all areas for which they receive MF–II support in a state. Support recipients must meet their required benchmarks across all areas for which they receive MF–II support in a state. However, for the final benchmark, every census block group or census tract in a state (depending on minimum bidding unit) must also be at least 75 percent covered. Recipients that fail to meet and maintain the performance obligations within the time provided to submit their representative data and to certify to coverage requirements will be subject to defined measures, and must cure these failures to meet the deployment requirements or they will be in performance default.

181. Entities that are interested in participating in the MF–II auction will be required to file a short-form application in order to establish their eligibility to participate. Each auction applicant will be required to provide information to establish its identity, including disclosure of parties with ownership interests, consistent with the ownership interest disclosure required in 47 CFR part 1 for applicants for spectrum licenses, as well as any agreements the applicant may have relating to the support to be sought through the auction. Each applicant will also be required to disclose and certify its ETC status, although an applicant will not be required to obtain an ETC designation prior to bidding in MF–II. Applicants will be required to disclose and certify the source of the spectrum they plan to use to meet Mobility Fund obligations in the particular area(s) for which they plan to bid. Specifically, applicants will be required to disclose whether they currently hold a license or lease the spectrum, including any necessary renewal expectancy, and whether such spectrum access is contingent on obtaining support in an MF–II auction. Applicants must have secured any Commission approvals necessary for the required spectrum access prior to submitting an auction application. Moreover, applicants will be required to certify that they will retain their access to the spectrum for at least ten years from the date support is authorized. The short-form application may also include additional certifications or requirements that are adopted in a public notice.

182. Within a specified number of days of the release of a public notice identifying an entity as a winning bidder, that winning bidder will be required to file a long-form application. In this long-form application, an applicant for MF–II support will be required to fully disclose its ownership structure as well as information regarding the real party- or parties-in-interest of the applicant or application. An applicant will also be required to submit with its long-form application appropriate documentation of its ETC designation, including the original designation order and any relevant modifications or name-change orders, in all the areas for which it will receive support or certify that it will do so within 180 days of the public notice identifying winning bidders. An applicant will be required to certify that it is financially and technically capable of providing the required coverage and performance levels within the specified timeframe in the geographic areas in which it won support.

183. For winning bids, the applicant must submit a project description that describes the network to be built or upgraded; identifies the proposed technology; demonstrates that the project is technically feasible; discloses the complete project budget; and discusses each specific phase of the project (*e.g.,* network design, construction, deployment, and maintenance). A complete project schedule, including timelines,

milestones, and costs, must also be provided.

184. In addition, each applicant must provide in its long-form application a description of the spectrum access that it will use to meet its obligations in areas for which it is the winning bidder, including whether it currently holds a license or leases the spectrum, along with any necessary renewal expectancy, and certify that the description is accurate and that the applicant will retain such access for the entire ten-year support term. Each applicant must certify in its long-form application that it has the funds available for all project costs that exceed the amount of support to be received, and that it will comply with all program requirements, which include the public interest obligations contained in the Commission's rules. Each applicant must also certify that it will offer service in supported areas at rates that are within a reasonable range of rates for similar service plans offered by mobile wireless providers in urban areas during the term of support the applicant seeks.

185. Applicants must certify that they will meet the applicable deadlines and requirements for demonstrating interim and final performance benchmarks set forth in the rules, and that they will comply with the MF–II collocation, voice and data roaming, and reasonably comparable rate obligations. The long-form application may also include additional certifications or requirements that are adopted in a public notice.

186. Prior to the authorization of support, all winning bidders must provide the Commission with an irrevocable standby letter of credit (LOC) by a bank that is acceptable to the Commission in substantially the same form as the model Letter of Credit set forth in an appendix to the *MF–II Order.* The initial value of the LOC must be set to at least the amount of authorized MF–II support for the first year. Before the winning bidder can receive its next year's MF–II support, it must modify, renew, or obtain a new LOC to ensure that it is valued at a minimum at the total amount of money that has already been disbursed plus the amount of money that is going to be provided in the next year. The LOC must be maintained for 100 percent of the total support amount disbursed plus the amount to be disbursed in the next year until the Universal Service Administrative Company (USAC), in coordination with the Commission, has determined that the recipient has met its interim benchmark for deployment to 60 percent of the required coverage area; and subject to USAC's consent, the amount of the LOC may decrease to an amount equal to 90 percent of the total support amount already disbursed plus the amount that will be disbursed in the coming year. Once USAC, in coordination with the Commission, has determined that the recipient has met its interim benchmark for deployment to 80 percent of the required coverage area; and subject to USAC's consent, the amount of the LOC may decrease to an amount equal to 80 percent of the total support amount already disbursed plus the amount that will be disbursed in the coming year. After USAC, in coordination with the Commission, has determined that the recipient has met its final benchmark for deployment to a minimum of 85 percent of the required coverage area by state and at least 75 percent by each census block group or census tract in a state included in the LOC, the recipient may relinquish its LOC. Each winning bidder will be allowed to provide a single LOC covering all its winning bids within a single state.

187. At the time a winning bidder in MF–II submits its LOC, it also will be required to provide an opinion letter from legal counsel clearly stating, subject only to customary assumptions, limitations and qualifications, that in a proceeding under the Bankruptcy Code, the bankruptcy court would not treat the LOC or proceeds of the LOC as property of the winning bidder's bankruptcy estate, or the bankruptcy estate of any other bidder-related entity requesting issuance of the LOC, under 11 U.S.C. 541. If the winning bidder is not prepared to present its LOC at the time of the long-form application filing, it may submit a commitment letter from the bank issuing the LOC in the long-form application filing.

188. An entity will be considered to have an auction default and will be subject to a forfeiture payment if it fails to timely file a long-form application or meet the document submission deadlines, or is found ineligible or unqualified to receive MF–II support, or otherwise defaults on its bid or is disqualified for any reason prior to the authorization of support. All bidders will be subject to the same $3,000 base forfeiture per violation, subject to adjustment based on the criteria set forth in the Commission's forfeiture guidelines. A violation is defined as any form of default with respect to each geographic unit subject to a bid. However, the total base forfeiture that could be owed by a winning bidder is limited to five percent of its total bid amount for the entire ten-year support term.

189. The Wireline Competition Bureau or the Wireless Telecommunications Bureau will authorize USAC to draw on the LOC(s) to recover all the support that has been disbursed in a state in the event that the MF–II recipient does not meet the relevant service milestones and does not cure its compliance gap. USAC will recover support from ETCs associated with their compliance gap in three separate circumstances. First, for interim milestones, if the ETC has a compliance gap of 50 percent or more of the eligible square miles that the ETC is required to have covered by the relevant interim milestone (*i.e.,* Tier 4 status) at the state level, USAC will withhold 50 percent of the ETC's monthly support for that state, and the ETC will be required to file quarterly reports. If, after having 50 percent of support withheld for six months, the ETC has not reported that it has a compliance gap of less than 50 percent at the state level (*i.e.,* the ETC is eligible for Tier 3 or lower or is in compliance), USAC will withhold 100 percent of the ETC's support for the state and will commence recovery action for a percentage of support that is equal to the ETC's compliance gap plus 10 percent of the ETC's support that has been paid to that point. At this point, this ETC will have six months to pay back the amount of support that USAC seeks to recover. If, at any point during the six-year period for deployment the ETC reports that it is eligible for Tier 1 status, and USAC is able to substantiate that report, the ETC will have its support fully restored including any support that had been withheld, USAC will repay any funds that were recovered, and the ETC will move to Tier 1 status. If, at the end of six months the ETC has not fully paid back the support, the Wireline Competition Bureau or the Wireless Telecommunications Bureau will issue a letter to that effect and USAC will draw on the letter of credit to recover all the support that has been disbursed to the ETC.

