FEDERAL REGISTER

Vol. 82 Wednesday,
No. 69 April 12, 2017

Pages 17531–17744

OFFICE OF THE FEDERAL REGISTER

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DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

9 CFR Part 201

RIN 0580–AB25

Scope of Sections 202(a) and (b) of the Packers and Stockyards Act

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Interim final rule; notice of delay of effective date.

SUMMARY: The United States Department of Agriculture's (USDA) Grain Inspection, Packers and Stockyards Administration (GIPSA) is delaying the effective date of the rule published on December 20, 2016, for an additional six months to October 19, 2017, in response to a comment received from a national general farm organization that requested an extension of time and to allow time for further consideration by USDA. The effective date for this rule was originally February 21, 2017, and subsequently delayed to April 22, 2017, by a document published in the **Federal Register** on February 7, 2017. The interim final rule addresses the scope of sections 202(a) and (b) of the Packers and Stockyards Act, 1921, as amended and supplemented (P&S Act) in order to clarify that conduct or action may violate sections 202(a) and (b) of the P&S Act without adversely affecting, or having a likelihood of adversely affecting, competition.

DATES: The effective date for the interim final rule amending 9 CFR part 201, published at 81 FR 92566, December 20, 2016, delayed at 82 FR 9489, February 7, 2017, is further delayed until October 19, 2017.

FOR FURTHER INFORMATION CONTACT: S. Brett Offutt, Director, Litigation and Economic Analysis Division, P&SP, GIPSA, 1400 Independence Ave. SW., Washington, DC 20250, (202) 720–7051, *s.brett.offutt@usda.gov.*

SUPPLEMENTARY INFORMATION: Consistent with the memorandum of January 20, 2017, to the heads of executive departments and agencies from the Assistant to the President and Chief of Staff entitled ''Regulatory Freeze Pending Review,'' on February 7, 2017, GIPSA extended the public comment period and delayed the effective date of the interim final rule entitled ''Scope of sections 202(a) and (b) of the Packers and Stockyards Act'' that was published in the **Federal Register** on December 20, 2016, 81 FR 92566. The comment period was extended at that time to March 24, 2017, and the effective date delayed to April 22, 2017.

Given the significant public interest in this rule, GIPSA has found that the initial delay of the effective date to April 22, 2017, will likely not provide sufficient time for USDA to adequately consider all comments received and make informed policy decisions regarding this rule. GIPSA is therefore further delaying the effective date of this rule an additional 180 days to October 19, 2017. In addition, GIPSA will publish a proposed rule that solicits public comments on the direction that USDA should take with respect to the rule. The public will have a 60-day comment period to specify whether USDA should (1) let the rule become effective, (2) suspend the rule indefinitely, (3) delay the effective date of the rule further, or (4) withdraw the rule.

As published, this interim final rule states the USDA's long held interpretation that not all violations of the P&S Act require a showing of harm or likely harm to competition. Section 201.3(a) specifically provides that the scope of section 202(a) and (b) encompasses conduct or action that, depending on their nature and the circumstances, can be found to violate the P&S Act without a finding of harm or likely harm to competition. This interim final rule finalizes a proposed § 201.3(c) that GIPSA published on June 22, 2010, 75 FR 35338, with slight modifications in order to allow additional public comment on these provisions.

To the extent that 5 U.S.C. 553(b)(A) applies to this action, it is exempt from notice and comment rulemaking for good cause and for reasons cited above, GIPSA finds that notice and solicitation of comment regarding the extension of the effective date of the interim final rule are impracticable, unnecessary, or contrary to the public interest pursuant to 5 U.S.C. 553(b)(B). The delay of the effective date until October 19, 2017, should give GIPSA sufficient time to receive and consider public comments and to take action on the disposition of the IFR. Delaying the effective date would also reduce confusion or uncertainty for the industry while GIPSA determines the appropriate final disposition of the IFR. GIPSA believes that affected parties need to be informed as soon as possible of the extension and its length.

Randall D. Jones,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–07360 Filed 4–11–17; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2016–4158; Special Conditions No. 25–656–SC]

Special Conditions: Bombardier Inc. Model BD–700–2A12 and BD–700–2A13 Airplanes; Fuselage In-Flight Fire Safety and Flammability Resistance of Aluminum-Lithium Material

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Bombardier Inc. (Bombardier) Model BD–700–2A12 and BD–700–2A13 airplanes. These airplanes will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is a fuselage fabricated using aluminum-lithium materials instead of conventional aluminum. The applicable airworthiness regulations do not contain adequate or appropriate fire-safety standards for this design feature. These special conditions contain the additional fire-safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Effective May 12, 2017.

FOR FURTHER INFORMATION CONTACT: Alan Sinclair, FAA, Airframe and Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98057–3356; telephone 425–227–2195; facsimile 425–227–1320.

SUPPLEMENTARY INFORMATION:

Background

On May 30, 2012, Bombardier applied for an amendment to Type Certificate No. T00003NY to include the new Model BD–700–2A12 and BD–700–2A13 airplanes. These airplanes are derivatives of the Model BD–700 series of airplanes and are marketed as the Bombardier Global 7000 (Model BD–700–2A12) and Global 8000 (Model BD–700–2A13). These airplanes are twin-engine, transport-category, executive-interior business jets. The maximum passenger capacity is 19 and the maximum takeoff weights are 106,250 lb. (Model BD–700–2A12) and 104,800 lb. (Model BD–700–2A13).

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.101, Bombardier must show that the Model BD–700–2A12 and BD–700–2A13 airplanes meet the applicable provisions of the regulations listed in Type Certificate No. T00003NY, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

In addition, the certification basis includes other regulations, special conditions, and exemptions that are not relevant to these special conditions. Type Certificate No. T00003NY will be updated to include a complete description of the certification basis for these airplane models.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model BD–700–2A12 and BD–700–2A13 airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model BD–700–2A12 and BD–700–2A13 airplanes must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.101.

Novel or Unusual Design Feature

Bombardier Model BD–700–2A12 and BD–700–2A13 airplanes will incorporate the following novel or unusual design feature: The fuselage will be fabricated using aluminum-lithium alloy materials instead of conventional aluminum.

Discussion

The Bombardier Model BD–700–2A12 and BD–700–2A13 airplanes will be fabricated using aluminum-lithium materials. The performance of airplanes consisting of a conventional aluminum fuselage, in an in-flight, inaccessible-fire scenario, is understood based on service history, and extensive intermediate- and large-scale fire testing. Experience has shown that eliminating fire propagation of the interior and insulation materials tends to increase survivability because other aspects of in-flight fire safety (*e.g.,* toxic-gas emission and smoke obscuration) are typically byproducts of the propagating fire. The fuselage itself does not contribute to in-flight fire propagation. This may not be the case for a fuselage fabricated from aluminum-lithium materials. Therefore, special conditions are necessary so that the Model BD–700–2A12 and BD–700–2A13 airplanes provide protection against in-flight fires propagating along the surface of the fuselage.

In the past, fatal in-flight fires have originated in inaccessible areas of airplanes where thermal or acoustic insulation was located adjacent to the airplane's aluminum fuselage skin. Research revealed that this area has been the path for flame propagation and fire growth. The FAA determined, in five incidents in the 1990s, that unexpected flame spread along thermal and acoustic insulation-film covering material, raising concerns about the fire performance of this material. In all cases, the ignition source was relatively modest and, in most cases, was electrical in origin (*e.g.,* electrical short circuit, arcing caused by chafed wiring, ruptured ballast case, etc.).

In 1996, the FAA Technical Center began a program to develop new fire-test criteria for insulation films directly relating to in-flight fire resistance. This development program resulted in a new test method—the radiant-panel test—and also resulted in test criteria specifically established for improving the in-flight fire ignition and flame propagation of thermal and acoustic insulation materials based on actual, on-board fire scenarios.

The FAA determined that a test similar to the test for the measurement of insulation burnthrough resistance (14 CFR part 25, Appendix F, Part VII, ''Test Method to Determine the Burnthrough Resistance of Thermal/Acoustic Insulation Materials'') could be used to assess the flammability characteristics of the proposed fuselage aluminum-lithium material. The only change to the test is the size of the sample and the sample holder, to accommodate panels of the fuselage material.

Bombardier must use the test method contained in Part VII of Appendix F, Test Method, for determining the burnthrough resistance of thermal-acoustic insulation materials, with the slight changes to the sample size and sample holder, as described in these special conditions, to show that the aluminum-lithium material complies with applicable requirements.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

Notice of Proposed Special Conditions No. 25–16–06–SC for the Bombardier Model BD–700–2A12 and BD–700–2A11 airplanes was published in the **Federal Register** on October 26, 2016 (81 FR 74348). One comment was received.

The commenter acknowledged that the use of the aluminum-lithium alloy would require full certification to the existing regulations. However, they contend that the material is not novel and unusual and does not require special conditions.

The FAA does not agree. While it is true that, with materials presently tested, the proposed aluminum-lithium alloy does not appear to pose a significant risk, the existing regulations and guidance do not adequately address the use of this specific alloy technology.

Therefore, special conditions are required until the regulations are amended to provide sufficient

requirements for the application of this new alloy technology.

Applicability

As discussed above, these special conditions are applicable to Bombardier Model BD–700–2A12 and BD–700–2A13 airplanes. Should Bombardier apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to the other model as well.

Conclusion

This action affects only a certain novel or unusual design feature on Bombardier Model BD–700–2A12 and BD–700–2A13 airplanes. It is not a rule of general applicability and affects only the applicant who applied to FAA for approval of this feature on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

■ The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Bombardier Model BD–700–2A12 and BD–700–2A13 airplanes.

1. Bombardier must demonstrate that the aluminum-lithium material has equal or better flammability-resistance characteristics than the aluminum-alloy sheet material typically used as skin material on similar airplanes.

2. The test set-up and methodology must be in accordance with the tests described in 14 CFR part 25, Appendix F, Part VII, except for the following.

a. Each test sample must consist of a flat test specimen. A set of three samples of aluminum-lithium sheet material must be tested. The size of each sample must be 16 inches wide by 24 inches long by 0.063 inch thick.

b. The test samples must be installed into a steel-sheet subframe with outside dimensions of 18 inches by 32 inches. The subframe must have a 14.5-inch by 22.5-inch opening cut into it. The tests samples must be mounted onto the subframe using 0.250–20 UNC threaded bolts.

c. Test specimens must be conditioned at 70 °F + 5 °F, and 55% + 5% humidity, for at least 24 hours before testing.

3. The aluminum-lithium material must not ignite during any of the tests.

Issued in Renton, Washington, on April 3, 2017.

Michael Kaszycki,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–07326 Filed 4–11–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0651; Directorate Identifier 2014–NM–043–AD; Amendment 39–18850; AD 2017–08–01]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2013–22–19 for all Gulfstream Aerospace Corporation Model GV and GV–SP airplanes. AD 2013–22–19 required inspecting to determine if fuel boost pumps having a certain part number were installed, replacing the fuel boost pumps having a certain part number, and revising the airplane maintenance program to include revised Instructions for Continued Airworthiness. This new AD reduces the compliance time for revising the airplane maintenance or inspection program. This AD was prompted by reports of two independent types of failure of the fuel boost pump with overheat damage found on the internal components and external housing on one of the failure types, and fuel leakage on the other. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 17, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 17, 2017.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of January 7, 2014 (78 FR 72554, December 3, 2013).

ADDRESSES: For Gulfstream, Triumph Aerostructures, and General Electric Aviation service information identified in this final rule, contact Gulfstream Aerospace Corporation, Technical Publications Dept., P.O. Box 2206, Savannah, GA 31402–2206; telephone 800–810–4853; fax 912 965–3520; email *pubs@gulfstream.com;* Internet *http://www.gulfstream.com/product_support/technical_pubs/pubs/index.htm.* 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–2014–0651.

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–2014–0651; 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: Ky Phan, Aerospace Engineer, Propulsion and Services Branch, ACE–118A, FAA, Atlanta ACO, 1701 Columbia Avenue, College Park, GA 30337; phone: 404–474–5536; fax: 404–474–5606; email: *ky.phan@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 to supersede AD 2013–22–19, Amendment 39–17651 (78 FR 72554, December 3, 2013) (''AD 2013–22–19''). AD 2013–22–19 applied to all Gulfstream Aerospace Corporation Model GV and GV–SP airplanes. The SNPRM published in the **Federal Register** on December 24, 2015 (80 FR 80295). We preceded the SNPRM with a notice of proposed rulemaking (NPRM) that published in the **Federal Register** on October 1, 2014 (79 FR 59162) (''the NPRM''). The NPRM proposed to supersede AD 2013–22–19. The NPRM was prompted by reports of two independent types of failure of the fuel boost pump with overheat damage on the internal components and external housing on one of the failure types, and fuel leakage on the other. The SNPRM proposed to reduce the compliance time for revising the airplane maintenance or inspection program. We are issuing this

AD to prevent fuel leakage in combination with a capacitor clearance issue, which could result in an uncontrolled fire in the wheel well.

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.

Request for Access to Earlier Revisions of the Service Information

NetJets requested that we provide a source for earlier revisions of the required service information. NetJets stated that the NPRM specifies that the required service information is available from Gulfstream's Web site. NetJets stated that the Gulfstream Web site currently provides only the latest revision of each airplane maintenance manual (AMM) without the option to obtain earlier revisions, which will be incorporated by reference (IBR) in the AD.

We acknowledge NetJets' request. While previous revisions of the service information are not available through Gulfstream's Web site, operators may contact Gulfstream directly to obtain this information as specified in paragraph (p)(5) of this AD. We have updated this AD to reference the latest service information, which is available to operators through Gulfstream's Web site. We have not changed this final rule regarding this issue.

Request To Change the Term ''Replacing'' in Paragraph (b) of the Proposed AD

NetJets requested that we define the authority and meaning of the term ''replaces'' in regards to ADs. NetJets also requested that we revise the FAA's AD Manual, dated May 17, 2010 (FAA–IR–M–8040.1C). NetJets stated that ''replaces'' is not defined in the FAA's AD Manual or in other FAA guidance. NetJets commented that the FAA AD Manual defines the means of changing existing AD requirements to be through a ''superseding AD action.'' NetJets also stated that the **SUMMARY** section of the SNRPM also uses the term ''supersede.''

We agree to clarify the use of the term ''replaces'' in regards to ADs. The term ''replaces'' in paragraph (b) of this AD is amendatory terminology required by the Office of the Federal Register. However, we use the term ''supersede'' or ''superseding'' in the **SUMMARY** section of AD actions because the FAA's AD Manual, dated May 17, 2010 (FAA–IR–M–8040.1C), does not use the term ''replaces'' when referring to an AD that supersedes or is superseded by another AD. As stated in the FAA AD Manual, we issue a supersedure when we need to correct an error that affects the substance of the AD or to expand the scope of the existing AD. We expect that the next revision of the FAA's AD Manual will incorporate the amendatory terminology required by the Office of the Federal Register. No change to this AD is necessary in this regard.

Request To Revise the SNPRM for Airplanes Inspected Under 14 CFR 91.409(e)

An anonymous commenter requested that we revise paragraph (i) of the proposed AD (in the SNPRM) to include a statement that the proposed requirements would not be required for those airplanes inspected under a 14 CFR 91.409(e) inspection program. The commenter stated that Task 28–26–01 is already mandated by the FAA-approved Airworthiness Limitations Section (ALS), which already mandates the task to be performed per the requirements of the ALS. Therefore, the commenter asserts that paragraph (i) of the proposed AD (in the SNPRM) is unnecessary for airplanes inspected under a 14 CFR 91.409(e) inspection program.

We disagree with the commenter's request. While 14 CFR 91.409(e) requires operators of turbojet multi-engine airplanes to comply with the replacement times of life-limited parts, 14 CFR 91.409(e) does not require operators to use later revisions of the AMMs that are specified in the type certificate. This AD is necessary in order to require revising the maintenance or inspection program, as applicable, to include the fuel leak check inspection of the fuel boost pumps specified in the applicable task identified in paragraph (j) of this AD. Paragraph (j) of this AD identifies specific revisions of the AMM, which are required for compliance with this AD. We have not changed this AD in this regard.

Requests To Refer To Correct Location of Task

NetJets and an anonymous commenter requested that we revise paragraph (j) of the proposed AD (in the SNPRM) to refer to table 12, Certification Maintenance Requirements (CMR), in section 05–10–10, Airworthiness Limitations, of chapter 05, Time Limits/Maintenance Checks, of the applicable Gulfstream AMM. NetJets stated that paragraph (j) of the proposed AD (in the SNPRM) instead specifies the use of table 18, 500 Flight Hours Scheduled Inspection Table, in section 05–20–00, Scheduled Maintenance Checks. NetJets and the anonymous commenter stated that this task does not exist in section 05–20–00 of the current AMM; it is now found in table 12, Certification Maintenance Requirements (CMR), in section 05–10–10, Airworthiness Limitations, of chapter 05, Time Limits/Maintenance Checks, of the applicable Gulfstream AMM.

We agree with the commenters' requests for the reasons stated above. We have updated paragraphs (j)(1), (j)(2), and (j)(3) of this AD to refer to the correct table and section where the specified task is found. In addition, we have added paragraph (k) to this AD to provide credit for actions specified in paragraph (i) of this AD that are done before the effective date of this AD using the service information specified in paragraph (k) of this AD. We have re-designated subsequent paragraphs accordingly.

Request To Add ''or Later FAA-Approved Revision''

NetJets requested that we revise paragraph (j) of the proposed AD (in the SNPRM) to add ''or later FAA-approved revision.'' NetJets stated that section 05–20–00, Scheduled Maintenance Checks, of chapter 05, Time Limits/Maintenance Checks; and task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, of chapter 28, Fuel; of the Gulfstream V AMM are now at Revision 44, dated June 15, 2016. NetJets commented that referring to a previous revision of the AMM would result in an immediate petition for approval of an alternate method of compliance (AMOC) with the newly revised document. NetJets stated that this narrow language would require the operator to obtain an AMOC for each future revision of the AMM.

NetJets further requested that, if the ''later approved revisions'' language cannot be added, the latest revisions of the AMMs be added as a method of compliance in paragraph (j) of the proposed AD.

We disagree with the commenter's request to add language allowing use of later revisions. We cannot use the phrase ''or later FAA-approved revisions'' in an AD when referring to the service document. Doing so violates Office of the Federal Register's (OFR) regulations for approval of materials ''incorporated by reference'' in rules. See 1 CFR 51.1(f).

However, as we stated previously, we have updated this AD to refer to the current service information. Operators must request approval to use later revisions of the service information as an AMOC with this AD under the provisions of paragraph (n) of this AD. We have made no further change to 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

We reviewed Gulfstream G500 Customer Bulletin 122, dated April 11, 2012 (for Model GV–SP airplanes designated as G500). This service information describes procedures for inspecting and replacing the fuel boost pumps.

We have also reviewed the following service information, as applicable, which describes, among other actions, a fuel leak check of the fuel boost pumps, and provides inspection intervals. These service documents are unique because they apply to different airplane models.

- Table 12, Certification Maintenance Requirements (CMR), in section 05–10–10, Airworthiness Limitations, of chapter 05, Time Limits/Maintenance Checks, of the Gulfstream V Maintenance Manual, Revision 44, dated June 15, 2016.
- Task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, of section 28–26–01, Fuel Boost Pumps—Inspection/Check, of chapter 28, Fuel, of the Gulfstream V Maintenance Manual, Revision 44, dated June 15, 2016.
- Table 12, Certification Maintenance Requirements (CMR), in section 05–10–10, Airworthiness Limitations, of chapter 05, Time Limits/Maintenance Checks, of the Gulfstream G500 Maintenance Manual, Revision 25, dated June 15, 2016.
- Task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, of section 28–26–01, Fuel Boost Pumps—Fuel Leak Checks, of chapter 28, Fuel, of the Gulfstream G500 Maintenance Manual, Revision 25, dated June 15, 2016.
- Table 12, Certification Maintenance Requirements (CMR), in section 05–10–10, Airworthiness Limitations, of chapter 05, Time Limits/Maintenance Checks, of the Gulfstream G550 Maintenance Manual, Revision 25, dated June 15, 2016.
- Task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, of section 28–26–01, Fuel Boost Pumps—Inspection/Check, of chapter 28, Fuel, of the Gulfstream G550 Maintenance Manual, Revision 25, dated June 15, 2016.

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 will affect 357 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 to determine if a certain part number is installed (retained actions from AD 2013–22–19).	1 work-hour × $85 per hour = $85	$0	$85	$30,345
Maintenance or inspection program revision (new action).	1 work-hour × $85 per hour = $85	0	85	30,345

We estimate the following costs to do any necessary replacements 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 replacements:

ON-CONDITION COST

Action	Labor cost	Parts cost	Cost per product
Replacement	24 work-hours × $85 per hour = $2,040	$7,600	$9,640

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2013–22–19, Amendment 39–17651 (78 FR 72554, December 3, 2013), and adding the following new AD:

2017–08–01 Gulfstream Aerospace Corporation: Amendment 39–18850; Docket No. FAA–2014–0651; Directorate Identifier 2014–NM–043–AD.

(a) Effective Date

This AD is effective May 17, 2017.

(b) Affected ADs

This AD replaces AD 2013–22–19, Amendment 39–17651 (78 FR 72554, December 3, 2013) (''AD 2013–22–19'').

(c) Applicability

This AD applies to all Gulfstream Aerospace Corporation Model GV and GV–SP airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Unsafe Condition

This AD was prompted by reports of two independent types of failure of the fuel boost pump with overheat damage found on the internal components and external housing on one of the failure types, and fuel leakage on the other. We are issuing this AD to prevent fuel leakage in combination with a capacitor clearance issue, which could result in an uncontrolled fire in the wheel well.

(f) Compliance

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

(g) Retained Inspection To Determine the Part Number, With Revised Service Information

This paragraph restates the actions required by paragraph (g) of AD 2013–22–19, with revised service information. Within 36 months after January 7, 2014 (the effective date of AD 2013–22–19), inspect the fuel boost pumps to determine whether Gulfstream part number (P/N) 1159SCP500–5 is installed, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD; and Triumph Aerostructures Service Bulletin SB–TAGV/GVSP–28–JG0162, dated August 30, 2011, and GE Service Bulletin 31760–28–100, dated February 15, 2011. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the fuel boost pumps can be conclusively determined from that review.

(1) For Model GV airplanes: Gulfstream V Customer Bulletin 197, dated April 11, 2012.

(2) For Model GV–SP airplanes designated as G500: Gulfstream G500 Customer Bulletin 122, dated April 11, 2012.

(3) For Model GV–SP airplanes designated as G550: Gulfstream G550 Customer Bulletin 122, dated April 11, 2012.

(h) Retained Replacement, With Revised Service Information

This paragraph restates the actions required by paragraph (h) of AD 2013–22–19, with revised service information. If the inspection required by paragraph (g) of this AD reveals a fuel boost pump with Gulfstream P/N 1159SCP500–5: Within 36 months after January 7, 2014 (the effective date of AD 2013–22–19), replace the fuel boost pump with a serviceable pump having Gulfstream P/N 1159SCP500–7, in accordance with the applicable service information identified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD; and Triumph Aerostructures Service Bulletin SB–TAGV/GVSP–28–JG0162, dated August 30, 2011, and GE Service Bulletin 31760–28–100, dated February 15, 2011.

(1) For Model GV airplanes: Gulfstream V Customer Bulletin 197, dated April 11, 2012.

(2) For Model GV–SP airplanes designated as G500: Gulfstream G500 Customer Bulletin 122, dated April 11, 2012.

(3) For Model GV–SP airplanes designated as G550: Gulfstream G550 Customer Bulletin 122, dated April 11, 2012.

(i) New Revision of the Maintenance or Inspection Program

Within 30 days after the effective date of this AD, revise the airplane maintenance or inspection program, as applicable, to include the fuel leak check inspection of the fuel boost pumps specified in the applicable task identified in paragraph (j) of this AD.

(1) For airplanes on which fuel boost pump Gulfstream P/N 1159SCP500–5 has been replaced in accordance with paragraph (h) of this AD: The initial compliance time for the leak check inspection specified in the applicable task identified in paragraph (j) of this AD is within 550 flight hours after doing the replacement specified in paragraph (h) of this AD, or within 30 days after the effective date of this AD, whichever occurs later.

(2) For airplanes on which the inspection required by paragraph (g) of this AD reveals that a fuel boost pump with Gulfstream P/N 1159SCP500–7 has been installed: The initial compliance time for the leak check inspection specified in the applicable task identified in paragraph (j) of this AD, is at the later of the times specified in paragraphs (i)(2)(i) and (i)(2)(ii) of this AD.

(i) Within 550 flight hours after the installation of the P/N 1159SCP500–7 pump; except if 550 flight hours have accumulated since installation of the P/N 1159SCP500–7 pump and an initial leak check of the pump has not been accomplished, the compliance time is within 50 flight hours after doing the inspection required by paragraph (g) of this AD.

(ii) Within 30 days after the effective date of this AD.

(j) Service Information for Maintenance or Inspection Program Revision

Use the applicable service information specified in paragraph (j)(1), (j)(2), or (j)(3) of this AD, as applicable, to revise the airplane maintenance or inspection program, as applicable, as required by paragraph (i) of this AD.

(1) For Model GV airplanes: Use table 12, Certification Maintenance Requirements (CMR), in section 05–10–10, Airworthiness Limitations, of chapter 05, Time Limits/Maintenance Checks; and task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, of section 28–26–01, Fuel Boost Pumps—Inspection/Check, of chapter 28, Fuel; of the Gulfstream V Maintenance Manual, Revision 44, dated June 15, 2016.

(2) For Model GV–SP airplanes designated as G500: Use task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, in table 12, Certification Maintenance Requirements (CMR), in section 05–10–10, Airworthiness Limitations, of chapter 05, Time Limits/Maintenance Checks; and task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, of section 28–26–01, Fuel Boost Pumps—Inspection/Check, of chapter 28, Fuel; of the Gulfstream G500 Maintenance Manual, Revision 25, dated June 15, 2016.

(3) For Model GV–SP airplanes designated as G550: Use task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, in table 12, Certification Maintenance Requirements (CMR), in section 05–10–10, Airworthiness Limitations, of chapter 05, Time Limits/Maintenance Checks; and task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, of section 28–26–01, Fuel Boost Pumps—Inspection/Check, of chapter 28, Fuel; of the Gulfstream G550 Maintenance Manual, Revision 25, dated June 15, 2016.