190. Second, if an ETC misses the final milestone(s), it must identify by what percentage the milestone has been missed at the state level and/or any of the census block group(s) or census tract(s) in the state. The ETC will then have 12 months from that date to come into full compliance with both of those milestones. If it does not come into full compliance within 12 months because it fails to meet the 85 percent benchmark (even if it meets the 75 percent benchmark for some or all the census block group(s) or census tract(s)), the Wireline Competition Bureau or the Wireless Telecommunications Bureau will issue a letter, and USAC will

recover disbursement(s) in an amount of support that is equal to 1.89 multiplied by the average amount of support the ETC received per eligible square mile in the state over the six-year period multiplied by the number of square miles unserved in the ETC's winning areas in the state that would be required to meet the 85 percent benchmark, plus 10 percent of the ETC's total MF–II support received in the state over the six-year period for deployment. After the ETC has paid the calculated recovery amount for failure to comply with the final deployment milestone, the Bureaus will calculate a reduced support payment for the remaining support term based on the percentage of deployment coverage completed. If, at the end of six months the ETC has not fully paid back the support for missing the relevant 85 percent benchmark, the ETC shall be liable for repayment of all the support that has been disbursed to the ETC for that state, the Wireline Competition Bureau or the Wireless Telecommunications Bureau will issue a letter to that effect, and USAC will draw on the LOC(s) to recover all the support that has been disbursed to the ETC for that state. A similar approach will apply if the ETC meets the 85 percent statewide benchmark but misses the 75 percent benchmark(s) for any census block group(s) or census tract(s) in the state at the final milestone and the ETC does not come into full compliance by meeting the 75 percent benchmark within 12 months. At this point, the ETC will have six months to repay the support USAC seeks to recover. After the ETC has paid the calculated recovery amount, the Bureaus will calculate a reduced support payment for the remaining support term. If, at the end of six months the ETC has not fully paid back the support for missing the relevant 75 percent benchmark(s), the ETC shall be liable for repayment of all the support that has been disbursed to the ETC for that state, the Wireline Competition Bureau or the Wireless Telecommunications Bureau will issue a letter to that effect, and USAC will draw on the LOC(s) to recover all the support that has been disbursed to the ETC for that state. In the event that USAC draws on a letter of credit to recover all the support that has been disbursed to the ETC for a state, the ETC's participation in MF–II in that state will immediately end and no further support will be paid.

191. Third, after compliance with the final build-out milestones has been verified and the ETC closes its letter of credit, if at any point during the remainder of the 10-year term of support it is determined that the ETC does not have sufficient evidence to demonstrate that it is offering the requisite service to the required percentage of square miles by census block group or census tract, or state, USAC will withhold support for a period not to exceed six months until the ETC demonstrates that it is again providing the requisite service to the required percentage of square miles. When the ETC's demonstration of coverage has been verified by USAC, USAC will pay any withheld support and resume ongoing disbursements. If the ETC cannot provide a verifiable demonstration of coverage within the permitted six-month period, USAC will recover an amount of support that is equal to 1.89 times the average amount of support per square mile received in the winning bid area over the six-year deployment period for the relevant number of square miles for which the ETC has failed to produce sufficient evidence, plus 10 percent of the ETC's total support received in that winning bid over the six-year deployment time period and will reduce ongoing annual support. If the ETC does not repay the Commission after a six-month period permitted for repayment, it may be subject to additional non-compliance measures, including the reduction of support payments for the remaining support term and forfeitures. MF–II recipients may also be subject to other sanctions for non-compliance with the terms and conditions of high-cost funding, including, but not limited to potential revocation of ETC designation and suspension or debarment.

192. Once an MF–II recipient has been authorized to begin receiving support, it will be required to report certain information so that the Commission and USAC can track the progress of MF–II recipients and monitor their use of the public's funds before and after they meet service milestones. All MF–II recipients will be required to file annual reports. Recipients will be required to file their reports each year following the year in which the auction closes by July 1, including all the certifications required under the MF–II rules, and in which the recipient will update information, as required for the following year.

193. MF–II recipients will be required to file a Milestone Report on or before its third, fourth, fifth, and sixth year performance deadline. The Bureaus will define more precisely the content and format of the information, including substantiation that recipients are required to include in their Milestone Reports, such that it is consistent with the evidence that will be required from challenging parties in the challenge process. Reports should be filed via the portal that USAC is creating to receive filings by universal service support recipients.

194. Support will be reduced for recipients that miss reporting, certification, and milestone filing deadlines. A minimum reduction of support of seven days of total statewide support for a winning bid in any state for which a filing deadline is missed will be imposed. In addition to the reduction of the initial seven days of support, support will be reduced further state-wide on a pro-rata daily basis until the MF–II recipient files the required report or certification. For a late filer, a one-time grace period of three days will be provided so that a recipient that quickly rectifies its error within three days of the deadline will not be subject to the seven-day minimum loss of support. USAC will send a letter to such a recipient notifying it that its filing was late but cured within the grace period. If the recipient again files any filing late, the grace period will not be available.

195. Each recipient will be required to maintain the accuracy and completeness of the information it furnishes in its long-form application and its annual and milestone reports. Recipients must update their annual reports and milestone reports to provide information about any substantial change that may be of decisional significance regarding their eligibility for MF–II support and compliance with MF–II requirements. Such notification of a substantial change, including any reduction in the percentage of eligible square miles being served or any failure to comply with any of the MF–II requirements, must be submitted within 10 business days after the reportable event occurs. If a support recipient drops below the level of service to which it has certified in a milestone report or an annual report during the six-year deployment period, it will be subject to the Commission rules for non-compliance.

F. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

196. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its approach, which may include the following four alternatives, among others: ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements

under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.''

197. The Commission has considered the economic impact on small entities in reaching its final conclusions and taking action in this proceeding. The rules adopted in the *MF–II Order* will provide greater certainty and flexibility for all carriers, including small entities. For example, the Commission concludes that the minimum geographic area for bidding should be census block groups or census tracts containing one or more census blocks with eligible areas for bidding and support for MF–II. The Commission found that adopting a smaller geographic area would allow it to target support more efficiently to specific areas and provide bidders, including small entities, the ability to tailor their bids to their business plans. The Commission expects that the auction design will similarly account for the needs of small entities.

198. To determine coverage levels in individual census blocks and whether MF–II support is being awarded, the Commission has decided to rely on Form 477 and high-cost disbursement data available from USAC. Not only is this information the most reliable data currently available for the purpose of determining the coverage levels of existing mobile services, but it can also provide sufficiently granular information to identify those areas of the country that lack 4G LTE service or where such service is only provided by a subsidized provider. Moreover, the Commission will utilize a streamlined challenge process to provide interested parties, including small entities, with an opportunity to challenge the coverage analysis and improve its accuracy. The Bureaus will make an initial determination of eligible areas by census block as part of the pre-auction process. Subsequently, the Bureaus will implement a process consistent with the decisions the Commission will make after review of the record received in response to the Further Notice of Proposed Rulemaking included with the *MF–II Order.* The Commission anticipates that this challenge process will be more streamlined for all parties, including small entities, as it will be based on Form 477 data, which use a uniform filing format.