(k) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (i) of this AD, if those actions were performed before the effective date of this AD using the applicable service information in paragraphs (k)(1) through (k)(12) of this AD.

(1) Table 18, 500 Flight Hours Scheduled Inspection Table, in section 05–20–00, Scheduled Maintenance Checks, of chapter 05, Time Limits/Maintenance Checks, of the Gulfstream V Maintenance Manual, Revision 42, dated June 20, 2013.

(2) Task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, of section 28–26–01, Fuel Boost Pumps—Inspection/Check, of chapter 28, Fuel, of the Gulfstream V Maintenance Manual, Revision 42, dated June 20, 2013.

(3) Task 28–26–01, Fuel Boost Pumps—Fuel Leak Checks, in table 20, 500 Flight Hours Scheduled Inspection Table, in section 05–20–00, of chapter 05, Time Limits/Maintenance Checks, of the Gulfstream G500

Maintenance Manual, Revision 23, dated June 20, 2013.

(4) Task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, of section 26, Fuel Boost Pumps, of chapter 28, Fuel, of the Gulfstream G500 Maintenance Manual, Revision 23, dated June 20, 2013.

(5) Task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, in table 20, 500 Flight Hours Scheduled Inspection Table, in section 05–20–00, of chapter 05, Time Limits/Maintenance Checks, of the Gulfstream G550 Maintenance Manual, Revision 23, dated June 20, 2013.

(6) Task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, of section 26, Fuel Boost Pumps, of chapter 28, Fuel, of the Gulfstream G550 Maintenance Manual, Revision 23, dated June 20, 2013.

(7) Table 12, Certification Maintenance Requirements (CMR), in section 05–10–10, Airworthiness Limitations, of chapter 05, Time Limits/Maintenance Checks, of the Gulfstream V Maintenance Manual, Revision 43, dated February 15, 2015.

(8) Task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, of section 28–26–01, Fuel Boost Pumps—Inspection/Check, of chapter 28, Fuel, of the Gulfstream V Maintenance Manual, Revision 43, dated February 15, 2015.

(9) Table 12, Certification Maintenance Requirements (CMR), in section 05–10–10, Airworthiness Limitations, of chapter 05, Time Limits/Maintenance Checks, of the Gulfstream G500 Maintenance Manual, Revision 24, dated February 15, 2015.

(10) Task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, of section 28–26–01, Fuel Boost Pumps—Inspection/Check, of chapter 28, Fuel, of the Gulfstream G500 Maintenance Manual, Revision 24, dated February 15, 2015.

(11) Table 12, Certification Maintenance Requirements (CMR), in section 05–10–10, Airworthiness Limitations, of chapter 05, Time Limits/Maintenance Checks, of the Gulfstream G550 Maintenance Manual, Revision 24, dated February 15, 2015.

(12) Task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, of section 28–26–01, Fuel Boost Pumps—Inspection/Check, of chapter 28, Fuel, of the Gulfstream G550 Maintenance Manual, Revision 24, dated February 15, 2015.

(l) No Alternative Actions or Intervals

After accomplishing the revision required by paragraph (i) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance in accordance with the procedures specified in paragraph (n) of this AD.

(m) Parts Installation Prohibition

As of January 7, 2014 (the effective date of AD 2013–22–19), no person may install a fuel boost pump having Gulfstream P/N 1159SCP500–5 on any airplane.

(n) Alternative Methods of Compliance (AMOCs)

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

(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) AMOCs approved for AD 2013–22–19, are approved as AMOCs for the corresponding provisions of this AD.

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

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

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

(o) Related Information

(1) For more information about this AD, contact Ky Phan, Aerospace Engineer, Propulsion and Services Branch, ACE–118A, FAA, Atlanta ACO, 1701 Columbia Avenue, College Park, GA 30337; phone: 404–474–5536; fax: 404–474–5606; email: *ky.phan@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (p)(5) and (p)(6) 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.

(3) The following service information was approved for IBR on May 17, 2017.

(i) Gulfstream G500 Customer Bulletin 122, dated April 11, 2012.

(ii) Gulfstream V Maintenance Manual, Revision 44, dated June 15, 2016:

(A) Table 12, Certification Maintenance Requirements (CMR), in section 05–10–10, Airworthiness Limitations, of chapter 05, Time Limits/Maintenance Checks.

(B) Task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, of section 28–26–01, Fuel Boost Pumps—Inspection/Check, of chapter 28, Fuel.

(iii) Gulfstream G500 Maintenance Manual, Revision 25, dated June 15, 2016:

(A) Table 12, Certification Maintenance Requirements (CMR), in section 05–10–10, Airworthiness Limitations, of chapter 05, Time Limits/Maintenance Checks.

(B) Task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, of Section 28–26–01, Fuel Boost Pumps—Inspection/Check, of chapter 28, Fuel.

(iv) Gulfstream G550 Maintenance Manual, Revision 25, dated June 15, 2016:

(A) Table 12, Certification Maintenance Requirements (CMR), in section 05–10–10, Airworthiness Limitations, of chapter 05, Time Limits/Maintenance Checks.

(B) Task 28–26–01, Fuel Boost Pumps—Fuel Leak Check, of section 28–26–01, Fuel Boost Pumps—Inspection/Check, of chapter 28, Fuel.

(4) The following service information was approved for IBR on January 7, 2014 (78 FR 72554, December 3, 2013).

(i) Gulfstream G550 Customer Bulletin 122, dated April 11, 2012.

(ii) Gulfstream V Customer Bulletin 197, dated April 11, 2012.

(iii) General Electric Service Bulletin 31760–28–100, dated February 15, 2011.

(iv) Triumph Service Bulletin SB–TAGV/GVSP–28–JG0162, dated August 30, 2011.

(5) For Gulfstream, Triumph Aerostructures, and General Electric Aviation service information identified in this AD, contact Gulfstream Aerospace Corporation, Technical Publications Dept., P.O. Box 2206, Savannah, GA 31402–2206; telephone 800–810–4853; fax 912 965–3520; email *pubs@gulfstream.com;* Internet *http://www.gulfstream.com/product_support/technical_pubs/pubs/index.htm.*

(6) 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.

(7) 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 31, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–06962 Filed 4–11–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9299; Directorate Identifier 2016–NM–119–AD; Amendment 39–18851; AD 2017–08–02]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model DHC–8–102, –103, and –106 airplanes; and Model DHC–8–200 and DHC–8–300 series airplanes. This AD was prompted by reports of incorrect installation of the auto-ignition system due to crossed wires at one of the splices in the auto-relight system. This AD requires inspecting the auto-ignition system for correct wiring, and doing corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 17, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 17, 2017.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.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–2016–9299.

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–2016–9299; 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: Norman Perenson, Aerospace Engineer, Propulsion and Services Branch, ANE–173, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7337; fax 516–794–5531.

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 Bombardier, Inc., Model DHC–8–102, –103, and –106 airplanes; and Model DHC–8–200 and DHC–8–300 series airplanes. The NPRM published in the **Federal Register** on October 26, 2016 (81 FR 74360) (''the NPRM''). The NPRM was prompted by reports of incorrect installation of the auto-ignition system due to crossed wires at one of the splices in the auto-relight system. The NPRM proposed to require inspecting the auto-ignition system for correct wiring, and doing corrective actions if necessary. We are issuing this AD to detect and correct incorrect wiring of the auto-ignition system, which could result in inability to restart the engine in flight and consequent reduced controllability of the airplane.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2013–36, dated November 19, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model DHC–8–102, –103, and –106 airplanes; and Model DHC–8–200 and DHC–8–300 series airplanes. The MCAI states:

> There have been reports of incorrect installation of the auto-ignition system introduced by MS [ModSum] 8Q100813 of SB [Service Bulletin] 8–74–02, where wires crossed at one of the splices in the auto-relight system. The incorrect wire installation may result in the inability to achieve an in-flight engine relight when the ignition switch is selected in the AUTO position.
>
> Bombardier has issued SB 8–74–05 to introduce an inspection to check for correct wiring connection and rectification as required. This [Canadian] AD mandates incorporation of Bombardier SB 8–74–05.

Corrective actions include reconnecting any incorrect wiring of the auto-ignition system and performing a functional test. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9299.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comment received. The Air Line Pilots Association, International (ALPA) supported the NPRM.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Bombardier Service Bulletin 8–74–05, Revision B, dated April 14, 2014. This service information describes procedures for inspecting the auto-ignition system for correct wiring, and doing corrective actions that include rewiring if needed, followed by a functional test of the auto-ignition system. 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 88 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	$0	$85	$7,480

In addition, we estimate that any necessary corrective actions will take about 2 work-hours, for a cost of $170 per product. We have no way of determining the number of aircraft that might need these actions.

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):

2017–08–02 Bombardier, Inc.: Amendment 39–18851; FAA–2016–9299; Directorate Identifier 2016–NM–119–AD.

(a) Effective Date

This AD is effective May 17, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., airplanes identified in paragraphs (c) (1), (c) (2), and (c) (3) of this AD, certificated in any category, serial numbers 003 through 672 inclusive, on which Bombardier ModSum 8Q100813 or Bombardier Service Bulletin 8–74–02 is incorporated.

(1) Model DHC–8–102, –103, and –106 airplanes.

(2) Model DHC–8–201 and –202 airplanes.

(3) Model DHC–8–301, –311, and –315 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 74, Ignition.

(e) Reason

This AD was prompted by reports of incorrect installation of the auto-ignition system due to crossed wires at one of the splices in the auto-relight system. We are issuing this AD to detect and correct incorrect wiring of the auto-ignition system, which could result in inability to restart the engine in flight and consequent reduced controllability of the airplane.

(f) Compliance

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

(g) Inspection and Corrective Actions

Within 2,000 flight hours or 12 months after the effective date of this AD, whichever occurs first: Inspect the auto-ignition system for correct wiring and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 8–74–05, Revision B, dated April 14, 2014. All applicable corrective actions must be done before further flight.

(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 Bombardier Service Bulletin 8–74–05, dated July 12, 2013; or Revision A, dated January 27, 2014.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170, 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 New York ACO, send it to the attention of the person identified in paragraph (j) (2) of this AD. 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.

(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, New York ACO, ANE–170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2013–36, dated November 19, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9299.

(2) For more information about this AD, contact the Program Manager, Continuing Operational Safety, New York ACO, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531.

(3) 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) Bombardier Service Bulletin 8–74–05, Revision B, dated April 14, 2014.

(ii) Reserved.

(3) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.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 31, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–06963 Filed 4–11–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–6897; Directorate Identifier 2015–NM–187–AD; Amendment 39–18853; AD 2017–08–04]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2015–03–01, for all Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. AD 2015–03–01 required installing additional attaching hardware on the left and right engine fan cowl access panels and the nacelle attaching structures. This new AD requires weight and balance data to be included in the Weight and Balance Manual for certain modified airplanes. This new AD also requires the weight and balance data to be used in order to calculate the center of gravity for affected airplanes. This AD was prompted by updates to the weight and balance data needed to calculate the center of gravity for affected airplanes. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 17, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 17, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of March 17, 2015 (80 FR 7298, February 10, 2015).

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.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–2016–6897.

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–2016–6897; 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 (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: Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2015–03–01, Amendment 39–18097 (80 FR 7298, February 10, 2015) (''AD 2015–03–01''). AD 2015–03–01 applied to all Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. The NPRM published in the **Federal Register** on June 8, 2016 (81 FR 36813). The NPRM was prompted by updates to the weight and balance data needed to calculate the center of gravity for affected airplanes. The NPRM proposed to continue to require installing additional attaching hardware on the left and right engine fan cowl access panels and the nacelle attaching structures. The NPRM also proposed to require weight and balance data to be included in the Weight and Balance Manual and applicable logbooks for certain modified airplanes. We are issuing this AD to prevent damage to the fuselage and flight control surfaces from dislodged engine fan cowl access panels, and prevent incorrect weight and balance calculations. Incorrect weight and balance calculations may shift the center of gravity beyond approved design parameters and affect in-flight control, which could endanger passengers and crew.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2014–20R1, dated August 12, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. The MCAI states:

> There have been a number of engine fan cowl panel dislodgement incidents reported on the Bombardier CL–600–2B19 aeroplane fleet. The dislodged panels may cause damage to the fuselage and flight control surfaces of the aeroplane. Also, the debris from a dislodged panel may result in runway contamination and has the potential of causing injury on the ground.
>
> Although the majority of the subject panel dislodgements were reported on the first or second flight after an engine maintenance task was performed that required removal and reinstallation of the subject panels, the frequency of the dislodgements indicates that the existing attachment design is prone to human (maintenance) error.
>
> In order to mitigate the potential safety hazard of the subject panel dislodgement, Bombardier had issued Service Bulletin (SB) 601R–71–034 to install additional fasteners for the attachment of the engine fan cowl panels to the nacelle's structure. Compliance of the above SB was mandated by the original issue of [Canadian] AD CF–2014–20 dated 9 July 2014 [which corresponded to FAA AD 2015–03–01].
>
> Bombardier has now revised the SB 601R–71–034 (to Revision C) requiring weight and balance data to be included in the Weight and Balance manual for aeroplanes modified per the subject SB. This revised [Canadian] AD is issued to mandate compliance with SB 601R–71–034, Rev C.

Required actions also include the retained actions of modifying the engine fan cowl access panel. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–6897.

Comments

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

Request To Refer to Revised Service Information

Air Wisconsin Airlines requested that we revise the NPRM to refer to Bombardier Service Bulletin 601R–71–034, Revision D, dated October 7, 2016. Air Wisconsin also asked that we add Bombardier Service Bulletin CF34–NAC–71–042, Revision C, dated September 4, 2016. Air Wisconsin stated that the hardware kits are identified in this service information.

We partially agree with the commenter's request. No additional work is required by Bombardier Service Bulletin 601R–71–034, Revision D, dated October 7, 2016; it merely adds notes for clarification and contains minor editorial changes. Since Bombardier Service Bulletin CF34–NAC–71–042, Revision C, dated September 4, 2016, is a secondary source of service information, it is not referenced in this AD.

We have revised the Related Service Information under 1 CFR part 51 section of the preamble and paragraphs (g) and (h) of this AD to refer to Bombardier Service Bulletin 601R–71–034, Revision D, dated October 7, 2016.

We have also redesignated paragraph (i) of the proposed AD as paragraph (i)(1) of this AD, and added credit for actions required by paragraph (g) of this AD if accomplished prior to the effective date of this AD using Bombardier Service Bulletin 601R–71–034, Revision C, dated May 8, 2015.

We have also added paragraph (i)(2) to this AD to provide credit for actions required by paragraph (h) of this AD if accomplished prior to the effective date of this AD using Bombardier Service Bulletin 601R–71–034, Revision C, dated May 8, 2015.

Clarification of Alternative Methods of Compliance (AMOCs) Paragraph

We have revised paragraph (j)(1)(ii) of this AD to clarify that Global AMOC 15–36, dated August 28, 2015, is approved for the corresponding provisions of paragraph (g) of this AD.

Conclusion

We reviewed the available data, including the comment 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 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.

Related Service Information Under 1 CFR Part 51

Bombardier, Inc. has issued Service Bulletin 601R–71–034, Revision B, dated August 1, 2014; and Service Bulletin 601R–71–034, Revision D, dated October 7, 2016. The service information provides procedures for modifying the engine fan cowl access panels and the nacelle attaching structures. These documents are distinct because Service Bulletin 601R–71–034, Revision D, dated October 7, 2016, also includes weight and balance information. 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 497 airplanes of U.S. registry.

The actions required by AD 2015–03–01 and retained in this AD take about 8 work-hours per product, at an average labor rate of $85 per work-hour. Required parts cost about $5,458 per product. Based on these figures, the estimated cost of the actions that are required by AD 2015–03–01 is $6,138 per product.

We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $42,245, or $85 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 removing Airworthiness Directive (AD) 2015–03–01, Amendment 39–18097 (80 FR 7298, February 10, 2015) and adding the following new AD:

2017–08–04 Bombardier, Inc.: Amendment 39–18853; Docket No. FAA–2016–6897; Directorate Identifier 2015–NM–187–AD.

(a) Effective Date

This AD is effective May 17, 2017.

(b) Affected ADs

This AD replaces AD 2015–03–01, Amendment 39–18097 (80 FR 7298, February 10, 2015) (''AD 2015–03–01'').

(c) Applicability

This AD applies to all Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

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

(e) Reason

This AD was prompted by dislodged engine fan cowl access panels. We are issuing this AD to prevent damage to the fuselage and flight control surfaces from dislodged engine fan cowl panels, and prevent incorrect weight and balance calculations. Incorrect weight and balance calculations may shift the center of gravity beyond approved design parameters and affect in-flight control, which could endanger passengers and crew.

(f) Compliance

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

(g) Retained Fastener Installation, with Revised Service Information

This paragraph restates the requirements of paragraph (g) of AD 2015–03–01, with revised service information. Within 6,000 flight hours after March 17, 2015 (the effective date of AD 2015–03–01): Install attaching hardware on the left and right engine fan cowl access panels and the nacelle attaching structures, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 601R–71–034, Revision B, dated August 1, 2014; or Bombardier Service Bulletin, 601R–71–034, Revision D, dated October 7, 2016. As of the effective date of this AD, only Bombardier Service Bulletin, 601R–71–034, Revision D, dated October 7, 2016, may be used.

(h) Inserting Weight and Balance Data

Within 6,000 flight hours after the effective date of this AD, revise the applicable Weight and Balance Manual to include the weight and balance data specified in Bombardier Service Bulletin, 601R–71–034, Revision D, dated October 7, 2016.

(i) 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 Bombardier Service Bulletin 601R–71–034, dated March 31, 2014; Bombardier Service Bulletin 601R–71–034, Revision A, dated April 28, 2014; or Bombardier Service Bulletin 601R–71–034, Revision C, dated May 8, 2015.

(2) This paragraph provides credit for actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 601R–71–034, Revision C, dated May 8, 2015.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170, 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 ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531.

(i) 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.

(ii) Global AMOC 15–36, dated August 28, 2015, is approved as an AMOC for the corresponding provisions of paragraph (g) of this AD.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, 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, New York ACO, ANE–170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2014–20R1, dated August 12, 2015. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–6897.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(5) and (l)(6) of this AD.

(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 this AD specifies otherwise.

(3) The following service information was approved for IBR on May 17, 2017.

(i) Bombardier Service Bulletin 601R–71–034, Revision D, dated October 7, 2016.

(ii) Reserved.

(4) The following service information was approved for IBR on March 17, 2015 (80 FR 7298, February 10, 2015).

(i) Bombardier Service Bulletin 601R–71–034, Revision B, dated August 1, 2014.

(ii) Reserved.

(5) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.*

(6) 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.

(7) 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 31, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–07091 Filed 4–11–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0283; Directorate Identifier 2017–CE–009–AD; Amendment 39–18849; AD 2017–07–10]

RIN 2120–AA64

Airworthiness Directives; American Champion Aircraft Corp.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain American Champion Aircraft Corp. Model 8KCAB airplanes. This AD requires fabrication and installation of a placard to prohibit aerobatic flight, inspection of the aileron hinge rib and support, and a reporting requirement of the inspection results to the FAA. This AD was prompted by a report of a cracked hinge support and cracked hinge ribs, which resulted in partial loss of control with the aileron binding against the cove. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective April 12, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 12, 2017.

We must receive comments on this AD by May 30, 2017.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE.,

Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact American Champion Aircraft Corp., P.O. Box 37, 32032 Washington Ave., Rochester, Wisconsin 53167; telephone: (262) 534–6315; fax: (262) 534–2395; email: *aca-engineering@tds.net;* Internet: *http://www.americanchampionaircraft.com/service-letters.html.* It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0283.

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–2017–0283; 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 (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Wess Rouse, Aerospace Engineer, 2300 East Devon Avenue, Room 107, Des Plaines, Illinois 60018; telephone: (847) 294–8113; fax: (847) 294–7834; email: *wess.rouse@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We received a report of an event on an American Champion Aircraft Corp. Model 8KCAB airplane. In this event the pilot reported a stuck aileron during some phases of flight. The pilot was able to ''un-stick'' the aileron and land the airplane. Upon inspection, the operator found cracked structure around several of the aileron hinges. This AD was prompted by a report of a cracked hinge support and cracked hinge ribs, which resulted in partial loss of control with the aileron binding against the cove. This condition, if not corrected, could result in failure of the aileron support structure; leading to excessive deflection, binding of the control surface, and potential loss of control. We are issuing this AD to correct the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

We reviewed American Champion Aircraft Corp. Service Letter 442, dated February 16, 2017. The service information describes procedures for initial and repetitive inspections of the aileron hinge rib and support. 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**.

FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between the AD and the Service Information.'' This AD also requires sending the inspection results to the FAA so that appropriate FAA-approved repair action can be incorporated and the information can be evaluated for any possible future inspections or modifications.

Differences Between the AD and the Service Information

American Champion Aircraft Corp. Service Letter (SL) 442, dated February 16, 2017, requires repetitive inspections. The FAA has not determined whether these intervals are appropriate. This AD includes fabrication and installation of a placard limiting aerobatic flight for the 10 flight hours allowed prior to the inspection. The service information does not contain such a placard limitation. The service information requires reporting inspection results to American Champion. This AD requires reporting of inspection results to the FAA. The service information does not address corrective actions if cracks are found. This AD will not allow further flight for airplanes with known cracks. The actions required by this AD take precedence over the service information.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because these cracks can lead to a loss of control and current evidence suggests they are growing rapidly. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2017–0283 and Directorate Identifier 2017–CE–009–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Costs of Compliance

We estimate that this AD affects 64 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
Fabrication of placard, inspection of aileron hinge rib and support, and report of findings to the FAA.	2 work-hours × $85 per hour = $170.00.	$100	$270.00	$17,280

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591. ATTN: Information Collection Clearance Officer, AES–200.

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):

2017–07–10 American Champion Aircraft Corp.: Amendment 39–18849; Docket No. FAA–2017–0283; Directorate Identifier 2017–CE–009–AD.

(a) Effective Date

This AD is effective April 12, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the following American Champion Aircraft Corp. Model 8KCAB airplanes that are certificated in any category:

(i) Serial numbers 1116–2012 through 1120–2012, and 1122–2012 and up; and

(ii) any Model 8KCAB airplane equipped with part number 4–2142 exposed balance ailerons.

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by a report of a cracked hinge support and cracked hinge ribs, which resulted in partial loss of control with the aileron binding against the cove. We are issuing this AD to prevent failure of the aileron support structure, which may lead to excessive deflection, binding of the control surface, and potential loss of control.

(f) Compliance

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

(g) Restrict Airplane Operation

As of April 12, 2017 (the effective date of this AD), the airplane is restricted to non-aerobatic flight until the actions required in paragraphs (h)(1) through (3) of this AD are done, as applicable. This restriction is done as follows:

(1) Before further flight after April 12, 2017 (the effective date of this AD), fabricate a placard using at least ⅛ inch letters with the words ''AEROBATIC FLIGHT PROHIBITED'' on it and install the placard on the instrument panel within the pilot's clear view.

(2) This action may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9 (a)(1)–(4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(h) Inspection

(1) Within the next 10 hours time-in-service (TIS) after April 12, 2017 (the effective date of this AD), inspect the aileron hinge rib and support following American Champion Aircraft Corporation Service Letter (SL) 442, dated February 16, 2017.

(2) If no cracks are found, during the inspection required in paragraph (h)(1) of this AD, the placard prohibiting aerobatic flight required in paragraph (g)(1) of this AD can be removed.

(3) If cracks are found during the inspection required in paragraph (h)(1) of this AD, no further flight is permitted until an FAA-approved repair for this AD has been accomplished. There is currently no fix for airplanes with cracks in this area so such airplanes could not be operated until a repair that was FAA-approved specifically for the AD is incorporated.

(4) Within 10 days after the inspection required in paragraph (h)(1) of this AD or within 10 days after April 12, 2017 (the effective date of this AD), whichever occurs later, report the inspection results to the FAA at the Chicago Aircraft Certification Office (ACO). Submit the report to the FAA using the contact information found in paragraph (j) of this AD. Include in the report the following information:

(i) Hours TIS on the airplane since the affected part was installed,

(ii) crack length, and

(iii) location for all cracks found.

(i) Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the

burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(j) Alternative Methods of Compliance (AMOCs)

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

(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.

(k) Related Information

For more information about this AD, contact Wess Rouse, Aerospace Engineer, FAA, Chicago ACO, 2300 East Devon Avenue, Room 107, Des Plaines, Illinois 60018; telephone: (847) 294–8113; fax: (847) 294–7834; email: *wess.rouse@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) American Champion Aircraft Corp. Service Letter 442, dated February 16, 2017.

(ii) Reserved.

(3) For American Champion Aircraft Corp. service information identified in this AD, contact American Champion Aircraft Corp., P.O. Box 37, 32032 Washington Ave., Rochester, Wisconsin 53167; telephone: (262) 534–6315; fax: (262) 534–2395; email: *aca-engineering@tds.net;* Internet: *http://www.americanchampionaircraft.com/service-letters.html.*

(4) You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

(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 Kansas City, Missouri, on April 3, 2017.

Melvin Johnson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–06960 Filed 4–11–17; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 227, 229, 230, 239, 240, and 249

[Release Nos. 33–10332; 34–80355; File No. S7–09–16]

RIN 3235–AL38

Inflation Adjustments and Other Technical Amendments Under Titles I and III of the Jobs Act

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; technical amendments; interpretation.

SUMMARY: We are adopting technical amendments to conform several rules and forms to amendments made to the Securities Act of 1933 (''Securities Act'') and the Securities Exchange Act of 1934 (''Exchange Act'') by Title I of the Jumpstart Our Business Startups (''JOBS'') Act. To effectuate inflation adjustments required under Title I and Title III of the JOBS Act, we are also adopting new rules that include an inflation-adjusted threshold in the definition of the term ''emerging growth company'' as well as amendments to adjust the dollar amounts in Regulation Crowdfunding.

DATES: Effective April 12, 2017.