199. The Commission amends its rules for the phase-down of identical support to account for the relative costs of deploying a coverage-based network given the differing terrain throughout the United States. Wireless providers, including smaller providers, incur additional costs to deploy service in more difficult terrain. Accordingly, the Bureaus will apply a more-refined methodology that uses a terrain factor as a proxy for determining higher cost areas. In census blocks determined (after the completion of the challenge process) not to be eligible for MF–II support, legacy support will be phased down starting the first day of the month following release of a public notice announcing the close of the MF–II auction. On that same date, legacy support for current recipients in eligible census blocks shall either be converted to MF–II support (for the winning bidder), maintained (for one CETC in areas without a winning bidder), or subject to phase down (for all other CETCs). More specifically, in census blocks determined (after the completion of the challenge process) not to be eligible for MF–II, legacy support will be phased down starting the first day of the month following the close of the MF–II auction. For the first 12 months thereafter, phase-down support shall be ⅔ of the legacy support for each CETC associated with that area. For the next 12 months, phase-down support shall be ⅓ of the legacy support for each CETC associated with that area. All legacy support shall end thereafter. For a winning bidder that is a CETC receiving legacy support in the area of its bid, MF–II support shall commence on the first day of the month after the auction concludes. To ensure a smooth transition to MF–II support, and to the extent the Commission authorizes a winning bidder to receive MF–II support after that date, a winning bidder will receive support payments at the current legacy support level until such Commission action. A non-CETC winning bidder will receive MF–II support once the Commission issues a public notice authorizing MF–II support to the bidder. In eligible areas where there is no winning bidder in MF–II, the CETC receiving the minimum level of sustainable support will continue to receive such support until further Commission action, but for no more than five years from the first day of the month following the close of the MF–II auction. For CETCs receiving support in areas eligible for MF–II that do not either win MF–II support or receive the minimum level of sustainable support, the phase-down of support shall commence on the first day of the month after the auction concludes. For the first 12 months, phase-down support shall be ⅔ of the legacy support for each CETC associated with that area. For the next 12 months thereafter, phase-down support shall be ⅓ of the legacy support for each CETC associated with that area. All legacy support shall end thereafter. The Commission concludes that this two-year phase-down schedule will ensure that affected CETCs, including smaller providers, will have a smooth transition in areas that are too costly to serve absent universal service subsidies.

200. The Commission has taken a number of steps to ensure that small entities have the opportunity to participate in the MF–II auction. For example, the Commission adopts more flexible eligibility requirements by permitting a winning bidder in the MF–II auction to obtain its ETC designation after the close of the auction, provided that it submits proof of its ETC designation within 180 days of the public notice identifying winning bidders. The Commission found that the benefits of encouraging greater participation in the competitive bidding process by all interested parties, including small entities, outweigh the possible risk that a winning bidder will not meet the necessary requirements to be designated as an ETC. The Commission also recognized that some qualified bidders, including small entities, may be hesitant to invest resources to apply for an ETC designation prior to the competitive bidding process without any sense of whether they are likely to be awarded MF–II support.

201. While the Commission requested comment on whether to adopt a bidding credit preference for Tribally-owned-and-controlled entities, it finds that such a bidding credit preference is unnecessary for the MF–II auction. Setting aside funds specifically to serve Tribal lands is likely to accomplish the Commission's goal of ensuring greater coverage on Tribal lands. The Commission also finds that layering an additional bidding credit for Tribal carriers on top of the funding exclusively available for service to Tribal lands could deter other entities from bidding to serve Tribal lands, reducing both the competitiveness of the auction and the potential reach of the Commission's finite funds for MF–II. Furthermore, commenters fail to demonstrate that the benefits of a bidding credit preference outweigh the costs of potentially depriving other eligible areas of MF–II support.

202. The Commission requested comment on the adoption of a small business bidding preference and the small business definition that should apply if it adopts such a bidding preference for MF–II. The Commission, however, declines to adopt a bidding preference for small businesses for MF–II. It agrees with commenters that

oppose a bidding preference for small businesses, concluding that such credits are unnecessary for an MF–II auction and would not further the objective of MF–II of encouraging the efficient use of universal support funds because a bidding credit for small businesses could potentially reduce the reach of the Commission's finite funds.

203. The Commission adopts requirements for the short-form and long-form applications that will maximize the number and types of entities that can participate. For example, it adopts a two-stage application process for an applicant seeking to participate in the MF–II auction under which interested parties will submit a pre-auction ''short-form'' application, providing basic information and certifications regarding their eligibility to receive support, and then a long-form application, fully disclosing its ownership structure, information and certifications regarding applicant eligibility, and plans to meet performance requirements. This process is similar to that used in spectrum license auctions and for Mobility Fund Phase I. Since the Commission anticipates that many interested parties, including small entities, will already be familiar with these requirements, it expects that the application procedures will minimize burdens on applicants and encourage a wide variety of parties to participate.

204. In light of concerns expressed by commenters, including small entities, the Commission adopts more flexible provisions for MF–II LOCs to help ease the administrative burden for support recipients. For example, the Commission adopts LOC provisions that closely align with the CAF–II LOC process and the MF–II performance requirements, allowing the LOC to decrease over time as a support recipient satisfies its minimum coverage and service requirements. The Commission also allows winning bidders to provide a single LOC covering all its winning bids within a single state, reducing the number of LOCs that a winning bidder may need. Moreover, the Commission amends and expands the definition of an ''acceptable bank'' for the purposes of MF–II LOC requirements, which will lower barriers for entities, particularly small and rural businesses that might otherwise face obstacles in obtaining an LOC from a smaller pool of banks. The Commission also allows the submission of a commitment letter from the bank issuing the LOC in the long-form application filing, if the winning bidder is not prepared to present its LOC at the time of the long-form application filing.

205. Similarly, the Commission adopts more flexible measures for non-compliance that will better enable support recipients, including small entities, to meet the MF–II goals of preserving and expanding service. For example, the Commission adopts a more measured approach to recouping payment in the event of default than the Commission employed in the MF–I auction. The Commission also limits when USAC will be permitted to recover support from ETCs associated with their compliance gap and conclude that only if the ETC fails to repay in full after six months, USAC will be authorized to draw on the letter of credit to recover 100 percent of the support that has been disbursed to the ETC within the state.

206. The Commission notes that the reporting requirements it adopts are tailored to ensuring that support is used for its intended purposes and so that the Commission and USAC can monitor the ongoing progress and performance of all MF–II recipients. The Commission finds the benefits in establishing annual and milestone reporting obligations outweigh any potential burdens on the recipients in filing these reports because the targeted information required will be the type of data that MF–II recipients will be already collecting for their own business purposes and will help to ensure that program goals are met. Nevertheless, to help minimize the burden of reporting requirements, including the burden on small businesses, the Commission has adopted annual and milestone reporting requirements that are consistent with the reporting requirements for MF–I and CAF–II support recipients, including grace periods for missed filing deadlines.

G. Report to Congress

207. The Commission will send a copy of the *MF–II Order,* including the FRFA, in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *MF–II Order,* including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

XI. Ordering Clauses

208. Accordingly, *it is ordered*, pursuant to the authority contained in sections 1, 2, 4(i), 5, 10, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 405, and 503 of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 151, 152, 154(i), 155, 160, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 405, 503, 1302, and sections 1.1, 1.427, and 1.429 of the Commission's rules, 47 CFR 1.1, 1.427, and 1.429, that the *MF–II Order is adopted.* It is the Commission's intention in adopting these rules that if any of the rules that it retains, modifies, or adopts, or the application thereof to any person or circumstance, are held to be unlawful, the remaining portions of the rules not deemed unlawful, and the application of such rules to other persons or circumstances, shall remain in effect to the fullest extent permitted by law.

209. *It is further ordered* that Parts 1 and 54 of the Commission's rules, 47 CFR 1 and 54, *are amended* as set forth in Appendix A of the *MF–II Order,* and such rule amendments shall be effective thirty (30) days after publication in the **Federal Register**, except to the extent they contain new or modified information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act. The rules that contain new and modified information collection requirement subject to PRA review *shall become effective* after the Commission publishes a notice in the **Federal Register** announcing such approval and the relevant effective date.

210. *It is further ordered* that the Petition for Declaratory Ruling filed by United States Cellular Corporation on March 21, 2014 is *denied*.

211. *It is further ordered* that the Commission *shall send* a copy of the *MF–II Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

212. *It is further ordered,* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of the *MF–II Order,* including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 1

Administrative practice and procedures, Reporting and recordkeeping requirements, Telecommunications.