FOR FURTHER INFORMATION CONTACT: With regard to the amendments to Regulation Crowdfunding, Julie Davis at (202) 551–3460, in the Office of Small Business Policy, Division of Corporation Finance, and with regard to the other amendments, N. Sean Harrison at (202) 551–3430, in the Office of Rulemaking, Division of Corporation Finance, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: We are adopting amendments to Rule 405 [1] and Forms C,[2] S–1,[3] S–3,[4] S–4,[5] S–8,[6] S–11,[7] F–1,[8] F–3 [9] and F–4 [10] under the Securities Act; [11] Rule 12b–2,[12] Rule 14a–21 [13] and Forms 10,[14] 8–K,[15] 10–Q,[16] 10–K,[17] 20–F [18] and 40–F [19] under the Exchange Act; [20] Rule 2–02 [21] and Rule 3–02 [22] of Regulation S–X; [23] Rule 100 [24] and Rule 201 [25] of Regulation Crowdfunding; [26] and Items 301,[27] 303,[28] 308,[29] 402 [30] and 1101 [31] of Regulation S–K.[32]

I. Introduction

We are adopting several technical amendments to conform our rules and forms to certain provisions of Title I of the JOBS Act.[33] Title I amended the Securities Act and the Exchange Act to provide several exemptions from a number of shareholder voting, disclosure and other regulatory requirements for an issuer that qualifies as an ''emerging growth company'' [34] (''EGC''). Specifically, the regulatory

[1] 17 CFR 230.405.
[2] 17 CFR 239.900.
[3] 17 CFR 239.11.
[4] 17 CFR.239.13.
[5] 17 CFR 239.25.
[6] 17 CFR 239.16b.
[7] 17 CFR 239.18.
[8] 17 CFR 239.31.
[9] 17 CFR 239.33.
[10] 17 CFR 239.34.
[11] 15 U.S.C. 77a *et seq.*
[12] 17 CFR 240.12b–2.
[13] 17 CFR 240.14a–21.
[14] 17 CFR 249.210.
[15] 17 CFR 249.308.
[16] 17 CFR 249.308a.
[17] 17 CFR 249.310.
[18] 17 CFR 249.220f.
[19] 17 CFR 249.240f.
[20] 15 U.S.C. 78a *et seq.*
[21] 17 CFR 210.2–02.
[22] 17 CFR 210.3–02.
[23] 17 CFR 210.1–01 *et seq.*
[24] 17 CFR 227.100.
[25] 17 CFR 227.201.
[26] 17 CFR 227.100 *et seq.*
[27] 17 CFR 229.301.
[28] 17 CFR 229.303.
[29] 17 CFR 229.308.
[30] 17 CFR 229.402.
[31] 17 CFR 229.1101.
[32] 17 CFR 229.10 *et seq.*
[33] Public Law 112–106, 126 Stat. 306 (2012).
[34] Section 101(a) of the JOBS Act amended Section 2(a) of the Securities Act [15 U.S.C. 77b(a)] and Section 3(a) of the Exchange Act [15 U.S.C. 78c(a)] to define an ''emerging growth company'' as an issuer with less than $1 billion in total annual gross revenues during its most recently completed fiscal year. If an issuer qualifies as an EGC on the first day of its fiscal year, it maintains that status until the earliest of (1) the last day of the fiscal year of the issuer during which it has total annual gross revenues of $1 billion or more; (2) the last day of its fiscal year following the fifth anniversary of the first sale of its common equity securities pursuant to an effective registration statement; (3) the date on which the issuer has, during the previous three-year period, issued more than $1 billion in non-convertible debt; or (4) the date on which the issuer is deemed to be a ''large accelerated filer'' (as defined in Exchange Act Rule 12b–2). *See* Section 2(a)(19) of the Securities Act [15 U.S.C. 77b(a)(19)] and Section 3(a)(80) of the Exchange Act [15 U.S.C. 78c(a)(80)]. A ''large accelerated filer'' is an issuer that, as of the end of its fiscal year, has an aggregate worldwide market value of the voting and non-voting common equity held by its non-affiliates of $700 million or more, as measured on the last business day of the issuer's most recently completed second fiscal quarter; has been subject to the requirements of Section 13(a) or 15(d) of the Exchange Act for a period of at least twelve calendar months; has filed at least one annual report pursuant to Section 13(a) or 15(d) of the Exchange Act; and is not eligible to use the scaled disclosure requirements under Regulation S–K for smaller reporting companies for its annual and quarterly reports. *See* Exchange Act Rule 12b–2. In Section IV.A of this release, we explain how we are adjusting for inflation the revenue threshold to qualify as an EGC, as required by the JOBS Act.

relief provided under Sections 102 and 103 of the JOBS Act: [35]

- permits an EGC to include only two years of audited financial statements in its common equity initial public offering registration statement (''IPO registration statement''); [36]
- permits an EGC to provide Management's Discussion and Analysis of Financial Condition and Results of Operations (''MD&A'') disclosures that correspond to the financial statements included in its IPO registration statement;
- permits an EGC to omit in other Securities Act registration statements filed with the Commission selected financial data [37] for any period prior to the earliest audited period included in its IPO registration statement;
- permits an EGC to omit selected financial data for any period prior to the earliest audited period included in its first registration statement that became effective under the Exchange Act or Securities Act in any Exchange Act registration statement, periodic report or other report filed with the Commission;
- exempts an EGC from the advisory shareholder votes on the compensation of its named executive officers (''say-on-pay''), the frequency of the say-on-pay votes (''say-on-frequency'') and golden parachute compensation arrangements with any named executive officers required by Sections 14A(a) [38] and (b) [39] of the Exchange Act;
- permits an EGC to comply with executive compensation disclosure requirements under Item 402 of Regulation S–K by providing the same executive compensation disclosure as a smaller reporting company; [40]
- permits an EGC to defer compliance with any new or revised financial accounting standards until the date that companies that are not ''issuers'' as defined in Section 2(a) of the Sarbanes-Oxley Act [41] are required to comply; [42] and
- exempts an EGC from the Sarbanes-Oxley Act Section 404(b) [43] auditor attestation on management's assessment of its internal controls.[44]

The amendments to the Securities Act and Exchange Act included in Sections 102 and 103 of the JOBS Act are self-executing and became effective once that Act was signed into law. However, several of our rules and forms for registration under the Securities Act and the Exchange Act, as well as Exchange Act periodic and current reports, Regulation S–K and Regulation S–X, currently do not reflect these JOBS Act provisions.

Title I of the JOBS Act also added new Securities Act Section 2(a)(19) and Exchange Act Section 3(a)(80) to define the term ''emerging growth company.'' Pursuant to the statutory definition, the Commission is required every five years to index to inflation the annual gross revenue amount used to determine EGC status to reflect the change in the Consumer Price Index for All Urban Consumers (''CPI–U'') published by the Bureau of Labor Statistics (''BLS'').[45] We are adopting amendments to our rules to define the term ''emerging growth company'' so as to reflect the inflation adjustment to the annual gross revenue amount.

Title III of the JOBS Act also added new Securities Act Section 4(a)(6),[46] which provides an exemption from the registration requirements of Securities Act Section 5 [47] for certain crowdfunding transactions, and the Commission has promulgated Regulation Crowdfunding [48] to implement that exemption. Sections 4(a)(6) and 4A [49] of the Securities Act set forth dollar amounts used in connection with the crowdfunding exemption, and Section 4A(h)(1) [50] states that such dollar amounts shall be adjusted by the Commission not less frequently than once every five years to reflect the change in the CPI–U published by the BLS. Pursuant to this directive, we are amending Regulation Crowdfunding to adjust those dollar amounts for inflation.

These amendments are discussed in more detail below.

II. Discussion of the JOBS Act Technical Amendments

A. Scaled Disclosure Requirements for Emerging Growth Companies' Financial Disclosures

Securities Act Registration Statements

Section 102(b)(1) of the JOBS Act amended Section 7(a) of the Securities Act to provide that (1) an EGC is permitted to present only two years of audited financial statements in its IPO registration statement, and (2) in any Securities Act registration statement other than its IPO registration statement, an EGC need not present selected financial data [51] under Item 301 of Regulation S–K for any period prior to the earliest audited period presented in its IPO registration statement. Under Rule 3–02 of Regulation S–X, issuers that are not smaller reporting companies are generally required to include three years of audited financial statements in a Securities Act registration statement. We are adopting amendments to Rule 3–02 of Regulation S–X and Form 20–F to

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[35] Public Law 112–106, 126 Stat. 309 and 310.

[36] Rule 3–02 of Regulation S–X generally requires the filing of audited statements of income and cash flows for each of the three fiscal years preceding the date of the most recent audited balance sheet being filed.

[37] See Section II.A for a discussion of the selected financial data requirements.

[38] 15 U.S.C. 78n–1(a).

[39] 15 U.S.C. 78n–1(b).

[40] A ''smaller reporting company'' is defined in Rule 405 under the Securities Act [17 CFR 230.405], Rule 12b–2 of the Exchange Act [17 CFR 240.12b–2], and Item 10(f)(1) of Regulation S–K [17 CFR 229.10(f)(1)] to mean an issuer that had a public float of less than $75 million as of the last business day of its most recently completed second fiscal quarter or had; or, in the case of an initial registration statement, had a public float of less than $75 million as of a date within 30 days of the date of the filing of the registration statement; or had a public float of zero and annual revenues of less than $50 million during the most recently completed fiscal year for which audited financial statements are available. 17 CFR 229.10(f)(1). Smaller reporting companies are subject to scaled executive compensation disclosure requirements. For example, they are not required to include a compensation discussion and analysis under Item 402(b) of Regulation S–K. The Commission recently proposed amendments that would increase the financial thresholds in the smaller reporting company definition. Under the proposed amendments, the $75 million public float threshold would be increased to $250 million and the $50 million revenue threshold would be increased to $100 million. See *Amendments to Smaller Reporting Company Definition,* Release No. 33–10107 [81 FR 43130] (June 27, 2016).

[41] Section 2(a) of the Sarbanes-Oxley Act [15 U.S.C. 7201(a)] defines the term ''issuer'' to mean an issuer (as defined in Section 3 of the Exchange Act [15 U.S.C. 78(c)]), the securities of which are registered under Section 12 of the Exchange Act [15 U.S.C. 78*l*], or that is required to file reports under Section 15(d) of the Exchange Act [15 U.S.C. 78o(d)], or that files or has filed a registration statement that has not yet become effective under the Securities Act, and that it has not withdrawn.

[42] Public Law 112–106, 126 Stat. 313.

[43] 15 U.S.C. 7262(b).

[44] In addition, Section 102 of the JOBS Act exempts EGCs from the ''pay versus performance'' proxy disclosure requirements of Section 14(i) of the Exchange Act and from the pay ratio disclosure requirements of Section 953(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Public Law 111–203, 124 Stat. 1376, 1904 (2010). These exemptions are addressed in separate rulemakings, one that has been proposed (pay versus performance) and one that has been adopted (pay ratio). *See Pay Versus Performance,* Release No. 34–74835 [80 FR 26330] (May 7, 2015) and *Pay Ratio Disclosure,* Release No. 33–9877 [80 FR 50104] (Aug. 18, 2015).

[45] The CPI–U is the statistical metric developed by the BLS to monitor the change in the price of a set list of products. The CPI–U represents changes in prices of all goods and services purchased for consumption by urban households. *See* ''Consumer Price Index'' available at *https://www.bls.gov/cpi/home.htm.*

[46] 15 U.S.C. 77d(a)(6).

[47] 15 U.S.C. 77e.

[48] 17 CFR 227.100 *et seq.*

[49] 15 U.S.C. 77d–1.

[50] 15 U.S.C. 77d–1(h)(1).

[51] This information generally includes net sales or operating revenues; income (loss) from continuing operations; income (loss) from continuing operations per common share; total assets; long-term obligations and redeemable preferred stock.

conform them to amended Section 7(a) of the Securities Act.

Item 301 of Regulation S–K requires issuers that are not smaller reporting companies to include five years of selected financial data (or such shorter period as the issuer has been in existence) in any filing for which such disclosure is required. The language in amended Section 7(a) of the Securities Act refers to ''any other'' registration statement and does not expressly address the application of the five years of selected financial data requirement in Item 301 of Regulation S–K to IPO registration statements filed by EGCs.[52] In light of the other relief provided in amended Section 7(a), which permits an EGC to present only two years of audited financial statements in its IPO registration statement and, in subsequent registered offerings, to present selected financial data for no period earlier than that presented in its IPO registration statement, we interpret amended Section 7(a) to mean that an EGC need not present selected financial data for any period prior to the earliest audited period presented in its IPO registration statement.[53] Otherwise, the intended relief of Section 7(a) with respect to selected financial data would not be available in an IPO registration statement, as it is with subsequent registration statements. Accordingly, we are adopting amendments to Item 301 of Regulation S–K to reflect this statutory interpretation.

Exchange Act Registration Statements and Periodic Reports

Section 102(b)(2) of the JOBS Act amended Section 13(a) of the Exchange Act to provide that an EGC need not present selected financial data in an Exchange Act registration statement or periodic report for any period prior to the earliest audited period presented in the EGC's first effective registration statement under either the Exchange Act or Securities Act. We are adopting amendments to Item 301 of Regulation S–K to conform that provision to amended Section 13(a).

[52] *See* 15 U.S.C. 77g(a)(2).

[53] In 2012, the Division of Corporation Finance provided guidance on the JOBS Act, including that the Division would not object if an emerging growth company presenting two years of audited financial statements in its initial public offering registration statement in accordance with Securities Act Section 7(a)(2)(A) were to limit the number of years of selected financial data under Item 301 of Regulation S–K to two years. *See* Frequently Asked Questions of General Applicability on Title I of the JOBS Act (Dec. 21, 2015 revised), Question 11, available at *http://www.sec.gov/divisions/corpfin/guidance/cfjjobsactfaq-title-i-general.htm*.

MD&A Disclosure

Section 102(c) of the JOBS Act provides that an EGC is permitted to comply with the MD&A requirements of Item 303(a) of Regulation S–K by providing disclosure covering only the audited financial statements for each period that Section 7(a) of the Securities Act requires to be presented in its IPO registration statement. Item 303(a) of Regulation S–K generally requires an issuer to discuss, among other things, the company's financial condition, changes in financial condition and results of operations for the previous three fiscal years and any interim periods. To conform the Item to Section 102(c), we are adopting amendments to Instruction 1 to Item 303(a). The amendments specify that if an EGC, pursuant to Section 7(a) of the Securities Act, provides audited financial statements for two years in a Securities Act registration statement for the initial public offering of its common equity securities, it may provide the discussion required by Item 303(a) for its two most recent fiscal years.

B. Auditor Attestation of Management's Report on Internal Control Over Financial Reporting

Section 103 of the JOBS Act amended Section 404(b) of the Sarbanes-Oxley Act to provide that the auditor of an EGC does not need to attest to, and report on, management's assessment of the effectiveness of the EGC's internal control over financial reporting (''ICFR''). An EGC, however, is still required to establish and maintain internal control over financial reporting and, when applicable, to include a management's report on ICFR in its annual report. To conform our rules and forms to amended Section 404(b), we are adopting amendments to Article 2–02 of Regulation S–X, Item 308 of Regulation S–K, and Forms 20–F and 40–F to specify that the auditor of an EGC does not need to attest to, and report on, management's report on ICFR and that management does not need to include the auditor's attestation report on ICFR in an annual report required by Section 13(a) or 15(d) of the Exchange Act.

C. Executive Compensation Disclosure and Shareholder Advisory Voting

Section 102(c) of the JOBS Act provides in part that an EGC shall only be required to provide executive compensation disclosure pursuant to Item 402 of Regulation S–K to the same extent as a registrant ''with a market value of outstanding voting and nonvoting common equity held by non-affiliates of less than $75,000,000.'' Item 402(l) of Regulation S–K allows an issuer that is a smaller reporting company to provide the scaled executive compensation disclosures set forth in Items 402(m)–(r) of Regulation S–K. To conform this Item to Section 102(c), we are amending Item 402(l) of Regulation S–K to specify that EGCs also are permitted to provide the scaled executive compensation disclosure in Items 402(m)–(r) of Regulation S–K.

Exchange Act Rule 14a–21 requires registrants to conduct shareholder advisory votes on say-on-pay, say-on-frequency and golden parachute compensation arrangements with any ''named executive officers.'' [54] The rule applies to all registrants making a solicitation in connection with a meeting of shareholders at which directors are to be elected and for which compensation disclosure is required to be provided pursuant to Item 402 of Regulation S–K, or to registrants making a solicitation in connection with a meeting at which shareholders are asked to approve a merger, acquisition or sale of all or substantially all of the assets of an issuer.

Section 102(a) of the JOBS Act amended Section 14A(e) of the Exchange Act to exempt EGCs from say-on-pay, say-on-frequency votes, golden parachute compensation votes and the related disclosure provisions. We are adopting conforming amendments to Exchange Act Rule 14a–21 and Item 402(t) and Instruction 1 to Item 1011(b) of Regulation S–K that specify that an EGC is not required to conduct shareholder advisory votes on say-on-pay, say-on-frequency, and golden parachute compensation, or provide the related disclosures. In addition, Section 102(a) of the JOBS Act amended Section 14A of the Exchange Act to provide for a transition period when an EGC exits EGC status before it has to seek a shareholder advisory vote on say-on-pay. We are adding a new instruction to Rule 14a–21 to reflect the transition period set forth in the JOBS Act.

[54] Item 402(a)(3) of Regulation S–K [17 CFR 229.402(a)(3)] defines named executive officers as (1) all individuals serving as the registrant's principal executive officer or acting in a similar capacity during the last completed fiscal year (''PEO''), regardless of compensation level, (2) all individuals serving as the registrant's principal financial officer or acting in a similar capacity during the last completed fiscal year (''PFO''), regardless of compensation level, (3) the registrant's three most highly compensated executive officers other than the PEO and PFO who were serving as executive officers at the end of the last completed fiscal year, and (4) up to two additional individuals for whom Item 402 disclosure would have been provided but for the fact that the individual was not serving as an executive officer of the registrant at the end of the last completed fiscal year.

D. Foreign Private Issuers

The definition of ''emerging growth company'' in Section 101(a) of the JOBS Act applies to any company meeting the criteria specified therein and is not dependent on the jurisdiction of incorporation or organization, the holders of the issuer's voting securities or that of its executive officers or directors, assets or business operations. Accordingly, a foreign private issuer [55] that qualifies as an EGC may comply with the scaled disclosure provisions available to EGCs to the same extent as a domestic issuer. Sections 102 and 103 of the JOBS Act, however, refer to Regulation S–K provisions that apply to domestic issuers, whereas the corresponding disclosure requirements for foreign private issuers are applied through the disclosure content of Form 20–F or, where applicable, Form 40–F. Under Item 8.A. of Form 20–F, a foreign private issuer is generally required to include three years of audited financial statements. In addition, Item 3.A. generally requires a foreign private issuer to include five years of selected financial data. To conform the disclosure requirements of Form 20–F with the disclosure relief provided under the JOBS Act,[56] we are amending the form to add instructions to Items 8.A.[57] and 3.A. to reflect the availability of the scaled financial disclosure requirements under Sections 102 and 103 of the JOBS Act to a foreign private issuer that is an EGC.[58] We are making revisions to Form 40–F to reflect the availability of the scaled financial disclosure requirements under Section 103 of the JOBS Act to a foreign private issuer that is an EGC.

E. ''Check Box'' Notice of EGC Status and Compliance With New or Revised Accounting Standards

Section 102(b) of the JOBS Act amended Section 7(a)(2)(B) of the Securities Act and Section 13(a) of the Exchange Act to state that an EGC ''may not be required to comply with any new or revised financial accounting standard'' until such standard is applicable to companies that are not ''issuers'' under Section 2(a) of the Sarbanes-Oxley Act, if such standard applies to companies that are not issuers. These revisions provide EGCs with additional time to apply any updates to the Financial Accounting Standards Board (''FASB'') Accounting Standards codification as compared to non-EGC issuers.[59]

Under Section 107 of the JOBS Act, an EGC may forgo any of the Title I disclosure exemptions and instead comply with the requirements that apply to an issuer that is not an EGC. Section 107(b), however, provides that if an EGC opts out of the extended transition period for complying with new or revised accounting standards, it must do so at the time it is ''first required to file a registration statement, periodic report, or other report with the Commission under Section 13 of the Securities Exchange Act of 1934'' and notify the Commission of its choice.[60] Pursuant to Section 107, an EGC that opts out of the extended transition period must comply with all new or revised accounting standards to the same extent that a non-EGC is required to comply with such standards and continue to do so for as long as the issuer remains an EGC.[61] This election is irrevocable.

To provide a uniform method for an EGC to notify the Commission and the public pursuant to Section 107 of the JOBS Act that it is an EGC and of its decision as to whether or not to opt out of the extended transition period for complying with new or revised accounting standards, we are adopting minor revisions to Securities Act Forms S–1, S–3, S–4, S–8, S–11, F–1, F–3 and F–4 and Exchange Act Forms 10, 8–K, 10–Q, 10–K, 20–F and 40–F. These amendments modify the cover page of those forms to include two check boxes for an issuer to indicate whether, at the time of the filing, the issuer is an EGC and whether it has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 7(a)(2)(B) of the Securities Act and Section 13(a) of the Exchange Act.

III. Discussion of Amendments To Effectuate Inflation Adjustments

A. Definition of ''Emerging Growth Company''

JOBS Act Section 101 amended Section 2(a)(19) of the Securities Act and Section 3(a)(80) of the Exchange Act to define ''emerging growth company'' to mean an issuer that had total annual gross revenues of less than $1 billion, as such amount is indexed for inflation every five years by the Commission to reflect the change in the CPI–U during its most recently completed fiscal year. By statute, the adjusted threshold must be set to the nearest $1,000,000. Pursuant to this directive, we are adopting an amendment to Securities Act Rule 405 and to Exchange Act Rule 12b–2 to include a definition for the term ''emerging growth company'' that indexes the statutory annual gross revenues amount to the CPI–U.

To determine the new EGC gross revenue threshold to be included in the amendments, first we determine the appropriate CPI–U for December of the calendar year preceding the year of adjustment. Because we are making the inflation adjustment for the definition of EGC in 2017, we use the CPI–U for December 2016, which was 241.432 (''2016 CPI–U'').[62] We then determine the CPI–U for December of the calendar

[55] Securities Act Rule 405 [17 CFR 230.405] and Exchange Act Rule 3b–4(c) [17 CFR 240.3b–4(c)] define the term ''foreign private issuer'' as any foreign issuer other than a foreign government except for an issuer meeting the following conditions as of the last business day of its most recently completed second fiscal quarter: (1) More than 50 percent of the issuer's outstanding voting securities are directly or indirectly held of record by residents of the United States; and (2) either the majority of the executive officers or directors are United States citizens or residents, more than 50 percent of the assets of the issuer are located in the United States, or the business of the issuer is administered principally in the United States.

[56] Form 20–F does not require the same level of detail about individual executive compensation and compensation philosophy and analysis as required by Item 402 of Regulation S–K applicable to issuers that are not smaller reporting companies or the scaled requirements in Items 402(m)–(r) applicable to smaller reporting companies. Accordingly, no conforming amendments to Form 20–F are needed in regard to Section 102(c)'s scaled executive compensation disclosure requirements. To the extent that a foreign private issuer that is an EGC elects to use forms available to domestic issuers rather than the foreign private issuer forms, it would be able to use the scaled disclosure provisions available to EGCs.

[57] These amendments do not affect the requirement for a foreign private issuer that is either a first-time adopter of International Financial Reporting Standards or is subject to the disclosure requirements of paragraph 10(f) of IAS 1, to provide three statements of financial position in its IPO registration statement. *See* Frequently Asked Questions of General Applicability on Title I of the JOBS Act (Dec. 21, 2015 revised), Question 39, available at *http://www.sec.gov/divisions/corpfin/guidance/cfjobsactfaq-title-i-general.htm.*

[58] No conforming amendment is needed to Item 5 of Form 20–F (Operating and Financial Review and Prospects), which requires a discussion of a foreign private issuer's financial statements similar to MD&A, because Instruction 2 to Item 5 requires a discussion of the primary financial statements presented in the document without referring to the required periods.

[59] In July 2009, the Financial Accounting Standards Board issued the FASB Accounting Standards Codification (''ASC'') as the single source of authoritative nongovernmental U.S. generally accepted accounting principles. The ASC was effective for annual periods ending after September 15, 2009. All preexisting accounting standards were superseded.

[60] Section 107(b) does not specify where the opt-out notice language should appear in a registration statement or report. EGCs that have opted out of the extended transition period have placed this notice in different parts of our disclosure forms.

[61] Section 107(b)(3) of the JOBS Act (Pub. L. 112–106, 126 Stat. 313).

[62] The JOBS Act was enacted on April 5, 2012. Under the definition of an EGC in Section 2(a)(19) of the Securities Act and Section 3(a)(80) of the Exchange Act the Commission is required to adjust the total gross revenue amount to inflation every five years.

year before the EGC definition was established by the JOBS Act, which was 2011. We thus use the CPI–U for December 2011, which was 225.672 (''2011 CPI–U'').

Second, we calculate the cost-of-living adjustment or inflation factor. To do this we divide the 2016 CPI–U by the 2011 CPI–U. The resulting inflation factor is 1.06984.

Third, we calculate the raw inflation adjustment, which is the inflation adjustment before rounding. To do this, we multiply the current EGC gross revenue threshold, $1,000,000,000, by the inflation factor 1.06984, which equals $1,069,840,000.

Fourth, we round the raw inflation amounts according to the convention set forth in the statutory definition.[63] Since we round only the increase amount, we calculate the increased amount by subtracting the current EGC gross revenue threshold from the raw maximum inflation adjustments. Accordingly, the increase in the EGC gross revenue threshold is $69,840,000 (*i.e.,* $1,069,840,000 less $1,000,000,000). Under the statutory rounding convention, the threshold is set to the nearest $1,000,000. Therefore, the rounded increase in the EGC gross revenue threshold is $70,000,000.

Fifth, we add the rounded increase to the current EGC revenue threshold (*i.e.,* $1,000,000,000). The inflation-adjusted EGC gross revenue threshold is $1,000,000,000 plus $70,000,000, which yields a maximum inflation-adjusted EGC revenue threshold of $1,070,000,000. The ''emerging growth company'' definitions being adopted in Securities Act Rule 405 and Exchange Act Rule 12b–2 reflect this adjusted threshold, and will henceforth be amended every five years to account for future inflation adjustments.

B. Regulation Crowdfunding Amendments

Title III of the JOBS Act amended the Securities Act to add Section 4(a)(6), which provides an exemption from the registration requirements of Section 5 of the Securities Act for certain crowdfunding transactions. The Commission has adopted Regulation Crowdfunding to implement that exemption.[64] Sections 4(a)(6) and 4A of the Securities Act set forth dollar amounts used in connection with the crowdfunding exemption,[65] and Section 4A(h)(1)[66] states that those dollar amounts shall be adjusted by the Commission not less frequently than once every five years to reflect any changes in the CPI–U. Pursuant to this directive, we are amending Rules 100 and 201(t) of Regulation Crowdfunding and Securities Act Form C to adjust the dollar amounts set forth in these rules to inflation.

To determine the adjusted dollar amounts, we use the same process as described above in connection with the EGC adjustment to determine the raw inflation amounts.[67] Then we round up the raw inflation amounts to the nearest $100 for amounts under $100,000 and to the nearest $1,000 for amounts that equal or exceed $100,000. Tables 1 and 2 show the inflation-adjusted amounts for Rules 100 and 201(t).[68]

TABLE 1—INFLATION-ADJUSTED AMOUNTS IN RULE 100 OF REGULATION CROWDFUNDING (OFFERING MAXIMUM AND INVESTMENT LIMITS)

Regulation crowdfunding rule	Original amount ($)	Rounded inflation-adjusted amount ($)
Maximum aggregate amount an issuer can sell under Regulation Crowdfunding in a 12-month period (Rule 100(a)(1))	1,000,000	1,070,000
Threshold for assessing investor's annual income or net worth to determine investment limits (Rule 100(a)(2)(i) and (ii))	100,000	107,000
Lower threshold of Regulation Crowdfunding securities permitted to be sold to an investor if annual income or net worth is less than $107,000 (Rule 100(a)(2)(i))	2,000	2,200
Maximum amount that can be sold to an investor under Regulation Crowdfunding in a 12-month period (Rule 100(a)(2)(ii))	100,000	107,000

TABLE 2—INFLATION-ADJUSTED AMOUNTS IN RULE 201(t) OF REGULATION CROWDFUNDING (FINANCIAL STATEMENT REQUIREMENTS)

Regulation crowdfunding rule	Original offering threshold amount ($)	Rounded inflation-adjusted amount ($)
Rule 201(t)(1)	100,000	107,000
Rule 201(t)(2)	500,000	535,000
Rule 201(t)(3)	1,000,000	1,070,000

[63] *See* Section 2(a)(19) of the Securities Act and Section 3(a)(80) of the Exchange Act, which require the amount to be set to the nearest $1,000,000.

[64] *Crowdfunding,* Release No. 33–9974 (Oct. 30, 2015) [80 FR 71388].

[65] Section 4(a)(6)(A) sets forth the maximum amount an issuer may sell in reliance on the crowdfunding exemption in a 12-month period, and Section 4(a)(6)(B) sets limits on the dollar amount that may be sold to any investor by an issuer in reliance on the crowdfunding exemption. These amounts are reflected in Rule 100 of Regulation Crowdfunding (17 CFR 227.100). Section 4A(b)(1)(D) sets forth thresholds for determining the level of financial statements required, and those thresholds are reflected in Rule 201(t) of Regulation Crowdfunding (17 CFR 227.201(t)).

[66] 15 U.S.C. 77d–1(h)(1).

[67] The 2016 CPI–U is divided by the 2011 CPI–U to derive the inflation factor of 1.06984. Each dollar amount is then multiplied by the inflation factor to determine the raw inflation adjusted amount.

[68] We have reflected the adjusted amounts for the financial statement thresholds where those are referenced in Question 29 of the ''Optional Question & Answer Format'' portion of Form C.

IV. Procedural and Other Matters

The Administrative Procedure Act (''APA'') generally requires an agency to publish notice of a rulemaking in the **Federal Register** and provide an opportunity for public comment. This requirement does not apply, however, if the agency ''for good cause finds . . . that notice and public procedure are impracticable, unnecessary, or contrary to the public interest.'' [69]

The technical amendments and the implementation of statutory inflation adjustments pursuant to Title I and Title III of the JOBS Act do not impose any new substantive regulatory requirements on any person. The technical amendments merely conform our rules and forms to the provisions of the JOBS Act, or reflect reasonable interpretations thereof, and involve the exercise of minimal discretion. Similarly, the amendments to implement the statutory inflation adjustments will effectuate the adjusted dollar amount thresholds mandated by the JOBS Act and involve minimal discretion. For these reasons, for good cause, we find that it is unnecessary to publish notice of these amendments in the **Federal Register** and solicit public comment thereon.[70]

For similar reasons, although the APA generally requires publication of a rule at least 30 days before its effective date, we find there is good cause for the amendments to take effect on April 12, 2017.[71]

If any of the provisions of these amendments, or the application thereof to any person or circumstance, is held to be invalid, such invalidity shall not affect other provisions or application of such provisions to other persons or circumstances that can be given effect without the invalid provision or application.

V. Economic Analysis

We are mindful of the costs imposed by, and the benefits to be obtained from, our rules. Section 2(b) of the Securities Act and Section 3(f) of the Exchange Act require the Commission, whenever it engages in rulemaking and is required to consider or determine whether an action is necessary or appropriate in the public interest, to consider, in addition to the protection of investors, whether the action would promote efficiency, competition, and capital formation.[72] In addition, Section 23(a)(2) of the Exchange Act requires the Commission, when making rules under the Exchange Act, to consider the impact such rules would have on competition.[73] Section 23(a)(2) of the Exchange Act also prohibits the Commission from adopting any rule that would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.[74] Below we address the costs and benefits, as well as the potential effects on efficiency, competition and capital formation, of the various amendments being adopted in this release. Because the amendments merely make conforming changes to our rules and forms to reflect certain provisions of the JOBS Act and implement the statutory inflation adjustments mandated by the JOBS Act, we do not believe there are reasonable alternatives to the amendments.

A. Discussion of the Technical Amendments

We are adopting technical amendments to conform several of our rules and forms to amendments made to the Securities Act and the Exchange Act by Title I of the JOBS Act. For the purposes of analyzing the economic effects of these amendments, we use as a baseline the scaled disclosure requirements and other accommodations applicable to EGCs discussed in Section II. These amendments merely make conforming changes to our rules and forms to reflect certain provisions of the JOBS Act. As a result, these amendments will not substantially alter the costs and benefits, relative to the baseline, associated with complying with these rules and forms, and do not impose any substantive regulatory obligations on any person or otherwise. To the extent they have an economic effect, we expect the amendments will help to minimize potential confusion concerning any inconsistencies between the statutory provisions of the JOBS Act and our rules and forms and could result in some marginal cost savings to the extent that filers have fewer questions to research when completing the form. Similarly, we do not anticipate any competitive advantages or disadvantages will be created as a result of the amendments.

B. Discussion of the Amendments to Effectuate Inflation Adjustments

To comply with the inflation adjustments required under the JOBS Act, we are also adopting new rules that include an inflation-adjusted threshold in the definition of the term ''emerging growth company.'' These amendments adjust the total annual gross revenue threshold for EGCs in accordance with inflation as required by the JOBS Act and have no impact on disclosure or compliance costs per filer. As the number of eligible filers that may qualify for scaled disclosure increases, it may reduce disclosure costs in the aggregate,[75] to the extent that eligible filers take advantage of the EGC accommodations, relative to a baseline without this inflation adjustment.

We note that this inflation adjustment affects both domestic issuers and foreign private issuers. We estimate that there are approximately 7,200 issuers that file on domestic forms and 800 foreign private issuers that file on F-forms, of which 13.2% of issuers that file on domestic forms and 15.1% of foreign private issuers that file on Forms 20–F and 40–F also identified themselves as EGCs in filings made in 2016. Not all EGCs self-identify as such every year, so annual filings-based counts likely underestimate the EGC population.

The inflation adjustment to the total annual gross revenue threshold for EGCs is designed to maintain the scope of registrants that may qualify as an EGC, preserving the economic effects associated with the option to claim EGC status. It does so by not allowing the level of revenue, in real terms, that determines the eligibility for EGC status to be diminished by inflation. The inflation adjustment amendment may marginally expand the number of firms that may claim EGC status, thus extending the economic effects, including impacts on efficiency, competition, and capital formation, associated with the option to claim this status to firms that fall between the $1,000,000,000 gross revenue threshold that previously determined EGC eligibility and the $1,070,000,000 gross revenue threshold that will define EGC eligibility under the amendment. Assuming that the number of domestic and foreign private issuers in calendar years subsequent to adoption of the amendments is similar to that obtained in calendar year 2016, the inflation adjustment of the EGC revenue

[69] 5 U.S.C. 553(b)(3)(B).

[70] This finding also satisfies the requirements of 5 U.S.C. 808(2), allowing the amendments to become effective notwithstanding the requirement of 5 U.S.C. 801 (if a federal agency finds that notice and public comment are impractical, unnecessary or contrary to the public interest, a rule shall take effect at such time as the federal agency promulgating the rule determines). The amendments also do not require analysis under the Regulatory Flexibility Act. *See* 5 U.S.C. 604(a) (requiring a final regulatory flexibility analysis only for rules required by the APA or other law to undergo notice and comment).

[71] *See* 5 U.S.C. 553(d)(3).

[72] *See* 15 U.S.C. 77b(b) and 15 U.S.C. 78c(f).

[73] *See* 15 U.S.C. 78w(a)(2).

[74] *Id.*

[75] See Section II.A for a summary of scaled disclosure requirements for EGCs.

threshold would increase the percentage of domestic issuers that qualify as EGCs from 13.2% to approximately 13.8% and foreign private issuers that qualify as EGCs from 15.1% to approximately 16.3% on the basis of the distribution of revenues of filers in calendar year 2016, where data is available.[76]

For the purposes of analyzing the economic effects of the amendments to Regulation Crowdfunding, we use as our baseline the regulatory framework established by Regulation Crowdfunding as adopted in 2015.[77] The amendments to Regulation Crowdfunding adjust the thresholds in Rules 100 and 201(t) of Regulation Crowdfunding (§§ 227.100 and 227.201(t)) in accordance with inflation as required by Section 4A(h) of the Securities Act and are not expected to increase disclosure or compliance costs incurred by an issuer, to the extent that the issuer remains subject to the same financial statement requirements. The adjustment may cause some issuers to become subject to less extensive financial statement requirements, and may lower disclosure or compliance costs for these issuers.[78]

The inflation adjustment to the thresholds in Rules 100 and 201(t) is intended to allow these thresholds to keep pace with inflation, preserving the economic effects of Regulation Crowdfunding in real terms.[79] For example, the inflation adjustments to the financial statement thresholds ensure that issuers can take advantage of the inflation-adjusted offering amounts without incurring a fixed cost of complying with additional financial statement requirements.

Substantively, the inflation adjustments to Rule 100 and Rule 201(t) marginally affect the amount of capital that issuers may raise in reliance on Regulation Crowdfunding, the number of investors who may participate in crowdfunding offerings, and the amounts that investors may invest in crowdfunding offerings.

C. Efficiency, Competition, and Capital Formation

Because we believe the substantive impact of these amendments to our rules and forms is likely to be marginal, we do not believe they will substantially impact efficiency, competition, and capital formation.

VI. Paperwork Reduction Act

The amendments, including those to effect the statutory inflation adjustments, do not make any substantive modifications to any existing collection of information requirements or impose any new substantive recordkeeping or information collection requirements within the meaning of the Paperwork Reduction Act of 1995 (''PRA'').[80] Accordingly, we are not revising any burden and cost estimates in connection with these amendments.

VII. Statutory Authority

The amendments contained in this release are being adopted under the authority set forth in in Sections 2, 4(a)(6), 4A, 5, 6, 7, 10, and 19 of the Securities Act; Sections 3, 12, 13, 14, 15(d), and 23(a) of the Exchange Act; and Sections 102, 103 and 107 of the JOBS Act.

List of Subjects

17 CFR Part 210

Accountants, Accounting, Reporting and recordkeeping requirements, Securities.

17 CFR Parts 227, 229, 230, 239, 240 and 249

Reporting and recordkeeping requirements, Securities.

Text of the Final Amendments

For the reasons set out in the preamble, the Commission is amending title 17, chapter II of the Code of Federal Regulations as follows:

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, INVESTMENT ADVISERS ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

■ 1. The authority citation for part 210 is revised to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 77z–2, 77z–3, 77aa(25), 77aa(26), 77nn(25), 77nn(26), 78c, 78j–1, 78l, 78m, 78n, 78o(d), 78q, 78u–5, 78w, 78ll, 78mm, 80a–8, 80a–20, 80a–29, 80a–30, 80a–31, 80a–37(a), 80b–3, 80b–11, 7202 and 7262, and sec. 102(c), Pub. L. 112–106, 126 Stat. 310 (2012), unless otherwise noted.

■ 2. Amend § 210.2–02 by revising paragraph (f)(1) to read as follows:

§ 210.2–02 Accountants' reports and attestation reports.

* * * * *

(f) *Attestation report on internal control over financial reporting.* (1) Every registered public accounting firm that issues or prepares an accountant's report for a registrant, other than a registrant that is neither an accelerated filer nor a large accelerated filer (as defined in § 240.12b–2 of this chapter), or is an emerging growth company, as defined in Rule 405 of the Securities Act (§ 230.405 of this chapter) or Rule 12b–2 of the Exchange Act (§ 240.12b–2 of this chapter), or an investment company registered under Section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a–8), that is included in an annual report required by section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) containing an assessment by management of the effectiveness of the registrant's internal control over financial reporting must include an attestation report on internal control over financial reporting.

* * * * *

■ 3. Amend § 210.3–02 by revising paragraph (a) to read as follows:

§ 210.3–02 Consolidated statements of income and changes in financial positions.

(a) There shall be filed, for the registrant and its subsidiaries consolidated and for its predecessors, audited statements of income and cash flows for each of the three fiscal years preceding the date of the most recent audited balance sheet being filed or such shorter period as the registrant (including predecessors) has been in existence. A registrant that is an emerging growth company, as defined

[76] The number of domestic filers and foreign private issuers affected by the inflation adjustment of total annual gross revenues is estimated as the number of unique companies, identified by Central Index Key (CIK), that filed Form 10–K, Form 20–F, or Form 40–F with the Commission during the calendar year 2016. The number of filers that identify themselves as EGCs is estimated by analyzing several types of filings filed with the Commission during calendar year 2016.

[77] *See Crowdfunding* supra note 64.

[78] *Id* at 71497.

[79] *Id* at 71482.

[80] 44 U.S.C. 3501 *et seq.* The new check boxes that will appear on the cover page of affected Exchange Act forms and Securities Act registration statements will result in an incremental paperwork burden for EGCs; however, we believe that the incremental burden associated with checking one or both of the new boxes will be so minimal that it will not affect the overall burden estimates associated with these forms. Similarly, the amendments to reflect the statutory inflation adjustments to certain dollar amount thresholds in Titles I and III of the JOBS Act will have only marginal effects on the application of these thresholds for eligibility and reporting purposes and therefore are not expected to affect the overall burden estimates for affected forms. *See* Section VI.C above.

in Rule 405 of the Securities Act (§ 230.405 of this chapter) or Rule 12b–2 of the Exchange Act (§ 240.12b–2 of this chapter), may, in a Securities Act registration statement for the initial public offering of the emerging growth company's equity securities, provide audited statements of income and cash flows for each of the two fiscal years preceding the date of the most recent audited balance sheet (or such shorter period as the registrant has been in existence).

* * * * *

PART 227—REGULATION CROWDFUNDING, GENERAL RULES AND REGULATIONS

■ 4. The authority citation for part 227 continues to read as follows:

Authority: 15 U.S.C. 77d, 77d–1, 77s, 78c, 78o, 78q, 78w, 78mm, and Pub. L. 112–106, secs. 301–305, 126 Stat. 306 (2012).

§ 227.100 [Amended]

■ 5. Amend § 227.100 by:
■ a. In paragraph (a)(1), removing reference to ''$1,000,000'' and adding in its place ''$1,070,000'';
■ b. In paragraph (a)(2)(i), removing reference to ''$2,000'' and adding in its place ''$2,200''; and removing ''$100,000'' and adding in its place ''$107,000'';
■ c. In paragraph (a)(2)(ii), removing the two references to ''$100,000'' and adding in their place ''$107,000.''

§ 227.201 [Amended]

■ 6. Amend § 227.201 by:
■ a. In paragraph (t)(1), removing reference to ''$100,000'' and adding in its place ''$107,000'';
■ b. In paragraph (t)(2), removing reference to ''$100,000'' and adding in its place ''$107,000''; and removing reference to ''$500,000'' and adding in its place ''$535,000'';
■ c. In paragraph (t)(3), removing the two references to ''$500,000'' and adding in their place ''$535,000''; and removing reference to ''$1,000,000'' and adding in its place ''$1,070,000.''

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND ENERGY POLICY AND CONSERVATION ACT OF 1975—REGULATION S–K

■ 7. The authority citation for part 229 is revised to read as follows:

Authority: 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77z–2, 77z–3, 77aa(25), 77aa(26), 77ddd, 77eee, 77ggg, 77hhh, 77iii, 77jjj, 77nnn, 77sss, 78c, 78i, 78j, 78j–3, 78l, 78m, 78n, 78n–1, 78o, 78u–5, 78w, 78ll, 78 mm, 80a–8, 80a–9, 80a–20, 80a–29, 80a–30, 80a–31(c), 80a–37, 80a–38(a), 80a–39, 80b–11 and 7201 *et seq.;* 18 U.S.C. 1350; sec. 953(b), Pub. L. 111–203, 124 Stat. 1904 (2010); and sec. 102(c), Pub. L. 112–106, 126 Stat. 310 (2012).

■ 8. Amend § 229.301 by adding paragraph (d) before the Instructions to Item 301 to read as follows:

§ 229.301 (Item 301) Selected financial data.

* * * * *

(d) *Emerging growth company.* An emerging growth company, as defined in Rule 405 of the Securities Act of 1933 (§ 230.405 of this chapter) or Rule 12b–2 of the Securities Exchange Act of 1934 (§ 240.12b–2 of this chapter), that is providing the information called for by this Item in:

(1) A Securities Act registration statement, need not present selected financial data for any period prior to the earliest audited financial statements presented in connection with the registrant's initial public offering of its common equity securities; or

(2) A registration statement, periodic report, or other report filed under the Exchange Act, need not present selected financial data for any period prior to the earliest audited financial statements presented in connection with its first registration statement that became effective under the Exchange Act or the Securities Act.

* * * * *

■ 9. Amend § 229.303 by revising instruction 1 of the Instructions to Paragraph 303(a) to read as follows:

§ 229.303 (Item 303) Management's discussion and analysis of financial condition and results of operations.

* * * * *

Instructions to paragraph 303(a): 1. The registrant's discussion and analysis shall be of the financial statements and other statistical data that the registrant believes will enhance a reader's understanding of its financial condition, changes in financial condition and results of operations. Generally, the discussion shall cover the three-year period covered by the financial statements and shall use year-to-year comparisons or any other formats that in the registrant's judgment enhance a reader's understanding. However, where trend information is relevant, reference to the five-year selected financial data appearing pursuant to Item 301 of Regulation S–K (§ 229.301) may be necessary. A smaller reporting company's discussion shall cover the two-year period required in Article 8 of Regulation S–X and shall use year-to-year comparisons or any other formats that in the registrant's judgment enhance a reader's understanding. An emerging growth company, as defined in Rule 405 of the Securities Act (§ 230.405 of this chapter) or Rule 12b–2 of the Exchange Act (§ 240.12b–2 of this chapter), may provide the discussion required in paragraph (a) of this Item for its two most recent fiscal years if, pursuant to Section 7(a) of the Securities Act of 1933 (15 U.S.C 77g(a)), it provides audited financial statements for two years in a Securities Act registration statement for the initial public offering of the emerging growth company's common equity securities.

* * * * *

■ 10. Amend § 229.308 by revising paragraph (b) to read as follows:

§ 229.308 (Item 308) Internal control over financial reporting.

* * * * *

(b) *Attestation report of the registered public accounting firm.* If the registrant, other than a registrant that is an emerging growth company, as defined in Rule 405 of the Securities Act of 1933 (§ 230.405 of this chapter) or Rule 12b–2 of the Securities Exchange Act of 1934 (§ 240.12b–2 of this chapter), is an accelerated filer or a large accelerated filer (as defined in § 240.12b–2 of this chapter), provide the registered public accounting firm's attestation report on the registrant's internal control over financial reporting in the registrant's annual report containing the disclosure required by this Item.

* * * * *

■ 11. Amend § 229.402 by revising paragraph (l) and the introductory text to paragraph (t)(1) to read as follows:

§ 229.402 (Item 402) Executive compensation.

* * * * *

(l) *Smaller reporting companies and emerging growth companies.* A registrant that qualifies as a ''smaller reporting company,'' as defined by Item 10(f) (§ 229.10(f)(1)), or is an ''emerging growth company,'' as defined in Rule 405 of the Securities Act (§ 230.405 of this chapter) or Rule 12b–2 of the Exchange Act (§ 240.12b–2 of this chapter), may provide the scaled disclosure in paragraphs (m) through (r) instead of paragraphs (a) through (k), (s), and (u) of this Item.

* * * * *

(t) *Golden parachute compensation.* (1) In connection with any proxy or consent solicitation material providing the disclosure required by section 14A(b)(1) of the Exchange Act (15 U.S.C. 78n–1(b)(1)) or any proxy or consent

solicitation that includes disclosure under Item 14 of Schedule 14A (§ 240.14a–101 of this chapter) pursuant to Note A of Schedule 14A (excluding any proxy or consent solicitation of an ''emerging growth company,'' as defined in Rule 405 of the Securities Act (§ 230.405 of this chapter) or Rule 12b–2 of the Exchange Act (§ 240.12b–2 of this chapter)), with respect to each named executive officer of the acquiring company and the target company, provide the information specified in paragraphs (t)(2) and (3) of this section regarding any agreement or understanding, whether written or unwritten, between such named executive officer and the acquiring company or target company, concerning any type of compensation, whether present, deferred or contingent, that is based on or otherwise relates to an acquisition, merger, consolidation, sale or other disposition of all or substantially all assets of the issuer, as follows:

* * * * *

■ 12. Amend § 229.1011 by revising instruction 1 of the Instructions to Item 1011(b) to read as follows:

§ 229.1011 (Item 1011) Additional information.

* * * * *

Instructions to Item 1011(b).

1. The obligation to provide the information in paragraph (b) of this section shall not apply where the issuer whose securities are the subject of the Rule 13e–3 transaction or tender offer is a foreign private issuer, as defined in § 240.3b–4 of this chapter, or an emerging growth company, as defined in Rule 405 of the Securities Act (§ 230.405 of this chapter) or Rule 12b–2 of the Exchange Act (§ 240.12b–2 of this chapter).

* * * * *

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

■ 13. The authority citation for part 230 continues to read as follows:

Authority: 15 U.S.C. 77b, 77b note, 77c, 77d, 77f, 77g, 77h, 77j, 77r, 77s, 77z–3, 77sss, 78c, 78d, 78j, 78*l,* 78m, 78n, 78o, 78o–7 note, 78t, 78w, 78*ll*(d), 78mm, 80a–8, 80a–24, 80a–28, 80a–29, 80a–30, and 80a–37, and Public Law 112–106, sec. 201(a), sec. 401, 126 Stat. 313 (2012), unless otherwise noted.

Section 230.151 is also issued under 15 U.S.C. 77s(a).

Section 230.160 is also issued under Section 104(d) of the Electronic Signatures Act.

Section 230.193 is also issued under sec. 943, Public Law 111–203, 124 Stat. 1376.

Sections 230.400 to 230.499 issued under 15 U.S.C. 77f, 77h, 77j, 77s, unless otherwise noted.

Section 230.502 is also issued under 15 U.S.C. 80a–8, 80a–29, 80a–30.

■ 14. Amend § 230.405 by adding the definition ''Emerging growth company'' in alphabetical order to read as follows:

§ 230.405 Definitions of terms.

* * * * *

Emerging growth company. (1) The term *emerging growth company* means an issuer that had total annual gross revenues of less than $1,070,000,000 during its most recently completed fiscal year.

(2) An issuer that is an emerging growth company as of the first day of that fiscal year shall continue to be deemed an emerging growth company until the earliest of:

(i) The last day of the fiscal year of the issuer during which it had total annual gross revenues of $1,070,000,000 or more;

(ii) The last day of the fiscal year of the issuer following the fifth anniversary of the date of the first sale of common equity securities of the issuer pursuant to an effective registration statement under the Securities Act of 1933;

(iii) The date on which such issuer has, during the previous three year period, issued more than $1,000,000,000 in non-convertible debt; or

(iv) The date on which such issuer is deemed to be a large accelerated filer, as defined in Rule 12b–2 of the Exchange Act (§ 240.12b–2 of this chapter).

* * * * *

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

■ 15. The authority citation for part 239 is revised to read in part as follows:

Authority: 15 U.S.C. 77c, 77f, 77g, 77h, 77j, 77s, 77z–2, 77z–3, 77sss, 78c, 78*l,* 78m,78n, 78o(d), 78o–7 note, 78u–5, 78w(a), 78*ll,* 78mm, 80a–2(a), 80a–3, 80a–8, 80a–9, 80a–10, 80a–13, 80a–24, 80a–26, 80a–29, 80a–30, and 80a–37; and sec. 107, Pub. L. 112–106, 126 Stat. 312, unless otherwise noted.

* * * * *

■ 16. Amend Form S–1 (referenced in § 239.11) by revising the text and check boxes on the cover page immediately before the ''Calculation of Registration Fee'' table to read as follows:

Note: The text of Form S–1 does not, and this amendment will not, appear in the Code of Federal Regulations.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM S–1

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

* * * * *

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, smaller reporting company, or an emerging growth company. See the definitions of ''large accelerated filer,'' ''accelerated filer,'' ''smaller reporting company,'' and ''emerging growth company'' in Rule 12b–2 of the Exchange Act.

Large accelerated filer ☐
Accelerated filer ☐
Non-accelerated filer ☐ (Do not check if a smaller reporting company)
Smaller reporting company ☐
Emerging growth company ☐

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 7(a)(2)(B) of the Securities Act. ☐

* * * * *

■ 17. Amend Form S–3 (referenced in § 239.13) by revising the text and check boxes on the cover page immediately before the ''Calculation of Registration Fee'' table to read as follows:

Note: The text of Form S–3 does not, and this amendment will not, appear in the Code of Federal Regulations.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM S–3

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

* * * * *

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, smaller reporting company, or an emerging growth company. See the definitions of ''large accelerated filer,'' ''accelerated filer,'' ''smaller reporting company,'' and ''emerging growth company'' in Rule 12b–2 of the Exchange Act.