47 CFR Part 54

Communications common carriers, Internet, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

Katura Howard,

Federal Register Liaison Officer. Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 1 and 54 as follows:

PART 1—PRACTICE AND PROCEDURE

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

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

■ 2. In § 1.21003, redesignate paragraphs (c) and (d) as paragraphs (d) and (e), remove paragraph (b), and add new paragraphs (b) and (c) to read as follows:

§ 1.21003 Competitive bidding process.

* * * * *

(b) *Competitive Bidding Procedures—Design Options.* The public notice detailing competitive bidding procedures may establish the design of the competitive bidding utilizing any of the following options, without limitation:

(1) *Procedures for Collecting Bids.* (i) Procedures for collecting bids in a single round or in multiple rounds.

(ii) Procedures for collecting bids on an item-by-item basis, or using various aggregation specifications.

(iii) Procedures for collecting bids that specify contingencies linking bids on the same item and/or for multiple items.

(iv) Procedures allowing for bids that specify a support level, indicate demand at a specified support level, or provide other information as specified by the Commission.

(v) Procedures to collect bids in one or more stage or stages, including for transitions between stages.

(2) *Procedures for Assigning Winning Bids.* (i) Procedures for scoring bids by factors in addition to bid amount, such as population coverage or geographic contour, or other relevant measurable factors.

(ii) Procedures to incorporate public interest considerations into the process for assigning winning bids.

(3) *Procedures for Determining Payments.* (i) Procedures to determine the amount of any support for which winning bidders may become authorized, consistent with other auction design choices.

(ii) Procedures that provide for support amounts based on the amount as bid or on other pricing rules, either uniform or discriminatory.

(c) *Competitive Bidding Procedures—Mechanisms.* The public notice detailing competitive bidding procedures may establish any of the following mechanisms, without limitation:

(1) *Limits on Available Information.* Procedures establishing limits on the public availability of information regarding applicants, applications, and bids during a period of time covering the competitive bidding process, as well as procedures for parties to report the receipt of non-public information during such periods.

(2) *Sequencing.* Procedures establishing one or more groups of eligible areas and if more than one, the sequence of groups for which bids will be accepted.

(3) *Reserve Price.* Procedures establishing reserve prices, either disclosed or undisclosed, above which bids would not win in the auction. The reserve prices may apply individually, in combination, or in the aggregate.

(4) *Timing and Method of Placing Bids.* Procedures establishing methods and times for submission of bids, whether remotely, by telephonic or electronic transmission, or in person.

(5) *Opening Bids and Bid Increments.* Procedures establishing maximum or minimum opening bids and, by announcement before or during the auction, maximum or minimum bid increments in dollar or percentage terms.

(6) *Withdrawals.* Procedures by which bidders may withdraw bids, if withdrawals are allowed.

(7) *Stopping Procedures.* Procedures regarding when bidding will stop for a round, a stage, or an entire auction, in order to terminate the auction within a reasonable time and in accordance with public interest considerations and the goals, statutory requirements, rules, and procedures for the auction, including any reserve price or prices.

(8) *Activity Rules.* Procedures for activity rules that require a minimum amount of bidding activity.

(9) *Auction Delay, Suspension, or Cancellation.* Procedures for announcing by public notice or by announcement during the reverse auction, delay, suspension, or cancellation of the auction in the event of a natural disaster, technical obstacle, network disruption, evidence of an auction security breach or unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and efficient conduct of the competitive bidding, and procedures for resuming the competitive bidding starting from the beginning of the current or some previous round or cancelling the competitive bidding in its entirety.

* * * * *

PART 54—UNIVERSAL SERVICE

■ 3. 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.

■ 4. In § 54.307, revise paragraph (e)(5) and remove and reserve paragraph (e)(6).

The revision reads as follows:

§ 54.307 Support to a competitive eligible telecommunications carrier.

* * * * *

(e) * * *

(5) *Eligibility for Support after Mobility Fund Phase II Auction.* (i) A mobile competitive eligible telecommunications carrier that receives monthly baseline support pursuant to this section and is a winning bidder in the Mobility Fund Phase II auction shall receive support at the same level as described in paragraph (e)(2)(iii) of this section for such area until the Wireless Telecommunications and Wireline Competition Bureaus determine whether to authorize the carrier to receive Mobility Fund Phase II support.

(A) Upon the Wireless Telecommunications and Wireline Competition Bureaus' release of a public notice approving a mobile competitive eligible telecommunications carrier's application submitted pursuant to § 54.104(b) and authorizing the carrier to receive Mobility Fund Phase II support, the carrier shall no longer receive support at the level of monthly baseline support pursuant to this section for such area. Thereafter, the carrier shall receive monthly support in the amount of its Mobility Fund Phase II winning bid, provided that USAC shall adjust the amount of the carrier's support to the extent necessary to account for any difference in support the carrier received during the period between the close of the Mobility Fund Phase II auction and the release of the public notice authorizing the carrier to receive Mobility Fund Phase II support.

(B) A mobile competitive eligible telecommunications carrier that is a winning bidder in the Mobility Fund Phase II auction but is not authorized to receive Mobility Fund Phase II support shall receive monthly support as set forth in paragraphs (e)(5)(iii) and (iv) of this section for such area, as applicable, provided that USAC shall decrease such amounts to account for support payments received prior to the Wireless Telecommunications and Wireline Competition Bureaus' authorization determination that exceed the amount of support for such area as set forth in paragraphs (e)(5)(iii) and (iv), and the monthly support in the mobile competitive eligible telecommunications carrier's winning Mobility Fund Phase II, which USAC shall treat as the carrier's monthly baseline support for purposes of paragraphs (e)(5)(iii) and (iv) to the extent the carrier's winning bid is below that amount.

(ii) A mobile competitive eligible telecommunications carrier that receives monthly baseline support pursuant to this section shall receive the following monthly support amounts for areas that are ineligible for Mobility Fund Phase II support, as determined by the Wireless Telecommunications and Wireline Competition Bureaus:

(A) For 12 months starting the first day of the month following the close of the Mobility Fund Phase II auction, each mobile competitive eligible telecommunications carrier shall receive two-thirds (2⁄3) of the carrier's support pursuant to paragraph (e)(2)(iii) of this section for the ineligible area.

(B) For 12 months starting the month following the period described in paragraph (e)(5)(ii)(A) of this section, each mobile competitive eligible telecommunications carrier shall receive one-third (1⁄3) of the carrier's support pursuant to paragraph (e)(2)(iii) of this section for the ineligible area.

(C) Following the period described in paragraph (e)(5)(ii)(B) of this section, no mobile competitive eligible telecommunications carrier shall receive monthly baseline support for the ineligible area pursuant to this section.

(iii) Except as provided in paragraph (e)(3) of this section, to the extent Mobility Fund Phase II support is not awarded at auction for an eligible area, as determined by the Wireless Telecommunications and Wireline Competition Bureaus, the mobile competitive eligible telecommunications carrier receiving the minimum level of sustainable support for the eligible area shall continue to receive support at the level described in paragraph (e)(2)(iii) of this section until further Commission action, but such support shall not extend for more than 60 months from the first day of the month following the close of the Mobility Fund Phase II auction. The ''minimum level of sustainable support'' is the lowest monthly baseline support received by a mobile competitive eligible telecommunications carrier that deploys the highest technology for the eligible area.

(iv) All other mobile competitive eligible telecommunications carriers shall receive the following monthly support amounts for areas that are eligible for Mobility Fund Phase II support, as determined by the Wireless Telecommunications and Wireline Competition Bureaus:

(A) For 12 months starting the first day of the month following the close of the Mobility Fund Phase II auction, each mobile competitive eligible telecommunications carrier shall receive two-thirds (2⁄3) of the carrier's support pursuant to paragraph (e)(2)(iii) of this section for the eligible area.

(B) For 12 months starting the month following the period described in paragraph (e)(5)(iv)(A) of this section, each mobile competitive eligible telecommunications carrier shall receive one-third (1⁄3) of the carrier's support pursuant to paragraph (e)(2)(iii) of this section for the eligible area.

(C) Following the period described in paragraph (e)(5)(iv)(B) of this section, no mobile competitive eligible telecommunications carrier shall receive monthly baseline support for the eligible area pursuant to this section.

(v) Notwithstanding the foregoing schedule, the phase-down of identical support below the level described in paragraph (e)(2)(iii) of this section shall be subject to the restrictions in Consolidated Appropriations Act, 2016, Public Law 114–113, Div. E, Title VI, section 631, 129 Stat. 2242, 2470 (2015), unless and until such restrictions are no longer in effect.

* * * * *

■ 5. In § 54.313, revise paragraph (k) to read as follows:

§ 54.313 Annual reporting requirements for high-cost recipients.

* * * * *

(k) This section does not apply to recipients that solely receive support from Phase I and Phase II of the Mobility Fund.

* * * * *

■ 6. Amend subpart L by adding §§ 54.1011 through 54.1021 to read as follows:

Subpart L—Mobility Fund

Sec.

* * * * *

§ 54.1011 Mobility Fund—Phase II.

The Commission will use competitive bidding, as provided in part 1, subpart AA of this chapter, to determine the recipients of support available through Phase II of the Mobility Fund and the amount(s) of support that they may receive for specific geographic areas, subject to applicable post-auction procedures.

§ 54.1012 Geographic areas eligible for support.

(a) Mobility Fund Phase II support may be made available for eligible geographic areas as identified by public notice prior to auction.

(b) Coverage units for purposes of conducting competitive bidding and disbursing support based on designated square miles in a geographic area will be identified by public notice for each area eligible for support prior to auction.

§ 54.1013 Provider eligibility.

(a) An applicant shall be an Eligible Telecommunications Carrier in an area in order to receive Mobility Fund Phase II support for that area. An applicant may obtain its designation as an Eligible Telecommunications Carrier after the close of the Mobility Fund Phase II auction, provided that the applicant submits proof of its designation within 180 days of the public notice identifying the applicant as a winning bidder. An applicant shall not receive Mobility Fund Phase II support prior to the submission of proof of its designation as an Eligible Telecommunications Carrier. After such submission, the Eligible Telecommunications Carrier shall receive a balloon payment that will consist of the carrier's monthly Mobility Fund Phase II payment amount multiplied by the number of whole months between the first day of the month after the close of the auction and the issuance of the public notice authorizing the carrier to receive Mobility Fund Phase II support.

(b) An applicant shall have access to spectrum in an area that enables it to satisfy the applicable performance requirements in order to receive Mobility Fund Phase II support for that area. The applicant shall describe its access to spectrum and certify, in a form acceptable to the Commission, that it has such access at the time it applies to participate in competitive bidding and at the time that it applies for support and that it will retain such access for at least ten (10) years after the date on which it is authorized to receive support.

(c) An applicant shall certify that it is financially and technically qualified to provide the services supported by Mobility Fund Phase II within the specified timeframe in the geographic areas for which it seeks support in order to receive such support.

§ 54.1014 Application process.

(a) *Application to Participate in Competitive Bidding for Mobility Fund Phase II Support.* In addition to providing information specified in § 1.21001(b) of this chapter and any other information required by the Commission, an applicant to participate in competitive bidding for Mobility Fund Phase II support shall:

(1) Provide ownership information as set forth in § 1.2112(a) of this chapter as well as information on any agreement the applicant may have relating to the support to be sought through the auction;

(2) Certify that the applicant is financially and technically capable of meeting the public interest obligations of § 54.1015 in each area for which it seeks support;

(3) Disclose its status as an Eligible Telecommunications Carrier in any area for which it will seek support or as an entity that will file an application to become an Eligible Telecommunications Carrier in any such area after winning support in Mobility Fund Phase II, and certify that the disclosure is accurate; and

(4) Describe the spectrum access that the applicant plans to use to meet obligations in areas for which it will bid for support, including whether the applicant currently holds or leases the spectrum, including any necessary renewal expectancy, and whether such spectrum access is contingent upon receiving support in a Mobility Fund Phase II auction, and certify that the description is accurate and that the applicant will retain such access for the entire ten (10) year Mobility Fund Phase II support term.

(b) *Application by Winning Bidders for Mobility Fund Phase II Support*—(1) *Deadline.* Unless otherwise provided by public notice, winning bidders for Mobility Fund Phase II support shall file an application for Mobility Fund Phase II support no later than ten (10) business days after the public notice identifying them as winning bidders.

(2) *Application contents.* An application for Mobility Fund Phase II support must contain:

(i) Identification of the party seeking the support, including ownership information as set forth in § 1.2112(a) of this chapter;

(ii) Certification that the applicant is financially and technically capable of providing the required coverage and performance levels within the specified timeframe in the geographic areas in which it won support;

(iii) Proof of the applicant's status as an Eligible Telecommunications Carrier, or a statement that the applicant will become an Eligible Telecommunications Carrier in any area for which it seeks support within 180 days of the public notice identifying them as winning bidders, and certification that the proof is accurate;

(iv) A description of the spectrum access that the applicant plans to use to meet obligations in areas for which it is winning bidder for support, including whether the applicant currently holds or leases the spectrum, along with any necessary renewal expectancy, and certification that the description is accurate and that the applicant will retain such access for the entire ten (10) year Mobility Fund Phase II support term;

(v) A detailed project description that describes the network to be built or upgraded, identifies the proposed technology, demonstrates that the project is technically feasible, discloses the complete project budget, and discusses each specific phase of the project (*e.g.,* network design, construction, deployment, and maintenance), as well as a complete project schedule, including timelines, milestones, and costs;

(vi) Certifications that the applicant has available funds for all project costs that exceed the amount of support to be received from Mobility Fund Phase II and that the applicant will comply with all program requirements, including the public interest obligations set forth in § 54.1015;

(vii) Any guarantee of performance that the Commission may require by public notice or other proceedings, including but not limited to the letters of credit required in § 54.1016, or a written commitment from an acceptable bank, as defined in § 54.1016(a)(2), to issue such a letter of credit;

(viii) Certification that the applicant will offer service in supported areas at rates that are within a reasonable range of rates for similar service plans offered by mobile wireless providers in urban areas during the term of support the applicant seeks;

(ix) Certification that the party submitting the application is authorized to do so on behalf of the applicant; and

(x) Such additional information as the Commission may require.

(3) *Application processing.* (i) No application will be considered unless it has been submitted in an acceptable form during the period specified by public notice. No applications submitted or demonstrations made at any other time shall be accepted or considered.

(ii) Any application that, as of the submission deadline, either does not identify the applicant seeking support as specified in the public notice announcing application procedures, or does not include required certifications, shall be denied.

(iii) An applicant may be afforded an opportunity to make minor modifications to amend its application or correct defects noted by the applicant, the Commission, the Administrator, or other parties. Minor modifications include correcting typographical errors in the application and supplying non-material information that was inadvertently omitted or was not available at the time the application was submitted.

(iv) Applications to which major modifications are made after the deadline for submitting applications shall be denied. Major modifications include, but are not limited to, any changes in the ownership of the applicant that constitute an assignment or change of control, or the identity of the applicant, or the certifications required in the application.

(v) After receipt and review of the applications, a public notice shall identify each winning bidder that may be authorized to receive Mobility Fund Phase II support, after the winning bidder submits a Letter of Credit and an accompanying opinion letter as required by § 54.1016, in a form acceptable to the Commission, and any final designation as an Eligible Telecommunications Carrier that any applicant may still require. Each such winning bidder shall submit a Letter of Credit and an accompanying opinion letter as required by § 54.1016, in a form acceptable to the Commission, and any required final designation as an Eligible Telecommunications Carrier no later than ten (10) business days following the release of the public notice.

(vi) After receipt of all necessary information, a public notice will identify each winning bidder that is authorized to receive Mobility Fund Phase II support.

§ 54.1015 Public interest obligations.