Large accelerated filer ☐
Accelerated filer ☐
Non-accelerated filer ☐ (Do not check if a smaller reporting company)
Smaller reporting company ☐
Emerging growth company ☐

If an emerging growth company, indicate by check mark if the registrant

has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 7(a)(2)(B) of the Securities Act. ☐

* * * * *

■ 18. Amend Form S–8 (referenced in § 239.16b) by revising the text and check boxes on the cover page immediately before the ''Calculation of Registration Fee'' table to read as follows:

Note: The text of Form S–8 does not, and this amendment will not, appear in the Code of Federal Regulations.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM S–8

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

* * * * *

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, smaller reporting company, or an emerging growth company. See the definitions of ''large accelerated filer,'' ''accelerated filer,'' ''smaller reporting company,'' and ''emerging growth company'' in Rule 12b–2 of the Exchange Act.

Large accelerated filer ☐
Accelerated filer ☐
Non-accelerated filer ☐ (Do not check if a smaller reporting company)
Smaller reporting company ☐
Emerging growth company ☐

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 7(a)(2)(B) of the Securities Act. ☐

* * * * *

■ 19. Amend Form S–11 (referenced in § 239.18) by revising the text and check boxes on the cover page immediately before the ''Calculation of Registration Fee'' table to read as follows:

Note: The text of Form S–11 does not, and this amendment will not, appear in the Code of Federal Regulations.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM S–11

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

* * * * *

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, smaller reporting company, or an emerging growth company. See the definitions of ''large accelerated filer,'' ''accelerated filer,'' ''smaller reporting company,'' and ''emerging growth company'' in Rule 12b–2 of the Exchange Act.

Large accelerated filer ☐
Accelerated filer ☐
Non-accelerated filer ☐ (Do not check if a smaller reporting company)
Smaller reporting company ☐
Emerging growth company ☐

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 7(a)(2)(B) of the Securities Act. ☐

* * * * *

■ 20. Amend Form S–4 (referenced in § 239.25) by revising the text and check boxes on the cover page immediately before the ''Calculation of Registration Fee'' table to read as follows:

Note: The text of Form S–4 does not, and this amendment will not, appear in the Code of Federal Regulations.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM S–4

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

* * * * *

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, smaller reporting company, or an emerging growth company. See the definitions of ''large accelerated filer,'' ''accelerated filer,'' ''smaller reporting company,'' and ''emerging growth company'' in Rule 12b–2 of the Exchange Act.

Large accelerated filer ☐
Accelerated filer ☐
Non-accelerated filer ☐ (Do not check if a smaller reporting company)
Smaller reporting company ☐
Emerging growth company ☐

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 7(a)(2)(B) of the Securities Act. ☐

* * * * *

■ 21. Amend Form F–1 (referenced in § 239.31) by adding text and two check boxes to the cover page immediately before the ''Calculation of Registration Fee'' table to read as follows:

Note: The text of Form F–1 does not, and this amendment will not, appear in the Code of Federal Regulations.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM F–1

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

* * * * *

Indicate by check mark whether the registrant is an emerging growth company as defined in Rule 405 of the Securities Act of 1933.

Emerging growth company ☐

If an emerging growth company that prepares its financial statements in accordance with U.S. GAAP, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards † provided pursuant to Section 7(a)(2)(B) of the Securities Act. ☐

† The term ''new or revised financial accounting standard'' refers to any update issued by the Financial Accounting Standards Board to its Accounting Standards Codification after April 5, 2012.

* * * * *

■ 22. Amend Form F–3 (referenced in § 239.33) by adding text and two check boxes to the cover page immediately before the ''Calculation of Registration Fee'' table to read as follows:

Note: The text of Form F–3 does not, and this amendment will not, appear in the Code of Federal Regulations.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM F–3

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

* * * * *

Indicate by check mark whether the registrant is an emerging growth company as defined in Rule 405 of the Securities Act of 1933.

Emerging growth company ☐

If an emerging growth company that prepares its financial statements in accordance with U.S. GAAP, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards † provided pursuant to Section 7(a)(2)(B) of the Securities Act. ☐

† The term ''new or revised financial accounting standard'' refers to any update issued by the Financial

Accounting Standards Board to its Accounting Standards Codification after April 5, 2012.

* * * * *

■ 23. Amend Form F–4 (referenced in § 239.34) by adding text and two check boxes to the cover page immediately before the ''Calculation of Registration Fee:'' table to read as follows:

Note: The text of Form F–4 does not, and this amendment will not, appear in the Code of Federal Regulations.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM F–4

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

* * * * *

Indicate by check mark whether the registrant is an emerging growth company as defined in Rule 405 of the Securities Act of 1933.

Emerging growth company ☐

If an emerging growth company that prepares its financial statements in accordance with U.S. GAAP, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards † provided pursuant to Section 7(a)(2)(B) of the Securities Act. ☐

† The term ''new or revised financial accounting standard'' refers to any update issued by the Financial Accounting Standards Board to its Accounting Standards Codification after April 5, 2012.

* * * * *

■ 24. Amend Form C (referenced in § 239.900) by revising the dollar amounts in Question 29 of the ''OPTIONAL QUESTION & ANSWER FORMAT FOR AN OFFERING STATEMENT'' as follows:

Note: The text of Form C does not, and this amendment will not, appear in the Code of Federal Regulations.

■ a. Removing all references to ''$100,000'' and adding in their place ''$107,000'';

■ b. Removing all references to ''$500,000'' and adding in their place ''$535,000''; and

■ c. Removing reference to ''$1,000,000'' and adding in its place ''$1,070,000.''

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

■ 25. The general authority citation for part 240 is revised to read as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78c–3, 78c–5, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l,* 78m, 78n, 78n–1, 78*o,* 78*o*–4, 78*o*–10, 78p, 78q, 78q–1, 78s, 78u–5, 78w, 78x, 78*ll,* 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, 7201 *et seq.;* and 8302; 7 U.S.C. 2(c)(2)(E); 12 U.S.C. 5221(e)(3); 18 U.S.C. 1350; and Pub. L. 111–203, 939A, 124 Stat. 1887 (2010); and secs. 503 and 602, Pub. L. 112–106, 126 Stat. 326 (2012), unless otherwise noted.

* * * * *

■ 26. Amend § 240.12b–2 by adding the definition ''Emerging growth company'' in alphabetical order to read as follows:

§ 240.12b–2 Definitions.

* * * * *

Emerging growth company. (1) The term *emerging growth company* means an issuer that had total annual gross revenues of less than $1,070,000,000 during its most recently completed fiscal year.

(2) An issuer that is an emerging growth company as of the first day of that fiscal year shall continue to be deemed an emerging growth company until the earliest of:

(i) The last day of the fiscal year of the issuer during which it had total annual gross revenues of $1,070,000,000 or more;

(ii) The last day of the fiscal year of the issuer following the fifth anniversary of the date of the first sale of common equity securities of the issuer pursuant to an effective registration statement under the Securities Act of 1933;

(iii) The date on which such issuer has, during the previous three year period, issued more than $1,000,000,000 in non-convertible debt; or

(iv) The date on which such issuer is deemed to be a large accelerated filer, as defined in Rule 12b–2 (§ 240.12b–2 of this chapter).

* * * * *

■ 27. Amend § 240.14a–21 by:

■ a. In paragraphs (a) and (b), removing ''If a solicitation is made by a registrant and the solicitation relates to an annual or other meeting of shareholders at which directors will be elected and for which the rules of the Commission require executive compensation disclosure pursuant to Item 402 of Regulation S–K (§ 229.402 of this chapter)'' and adding in its place ''If a solicitation is made by a registrant, other than an emerging growth company as defined in Rule 12b–2 (§ 240.12b–2), and the solicitation relates to an annual or other meeting of shareholders at which directors will be elected and for which the rules of the Commission require executive compensation disclosure pursuant to Item 402 of Regulation S–K (§ 229.402 of this chapter)'';

■ b. In paragraph (c), removing ''If a solicitation is made by a registrant for a meeting of shareholders at which shareholders are asked to approve an acquisition, merger, consolidation or proposed sale or other disposition of all or substantially all the assets of the registrant, the registrant shall include a separate resolution subject to shareholder advisory vote to approve any agreements or understandings and compensation disclosed pursuant to Item 402(t) of Regulation S–K (§ 229.402(t) of this chapter)'' and adding in its place ''If a solicitation is made by a registrant, other than an emerging growth company as defined in Rule 12b–2 (§ 240.12b–2), for a meeting of shareholders at which shareholders are asked to approve an acquisition, merger, consolidation or proposed sale or other disposition of all or substantially all the assets of the registrant, the registrant shall include a separate resolution subject to shareholder advisory vote to approve any agreements or understandings and compensation disclosed pursuant to Item 402(t) of Regulation S–K (§ 229.402(t) of this chapter)''; and

■ c. Add item 4 to the Instructions to § 240.14a–21.

The addition reads as follows:

§ 240.14a–21 Shareholder approval of executive compensation, frequency of votes for approval of executive compensation and shareholder approval of golden parachute compensation.

* * * * *

Instructions to § 240.14a–21: * * *

4. A registrant that has ceased being an emerging growth company shall include the first separate resolution described under § 240.14a–21(a) not later than the end of (i) in the case of a registrant that was an emerging growth company for less than two years after the date of first sale of common equity securities of the registrant pursuant to an effective registration statement under the Securities Act of 1933 (15 U.S.C 77a *et seq.*), the three-year period beginning on such date; and (ii) in the case of any other registrant, the one-year period beginning on the date the registrant is no longer an emerging growth company.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

■ 28. The authority citation for part 249 continues to read in part as follows:

Authority: 15 U.S.C. 78a *et seq.* and 7201 *et seq.;* 12 U.S.C. 5461 *et seq.;* 18 U.S.C. 1350;

Sec. 953(b) Pub. L. 111–203, 124 Stat. 1904; Sec. 102(a)(3) Pub. L. 112–106, 126 Stat. 309 (2012), Sec. 107 Pub. L. 112–106, 126 Stat. 313 (2012), and Sec. 72001 Pub. L. 114–94, 129 Stat. 1312 (2015), unless otherwise noted.

* * * * *

■ 29. Amend Form 10 (referenced in § 249.210) by revising the text and check boxes on the cover page immediately before the text ''Information Required in the Registration Statement'' to read as follows:

Note: The text of Form 10 does not, and this amendment will not, appear in the Code of Federal Regulations.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM 10

GENERAL FORM FOR REGISTRATION OF SECURITIES

Pursuant to Section 12(b) or (g) of the Securities Exchange Act of 1934

* * * * *

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, smaller reporting company, or an emerging growth company. See the definitions of ''large accelerated filer,'' ''accelerated filer,'' ''smaller reporting company,'' and ''emerging growth company'' in Rule 12b–2 of the Exchange Act.

Large accelerated filer ☐
Accelerated filer ☐
Non-accelerated filer ☐ (Do not check if a smaller reporting company)
Smaller reporting company ☐
Emerging growth company ☐

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act. ☐

* * * * *

■ 30. Amend Form 20–F (referenced in § 249.220f) by:
■ a. Revising the text and check boxes on the cover page immediately before the text ''Indicate by check mark which basis of accounting the registrant has used to prepare the financial statements included in this filing'';
■ b. Adding new Instruction 3 to ''Item 3.A'';
■ c. Adding new Instruction 4 to ''Item 8.A.2''; and

The additions and revisions read as follows.

Note: The text of Form 20–F does not, and this amendment will not, appear in the Code of Federal Regulations.

FORM 20–F

* * * * *

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, or an emerging growth company. See the definitions of ''large accelerated filer,'' ''accelerated filer,'' and ''emerging growth company'' in Rule 12b–2 of the Exchange Act.

Large accelerated filer ☐
Accelerated filer ☐
Non-accelerated filer ☐
Emerging growth company ☐

If an emerging growth company that prepares its financial statements in accordance with U.S. GAAP, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards † provided pursuant to Section 13(a) of the Exchange Act. ☐

† The term ''new or revised financial accounting standard'' refers to any update issued by the Financial Accounting Standards Board to its Accounting Standards Codification after April 5, 2012.

* * * * *

Item 3. Key Information

* * * * *

Instructions to Item 3A:

* * * * *

3. If you are an emerging growth company, as defined in Rule 12b–2 of the Exchange Act (§ 240.12b–2 of this chapter), that is providing the information called for by Item 3.A.1 in: (1) A Securities Act registration statement, you do not need to present selected financial data for any period prior to the earliest audited financial statements presented in connection with the initial public offering of your common equity securities; or (2) a registration statement, periodic report, or other report filed under the Exchange Act, you do not need to present selected financial data in accordance with this Item for any period prior to the earliest audited financial statements presented in connection with your first registration statement that became effective under the Exchange Act or the Securities Act.

* * * * *

Item 8. Financial Information

* * * * *

Instructions to Item 8.A.2:

* * * * *

4. If you are an emerging growth company, as defined in Rule 12b–2 (§ 240.12b–2 of this chapter), you do not need to present more than two years of audited financial statements in your registration statement for an initial public offering of your common equity securities.

* * * * *

Item 15. Controls and Procedures

* * * * *

(4) If an issuer is an accelerated filer or a large accelerated filer (as defined in § 240.12b–2 of this chapter), other than an emerging growth company (as defined in § 240.12b–2 of this chapter), or otherwise includes in its annual report a registered public accounting firm's attestation report on internal control over financial reporting, a statement that the registered public accounting firm that audited the financial statements included in the annual report containing the disclosure required by this Item has issued an attestation report on management's assessment of the issuer's internal control over financial reporting.

(c) *Attestation report of the registered public accounting firm.* If an issuer is an accelerated filer or a large accelerated filer (as defined in § 240.12b–2 of this chapter), other than an emerging growth company (as defined in § 240.12b–2 of this chapter), and where the Form is being used as an annual report filed under Section 13(a) or 15(d) of the Exchange Act, provide the registered public accounting firm's attestation report on management's assessment of the issuer's internal control over financial reporting in the issuer's annual report containing the disclosure required by this Item.

* * * * *

■ 31. Amend Form 40–F (referenced in § 249.240f) by:
■ a. Adding text and two check boxes to the cover page immediately before the General Instructions;
■ b. Revising paragraph (6)(c)(4) and (d) to General Instruction B.

The additions and revisions read as follows.

Note: The text of Form 40–F does not, and this amendment will not, appear in the Code of Federal Regulations.

FORM 40–F

* * * * *

Indicate by check mark whether the registrant is an emerging growth company as defined in Rule 12b–2 of the Exchange Act.

Emerging growth company ☐

If an emerging growth company that prepares its financial statements in accordance with U.S. GAAP, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards †

provided pursuant to Section 13(a) of the Exchange Act. ☐

† The term ''new or revised financial accounting standard'' refers to any update issued by the Financial Accounting Standards Board to its Accounting Standards Codification after April 5, 2012.

* * * * *

B. Information To Be Filed on This Form

* * * * *

(6) * * *

(c) *Management's annual report on internal control over financial reporting.* * * *

(4) If an issuer, other than an emerging growth company, as defined in Rule 12b–2 of the Exchange Act, a statement that the registered public accounting firm that audited the financial statements included in the annual report containing the disclosure required by this Item has issued an attestation report on management's assessment of the issuer's internal control over financial reporting.

(d) *Attestation report of the registered public accounting firm.* Where the Form is being used as an annual report filed under Section 13(a) or 15(d) of the Exchange Act, the issuer, other than an emerging growth company, as defined in Rule 12b–2 of the Exchange Act, must provide the registered public accounting firm's attestation report on management's assessment of internal control over financial reporting in the annual report containing the disclosure required by this Item.

* * * * *

■ 32. Amend Form 8–K (referenced in § 249.308) by adding text and two check boxes to the cover page immediately before the General Instructions to read as follows:

Note: The text of Form 8–K does not, and this amendment will not, appear in the Code of Federal Regulations.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM 8–K

CURRENT REPORT

Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

* * * * *

Indicate by check mark whether the registrant is an emerging growth company as defined in as defined in Rule 405 of the Securities Act of 1933 (§ 230.405 of this chapter) or Rule 12b–2 of the Securities Exchange Act of 1934 (§ 240.12b–2 of this chapter).

Emerging growth company ☐

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act. ☐

* * * * *

■ 33. Amend Form 10–Q (referenced in § 249.308a) by revising the text and check boxes on the cover page immediately before the text ''Indicate by check mark whether the registrant is a shell company (as defined in Rule 12b–2 of the Exchange Act).'' to read as follows:

Note: The text of Form 10–Q does not, and this amendment will not, appear in the Code of Federal Regulations.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM 10–Q

* * * * *

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, smaller reporting company, or an emerging growth company. See the definitions of ''large accelerated filer,'' ''accelerated filer,'' ''smaller reporting company,'' and ''emerging growth company'' in Rule 12b–2 of the Exchange Act.

Large accelerated filer ☐

Accelerated filer ☐

Non-accelerated filer ☐ (Do not check if a smaller reporting company)

Smaller reporting company ☐

Emerging growth company ☐

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act. ☐

* * * * *

■ 34. Amend Form 10–K (referenced in § 249.310) by revising the text and check boxes on the cover page immediately before the text ''Indicate by check mark whether the registrant is a shell company (as defined in Rule 12b–2 of the Exchange Act).'' to read as follows:

Note: The text of Form 10–K does not, and this amendment will not, appear in the Code of Federal Regulations.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM 10–K

* * * * *

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, smaller reporting company, or an emerging growth company. See the definitions of ''large accelerated filer,'' ''accelerated filer,'' ''smaller reporting company,'' and ''emerging growth company'' in Rule 12b–2 of the Exchange Act.

Large accelerated filer ☐

Accelerated filer ☐

Non-accelerated filer ☐ (Do not check if a smaller reporting company)

Smaller reporting company ☐

Emerging growth company ☐

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act. ☐

* * * * *

By the Commission.

Dated: March 31, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–06797 Filed 4–11–17; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2016–1086]

RIN 1625–AA08

Special Local Regulation; Chesapeake Bay, Between Sandy Point and Kent Island, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing special local regulations for certain waters of the Chesapeake Bay. This action is necessary to provide for the safety of life on the navigable waters located between Sandy Point, Anne Arundel County, MD and Kent Island, Queen Anne's County, MD, during a paddling event on April 29, 2017. This rulemaking will prohibit persons and vessels from entering the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or Coast Guard Patrol Commander.

DATES: This rule is effective from 7 a.m. on April 29, 2017 through 1 p.m. on April 30, 2017.

ADDRESSES: To view documents mentioned in this preamble as being

available in the docket, go to *http://www.regulations.gov,* type USCG–2016–1086 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 Mr. Ronald Houck, U.S. Coast Guard Sector Maryland-National Capital Region, MD; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

On December 13, 2016, ABC Events, Inc. of Arnold, MD notified the Coast Guard that it will be conducting the Bay Bridge Paddle from 7:30 a.m. to 12:30 p.m. on April 29, 2017. The event will be located adjacent to Sandy Point State Park at Annapolis, MD, and under and between the north and south bridges that comprise the William P. Lane, Jr. (US–50/301) Memorial Bridges, located between Sandy Point, Anne Arundel County, MD and Kent Island, Queen Anne's County, MD. On February 14, 2017, the Coast Guard published a notice of proposed rulemaking (NPRM) titled ''Special Local Regulation; Chesapeake Bay, Between Sandy Point and Kent Island, MD'' in the **Federal Register** (82 FR 10555). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this paddle race. During the comment period that ended March 16, 2017, we received 2 comments. No public meeting was requested, and none was held.

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**, because allowing a 30-day period with respect to this rule would be impracticable due to the date of the event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1233. The COTP Maryland-National Capital Region has determined that potential hazards associated with the paddle race on April 29, 2017 will be a safety concern for anyone intending to operate within certain waters of the Chesapeake Bay between Sandy Point and Kent Island, MD. The purpose of this rule is to protect event participants, spectators and transiting vessels on certain waters of the Chesapeake Bay before, during, and after the scheduled event.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received 2 comments on the NPRM published on February 14, 2017. There are no changes in the regulatory text of this rule from the text previously proposed in the NPRM.

Comments were received from the Baltimore Port Alliance Executive Steering Committee, they stated that the proposed regulated area for this event would block commercial vessel access to and from the Port of Baltimore for five hours, and that any restrictions on vessel traffic in or out of the port could result in a significant economic hardship for port stakeholders by disrupting committed ship schedules. Additionally, the committee recommended re-routing the paddle race course in a manner that would not block the main shipping channel or to change the date of the paddle race to coincide with the annual Great Chesapeake Bay Swim event a month later, so that only one blockage of the main shipping channel would occur.

The Coast Guard agrees that waterway restrictions, when necessary, should be as limited in scope and duration. For this event, sufficient notice has been provided for persons to schedule, coordinate and adjust their ship schedules. The Coast Guard will work with the port stakeholders to carefully monitor potential impacts to commercial vessel movements in the vicinity of the marine event area. It is impractical to conduct the events concurrently; as the two marine events are significantly different. The safety of paddlecraft participants and swimmers both numbering in the hundreds would be negatively impacted by occupying the same navigable waters. The event schedule for the Great Chesapeake Bay Swim is dependent upon tidal current predictions; the possibility exists, should both events be conducted on the same day, waterway restrictions would last for a significantly longer period of time having a greater impact on waterway users.

Comments were received from an amateur paddler, supporting the manner the proposed regulation for this event would be enforced. The paddler indicated the regulation showed prudent judgment and was carefully considered by the Coast Guard, would enhance safety to event participants while minimizing restrictions on mariners and would allow continued recreational access to the Chesapeake Bay by the public.

The Coast Guard strives to ensure equitable use of federal waterways like the Chesapeake Bay. During this event the Coast Guard will only enforce the regulated area during the enforcement period.

This rule establishes special local regulations from 7 a.m. to 1 p.m. on April 29, 2017, and, if necessary due to inclement weather, from 7 a.m. to 1 p.m. on April 30, 2017. The regulated area will include all navigable waters of the Chesapeake Bay, adjacent to the shoreline at Sandy Point State Park and between and adjacent to the spans of the William P. Lane Jr. Memorial Bridges, from shoreline to shoreline, bounded to the north by a line drawn from the western shoreline at latitude 39°01′05.23″ N., longitude 076°23′47.93″ W.; thence eastward to latitude 39°01′02.08″ N., longitude 076°22′58.38″ W.; thence southward to latitude 38°59′57.02″ N., longitude 076°23′02.79″ W.; thence eastward and parallel and 500 yards north of the north bridge span to eastern shoreline at latitude 38°59′13.70″ N., longitude 076°19′58.40″ W.; and bounded to the south by a line drawn parallel and 500 yards south of the south bridge span that originates from the western shoreline at latitude 39°00′17.08″ N., longitude 076°24′28.36″ W.; thence southward to latitude 38°59′38.36″ N., longitude 076°23′59.67″ W.; thence eastward to latitude 38°59′26.93″ N., longitude 076°23′25.53″ W.; thence eastward to the eastern shoreline at latitude 38°58′40.32″ N., longitude 076°20′10.45″ W., located between Sandy Point and Kent Island, MD. The duration of the regulated area is intended to ensure the safety of vessels and these navigable waters before, during, and after the event, currently scheduled to being at 7:30 a.m. and last until 12:30 p.m. Except for Bay Bridge Paddle participants, no vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP Maryland-National Capital Region or designated Coast Guard Patrol Commander.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

E.O.s 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') 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 including potential economic, environmental, public health and safety effects, distributive impacts, and equity. E.O. 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.''

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has not reviewed it.

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 and duration of the regulated area, which would impact a small designated area of the Chesapeake Bay for 6 hours. The Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule will allow vessels to seek permission to enter the regulated area, and vessel traffic will be able to safely transit the regulated area once the COTP or designated Coast Guard Patrol Commander deems it safe to do so.

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 regulated area may be small entities, for the reasons stated in section IV.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 E.O. 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

Also, this rule does not have tribal implications under E.O. 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.

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 implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area lasting for 6 hours. The category of water activities includes but is not limited to sail boat regattas, boat parades, power boat racing, swimming events, crew racing, canoe and sail board racing. Normally such actions are categorically excluded from further review under paragraph 34(h) of Figure 2–1 of Commandant Instruction M16475.lD. An environmental analysis checklist supporting this determination and a 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 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 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.501T05–1086 to read as follows:

§ 100.501T05–1086 Special Local Regulation; Chesapeake Bay, between Sandy Point and Kent Island, MD.

(a) *Regulated area.* The following location is a regulated area: All navigable waters of the Chesapeake Bay, adjacent to the shoreline at Sandy Point State Park and between and adjacent to the spans of the William P. Lane Jr. Memorial Bridges, from shoreline to shoreline, bounded to the north by a line drawn from the western shoreline at latitude 39°01′05.23″ N., longitude 076°23′47.93″ W.; thence eastward to latitude 39°01′02.08″ N., longitude 076°22′58.38″ W.; thence southward to latitude 38°59′57.02″ N., longitude 076°23′02.79″ W.; thence eastward and parallel and 500 yards north of the north bridge span to eastern shoreline at latitude 38°59′13.70″ N., longitude 076°19′58.40″ W.; and bounded to the south by a line drawn parallel and 500 yards south of the south bridge span that originates from the western shoreline at latitude 39°00′17.08″ N., longitude 076°24′28.36″ W.; thence southward to latitude 38°59′38.36″ N., longitude 076°23′59.67″ W.; thence eastward to latitude 38°59′26.93″ N., longitude 076°23′25.53″ W.; thence eastward to the eastern shoreline at latitude 38°58′40.32″ N., longitude 076°20′10.45″ W., located between Sandy Point and Kent Island, MD. All coordinates reference Datum NAD 1983.

(b) *Definitions.* (1) *Captain of the Port Maryland-National Capital Region* means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Maryland-National Capital Region.

(3) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(4) *Participant* means all persons and vessels participating in the Bay Bridge Paddle event under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Maryland-National Capital Region.

(c) *Special local regulations.* (1) The COTP or Coast Guard Patrol Commander may forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both. The Coast Guard Patrol Commander may terminate the event, or the operation of any support vessel participating in the event, at any time it is deemed necessary for the protection of life or property.

(2) Except for participants and vessels already at berth, all persons and vessels within the regulated area at the time it is implemented are to depart the regulated area.

(3) Persons and vessels desiring to transit, moor, or anchor within the regulated area must first obtain authorization from the Captain of the Port Maryland-National Capital Region or Coast Guard Patrol Commander. Prior to the enforcement period, to seek permission to transit, moor, or anchor within the area, the Captain of the Port Maryland-National Capital Region can be contacted at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). During the enforcement period, to seek permission to transit, moor, or anchor within the area, the Coast Guard Patrol Commander can be contacted on Marine Band Radio, VHF–FM channel 16 (156.8 MHz) for direction.

(4) The Coast Guard may be assisted in the patrol and enforcement of the regulated area by other Federal, State, and local agencies. The Coast Guard Patrol Commander and official patrol vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22A (157.1 MHz).

(5) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio announcing specific event date and times.

(d) *Enforcement period.* This section will be enforced from 7 a.m. to 1 p.m. on April 29, 2017, and, if necessary due to inclement weather, from 7 a.m. to 1 p.m. on April 30, 2017.

Dated: April 7, 2017.

Lonnie P. Harrison, Jr.,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2017–07376 Filed 4–11–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0018]

Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Belle Chasse, Louisiana

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the State Route 23 Bridge across the Gulf Intracoastal Waterway (Algiers Alternate Route), mile 3.8, at Belle Chasse, Plaquemines Parish, Louisiana. The deviation is necessary to facilitate movement of vehicular traffic for the 2017 New Orleans Air Show to be held at the U.S. Naval Air Station, Joint Reserve Base at Belle Chasse, Louisiana. This deviation allows the bridge to remain in the closed-to-navigation position for several hours on two afternoons to accommodate the additional volume of vehicular traffic following the event.

DATES: This temporary deviation is effective from 4 p.m. on Saturday, April 22, 2017 through 6:30 p.m. on Sunday, April 23, 2017.

ADDRESSES: The docket for this deviation, [USCG–2017–0018] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Giselle MacDonald, Bridge Administration Branch, Coast Guard, telephone 504–671–2128, email *Giselle.T.MacDonald@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Department of the Navy requested a temporary deviation from the operating schedule of the State Route 23 vertical lift span bridge across the Gulf Intracoastal Waterway, mile 3.8, at Belle Chasse, Plaquemines Parish, Louisiana. The 2017 New Orleans Air Show is being held on the weekend of April 22–23, 2017. The deviation will accommodate the anticipated vehicle traffic associated with the large amount of the general public that will attend this popular event. This temporary deviation will allow the bridge to remain in the closed-to-navigation position from 4 p.m. until 6:30 p.m. on Saturday, April 22, 2017 and from 4 p.m. until 6:30 p.m. on Sunday, April 23, 2017.

In accordance with 33 CFR 117.451(b), the bridge currently opens on signal; except that, from 6 a.m. to 8:30 a.m. and from 3:30 p.m. to 5:30 p.m. Monday through Friday, except Federal holidays, the draw need not be opened for the passage of vessels.

The State Route 23 vertical lift span bridge across the Gulf Intracoastal Waterway (Algiers Alternate Route), mile 3.8, at Belle Chasse, Louisiana has a vertical clearance of 40 feet above mean high water in the closed-to-navigation position and 100 feet above mean high water in the open-to-navigation position. Navigation on the waterway consists primarily of tugs with tows, commercial fishing vessels, and occasional recreational craft. Mariners may use the Gulf Intracoastal Waterway (Harvey Canal) as an alternate.

The Coast Guard has coordinated the closure with waterway users, industry, and other Coast Guard units. It has been determined that this closure will not have a significant effect on vessel traffic. The bridge will not be able to open for emergencies during the closure period.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: March 31, 2017.

Eric A. Washburn,

Bridge Administrator, Eighth Coast Guard District.

[FR Doc. 2017–07383 Filed 4–11–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0257]

Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations; request for comments.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating regulation that governs the DELAIR Memorial Railroad Bridge across the Delaware River, mile 104.6, at Pennsauken Township, NJ. This deviation will test the remote operation capability of the drawbridge to determine whether the bridge can be safely operated from a remote location. This deviation will allow the bridge to be remotely operated from the Conrail South Jersey dispatch center in Mount Laurel, NJ, instead of being operated by an on-site bridge tender.

DATES: This deviation is effective from 8 a.m. on April 24, 2017, to 7:59 a.m. on October 21, 2017. Comments and related material must reach the Coast Guard on or before August 18, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2016–0257 using Federal eRulemaking Portal at *http://www.regulations.gov.*

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this test deviation, call or email Mr. Hal R. Pitts, Fifth Coast Guard District (dpb); telephone (757) 398–6222, email *Hal.R.Pitts@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Background, Purpose and Legal Basis

The DELAIR Memorial Bridge across the Delaware River, mile 104.6, at Pennsauken Township, NJ, owned and operated by Conrail Shared Assets, has a vertical clearance of 49 feet above mean high water in the closed-to-navigation position. There is a daily average of 28 New Jersey Transit trains and 8 Conrail freight trains that cross the bridge and a daily average of 3 bridge openings that allow one or more vessels to transit through the bridge during each opening. The bridge is normally maintained in the closed position, due to the average daily number of trains crossing the bridge. The operating schedule is published in 33 CFR 117.716. This operating schedule has been in effect since 1984 and will not change with the implementation of remote operation of the bridge. This test deviation allows the bridge to be operated remotely from the bridge owner's South Jersey dispatch center in Mount Laurel, NJ.

The Delaware River is used by a variety of vessels including deep draft commercial vessels, tug and barge traffic, recreational vessels, and public vessels including military vessels of various sizes. The three-year average number of bridge openings and maximum number of bridge openings by month and overall for 2013 through 2015, as drawn from the data contained in the bridge tender logs, is presented below.

Month	Average openings	Maximum openings
January	73	88
February	54	56
March	80	94
April	55	68
May	60	67
June	60	71
July	122	162
August	112	138
September	143	201
October	109	117
November	100	116
December	100	122
Monthly	89	201
Daily	3	7

The bridge owner and the maritime community have been working together since 2013 in an effort to incorporate sensors and other technologies into the bridge and the Conrail South Jersey dispatch center to allow for the safe and effective remote operation of the bridge. The remote operation system includes eight camera views (four marine and four rail), two forward-looking infrared equipped camera views (marine), marine radar, a dedicated telephone line for bridge operations, radiotelephone on VHF–FM channels 13 and 16, and an automated identification system (AIS) transmitter to provide bridge status. The AIS transmitter has been installed on the New Jersey side of the bridge at the bridge and land intersection in approximate position 39 degrees, 58 minutes, 50.52 seconds North (39.9807), 75 degrees, 03 minutes, 58.75 seconds West (−75.06632). The AIS transmitter is assigned maritime mobile service identity (MMSI) number 993663001 and will provide the status of the bridge (open/closed/inoperative) via the name transmitted by the private aids to navigation as: DELAIR BRG–OPEN

(fully open and locked position, channel light green), DELAIR BRG–CLOSED (other than fully open, not inoperative), or DELAIR BRG–INOP (other than fully open, inoperative). The AIS transmitter will transmit the bridge status every two minutes and upon a change in the bridge status.

The remote operation system is designed to provide equal or greater capabilities compared to the on-site bridge tender, in visibility of the waterway and bridge, and in signals (communications) via sound and visual signals and radio telephone (voice) via VHF–FM channels 13 and 16. The remote operation system also incorporates real-time bridge status via AIS signal to aid mariners in voyage planning and navigational decision-making, a dedicated telephone line (856) 231–2301 for bridge operations, and push-to-talk (PTT) capability on VHF–FM channel 13.

The remote operation system will be considered failed and qualified personnel will return and operate the bridge within 60 minutes, if any of the following conditions are found: (1) The remote operation system becomes incapable of safely and effectively operating the bridge from the remote operation center, (2) visibility of the waterway or bridge is degraded to less than equal that of an on-site bridge tender (all eight camera views are required), (3) signals (communications) via sound or visual signals or radio telephone (voice) via VHF–FM channels 13 or 16 become inoperative, or (4) AIS becomes inoperative.

The test deviation will commence at 8 a.m. on April 24, 2017, and conclude at 7:59 a.m. on October 21, 2017. During the test deviation, a bridge tender will be stationed on-site at the bridge and will be able to immediately take local control of the bridge, as required. Vessels that require an opening shall continue to request an opening via the methods (sound or visual signals or radio telephone (VHF–FM) voice communications) as defined in 33 CFR 117.15(b) through (d), via telephone at (856) 231–2301, or push-to-talk (PTT) on VHF–FM channel 13. Vessels may push the PTT button five times while on VHF–FM channel 13 and the South Jersey dispatch center, or bridge tender at the bridge, will receive and respond to the request and commence opening of the bridge. During the test deviation, if the South Jersey dispatch center does not respond to a vessel's request, or is unable to operate the bridge, the bridge tender at the bridge will take immediate action to respond to the vessel's request for a bridge opening and commence opening of the bridge in accordance with regulations.

During the second half of the test deviation period, commencing on or before 8 a.m. on July 23, 2017, the remote operation system will incorporate the capability to receive and respond to sound and visual signals from the remote operation center. Prior to incorporation of the capability to receive and respond to sound and visual signals from the remote operation center, the on-sight bridge tender will receive and respond to sound and visual signals and coordinate an opening of the bridge with the remote operation center. The signals for the remote operation center to respond to a sound signal for a bridge opening will include: (1) When draw can be opened immediately—a sound signal of one prolonged blast followed by one short blast and illumination of a fixed white light not more than 30 seconds after the requesting signal or (2) when the draw cannot be opened immediately—five short blasts sounded in rapid succession and illumination of a fixed red light not more 30 seconds after the vessel's opening signal. The signals to respond to a visual signal for a bridge opening will include: (1) When draw can be opened immediately—illumination of a fixed white light not more than 30 seconds after the requesting signal or (2) when the draw cannot be opened immediately—illumination of a fixed red light not more 30 seconds after the vessel's opening signal. The fixed white light will remain illuminated until the bridge reaches the fully open position. The fixed white and red lights will be positioned on the east (New Jersey) bridge abutment adjacent to the navigation span.

During the test deviation period, the bridge owner will collect data on the performance and operation of the bridge and efficacy of the remote operation system sensors, technologies, and processes and procedures. The incorporation of AIS is designed to enhance the availability of real-time information regarding the status of the DELAIR Bridge for vessel operators and other maritime stakeholders.

The bridge owner conducted significant coordination with the U. S. Coast Guard, Mariners' Advisory Committee for the Bay and River Delaware, and maritime stakeholders in 2013, 2014, and 2015, regarding remote operation of the DELAIR Bridge and in developing a plan to perform this test deviation. The bridge owner also met with the U. S. Coast Guard and Delaware River Pilots, and provided a tour of their South Jersey dispatch center and demonstration of the remote operation of the bridge for interested stakeholders, in January 2015.

In accordance with 33 CFR 117.35(e), the drawbridge must return to normal (local) operation at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

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

Dated: April 6, 2017.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2017–07287 Filed 4–11–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2015–0697; FRL–9949–11]

Monoethanolamine; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of monoethanolamine (CAS Reg. No. 141–43–5) when used as an inert ingredient (solvent) in pesticides applied to growing crops and raw agricultural commodities after harvest limited to a maximum concentration of 3.35% by weight in the pesticide formulation. Technology Sciences Group Inc., on behalf of Doosan Corporation, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of monoethanolamine when used in accordance with the approved concentrations.

DATES: This regulation is effective April 12, 2017. Objections and requests for hearings must be received on or before June 12, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0697, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2015–0697 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before June 12, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2015–0697, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Petition for Exemption

In the **Federal Register** of November 23, 2015 (80 FR 72941) (FRL–9936–73), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–10839) by Technology Sciences Group Inc. (1150 18th Street NW., Suite 1000, Washington, DC 20036) on behalf of Doosan Corporation (864 B/5F, Aict, 864–1, lui-dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, 443–284, Republic of Korea). The petition requested that 40 CFR 180.910 be amended by establishing an exemption from the requirement of a tolerance for residues of monoethanolamine (CAS Reg. No. 141–43–5) when used as an inert ingredient (solvent) in pesticide formulations applied to growing crops and raw agricultural commodities after harvest. That document referenced a summary of the petition prepared by Technology Sciences Group Inc. on behalf of Doosan Corporation, the petitioner, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has limited the maximum concentration of monoethanolamine to 3.35% by weight in pesticide formulations. The reason for this change is explained in Unit V.B. below.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a

pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for monoethanolamine including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with monoethanolamine follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by monoethanolamine as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

The acute oral and dermal toxicities are low in rats and rabbits for monoethanolamine. The lethal dose (LD_{50}s) are >1,000 milligram/kilogram (mg/kg) in acute oral and dermal studies in the rat and rabbit, respectively. Monoethanolamine is irritating to the skin at 1%, very irritating at >1% and corrosive at 10% in the rabbit. It is corrosive to the eyes in rabbits. Acute inhalation toxicity is low; the LD_{50} is >1.3 milligram/liter. It is not a dermal sensitizer in the guinea pig maximization test or in the mouse local lymph node assay.

Subchronic exposure to rats administered monoethanolamine via the diet causes increases liver and kidney weights at 640 mg/kg/day. The NOAEL is 320 mg/kg/day.

Monoethanolamine did not cause developmental nor maternal effects up to 450 mg/kg/day, the highest dose tested, in a developmental toxicity study via gavage in rats.

In developmental studies via dermal exposure, maternal toxicity (irritation, necrosis, scabbing and scar formation) is observed in rats at 225 mg/kg/day. Developmental toxicity in rats is not observed at 225 mg/kg/day, the highest dose tested. In rabbits, maternal toxicity (skin irritation, necrosis, scabbing and scar formation) and developmental toxicity (reduced body weight) are observed at 75 mg/kg/day. The NOAEL is 25 mg/kg/day.

Parental, reproduction and offspring toxicities are observed at the limit dose, 1,000 mg/kg/day. Toxicity is manifested as decreased sperm head count in the cauda epididymidis; decreased absolute and relative weight of epididymides, cauda epididymidis and prostate; fewer implantation sites; higher post-implantation loss; and smaller litters in F0 and/or F1 animals. The parental, reproduction and offspring NOAELs are 300 mg/kg/day.

A chronic study conducted with a mixture containing 22% monoethanolamine is available in the dog. Monoethanolamine administered via the diet did not cause adverse effects up to 97.5 mg/kg/day (adjusted dose, 21.45 mg/kg/day, the highest dose tested.

Carcinogenicity studies with monoethanolamine are not available. However, a Derek Nexus structural alert analysis was conducted with monoethanolamine and indicated no structural alerts for carcinogenicity or mutagenicity. Therefore, monoethanolamine is not expected to be carcinogenic.

Monoethanolamine is negative in an Ames test, chromosomal aberrations, sister chromosome exchange and micronucleus assay and chromosomal aberration test. It is weakly positive in the micronucleus assay. However, based on the overall weight of evidence, monoethanolamine is not considered mutagenic.

Monoethanolamine administered as a vapor or liquid aerosol for 28 days causes severe lesions in the larynx, minimal to mild lesions in the nasal cavity, and minimal to mild signs of irritation in the trachea and bronchiolar epithelia at 50 mg/cubic meter (m^3) (15.5 mg/kg/day). The NOAEL is 10 mg/m^3 (3.1 mg/kg/day).

Clinical signs of neurotoxicity were observed in dogs and rats via oral and inhalation routes exposure. In an inhalation toxicity study conducted in 1960, initial excitation followed by central nervous system depression was observed in dogs exposed to continuous vapors at 12–26 parts per million (ppm) for 24 hours/day, 7 days/week for 90 days. However, these observations in dogs are considered due to the exposure regime rather than neurotoxic effects. In the same study, rats continuously exposed to 5 ppm of monoethanolamine displayed lethargy after 2 to 3 weeks of exposure. However, a more recent guideline study showed that rats exposed to monoethanolamine via

inhalation for 28-days did not show central nervous system excitation, depression or lethargy. In this study, salivation was the only effect observed that suggested potential neurotoxicity but was not considered a neurotoxic effect because it is likely due to the severely irritating properties of monoethanolamine as it enters the nasal pharynx region. In a developmental toxicity study in rats, lethargy, decreased response to light cage ''tap'', increased activity and agitation were observed at 500 mg/kg/day. Conversely, these effects were not reproduced in an OECD guideline 2-generation reproductive toxicity study at doses up to 1,000 mg/kg/day. In another study, rats administered a single dose monoethanolamine via intraperitoneal injection experienced a reduction in brain (16.5%) and red blood cell (24.8%) cholinesterase levels when compared to controls. In the same study, acetylcholinesterase activity was inhibited in isolated rat brain homogenate following exposure to 3665 microgram/milliliter (ug/ml) 2-aminoethanolamine. However, the effects in both studies are seen at doses (>3320 mg/kg) well above the limit dose, 1,000 mg/kg/day. Based on the overall weight of evidence from the available studies, EPA concluded that monoethanolamine is not neurotoxic.

Immunotoxicity studies are not available for review. However, evidence of immunotoxicity is not observed in the submitted studies.

Monoethanolamine is rapidly absorbed and metabolized. Following dermal or oral exposure, it is metabolized to acetaldehyde and ammonia. The reaction is catalyzed by ethanolamine deaminase and further degrade to CO_2 via the formation of ethanolamine-O-phosphate. In rats, the liver was the most active site of metabolism. Monoethanolamine in the liver is methylated to choline and converted to serine which in turn is made into hepatic proteins. In mice, urinary metabolites are urea and glycine, along with smaller concentrations of serine, monoethanolamine, choline and uric acid. Similarly, in rats, urinary metabolites include urea, hippuric acid and uric acid. Dermal absorption is estimated to be 60%.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/ safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for monoethanolamine used for human risk assessment is shown in the Table of this unit.

TABLE—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR MONOETHANOLAMINE FOR USE IN HUMAN RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (Females 13–50 years of age and General population including infants and children).	An acute effect was not found in the database therefore an acute dietary assessment is not necessary.		
Chronic dietary (All populations)	NOAEL = 300 mg/kg/day. UF_A = 10x ..... UF_H = 10x. FQPA SF = 1x.	Chronic RfD = 3.00 mg/kg/day. cPAD = 3.00 mg/kg/day.	Two-generation Reproduction Toxicity Study-Rat LOAEL = 1,000 mg/kg/day based on decreased sperm head count in the cauda epididymidis; decreased absolute and relative weight of epididymides, cauda epididymidis and prostate; fewer implantation sites; higher post-implantation loss; and smaller litters in F1 and F2
Incidental oral short-term (1 to 30 days).	NOAEL = 300 mg/kg/day. UF_A = 10x ..... UF_H = 10x. FQPA SF = 1x.	LOC for MOE = 100	Two-generation Reproduction Toxicity Study-Rat LOAEL = 1,000 mg/kg/day based on decreased sperm head count in the cauda epididymidis; decreased absolute and relative weight of epididymides, cauda epididymidis and prostate; fewer implantation sites; higher post-implantation loss; and smaller litters in F1 and F2
Incidental oral intermediate-term (1 to 6 months).	NOAEL = 300 mg/kg/day.	LOC for MOE = 100	Two-generation Reproduction Toxicity Study-Rat

TABLE—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR MONOETHANOLAMINE FOR USE IN HUMAN RISK ASSESSMENT—Continued

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
	UF_A = 10x		LOAEL = 1,000 mg/kg/day based on decreased sperm head count in the cauda epididymidis; decreased absolute and relative weight of epididymides, cauda epididymidis and prostate; fewer implantation sites; higher post-implantation loss; and smaller litters in F1 and F2
	UF_H = 10x. FQPA SF = 1x.		
Dermal short-term (1 to 30 days).	NOAEL = 25 mg/kg/day.	LOC for MOE = 100	Developmental Toxicity Study-Dermal-Rabbit
	UF_A = 10x		LOAEL = 75 mg/kg/day based on skin irritation, progressing from erythema to necrosis, scabbing and scar formation.
	UF_H = 10x. FQPA SF = 1x.		
Dermal intermediate-term (1 to 6 months).	NOAEL = 25 mg/kg/day.	LOC for MOE = 100	Developmental Toxicity Study-Dermal-Rabbit
	UF_A = 10x		LOAEL = 75 mg/kg/day based on skin irritation, progressing from erythema to necrosis, scabbing and scar formation.
	UF_H = 10x. FQPA SF = 1x.		
Inhalation short-term (1 to 30 days).	Inhalation (or oral) study NOAEL= 10 mg/m^3 (equivalent to 3.1 mg/kg/day (inhalation absorption rate = 100%).	LOC for MOE = 100	28 Day Inhalation Toxicity Study-Rat
	UF_A = 10x		LOAEL = 50 mg/m^3 (equivalent to 15.5 mg/kg/day) based on local effects in the larynx, trachea and lungs.
	UF_H = 10x. FQPA SF = 1x.		
Inhalation intermediate-(1 to 6 months).	Inhalation (or oral) study NOAEL= 10 mg/m^3 (equivalent to 3.1 mg/kg/day (inhalation absorption rate = 100%).	LOC for MOE = 100	28 Day Inhalation Toxicity Study-Rat
	UF_A = 10x		LOAEL = 50 mg/m^3 (equivalent to 15.5 mg/kg/day) based on local effects in the larynx, trachea and lungs.
	UF_H = 10x. FQPA SF = 1x.		
Cancer (Oral, dermal, inhalation).	Based on a Derek structural alert analysis and the lack of mutagenicity, monoethanolamine is considered not likely to be carcinogenic.		

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to monoethanolamine, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from monoethanolamine in food as follows:

Dietary exposure (food and drinking water) to monoethanolamine can occur following ingestion of foods with residues from treated crops. Because no adverse effects attributable to a single exposure of monoethanolamine are seen in the toxicity databases, an acute dietary risk assessment is not necessary. For the chronic dietary risk assessment, EPA used the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FCID™, Version 3.16, and food consumption information from the U.S. Department of Agriculture's (USDA's) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, no residue data were submitted for monoethanolamine. In the absence of specific residue data, EPA has developed an approach which uses surrogate information to derive upper bound exposure estimates for the subject inert ingredient. Upper bound exposure estimates are based on the highest tolerance for a given commodity from a list of high use insecticides, herbicides, and fungicides. One hundred percent crop treated was assumed, default processing factors, and tolerance-level residues for all foods and use limitations of not more than 3.35% by weight in pesticide formulations. A complete description of the general approach taken to assess inert ingredient risks in the absence of residue data is contained in the memorandum entitled ''Alkyl Amines Polyalkoxylates (Cluster 4): Acute and Chronic Aggregate (Food and Drinking Water) Dietary Exposure and Risk Assessments for the Inerts,'' (D361707, S. Piper, 2/25/09) and can be found at *http://www.regulations.gov* in docket ID number EPA–HQ–OPP–2008–0738.

2. *Dietary exposure from drinking water.* For the purpose of the screening-level dietary risk assessment to support this request for an exemption from the requirement of a tolerance for monoethanolamine, a conservative drinking water concentration value of

100 parts per billion (ppb) based on screening level modeling was used to assess the contribution to drinking water for the chronic dietary risk assessments for parent compound. These values were directly entered into the dietary exposure model.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

Monoethanolamine may be used as an inert ingredient in pesticide products that are registered for specific uses that may result in residential exposure, such as pesticides used in and around the home. For residential handlers, the Agency assumed handlers may receive short-term dermal and inhalation exposure to monoethanolamine from formulations containing the inert ingredient in outdoor and indoor scenarios. Intermediate-term or long-term exposure is not expected because applications are not expected to occur daily or for more than 30 days. For post-application exposures to monoethanolamine in pesticide formulations, the Agency assumed short-term dermal exposures to adults from use on treated lawns and indoor surfaces and short-term and intermediate-term dermal and oral exposures to children from treated lawns, soils, and indoor surfaces. Since monoethanolamine is not expected to be used as an inert ingredient in pesticide aerosol products such as total release insecticide foggers, and given the fact that monoethanolamine has a low vapor pressure (<1 mm Hg), it is not expected to volatilize in indoor environments; therefore, post-application inhalation exposure is not expected. A conservative residential exposure and risk assessment was completed for pesticide products containing monoethanolamine as inert ingredients.

Monoethanolamine is also present in cosmetics. Although the Agency does not have data with which to quantitatively assess exposures that result from these non-pesticidal (*i.e.,* cosmetic) uses of monoethanolamine, the Agency expects that the exposures to amounts of monoethanolamine that might result from these uses are markedly less than the conservative estimates of residential exposures resulting from pesticide use and will not add any meaningful exposure to the Agency's assessments of residential exposure from pesticide use. This is based on the typical reported concentration ranges for monoethanolamine in cosmetics, pesticidal products and the specific use patterns and anticipated likely exposure levels, including the fact that cosmetics products with monoethanolamine are designed for discontinuous, brief use followed by thorough rinsing from the surface of the skin. Therefore, the Agency believes that any contribution to aggregate exposure from these non-pesticidal uses is likely to be negligible and therefore, the assessments of exposures due to pesticide uses are protective of non-pesticidal exposures.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found monoethanolamine to share a common mechanism of toxicity with any other substances, and monoethanolamine does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that monoethanolamine does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

The toxicity database for monoethanolamine contains a subchronic, developmental, two-generation reproduction, chronic and mutagenicity studies. There is no indication of immunotoxicity in the available studies; therefore, there is no need to require an immunotoxicity study. Fetal susceptibility is not observed in the developmental or reproduction toxicity studies in rats. Reproduction toxicity (decreased sperm head count in the cauda epididymidis; decreased absolute and relative weight of epididymides, cauda epididymidis and prostate; fewer implantation sites; higher post-implantation loss) is observed at the limit dose (1,000 mg/kg/day) only. Fetal toxicity (reduced body weight) is observed in the developmental toxicity study via the dermal route of exposure in the rabbits. However, the effect occurs in the presence of maternal toxicity (skin irritation, necrosis, scabbing and scar formation). As described in detail above, signs of potential neurotoxicity are observed in dogs and rats when exposed to monoethanolamine via inhalation and intraperitoneally. However, based on the overall weight of evidence from the available studies, EPA concluded that monoethanolamine is not neurotoxic. In addition, the Agency used conservative exposure estimates, with 100 percent crop treated, tolerance-level residues, conservative drinking water modeling numbers, and a conservative assessment of potential residential exposure for infants and children. Based on the adequacy of the toxicity, the conservative nature of the exposure assessment and the lack of concern for prenatal and postnatal sensitivity, the Agency has concluded that there is reliable data to determine that infants and children will be safe if the FQPA SF of 10x is reduced to 1x.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected.