(a) *First interim deadline for construction.* A winning bidder authorized to receive Mobility Fund

Phase II support shall, no later than 42 months from the first day of the month that follows the month in which the Mobility Fund Phase II auction closes, submit to the entities listed in § 54.1020(c) any required data covering all areas for which they receive support in a state demonstrating mobile transmissions supporting voice and data to and from the network covering at least 40 percent of the square miles associated with the eligible areas and meeting or exceeding the following:

(1) Outdoor median data transmission rates of 1 Mbps upload and 10 Mbps download, with at least 90 percent of the required download speed measurements not less than a certain threshold speed that will be defined prior to the Mobility Fund Phase II auction; and

(2) Transmission latency of 100 ms or less round trip for at least 90 percent of the measurements.

(b) *Second interim deadline for construction.* A winning bidder authorized to receive Mobility Fund Phase II support shall, no later than 54 months from the first day of the month that follows the month in which the Mobility Fund Phase II auction closes, submit to the entities listed in § 54.1020(c) any required data covering all areas for which they receive support in a state demonstrating mobile transmissions supporting voice and data to and from the network covering at least 60 percent of the square miles associated with the eligible areas and meeting or exceeding the thresholds in paragraphs (a)(1) and (2) of this section.

(c) *Third interim deadline for construction.* A winning bidder authorized to receive Mobility Fund Phase II support shall, no later than 66 months from the first day of the month that follows the month in which the Mobility Fund Phase II auction closes, submit to the entities listed in § 54.1020(c) any required data covering all areas for which they receive support in a state demonstrating mobile transmissions supporting voice and data to and from the network covering at least 80 percent of the square miles associated with the eligible areas and meeting or exceeding the thresholds in paragraphs (a)(1) and (2) of this section.

(d) *Final deadline for construction.* A winning bidder authorized to receive Mobility Fund Phase II support shall, no later than 78 months from the first day of the month that follows the month in which the Mobility Fund Phase II auction closes, submit to the entities listed in § 54.1020(c) any required data covering all areas for which they receive support in a state demonstrating mobile transmissions supporting voice and data to and from the network covering at least 85 percent of the square miles associated with the eligible areas and meeting or exceeding the thresholds in paragraphs (a)(1) and (2) of this section. A winning bidder shall also submit representative data demonstrating that its network covers at least 75 percent of every census block group or census tract for which it receives support in a state.

(e) *Coverage data.* Coverage data submitted in compliance with a recipient's public interest obligations shall demonstrate coverage of the square miles designated in the public notice announcing the final list of eligible areas for the competitive bidding that is the basis of the recipient's support. Any data submitted in compliance with a recipient's public interest obligations shall be in compliance with standards set forth in the applicable public notice.

(f) *Collocation obligations.* During the period when a recipient shall file annual reports pursuant to § 54.1019, the recipient shall allow for reasonable collocation by other providers of services that would meet the technological requirements of Mobility Fund Phase II on all towers it owns or manages in the area for which it receives support. In addition, during this period, the recipient may not enter into facilities access arrangements that restrict any party to the arrangement from allowing others to collocate on the facilities.

(g) *Voice and data roaming obligations.* During the period when a recipient shall file annual reports pursuant to § 54.1019, the recipient shall comply with the Commission's voice and data roaming requirements that are currently in effect on networks that are built through Mobility Fund Phase II support.

(h) *Reasonably comparable rates obligations.* Beginning no later than the deadline set forth in paragraph (a) of this section and continuing throughout the remaining period when a recipient shall file annual reports pursuant to § 54.1019, the recipient shall offer service in supported areas at rates that are within a reasonable range of rates for similar service plans offered by mobile wireless providers in urban areas.

(i) *Data allowance obligations.* Beginning no later than the deadline set forth in paragraph (a) of this section and continuing throughout the remaining period when a recipient shall file annual reports pursuant to § 54.1019, recipient shall offer at least one service plan in supported areas that includes a data allowance comparable to mid-level service plans offered by nationwide providers.

(j) *Liability for failing to satisfy public interest obligations.* A Mobility Fund Phase II support recipient's failure to comply with the public interest obligations in this paragraph or any other terms and conditions of the Mobility Fund Phase II support constitutes a performance default.

§ 54.1016 Letter of credit.

(a) Before being authorized to receive Mobility Fund Phase II support, a winning bidder shall obtain an irrevocable standby letter of credit which shall be acceptable in all respects to the Commission.

(1) Each recipient authorized to receive Mobility Fund Phase II support shall maintain the standby letter of credit or multiple standby letters of credit in an amount equal to at a minimum the amount of Mobility Fund Phase II auction support that has been disbursed and that will be disbursed in the coming year, until the Universal Service Administrative Company has verified that the recipient met the final service milestone as described in § 54.1015(d) of this chapter.

(i) Once the recipient has met its 60 percent service milestone as described in § 54.1015(b) of this chapter, it may, subject to the consent of the Universal Service Administrative Company, obtain a new letter of credit or renew its existing letter of credit so that it is valued at a minimum at 90 percent of the total support amount already disbursed plus the amount that will be disbursed in the coming year.

(ii) Once the recipient has met its 80 percent service milestone as described in § 54.1015(c) of this chapter, it may, subject to the consent of the Universal Service Administrative Company, obtain a new letter of credit or renew its existing letter of credit so that it is valued at a minimum at 80 percent of the total support amount already disbursed plus the amount that will be disbursed in the coming year.

(2) *Acceptability.* The bank issuing the letter of credit shall be acceptable to the Commission. A bank that is acceptable to the Commission is:

(i) Any United States Bank—

(A) Whose deposits are insured by the Federal Deposit Insurance Corporation; and

(B) That has a Weiss bank safety rating of B− or higher, or

(ii) CoBank, ACB—

(A) As long as it maintains assets that would place it among the top-100 U.S. banks in terms of the amount of assets, determined on the basis of total assets as of the end of the calendar year immediately preceding the issuance of the letter of credit;

(B) Its obligations are insured by the Farm Credit System Insurance Corporation; and

(C) It has a long-term unsecured credit rating of BBB− or better from Standard & Poor's (or the equivalent from a nationally-recognized credit rating agency); or

(iii) The National Rural Utilities Cooperative Finance Corporation—

(A) As long as it maintains assets that would place it among the top-100 U.S. banks in terms of the amount of assets, determined on the basis of total assets as of the end of the calendar year immediately preceding the issuance of the letter of credit; and

(B) It has a long-term unsecured credit rating of BBB− or better from Standard & Poor's (or the equivalent from a nationally-recognized credit rating agency); or

(iv) Any non-U.S. bank that—

(A) Is among the 100 largest non-U.S. banks in the world, determined on the basis of total assets as of the end of the calendar year immediately preceding the issuance of the letter of credit (determined on a U.S. dollar equivalent basis as of such date);

(B) Has a branch office in the District of Columbia or such other branch office agreed to by the Commission;

(C) Maintains a credit rating of BBB− or better from Standard & Poor's (or the equivalent from a nationally-recognized credit rating agency); and

(D) Issues the letter of credit payable in United States dollars.

(b) Before being authorized to receive Mobility Fund Phase II support, a winning bidder shall provide with its letter of credit an opinion letter from legal counsel clearly stating, subject only to customary assumptions, limitations, and qualifications, that in a proceeding under Title 11 of the United States Code, 11 U.S.C. 101 *et seq.* (the ''Bankruptcy Code''), the bankruptcy court would not treat the letter of credit or proceeds of the letter of credit as property of the winning bidder's bankruptcy estate, or the bankruptcy estate of any other bidder-related entity requesting issuance of the letter of credit, under section 541 of the Bankruptcy Code.

(c) Authorization to receive Mobility Fund Phase II support is conditioned upon full and timely performance of all the requirements set forth in this section, § 54.1015, and any additional terms and conditions upon which the support was granted.