2. *Chronic risk.* Using the exposure assumptions described in this unit for

chronic exposure, EPA has concluded that chronic exposure to monoethanolamine from food and water will utilize 1.7% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Monoethanolamine may be used as an inert ingredient in pesticide products that could result in short-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to monoethanolamine. Using the exposure assumptions described above, EPA has concluded that the combined short-term aggregated food, water, and residential exposures result in MOEs of 182 for both adult males and females. Adult residential exposure combines high-end dermal and inhalation handler exposure from liquids/trigger sprayer/home garden with a high-end post-application dermal exposure from contact with treated lawns. EPA has concluded the combined short-term aggregated food, water, and residential exposures result in an aggregate MOE of 400 for children. Children's residential exposure includes total exposures associated with contact with treated lawns (dermal and hand-to-mouth exposures). As the level of concern is for MOEs that are lower than 100, these MOEs are not of concern.

Monoethanolamine is also present in some cosmetics, intended for discontinuous, brief use, followed by thorough rinsing from the surface of the skin. In the absence of actual residential exposure data resulting from such uses, the Agency considered information on the typical concentrations of monoethanolamine in cosmetics as well as typical use and likely exposures. Based on that review, the Agency believes the contribution from non-pesticidal (*i.e.,* cosmetic) sources of monoethanolamine is likely to be insignificant compared to the exposures conservatively estimated to occur as a result of the use of monoethanolamine as an inert ingredient in pesticide formulations and that the assessments of aggregate exposures due to pesticide uses more than adequately protect for exposure from non-pesticidal uses.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Monoethanolamine may be used as an inert ingredient in pesticide products that could result in intermediate-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with intermediate-term residential exposures to monoethanolamine. Using the exposure assumptions described above, EPA has concluded that the combined intermediate-term aggregated food, water, and residential exposures result in aggregate MOEs of 1310 for adult males and females. Adult residential exposure combines liquids/trigger sprayer/home garden with a high-end post-application dermal exposure from contact with treated lawns. EPA has concluded the combined intermediate-term aggregated food, water, and residential exposures result in an aggregate MOE of 742 for children. Children's residential exposure includes total exposures associated with contact with treated lawns (dermal and hand-to-mouth exposures). As the level of concern is for MOEs that are lower than 100, this MOE is not of concern.

Monoethanolamine is also present cosmetics. In the absence of actual residential exposure data resulting from such uses, the Agency considered information on the typical concentrations of monoethanolamine in cosmetics as well as typical use and likely exposures. Based on that review, the Agency believes the contribution from non-pesticidal sources of monoethanolamine is likely to be negligible and that the assessments of aggregate exposures due to pesticide uses more than adequately protect for exposure from non-pesticidal uses.

5. *Aggregate cancer risk for U.S. population.* Based on a DEREK structural alert analysis, the lack of mutagenicity and the lack of specific organ toxicity in the chronic toxicity study, monoethanolamine is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to monoethanolamine.

V. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is not establishing a numerical tolerance for residues of monoethanolamine in or on any food commodities. EPA is establishing a limitation on the amount of monoethanolamine that may be used in pesticide formulations applied to growing crops. That limitation will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act (''FIFRA''), 7 U.S.C. 136 *et seq.* EPA will not register any pesticide formulation for use on growing crops for sale or distribution that exceeds 3.35% by weight of monoethanolamine.

B. Revisions to Petitioned-For Tolerances

Based upon an evaluation of the data included in the petition, EPA is establishing an exemption from the requirement of a tolerance for residues of monoethanolamine when used in pesticide formulations as an inert ingredient (solvent/co-solvent), not to exceed 3.35% by weight of the formulation, instead of the unlimited use requested. Because unlimited use of monoethanolamine resulted in aggregate risks of concern, the EPA is establishing a 3.35% limitation by weight of formulation to support the safety finding of this tolerance exemption. The concern for unlimited use of this inert ingredient is documented on page 5 of the Agency's risk assessment document ''Monoethanolamine; Human Health Risk Assessment and Ecological Effects Assessment to Support Proposed Exemption from the Requirement of a Tolerance When Used as an Inert Ingredient in Pesticide Formulations,'' which can be found at *http://www.regulations.gov* in docket ID number EPA–HQ–OPP–2015–0697.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.910 for residues of monoethanolamine (CAS Reg. No. 141–43–5) when used as an inert ingredient (solvent/co-solvent) at a maximum concentration of 3.35% by weight in pesticide formulations applied to growing crops or raw agricultural commodities after harvest.

VII. Statutory and Executive Order Reviews

This action establishes an exemption to the requirement for a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is

not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 7, 2017.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.910, add alphabetically the inert ingredient to the table to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * *	* *	* *
Monoethanolamine (CAS Reg. No. 141–43–5)	Not to exceed 3.35% by weight in pesticide formulation	Solvent.
* * *	* *	* *

[FR Doc. 2017–07130 Filed 4–11–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 73

[CDC Docket No. CDC–2016–0045]

RIN 0920–AA64

Possession, Use, and Transfer of Select Agents and Toxins—Addition of *Bacillus cereus* Biovar *anthracis* to the HHS List of Select Agents and Toxins

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Interim rule; adoption as final and response to public comments.

SUMMARY: On September 14, 2016, the Centers for Disease Control and Prevention (CDC) in the Department of Health and Human Services (HHS) published in the **Federal Register** (81 FR 63138) an interim final rule and request for comments which added *Bacillus cereus* Biovar *anthracis* to the list of HHS select agents and toxins as a Tier 1 select agent. CDC received two comments, both of which supported the rule change.

DATES: Effective April 12, 2017.

FOR FURTHER INFORMATION CONTACT: Dr. Samuel Edwin, Director, Division of Select Agents and Toxins, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–A46, Atlanta, Georgia 30329. Telephone: (404) 718–2000.

SUPPLEMENTARY INFORMATION: Effective on October 14, 2016, *Bacillus cereus* Biovar *anthracis* was added to the list of HHS select agents and toxins as a Tier 1 select agent (81 FR 63138, September 14, 2016). In the interim final rule, HHS/CDC invited comments on the following questions:

(1) Are there other virulent (pBCXO1+ and pBCXO2+) strains of *Bacillus* species that should also be regulated?

(2) What is the impact of designating *B. cereus* Biovar *anthracis* as a Tier 1 select agent?

The comment period ended November 14, 2016.

We received two comments, both of which supported adding *B. cereus* Biovar *anthracis* to the list of HHS select agents and toxins. While both commenters supported the addition, one commented that the regulation of *B. cereus* Biovar *anthracis* will ''restrict the ability of future laboratories and organizations to test for and analyze possible pBXO1 and pBXO2 isolates.'' The commenter further argued that

''new laboratories seeking the ability to analyze this select agent will incur substantial costs and urged HHS/CDC reassess the impacts that a $37,000 buy-in for new laboratories might have on the ability to understand this deadly microbe.'' HHS/CDC made no changes based on this comment. HHS/CDC is not proposing to regulate other strains of *B. cereus* that have *B. anthracis* toxin genes as the data available do not suggest those strains pose a severe threat to public health (Ref. 1 and Ref. 2). HHS/CDC agrees that the regulations will impact new laboratories wishing to perform research with *B. cereus* Biovar *anthracis.* However, we believe that *B. cereus* Biovar *anthracis* has the same potential to pose a severe threat to public health as does *Bacillus anthracis,* currently regulated as a Tier 1 pathogen.

HHS/CDC adopts the interim rule, which was effective October 14, 2016 (81 FR 63138, September 14, 2016), as final without change. In accordance with the interim final rule, any individual or entity that possessed *B. cereus* Biovar *anthracis* on or after October 14, 2016, must provide notice to the CDC regarding their possession and must secure the agent against theft, loss, release, or unauthorized access; and by March 13, 2017, an individual or entity that intends to continue to possess, use, or transfer this agent is required to either register in accordance with 42 CFR part 73 or amend their current registration in accordance with 42 CFR 73.7(h) and meet all of the requirements of select agent regulations (42 CFR part 73).

References

1. Brezillon, C, Hauslant, M, Dupke, S, Corre, JP, Lander, A, Franz, T, Monot, M, Couture-Tosi, E, Jouvion, G, Leendertz, FH, Grunow, R, Mock, ME, Klee, SR, and Goossens, L. (2015) Capsules, toxins and AtxA as virulence factors of emerging *Bacillus cereus* Biovar *anthracis.* PLOS Negl. Trop. Dis. 9(4):e0003455.
2. Avashia SB, et al. (2007) Fatal pneumonia among metalworkers due to inhalation exposure to *Bacillus cereus* containing *Bacillus anthracis* toxin genes. Clin. Infect. Dis. 44:414–416.

Dated: April 4, 2017.

Thomas E. Price,

Secretary.

[FR Doc. 2017–07210 Filed 4–11–17; 8:45 am]

BILLING CODE 4163–18–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[WT Docket Nos. 12–40, 10–112; RM–11510, RM–11660; FCC 17–27]

Cellular Service, Including Changes in Licensing of Unserved Area

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) adopts revised rules governing the 800 MHz Cellular Radiotelephone (Cellular) Service. The Commission revises the outdated Cellular radiated power rules and related technical provisions, most notably allowing licensees the option to comply with power spectral density (PSD) power limits, while also safeguarding systems that share the 800 MHz band, especially public safety systems, from increased unacceptable interference. These updated rules will allow Cellular licensees to deploy advanced mobile broadband services such as long term evolution (LTE) more efficiently. The Cellular licensing rule revisions continue the transition to a geographic-based regime by eliminating certain filing requirements, and also eliminate the comparative hearing process for Cellular license renewals. Both the technical and licensing reforms provide Cellular licensees with more flexibility, reduce administrative burdens, and enable Cellular licensees to respond more quickly—and at lower cost—to changing market conditions and consumer demand. They also promote similar treatment across competing commercial wireless spectrum bands.

DATES: Effective May 12, 2017, except for the amendments to 47 CFR 22.317, 22.911(a) through (c), 22.913(a), (c), and (f), 22.947, and 22.953(c), which contain information collection requirements that have not yet been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The Commission will publish a document in the **Federal Register** announcing the effective date of those amendments.

FOR FURTHER INFORMATION CONTACT: Nina Shafran (Legal), (202) 418–2781, or Moslem Sawez (Technical), (202) 418–8211, regarding the *Cellular Second R&O;* and Kathy Harris, (202) 418–0609, regarding the *WRS R&O.* All three contact persons are in the Mobility Division, Wireless Telecommunications Bureau, and may also be contacted at (202) 418–7233 (TTY).

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Second Report and Order* in the Cellular Reform proceeding (*Cellular Second R&O*), WT Docket No. 12–40, RM Nos. 11510 and 11660, and the Commission's companion *Report and Order* in the Wireless Radio Services (WRS) Reform proceeding (*WRS R&O*), WT Docket No. 10–112, FCC 17–27, adopted March 23, 2017 and released March 24, 2017. The full text of the *Cellular Second R&O* and *WRS R&O,* including all Appendices, is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street SW., Room CY–A157, Washington, DC 20554, or by downloading the text from the Commission's Web site at *https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-27A1.pdf.* Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *FCC504@fcc.gov* or calling the Consumer and Government Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

I. Second Report and Order (Cellular Reform Proceeding, WT Docket No. 12–40)

A. Background

1. In a *Report and Order* released on November 10, 2014 in the Cellular Reform proceeding (WT Docket No. 12–40) (*2014 Cellular R&O*), the Commission adopted new and revised rules to change to a geographic-based licensing regime. Specifically, it revised the rules to establish geographic licenses based on cellular geographic service area (CGSA) boundaries and provided licensees with significant new flexibility to improve their systems through modifications within those boundaries. It preserved the ability of licensees to expand their CGSAs into Unserved Area if the area is at least 50 contiguous square miles, but dramatically reduced application filing burdens by permitting incumbents to serve indefinitely, on a secondary basis, Unserved Area parcels smaller than 50 contiguous square miles. It eliminated other filing requirements and established a field strength limit rule tailored to reflect the continued ability to expand Cellular service area coverage. These reforms put Cellular licensing more on par with the flexible licensing schemes in other similar mobile services, such as the Broadband Personal Communications Service (PCS), the commercial service in the 700

MHz band (700 MHz Service), the 600 MHz Service, and various advanced wireless services (AWS).

2. Also in the Cellular Reform proceeding, the Commission released a companion *Further Notice of Proposed Rulemaking* on November 10, 2014 (*Cellular Further Notice*) proposing additional reforms of the Cellular licensing rules as well as reforms to the Cellular radiated power and related technical rules to further enhance flexibility and spectral efficiency. The Commission sought comment on its proposed reforms, including various options that would accommodate the use of a power spectral density (PSD) model, and on numerous related technical issues and licensing matters. The Commission sought comment on all aspects of its proposals as well as on other ideas, proposals, and comments discussed in the *Cellular Further Notice,* and also invited the submission of alternative ideas.

3. In response to the *Cellular Further Notice,* interested parties submitted comments, reply comments, and *ex parte* letters. The specific reforms adopted by the Commission in the *Cellular Second R&O* are described below.

B. Power Spectral Density (PSD) Limits and Safeguards To Protect Public Safety Systems

4. *Introduction.* ''PSD'' describes the amount of effective radiated power (ERP) [1] that would be allowed per unit of bandwidth from a base station antenna (*e.g.,* 100 watts/MHz), such that wider bandwidth emissions would be permitted more power commensurate with their bandwidth. With adoption of the *Cellular Second R&O,* the Commission adds a definition of PSD to the part 22 definitions in the rules, substantially as proposed in the *Cellular Further Notice.* Under the existing Cellular radiated power rules, as set forth in 47 CFR 22.913, power limits are expressed in terms of ERP without any reference to bandwidth, and these limits are applied per emission. The existing limits favor narrowband technologies, such as GSM, and disadvantage licensees wishing to deploy wideband technologies such as LTE. To facilitate efficient provision of advanced mobile wireless services using wideband technologies such as LTE, based on the record, the Commission adopts PSD limits as an option for Cellular licensees, with an advance notification requirement at specified higher PSD levels, and a power flux density (PFD) limit that will apply for a seven-year transition period if the Cellular licensee operates at PSD limits that exceed a certain threshold. For the purposes of this proceeding, ''PFD'' is the amount of radio frequency energy that would be present over a given unit of area (*e.g.,* 100 microwatts per square meter). Therefore, PFD can be used to describe the strength of signals at ground level in a given location.

5. In reaching its decisions revising the Cellular power rules, the Commission recognizes that PSD and PFD limits are not a complete answer to eliminating unacceptable Cellular interference to public safety systems in the 800 MHz band, at least for the immediate term. The restructuring (rebanding) of the 800 MHz band commenced soon after the Commission adopted its Order in the 800 MHz rebanding proceeding in WT Docket No. 02–55 (*2004 800 MHz Rebanding Order*) to address the root cause of interference to public safety communications by moving public safety entities spectrally further from the Cellular and commercial Enhanced Specialized Mobile Radio (ESMR) frequencies. The rebanding has not yet been completed in portions of states bordering Mexico where complex international coordination is required, and in these areas, some public safety licensees continue to operate on frequencies adjacent to the lower edge of the Cellular band at 869 MHz. Even after rebanding is fully complete, some public safety licensees may still be susceptible to Cellular base station (and ESMR band) interference because the filtering in their legacy radios does not reflect the post-rebanding channel plan. Therefore, in revising the Cellular power rules in the *Cellular Second R&O,* the Commission has taken steps to protect public safety systems from a potential increase in unacceptable interference from Cellular PSD operations. These steps include: (1) Retaining (without change) the existing provisions in 47 CFR 22.970 through 22.973 which, by placing strict responsibility for remedying unacceptable interference on the licensee(s) causing that interference to public safety communications, serve as a ''backstop'' to help ensure that first responders' critical communications are not impeded; and (2) additional safeguards that will apply to Cellular PSD systems under certain circumstances. The Commission emphasizes that the additional safeguards, described further below, are in addition to, and not a replacement for, the interference resolution procedures set forth in 47 CFR 22.970 through 22.973. The Commission also directs the Wireless Telecommunications Bureau (Bureau), in conjunction with the Commission's Public Safety and Homeland Security Bureau (PSHSB) and Office of Engineering and Technology (OET) (collectively, Bureaus), to convene a public forum to facilitate stakeholder-led co-existence efforts. The components of this multi-pronged approach, including the specific PSD limits adopted for the Cellular Service, are discussed below.

6. *PSD Limits.* To meet the ever-increasing demand for ubiquitous, mobile data services, Cellular licensees need to utilize their spectrum as efficiently as possible. LTE is more spectrally efficient than other commercial wireless broadband technologies being used by Cellular carriers today; it can bring faster speeds, reduced latency, and better mobile service for the public. Carriers have already deployed LTE on their 700 MHz, AWS, and PCS spectrum, and the Commission's rules governing those services provide for use of a PSD model. If carriers were to deploy LTE on Cellular frequencies using the existing non-PSD limits, the result would be reduced coverage. To compensate for this reduction of coverage, additional sites would be needed. The resulting higher concentration of sites could potentially worsen the existing interference environment, especially near Cellular base stations where the risk to public safety communications is greatest. Additionally, while utilizing techniques such as multiple-input-multiple-output (MIMO) can achieve spectral efficiency, Cellular broadband licensees using 2X2 MIMO transmitters under the existing ERP limits will double their power, and here too, the result is potentially increased interference to public safety operations.

7. Providing technological flexibility and, to the extent practicable, regulatory parity for Cellular licensees via a PSD model to facilitate efficient use of more advanced wideband technologies without increasing the potential for unacceptable interference to 800 MHz public safety operations has been the primary two-pronged objective in this proceeding concerning power reform. The Commission finds that revising its rules to permit a PSD model option serves the public interest by allowing for efficient use of wideband

[1] A generic definition of the term ''effective radiated power'' is in existing part 2 of the rules: ''[t]he product of the power supplied to the antenna and its gain relative to a half-wave dipole in a given direction.'' 47 CFR 2.1. Pursuant to 47 CFR 2.1(a), terms and definitions appearing in part 2 serve as definitive terms and definitions that prevail throughout the Commission's rules.

technologies in the Cellular Service.[2] Consistent with the radiated power rules adopted for other commercial wireless services, such as PCS and AWS, which include doubled PSD limits to facilitate economical coverage in rural areas, the Commission also finds that it serves the public interest to apply to PSD operations the doubling of power in rural counties (as permitted under the existing rule for non-PSD operations)—defined as counties with population densities of 100 persons or fewer per square mile, based on the most recently available population statistics from the Bureau of the Census. As in the case of the existing Cellular rule for non-PSD limits, this rural area power increase is limited to base stations more than 72 km (45 miles) from the Mexican and Canadian borders, consistent with current agreements with those countries.

8. Based on the record, the Commission concludes that the appropriate PSD limits for the Cellular Service are as follows: (1) 400 W/MHz ERP in non-rural areas, and 800 W/MHz in rural areas, without a PFD requirement; and (2) higher limits—up to 1000 W/MHz ERP in non-rural areas, and up to 2000 W/MHz ERP in rural areas (Higher PSD Limits) with, in both non-rural and rural areas, a PFD limit for seven years and an advance notification requirement. The advance notification requirement and the seven-year PFD limit are described further below.

9. PSD limits of 400 W/MHz ERP in non-rural areas and 800 W/MHz ERP in rural areas—without any PFD restriction—represent an equivalent amount of power across the Cellular band when compared to existing Cellular CDMA deployments. This achieves the two-pronged goal of providing enhanced technological flexibility for Cellular carriers while protecting public safety communications from increased interference. Consistent with the Commission's decisions for the 700 MHz Service, the Commission finds that it serves the public interest to permit Cellular Service operations at the Higher PSD Limits—up to 1000 W/MHz ERP (non-rural)/up to 2000 W/MHz ERP (rural)—with a PFD limit. This will afford Cellular carriers additional system design flexibility where, for example, increased power is needed for sites at higher elevation to achieve sufficient coverage in sparsely populated areas.[3] As explained below, this higher-PSD-plus-PFD approach will enable better broadband service in such areas without increasing interference to public safety communications, as the PFD on the ground will be maintained at a level equivalent to that of a low site operating at lower power.

10. The Commission further concludes that the PSD limits should be applied per sector, rather than per transmitter. If the PSD limit were applied per transmitter, then using MIMO techniques of 2×2 or 4×4 could potentially double or quadruple the total energy radiating from a cell site and would likely worsen the interference environment, which undermines one of the primary goals in this proceeding and is contrary to the public interest. The Commission declines to adopt a bandwidth dividing line for PSD operations, finding it unnecessary and potentially a disadvantage to certain carriers.

11. *Advance Notification Requirement at the Higher PSD Limits.* As established in the record, public safety receivers remain vulnerable to interference from Cellular licensees in the 800 MHz band, and the Higher PSD Limits could increase the potential for interference. Therefore, one of the important safeguards the Commission adds to 47 CFR 22.913, as adopted in the *Cellular Second R&O,* is an advance notification requirement. Every Cellular licensee preparing to activate a cell site at the Higher PSD Limits will be required to provide a minimum of 30 days (but not more than 90 days) written advance notice to any public safety licensee then authorized in the frequency range 806–816 MHz/851–861 MHz with a base station located within a radius of 113 km of the Cellular base station to be deployed. The written notice shall include the location, ERP PSD level, height of the transmitting antenna's center of radiation above ground level, and the timeframe for activation of the cell site, as well as the Cellular licensee's contact information, with additional parameters to be provided upon request by a public safety licensee within the 113 km radius. This notification will be for informational purposes only; the notified public safety licensee(s) will not have the right to oppose the planned Cellular operations, but could analyze the cell site's potential for interference and suggest changes before the cell is activated. The Cellular licensee will have discretion to make changes, but will remain obligated to address complaints of interference in compliance with the applicable resolution procedures in 47 CFR 22.970 through 22.973.

12. The advance notification will be required only one time. Thus, for example, if the Cellular licensee prepares to operate a cell site at a PSD level of 425 W/MHz, it will be required to provide the requisite written notice at least 30 days (but not more than 90 days) in advance of that cell site's deployment, including the data specified above. Thereafter, if the same Cellular licensee increases the ERP PSD level at that same cell site (*e.g.,* from 425 W/MHz to 550 W/MHz), it will not be required to provide additional notice under 47 CFR 22.913. To require more than a one-time notification would impose an unnecessary burden on Cellular licensees; once notified that a particular cell site will operate above 400 W/MHz (or 800 W/MHz in rural areas), a local public safety licensee will already be in a position to identify that particular cell site as a possible source of any new interference that is encountered. This requisite one-time notification will be yet another valuable tool to help public safety licensees assess a cell site's potential for interference and will enhance the interaction between Cellular and public safety communications operators that is so vital to co-existence in the 800 MHz band. This component of the Commission's approach thus advances its goals to provide system design flexibility to Cellular carriers, achieve parity among competing or complementary services, and safeguard spectral compatibility with licensees in adjacent markets and adjacent bands. Accordingly, the revised rule 22.913 adopted in the *Cellular Second R&O* includes an advance notice requirement.

13. The Commission emphasizes that this mandatory notice requirement is in addition to, and not a replacement for, any notice that a Cellular licensee may choose to provide voluntarily, nor is it a replacement for any other information exchanges that Cellular and public safety licensees undertake in the interest of interference avoidance.

14. The Commission places great weight on stakeholder-led measures—involving Cellular licensees, public safety licensees, and the manufacturers of public safety equipment—to achieve improved co-existence between commercial broadband and public safety communications in neighboring bands. The Commission therefore applauds the discussions that have

[2] To accommodate filings by licensees and applicants, several of the rules that the Commission adopts in this *Cellular Second R&O* will require changes to FCC Form 601 and/or the Commission's Universal Licensing System (ULS). The Wireless Telecommunications Bureau will issue public notices, as appropriate, announcing completion of these changes and, where required, OMB approval thereof, along with the effective date(s) of the new rules pursuant to the Ordering Clauses, below.

[3] The Commission also adopts a revised definition of ''Cellular system.'' *See* 47 CFR 22.99.

already taken place among AT&T, Verizon, and the Association of Public-Safety Communications Officials-International, Inc. (APCO), and it applauds the resulting voluntary commitments made by AT&T and Verizon, as documented on the record and summarized in paragraphs 25 and 26 of the full text of the *Cellular Second R&O*—particularly their commitments that will entail testing, extensive collaboration with local public safety entities, and phased PSD roll-out in select markets. The Commission expects AT&T and Verizon to fulfill these commitments. The measures AT&T and Verizon have outlined, coupled with AT&T's experience to date in deploying PSD pursuant to four interim PSD waivers granted by the Bureau, will be extremely important to near-term co-existence of more advanced Cellular broadband services, such as LTE, and public safety communications. The Commission also acknowledges the additional voluntary commitment of AT&T and Verizon to give 30-day advance notice to public safety licensees when transitioning to PSD in additional markets after their planned testing and phased roll-out, as also summarized in paragraphs 25 and 26 of the full text of the *Cellular Second R&O.* This could include advance notice even for PSD operations at 400 W/MHz or less (or, in rural areas, at 800 W/MHz or less). The Commission encourages any and all cooperation aimed at avoiding interference to public safety communications.

15. *Non-PSD ERP Limits.* The Commission concludes that it serves the public interest to retain non-PSD ERP limits for Cellular licensees that either cannot or choose not to deploy systems using a PSD model. It further finds that the existing non-PSD ERP limits of 500 watts (W) ERP (non-rural) and 1000 W ERP (rural) continue to be sufficient and appropriate for the Cellular Service, and makes explicit in the rule that these non-PSD ERP limits apply per emission. The doubled power limits for Cellular licensees' rural operations that do not deploy technologies using PSD will continue to apply only to base stations that are more than 72 km (45 miles) from the Mexican and Canadian borders, consistent with current agreements with those countries. The decision to retain the existing non-PSD limits as an option will ensure that carriers using narrowband technologies such as GSM are not disadvantaged, as a requirement to use PSD could result in a power reduction in certain instances, which in turn would result in reduced coverage—a result that would be detrimental to consumers and licensees alike.

16. Cellular licensees will continue to be subject to the field strength limit rule adopted in the *2014 Cellular R&O,* and thus, regardless of the location, power level, or height of the Cellular base stations, the signal level at the neighboring licensee's CGSA boundary may not exceed 40 dBμV/m, with certain exceptions outlined in the rule (47 CFR 22.983). Cellular licensees not deploying PSD operations will also continue to be subject to the coordination requirements set forth in 47 CFR 22.907 (discussed further below).