(1) If a Mobility Fund Phase II recipient has triggered a recovery action by USAC as set out in § 54.1017 and has failed to repay the requisite amount of support within six (6) months, USAC will be entitled to draw the entire amount of the letter of credit and may disqualify the Mobility Fund Phase II recipient from the receipt of Mobility Fund Phase II auction support or additional universal service support.

(2) The default will be evidenced by a letter issued by the Chief of either the Wireless Telecommunications Bureau or Wireline Competition Bureau or their respective designees, which letter, describing the performance default and attached to a standby letter of credit draw certificate, shall be sufficient for a draw on the standby letter of credit.

§ 54.1017 Compliance for Mobility Fund Phase II.

(a) Mobile eligible telecommunications carriers subject to defined build-out milestones in § 54.1015 must notify the Commission and USAC, and the relevant state, U.S. Territory, or Tribal government, if applicable, within ten (10) business days after the applicable deadline if they have failed to meet a build-out milestone.

(1) *Interim build-out milestones.* Upon notification that a mobile eligible telecommunications carrier has defaulted on an interim build-out milestone after it has begun receiving Mobility Fund Phase II support, the Wireline Competition Bureau or Wireless Telecommunications Bureau will issue a letter evidencing the default. For purposes of determining whether a default has occurred, any service a mobile eligible telecommunications carrier offers must meet the performance obligations in § 54.1015(a)(1) and (2). The issuance of this letter shall initiate reporting obligations and withholding of a percentage of the mobile eligible telecommunication carrier's total monthly Mobility Fund Phase II support, if applicable, starting the month following the issuance of the letter:

(i) *Tier 1.* If a mobile eligible telecommunications carrier has a compliance gap of at least five (5) percent but less than 15 percent of the eligible square miles that the mobile eligible telecommunications carrier is required to have covered by the relevant interim milestone at the state level, the Wireline Competition Bureau or Wireless Telecommunications Bureau will issue a letter to that effect. Starting three (3) months after the issuance of this letter, the mobile eligible telecommunications carrier will be required to file a report every three (3) months identifying the eligible square miles to which the mobile eligible telecommunications carrier has newly deployed facilities capable of meeting the requisite Mobility Fund Phase II requirements at the state level in the previous quarter. Mobile eligible telecommunications carriers that do not file these quarterly reports on time will be subject to support reductions as specified in § 54.1019(f). The mobile eligible telecommunications carrier must continue to file quarterly reports until the mobile eligible telecommunications carrier reports that it has reduced the compliance gap to less than five (5) percent of the eligible square miles for that interim milestone at the state level and the Wireline Competition Bureau or Wireless Telecommunications Bureau issues a letter to that effect.

(ii) *Tier 2.* If a mobile eligible telecommunications carrier has a compliance gap of at least 15 percent but less than 25 percent of the eligible square miles that the mobile eligible telecommunications carrier is required to have covered by the interim milestone at the state level, USAC will withhold 15 percent of the mobile eligible telecommunications carrier's monthly support for that state and the mobile eligible telecommunications carrier will be required to file quarterly reports. Once the mobile eligible telecommunications carrier has reported that it has reduced the compliance gap to less than 15 percent of the eligible square miles for that interim milestone at the state level, the Wireline Competition Bureau or Wireless Telecommunications Bureau will issue a letter to that effect, and the mobile eligible telecommunications carrier will then move to Tier 1 status.

(iii) *Tier 3.* If a mobile eligible telecommunications carrier has a compliance gap of at least 25 percent but less than 50 percent of the eligible square miles that the mobile eligible telecommunications carrier is required to have covered by the interim milestone at the state level, USAC will withhold 25 percent of the mobile eligible telecommunications carrier's monthly support for that state and the mobile eligible telecommunications carrier will be required to file quarterly reports. Once the mobile eligible telecommunications carrier has reported that it has reduced the compliance gap to less than 25 percent of the eligible square miles for that interim milestone at the state level, the Wireline Competition Bureau or Wireless Telecommunications Bureau will issue a letter to that effect, and the mobile eligible telecommunications carrier will move to Tier 2 status.

(iv) *Tier 4.* If a mobile eligible telecommunications carrier has a compliance gap of 50 percent or more of the eligible square miles that the mobile eligible telecommunications carrier is required to have covered by the interim milestone at the state level:

(A) USAC will withhold 50 percent of the mobile eligible telecommunications carrier's monthly support for that state, and the mobile eligible telecommunications carrier will be required to file quarterly reports. As with the other tiers, as the mobile eligible telecommunications carrier reports that it has lessened the extent of its non-compliance, and the Wireline Competition Bureau or Wireless Telecommunications Bureau issues a letter to that effect, it will move down the tiers until it reaches Tier 1 (or no longer is out of compliance with the relevant interim milestone).

(B) If, after having 50 percent of its support withheld for six (6) months, the mobile eligible telecommunications carrier has not reported that it has a compliance gap of less than 50 percent, USAC will withhold 100 percent of the mobile eligible telecommunications carrier's monthly support for the state and will commence a recovery action for a percentage of support that is equal to the mobile eligible telecommunications carrier's compliance gap plus 10 percent of the mobile eligible telecommunications carrier's support that has been disbursed to that date.

(v) *Restoration of full support.* If at any point during the support term, the mobile eligible telecommunications carrier reports that it is eligible for Tier 1 status, it will have its support fully restored, USAC will repay any funds that were recovered or withheld, and it will move to Tier 1 status.

(2) *Final milestone.* Upon notification that the mobile eligible telecommunications carrier has not met a final milestone, the mobile eligible telecommunications carrier will have twelve (12) months from the date of the final milestone deadline to come into full compliance with this milestone.

(i) If the mobile eligible telecommunications carrier does not report that it has come into full compliance with this milestone within twelve (12) months because it fails to meet the 85 percent benchmark (even if it meets the 75 percent benchmark for some or all the census block group(s) or census tract(s)), the Wireline Competition Bureau or the Wireless Telecommunications Bureau will issue a letter, and USAC will recover disbursement(s) in an amount of support that is equal to 1.89 multiplied by the average amount of support the mobile eligible telecommunications carrier received per eligible square mile in the state over the six year period multiplied by the number of square miles unserved in the mobile eligible telecommunications carrier's winning areas in the state that would be required to meet the 85 percent benchmark, plus 10 percent of the mobile eligible telecommunications carrier's total Mobility Fund Phase II support received in the state over the six-year period for deployment. After the mobile eligible telecommunications carrier has paid the calculated recovery amount for failure to comply with the final deployment milestone, the Bureaus will calculate a reduced support payment for the remaining support term based on the percentage of deployment coverage completed. The reduced ongoing annual support amount will be the total of the mobile eligible telecommunications carrier's original winning bid amounts for annual support in the state multiplied by the sum of the actual deployment percentage plus 15 percent (*i.e.,* the difference between 100 percent coverage and the required 85 percent minimum coverage), or (annual support) * (percentage covered + 0.15). If at the end of six months the mobile eligible telecommunications carrier has not fully paid back the support for missing the relevant 85 percent benchmark, the mobile eligible telecommunications carrier shall be liable for repayment of all the support that has been disbursed to the mobile eligible telecommunications carrier for that state, the Wireline Competition Bureau or the Wireless Telecommunications Bureau will issue a letter to that effect, and USAC will draw on the letter(s) of credit to recover all the support that has been disbursed to the mobile eligible telecommunications carrier for that state.

(ii) If the mobile eligible telecommunications carrier does not report that it has come into full compliance with this milestone within twelve (12) months because it fails to meet the 75 percent benchmark(s) for any census block group(s) or census tract(s) in the state at the final milestone (even if it meets the 85 percent statewide benchmark), the Wireline Competition Bureau or the Wireless Telecommunications Bureau will issue a letter for any such census block group(s) or census tract(s), and USAC will recover disbursement(s) in an amount of support that is equal to 1.89 multiplied by the average amount of support the mobile eligible telecommunications carrier received per eligible square mile in the census block group(s) or census tract(s) in the state over the six year period multiplied by the number of square miles unserved in each of the mobile eligible telecommunications carrier's winning census block group(s) or census tract(s) in the state that would be required to meet their respective 75 percent benchmarks, plus 10 percent of the mobile eligible telecommunications carrier's total Mobility Fund Phase II support received in the relevant census block group(s) or census tract(s) over the six-year period for deployment. The mobile eligible telecommunications carrier will have six months to repay the support USAC seeks to recover. After the mobile eligible telecommunications carrier has paid the calculated recovery amount, the Bureaus will calculate a reduced support payment for the remaining support term. The reduced ongoing annual support amount will be the mobile eligible telecommunications carrier's original winning bid amount for annual support in any such census block group or census tract, multiplied by the sum of the actual deployment percentage plus 25 percent (*i.e.,* the difference between 100 percent coverage and the required 75 percent minimum coverage), or (annual support) * (percentage covered + 0.25). If at the end of six months the mobile eligible telecommunications carrier has not fully paid back the support for missing the relevant 75 percent benchmark(s), the mobile eligible telecommunications carrier shall be liable for repayment of all the support that has been disbursed to the mobile eligible telecommunications carrier for that state, the Wireline Competition Bureau or the Wireless Telecommunications Bureau will issue a letter to that effect, and USAC will draw on the letter(s) of credit to recover all the support that has been disbursed to the mobile eligible telecommunications carrier for that state. In the event that USAC draws on a letter of credit to recover all the support that has been disbursed to the mobile eligible telecommunications carrier for a state, the mobile eligible telecommunications carrier's participation in Mobility Fund Phase II in that state will immediately end and no further support will be paid.

(3) *Compliance reviews.* If, subsequent to the mobile eligible telecommunications carrier's final milestone but during the remaining support term, USAC determines in the course of a compliance review that the mobile eligible telecommunications carrier does not have sufficient evidence to demonstrate that it is offering service to the required percentage of square miles by census block group or census

tract, or state, USAC shall withhold support for a period not to exceed six months until the mobile eligible telecommunications carrier demonstrates that it is again providing the requisite service to the required percentage of square miles. Once the mobile eligible telecommunications carrier demonstrates that it is providing the requisite service to the required percentage of square miles and USAC has verified the demonstration, USAC will pay any withheld support and resume ongoing disbursements. If the mobile eligible telecommunications carrier does not provide a verifiable demonstration of coverage within the permitted six-month period, USAC shall recover an amount of support that is equal to 1.89 times the average amount of support per square mile received in the winning bid area over the six-year deployment period for the relevant number of square miles for which the mobile eligible telecommunications carrier has failed to produce sufficient evidence, plus 10 percent of the mobile eligible telecommunications carrier's total support received in that winning bid area over the six-year deployment time period, and will calculate a reduced ongoing annual support amount as set out in paragraphs (a)(2)(i) and (ii) of this section, as appropriate.

(b) [Reserved].

§ 54.1018 Mobility Fund Phase II disbursements.

(a) A winning bidder for Mobility Fund Phase II support will be advised by public notice whether it has been authorized to receive such support. The public notice will detail how disbursements will be made.

(b) Mobility Fund Phase II support will be available for monthly disbursement to a winning bidder authorized to receive such support for ten years from the first day of the month that follows the month in which the Mobility Fund Phase II auction closes.

§ 54.1019 Annual reports.

(a) A winning bidder authorized to receive Mobility Fund Phase II support shall submit an annual report no later than July 1 in each year for the ten (10) years after it is so authorized.

(b) The party submitting the annual report must certify that it has been authorized to do so by the winning bidder.

(c) Each annual report shall be submitted to the Office of the Secretary of the Commission, clearly referencing the appropriate docket for Mobility Fund Phase II reporting; the Administrator; and the relevant state commissions, relevant authority in a U.S. Territory, or Tribal governments, as appropriate, until such time that the Administrator announces that annual reports shall be filed solely via the Administrator's online portal.

(d) In each annual report, a recipient of Mobility Fund Phase II support shall certify that it is in compliance with all requirements for receipt of such support to continue receiving Mobility Fund Phase II disbursements.

(e) Winning bidders have a continuing obligation to maintain the accuracy and completeness of the information provided in their long-form applications and their annual reports. All winning bidders shall provide information about any substantial change that may be of decisional significance regarding their eligibility for Mobility Fund Phase II support and compliance with Mobility Fund Phase II requirements as an update to their annual report submitted to the entities listed in § 54.1019(c). Such notification of a substantial change, including any reduction in the percentage of eligible square miles being served or any failure to comply with any of the Mobility Fund Phase II requirements, shall be submitted within ten (10) business days after the reportable event occurs.

(f) In order for a recipient of Mobility Fund Phase II support to continue to receive support for the following calendar year, it must submit the annual report required by this section annually by July 1 of each year. Mobile eligible telecommunications carriers that file their reports after the July 1 deadline shall receive a reduction in support pursuant to the following schedule:

(1) A mobile eligible telecommunications carrier that files after the July 1 deadline, but by July 8, will have its support reduced in an amount equivalent to seven (7) days of support;

(2) A mobile eligible telecommunications carrier that files on or after July 9 will have its support reduced on a pro-rata daily basis equivalent to the period of non-compliance, plus the minimum seven-day reduction.

(f) A mobile eligible telecommunications carrier that submits the annual reporting information required by this section within three (3) days of the July 1 deadline will not receive a reduction in support if the mobile eligible telecommunications carrier has not missed the July 1 deadline in any prior year.

§ 54.1020 Milestone reports.

(a) A winning bidder authorized to receive Mobility Fund Phase II support shall submit the reports required in § 54.1015(a) through (d) as well as certifications that it has met the construction requirements in § 54.1015(a) through (d).

(b) The party submitting the report must certify that it has been authorized to do so by the winning bidder.

(c) Each report shall be submitted to the Office of the Secretary of the Commission, clearly referencing the appropriate docket for Mobility Fund Phase II reporting; the Administrator; and the relevant state commissions, relevant authority in a U.S. Territory, or Tribal governments, as appropriate, until such time that the Administrator announces that such reports shall be filed solely via the Administrator's online portal.

(d) Winning bidders have a continuing obligation to maintain the accuracy and completeness of the information provided in their long-form applications and their milestone reports. All winning bidders shall provide information about any substantial change that may be of decisional significance regarding their eligibility for Mobility Fund Phase II support and compliance with Mobility Fund Phase II requirements as an update to their milestone report submitted to the entities listed in paragraph (c) of this section. Such notification of a substantial change, including any reduction in the percentage of eligible square miles being served or any failure to comply with any of the Mobility Fund Phase II requirements, shall be submitted within ten (10) business days after the reportable event occurs.

(e) In order for a recipient of Mobility Fund Phase II support to continue to receive support for the following calendar year, it must submit the milestone reports required by this section by the deadlines set forth in § 54.1015(a) through (d). Mobile eligible telecommunications carriers that file their reports after the relevant deadlines shall receive a reduction in support pursuant to the following schedule:

(1) A mobile eligible telecommunications carrier that files after the deadline, but within seven days of the deadline, will have its support reduced in an amount equivalent to seven (7) days of support;

(2) A mobile eligible telecommunications carrier that files on or after the eighth day following the deadline will have its support reduced on a pro-rata daily basis equivalent to the period of non-compliance, plus the minimum seven-day reduction.

(g) A mobile eligible telecommunications carrier that submits the milestone reporting information required by this section within three (3) days of the deadline will not receive a reduction in support if the mobile eligible telecommunications carrier has not missed the deadline in any prior year.

§ 54.1021 Record retention for Mobility Fund Phase II.

A winning bidder authorized to receive Mobility Fund Phase II support and its agents are subject to the record retention requirements in § 54.320.

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