17. *Seven-year PFD Limit at Higher PSD Limits; Sunset Date.* The Commission's PSD decisions in this *Cellular Second R&O* further align the rules for the Cellular Service band with other bands used to provide competing commercial wireless services, but the Commission also considers the Cellular band's unique circumstances that warrant special requirements to prevent interference. The record shows that public safety equipment remains vulnerable to interference from Cellular Service operations even in areas where rebanding has been completed. Therefore, as an additional safeguard, the Commission adopts a PFD limit for Cellular base transmitters and repeaters operating at the Higher PSD Limits, to remain in effect for seven years from the effective date of revised rule 22.913. Specifically, the Commission adopts a modeled PFD limit of 3000 μW/m^2/MHz at 1.6 meters above ground level, which represents the average height above ground of a public safety receiver being used by a person, and the Commission requires that the limit be observed over at least 98% of the area within 1 km of each base station antenna. For purposes of the *Cellular Second R&O,* the Commission uses ''on the ground'' and ''at ground level'' interchangeably to mean this 1.6-meter height above ground of a public safety receiver being used by a person. To determine compliance, this limit is to be modeled using good engineering practices accounting for terrain and local conditions—at the time of initial deployment at the Higher PSD Limits and for any site modifications thereafter that may increase the PFD levels around the site.

18. Factors other than ERP that contribute to the strength of PFD are antenna height, antenna down tilt, and ground elevation. Because of these factors, most sites have small ''hot spots'' where PFD will reach a high level in an extremely small area, making adoption of an absolute PFD limit impractical. Technical data provided by Cellular carriers depicting real-world deployment scenarios—using the existing radiated power limits—indicate that current Cellular operations produce a PFD of 3000 μW/m^2/MHz, and that this limit is not exceeded in at least 98% of the area within 1 km of the base station. The Commission therefore concludes that a modeled PFD limit of 3000 μW/m^2/MHz—not to be exceeded over 98% of the area within 1 km of the base station at 1.6 meters above ground—is appropriate for the Cellular Service.

19. This PFD limit will require Cellular licensees to consider very carefully the impact near the ground for each deployment at the Higher PSD Limits to ensure that the potential for interference around a Cellular base station is not increased, while affording them flexibility to deploy more advanced broadband services where the PSD limits of 400 W/MHz (or 800 W/MHz in rural areas) would not permit sufficient coverage and could result in a loss of service to consumers. Moreover, this PFD limit is consistent with the limit applicable to competing wireless systems in the 700 MHz Service.

20. The Commission declines to adopt a commenter's proposal to apply any PFD limit to (1) non-PSD Cellular systems that operate above 500 W ERP, and (2) non-PSD Cellular systems operating at or below 500 W ERP after receipt of an interference complaint or when replacing radio equipment or antennas. Imposing such a heavy new burden on Cellular licensees for their extensively deployed facilities is unwarranted. First, given that the Commission is not adopting any increase to the existing non-PSD power limits, the potential for interference from systems operating at or below those limits will not increase. Second, a PFD limit is intended to limit the amount of energy from antenna sites that are closer to ground level with large down tilts, and under the current ERP limits, sites operating above 500 W ERP are located in rural areas where antennas are generally located well above ground level with very small down tilts. Third, the existing interference resolution provisions in 47 CFR 22.970 through 22.973 have provided a workable mechanism to address interference problems as they arise. Applying a PFD limit to non-PSD Cellular systems (as proposed by one of the commenters) could potentially require modification of existing Cellular systems, which might adversely affect the wireless coverage (including 911 calling) of narrowband licensees who

elect to use the existing non-PSD power rules. Such a result is contrary to the public interest. In the *2004 800 MHz Rebanding Order,* the Commission declined to adopt across-the-board PFD limits for Cellular licensees under the non-PSD power limits of 500 W (non-rural)/1000 W (rural), recognizing that ''the restrictions would require modifications of cells that had little, if any, potential for generating unacceptable interference.'' The Commission reaches the same conclusion in this Cellular Reform proceeding. For all these reasons, the Commission declines to add a PFD component to the existing Cellular non-PSD power limits.

21. The Commission also declines to adopt a commenter's recommendation to adopt a PFD limit of 625 μW/m² with the goal of transitioning to a PFD limit of 3000 μW/m² after five years; it also declines to adopt that same commenter's proposals to: (1) Not allow licensees to exceed the PFD limit at any ground level locations within 1 km of the base station; and (2) only allow non-compliance at 1% of locations well above ground level within 1 km of the base station. The record indicates that these limits are not realistic or achievable by Cellular systems even as currently deployed (non-PSD), nor are they workable for Cellular systems that will be deployed at the PSD limits adopted in the *Cellular Second R&O.* Cellular carriers will deploy wideband technologies such as LTE that use bandwidths of 5 MHz or more. A PFD of 625 μW/m² measured across 5 MHz would be equivalent to 125 μW/m²/MHz. As stated above, technical data filed by the parties in this proceeding show that this very low PFD is already exceeded in large portions of the areas around their sites today, and does not reflect the existing interference environment. Even at the PSD limits of 400 W/MHz (or 800 W/MHz in rural areas), which are equivalent to the existing non-PSD ERP limits, it would be difficult if not impossible to operate Cellular systems that comply with such low PFD limits, especially if they were applied as an absolute limit at any ground level location as the commenter advocates. Moreover, meeting such PFD limits would require power reductions and increase the need for a higher concentration of sites, potentially increasing interference and reducing the flexibility and efficiency a PSD model is designed to afford. Instead, the Commission adopts a PFD limit that is achievable to minimize impact at ground level and avoid potentially worsening the existing interference environment.

22. The Commission is not persuaded by a commenter's argument that PFD is different from PSD and cannot be specified per unit of bandwidth. Any power or energy of a system can be stated per unit of bandwidth. The Commission agrees that PSD by its nature is specified with a reference bandwidth of 1 MHz, but in the interest of consistency and accuracy, adopts the same reference bandwidth for PFD.

23. The Commission finds that requiring a measured PFD limit would be overly burdensome and also unnecessary, given that Cellular licensees are still required to resolve unacceptable interference should it occur from their operations. A modeled PFD limit nonetheless will require the licensee to consider the amount of signal energy it is putting on the ground around its base stations to minimize the potential for large areas of interference. Cellular licensees must perform predictive modeling of the PFD values around each site prior to operating their systems at the Higher PSD Limits or, thereafter, prior to changing the parameters of these sites such that it could increase the PFD levels. The propagation model must confirm that each applicable base station meets the PFD limit over 98% of the area within a 1 km radius of the base station antennas, at 1.6 meters above ground. If the predictive model does not confirm compliance with these requirements, the licensee will need to adjust base-station parameters, such as the height of the antenna, beam tilt, power, or other parameters, until confirmation of the requirements is achieved before deployment, thereby reducing the amount of signal energy on the ground around the site. The purpose of the modeling requirement is to ensure that the Cellular licensee will consider the impact on the ground of ''hot spots'' when deploying at the Higher PSD Limits and will use engineering techniques to minimize those ''hot spots.'' Licensees must use modeling tools (software) that take into account terrain and local conditions. The model need not consider areas indoors or in buildings because this could vary widely depending on building materials. The Commission reiterates that the PFD limit is, for the seven-year transition period, an addition to, and not a replacement for, the interference resolution process already in place under 47 CFR 22.970 through 22.973.

24. The Commission also rejects a commenter's argument that, no matter the PSD limit at which a Cellular licensee is operating, no PFD limit should apply in markets where public safety licensees do not reasonably plan to operate in the 800 MHz band. There is no evidence that such relief is necessary, nor is there evidence that an immediate exemption from the Cellular PFD limit at the Higher PSD Limits would provide benefits to consumers. The provision for operations at higher PSD limits combined with a PFD limit will accommodate cases where a carrier needs additional power—for example, systems with antennas well above street level or on mountain tops. Moreover, the plans of public safety agencies are not known to the Commission and, even if they were known today, they would likely change with time. Permitting Cellular licensees to deploy at the higher PSD levels without a PFD limit during the seven-year transition period could hamper launch of expanded or new 800 MHz systems by public safety entities and increase their deployment costs. For all these reasons, the Commission finds that the commenter's proposal does not serve the public interest and, accordingly, declines to adopt it.

25. *PFD Sunset.* The Commission concludes that it is appropriate to eliminate the Cellular PFD limit seven years after the effective date of the revised rule 22.913 adopted today. This ''PFD Sunset'' decision is based on several factors. Providing technologically-neutral rules for the Cellular Service in terms of allowing radiated power that fosters efficient deployment of more advanced broadband services has been delayed for nine years since the Commission adopted PSD models for competing CMRS licensees (PCS, AWS, and the 700 MHz Service), to allow more time for the rebanding process to evolve. Notably, PCS and AWS licensees are not subject to any PFD limit, and 700 MHz Service licensees are not subject to a PFD limit at or below their PSD limits of 1000 W/MHz (non-rural)/2000 W/MHz (rural). The PFD limit for the Cellular Service, while consistent with the Commission's decision regarding the 700 MHz Service, is a unique requirement reflecting unique characteristics of the 800 MHz band and is designed to protect public safety licensees for a transition period that will allow for improved spectrum sharing in that band.

26. The Commission is convinced that the formula for such co-existence must include good faith efforts on the part of Cellular (and other commercial) system operators and public safety communications operators, as well as device manufacturers. The seven-year period will provide a reasonable amount

of time for this crucial three-way conversation, which the Commission intends to facilitate by holding a public forum (described further below), with the goal of implementing important changes in equipment and practices of Cellular and public safety communications licensees alike. Given the advances in technology for commercial and public safety communications, combined with the changing interference environment as a result of the restructuring of the band launched in 2004, the Commission expects evolving capabilities from participants in all three groups of stakeholders—Cellular licensees, public safety operators, and device manufacturers.

27. Comments on the record indicate that the specialized equipment used by public safety licensees is costly given budget constraints and used for longer durations as compared to commercial wireless devices. According to one public safety commenter, many public safety 800 MHz radios were replaced as a result of the Commission's *2004 800 MHz Rebanding Order,* which established receiver performance standards entitling public safety licensees to full interference abatement measures. That same commenter states that public safety equipment replacement cycles often run 10–20 years.[4] A seven-year PFD Sunset date will be approximately 20 years after release of the Commission's *2004 800 MHz Rebanding Order.* As noted above, AT&T and Verizon have committed to careful deployment of their PSD operations, including PSD testing in collaboration with public safety entities, and phased roll-out. The Commission reiterates its expectation that they will fulfill those commitments. To the extent that they elect to operate at the Higher PSD Limits in the next several years, they will be subject to the PFD limit to minimize ''hot spots.'' With these various obligations in mind, Cellular licensees can be expected to design their PSD operations with great care, and the Commission expects their deployment of more advanced wideband technologies to be substantially completed within the next seven years. Moreover, at the Higher PSD Limits, they will be subject to the one-time advance notification requirement (with no sunset of that rule).

28. The PSD limits adopted for the Cellular Service that are equivalent to the existing non-PSD power limits, with Higher PSD Limits that include an advance notification requirement, plus a transitional PFD limit (applicable at the Higher PSD Limits), and continuing obligations under 47 CFR 22.970 through 22.973, all in conjunction with voluntary commitments of AT&T and Verizon for testing and phased roll-out of their PSD operations, comprise a comprehensive balanced approach to Cellular power reform that affords the Cellular licensees long-overdue technical flexibility while protecting public safety communications. The forthcoming public forum described in the next section will provide the opportunity for development of additional multi-stakeholder co-existence measures. Based on all of these considerations and comments on the record, the Commission concludes that a seven-year PFD Sunset date is appropriate and serves the public interest.

29. *Public Forum To Facilitate Multi-stakeholder Co-existence.* The Commission reiterates that it attaches great weight to multi-stakeholder co-existence efforts—good faith efforts to work through the issues by Cellular licenses, public safety entities, and public safety equipment manufacturers alike. While the discussions that the two major Cellular carriers, AT&T and Verizon, have already held with APCO are encouraging, and the voluntary commitments made by AT&T and Verizon are commendable, it is clear from the record that additional dialogue is crucial to resolving the lingering problems of unacceptable interference to public safety receivers—without hindering spectral efficiency and technological advances in the Cellular Service. To foster the three-way conversation among Cellular carriers, public safety entities, and manufacturers of public safety equipment, the Commission directs the Bureaus to work together to organize and conduct a public forum that brings together representatives of all three stakeholder groups. This public forum shall be convened by the Bureaus no later than one year following release of the *Cellular Second R&O.* The Bureaus are to invite a broad array of stakeholders, including carriers with significant nationwide Cellular operations, as well as Cellular rural carrier representatives, public safety representatives, including the key public safety associations, and the leading public safety equipment manufacturers. The Commission defers to the Bureaus concerning development of the full list of invitees, format, and specific date of the forum. A forum attended by licensees, engineers, manufacturers, Cellular carriers, and any others (as determined by the Bureaus) who have first-hand experience with interference cases will focus attention on what has been achieved, what remains to be done, and how it can be accomplished.

30. The Commission did not seek comment on public safety receiver standards in this proceeding, but several commenters raised this issue. Equipment manufacturers are not currently subject to Commission rules that mandate particular standards for public safety equipment. The Commission is nonetheless disappointed that such equipment has not improved to the extent necessary to filter out the undesired 800 MHz Cellular (or ESMR) signals over the past 12 years since adoption of the *2004 800 MHz Rebanding Order* identifying the problem of deficient receivers. The Commission expects these radio manufacturers to be part of the conversation now—and particularly encourages them to participate in the public forum to explain why receivers with better interference rejection features are not available to public safety users at affordable prices, and to present practical options and potential steps for improving interference rejection in public safety devices. The Commission also expects public safety equipment purchasers to specify interference rejection in their requests for proposal for new radio systems, putting manufacturers in a position to respond to these specifications and requirements. The public forum is one way to educate public safety users so they can become savvier purchasers of communications equipment. Cellular licensees likewise need to be open to developing and executing best practices for site selection and coordination with public safety entities when they deploy PSD operations. The Commission encourages the stakeholders in the public forum to address the adequacy of industry standards to ensure reliable receiver performance in strong signal conditions, to assess quantitatively the interference risks of degraded receiver performance, and to consider the applicability of key recommendations made by the Commission's Technological Advisory Council (as

[4] The Consumer Electronics Association estimates the life expectancy of the average cell phone to be 4.7 years. Consumer Electronics Association, *The Life Expectancy of Electronics, https://www.cta.tech/News/Blog/Articles/2014/September/The-Life-Expectancy-of-Electronics.aspx.* For tax purposes, the U.S. Internal Revenue Service allows depreciation of wireless assets such as computer-based switching equipment, base station controllers, radio network controllers, and related assets over a period of either five years (general depreciation system specified under I.R.C. 168(a)) or nine and a half years (alternative depreciation system specified under I.R.C. 168(g)). *See* Rev. Proc. 2011–22, 2011–18 I.R.B. 737.

discussed in the full text of the *Cellular Second R&O,* para. 68).

31. Following the public forum, all three stakeholder groups will have ample time remaining before the PFD Sunset date to implement necessary changes to enable better co-existence thereafter in the band. The Commission directs the Bureaus to seek an update on progress from all three stakeholder groups no later than four years from the release of the *Cellular Second R&O,* and to issue a Public Notice announcing the mechanism for filing such updates. The Commission also encourages all stakeholders to share their experiences on spectrum sharing in the band throughout the seven-year transition period. It believes that the rules and expectations established in the *Cellular Second R&O,* including the PFD Sunset schedule, will serve the public interest by balancing the needs of all parties and the important services they provide to their customers and to the public.

32. *Retention of Part 22 Interference Resolution Rules and Procedures.* The existing interference resolution provisions in 47 CFR 22.970 through 22.973 place strict responsibility for remedying unacceptable interference on the licensee(s) causing that interference to public safety communications in the 800 MHz band. The Commission finds that these provisions continue to work well and also notes that the number of interference complaints lodged by public safety entities against Cellular and ESMR carriers via the 800 MHz Interference Notification Site [5] has been steadily declining. The Commission recognizes that identifying sources of interference is burdensome to public safety entities and that certain areas of the country such as Oakland, CA are unusually troublesome in terms of unacceptable interference to public safety operations. At the same time, the Commission recognizes that Cellular licensees themselves incur costs to investigate and address complaints, including those that are determined to arise from non-Cellular operations. Noting that rules 22.970 through 22.973 were carefully crafted based on the extensive record compiled in the 800 MHz rebanding proceeding, and that those provisions establish shared responsibility between part 22 and part 90 licensees, the Commission declines to adopt the proposal made by some commenters to amend rule 22.970 such that a Cellular licensee that is found to have caused interference to an 800 MHz public safety radio system would be required to reimburse that entity's ''reasonable costs expended to locate and mitigate the interference.'' The Commission concludes that any future unacceptable interference to public safety or other entities that occurs as a result of Cellular operations, including PSD operations, will be appropriately addressed pursuant to the existing part 22 interference resolution provisions and, accordingly, retains the existing rules 22.970 through 22.973 without change. The Commission emphasizes that the obligations set forth in those provisions will continue to apply notwithstanding the new requirements established under revised rule 22.913 including, when applicable, advance notification and the PFD limit.

[5] This is a Web site (*www.publicsafety800mhzinterference.com*) established collectively by Cellular and ESMR carriers in the 800 MHz band and serves as a vehicle for licensees who operate non-cellular architecture systems in the 800 MHz band to report interference to the commercial carriers in this band.

C. Power-Related Technical Provisions

1. Revision of 47 CFR 22.911 To Accommodate Cellular PSD Systems

33. Rule 22.911(a) sets forth the formula for calculating the service area boundary (SAB) of an individual cell site and the CGSA boundary. This formula has been the basis for determining the SAB of cell sites and the protected licensed area (CGSA) since the inception of the Cellular Service and remains an effective tool for predicting reliable signal coverage for narrowband technologies. Under these circumstances, for Cellular licensees that do not elect to use the PSD model, the Commission concludes that it serves the public interest to retain the existing formula in rule 22.911(a) without change, rather than requiring such licensees to change their long-standing methodology for determining their SABs and CGSA boundaries.

34. However, for Cellular licensees that elect to use PSD to deploy LTE and other more advanced mobile broadband technologies, the Commission finds that the formula in rule 22.911(a) is not practical, as the result would be much larger SABs and CGSAs that would not accurately reflect service coverage. Rule 22.911(b) currently sets forth an alternative CGSA determination methodology to depict Cellular service coverage that departs from the licensed geographic area (by a significant amount—specifically, by ''±20% in the service area of any cell'') where reliable Cellular service is actually provided. The Commission finds that adapting this methodology to require a predictive propagation model that takes into account terrain and other local conditions, based on the 32 dBμV/m contour, is appropriate for the purposes of calculating SABs and determining CGSA expansion areas for base stations that operate using PSD. Accordingly, the Commission adopts rule 22.911(c) for PSD systems, and requires that the SAB be defined in terms of distances from the cell site(s) to the 32 dBμV/m contour along the eight cardinal radials, consistent with SAB calculations under the existing rule. The distances used for the cardinal radials must be representative of the coverage within the 45° sectors. The Commission concludes that this approach will result in accurate coverage calculations when operating a cell site using PSD, and thus serves the public interest. If this methodology yields an SAB extension comprising at least 50 contiguous square miles, regardless of whether the CGSA departs ±20 percent in the service area of any cell site, the Cellular licensee will be required to file an application for major modification of the CGSA using FCC Form 601. The applicant will be required to submit its CGSA determination pursuant to the new provisions of rule 22.911(c), depicting the CGSA using a predictive model. If the predictive model results in calculations that depict an SAB extension comprising less than 50 contiguous square miles, the licensee may not claim the area as part of its CGSA; it may provide service in the extension area on a secondary basis only. No application should be filed in that scenario.

2. Height-Power Limit—Exemption for PSD Systems

35. The existing provision in 47 CFR 22.913(b) limits the height of a base station antenna: the ERP may not exceed an amount that would result in the average distance to the SAB being 79.1 km for licensees authorized to serve the Gulf, 40.2 km for all other licensees. The existing provision in 47 CFR 22.913(c) provides an exemption from the height-power limit if the licensee coordinates with, and obtains concurrence from, all co-channel licensees within 121 km. The Cellular height-power rule was developed to ensure that the average distance to the SAB does not exceed certain limits, and thus prevents excessively large SABs that could otherwise result from the SAB calculation using the formula in rule 22.911(a). Although the distance to the SABs of many Cellular base stations would not exceed the limits specified in the height-power rule, the existing provision recognizes that the limits might well be exceeded in some instances, especially in the case of narrowband technologies. Given that the Commission is retaining the formula set

forth in 47 CFR 22.911(a) to be used by Cellular licensees deploying narrowband systems (*i.e.,* licensees not electing to use the PSD model) or operating in the Gulf service area, it concludes that the height-power rule continues to serve the public interest as applied to such licensees. Likewise, the Commission finds that the exemption in existing rule 22.913(c) continues to afford such licensees flexibility when they coordinate with, and obtain the concurrence of, all co-channel licensees within 121 km. The domestic coordination provision in rule 22.907 does not obviate the need for the exemption provided in existing rule 22.913(c), which, unlike rule 22.907, includes the concurrence requirement. Moreover, the Cellular field strength rule (47 CFR 22.983) does not obviate the need for the existing provisions in rules 22.913(b) and (c). The Cellular field strength limit rule is uniquely tailored to reflect the fact that Cellular licensees may continue to expand their CGSAs, and CGSA boundaries do not typically coincide with defined market boundaries. A Cellular licensee is required to observe the field strength limit at every point along its neighbor's CGSA, and not necessarily at its own CGSA boundary. With adoption of the field strength rule, the Commission concluded there was no longer a need to regulate SAB extensions into neighboring CGSAs (with limited exceptions). Nonetheless, in the absence of the height-power limit, SABs calculated under rule 22.911(a) could still potentially be excessively large. As noted above, the height-power rule was developed to prevent such large SABs, and it will continue to serve this important purpose for licensees deploying narrowband systems (*i.e.,* not electing to use the PSD model) or operating in the Gulf service area.

36. However, the Commission finds that the Cellular height-power rule is not appropriate for systems that are operated using PSD. With adoption of a predictive model requirement for SAB and CGSA calculations under rule 22.911(c), Cellular licensees that operate their cell sites pursuant to the PSD limits will not be calculating their service area using the existing formula in 47 CFR 22.911(a). Accordingly, the Commission retains the height-power limit and coordination exemption provisions for licensees deploying narrowband systems, but now exempts licensees operating their systems using PSD. Also, the Commission changes the title of the existing rule 22.913(c) to ''Exemptions from height-power limit,'' and renumbers paragraphs (b) and (c) to accommodate the provisions concerning PSD and PFD limits and related measurement provisions, described above.

3. Power Measurement: Peak vs. Average/Peak-to-Average Ratio

37. Because the peak power associated with a noise-like signal is a random variable, it can place unachievable requirements on the measuring instrumentation (*e.g.,* a resolution/measurement bandwidth that exceeds the signal bandwidth). The same non-constant envelope technologies used for PCS and AWS—such as CDMA, W–CDMA, and LTE—have been or will be used in the Cellular Service as well. Consistent with Commission decisions to permit licensees to meet radiated power limits on an average basis for PCS and AWS, as well as for other flexible wireless services, including the 700 MHz services (both commercial and public safety broadband), the Commission concludes that Cellular power limits should be measured on the basis of average power. Also consistent with the average power measurement provisions adopted for PCS and AWS, the Commission finds that adopting a PAR limit of 13 dB for the Cellular Service would better enable the use of technologies such as LTE, and that it strikes the right balance between enabling licensees to use modulation schemes with high PARs and protecting other licensees from high PAR transmissions.

38. Accordingly, the Commission revises rule 22.913 to specify that Cellular power shall be measured on an average basis, and establishes a PAR limit of 13 dB. Additionally, as in the rule governing PCS measurements, the revised rule specifies that measurement of average power for Cellular operations must be made during a period of continuous transmission based on Commission-approved average power techniques. Licensees should consult the FCC Laboratory's Knowledge Database (KDB) Web site regularly for the latest recommended procedures concerning Commission-approved average power measurement techniques. The Commission's approach will ensure that the correct procedures are used for various technologies that are deployed or will be deployed in the future in the Cellular Service, such as GSM, CDMA, UMTS and LTE, and achieves the important goal of harmonizing, where possible, various commercial wireless service rules. Coupled with the average power measurement, a 13 dB PAR limit furthers the goal of facilitating the deployment of advanced technologies such as LTE in the Cellular Service band, while limiting the potential for unacceptable interference that might result from high PAR transmissions. The Commission disagrees with a commenter's argument to adopt power limits using peak power because this approach would hinder Cellular broadband deployments. Spikes are inevitable, but the PAR limit in conjunction with the PFD limit takes this into account and addresses the concern.

4. Field Strength Limit

39. As noted above, the Cellular Service rule 22.983 establishes a field strength limit of 40 dBμV/m, and (with certain exceptions) this limit must be observed at every point along the neighboring licensee's CGSA, taking into account that some licensees' CGSAs are adjacent to Unserved Area. Cellular licensees are permitted under the rule to negotiate different field strength limits with one another. The Commission considered a commenter's recommendation to change the limit, but there is a lack of consensus, and the record is insufficient to compel a change. Moreover, the Commission concludes, altering the rule at this time solely for the Cellular Service would be at odds with the goal of harmonizing rules among flexible commercial wireless services and would not serve the public interest. Accordingly, the Commission retains 47 CFR 22.983 without change.

5. Out of Band Emission (OOBE) Limit

40. Existing rule 22.917 currently specifies that, for the Cellular Service, the power of any emission outside of the authorized operating frequency ranges (P) must be attenuated below the transmitting power by a factor of at least 43 + 10 log(P) dB, and describes the procedures for measuring compliance with this OOBE limit. The current resolution bandwidth for measuring unwanted emissions outside of the Cellular band is 100 kHz or greater. The Commission concludes that the existing OOBE limit in 47 CFR 22.917(a), which is the same as the limit for other commercial wireless services such as PCS and AWS, continues to serve the public interest and declines to change it at this time. In response to a commenter's concerns that Cellular PSD operations will cause increased interference to its adjacent-band operations, the Commission notes its expectation that licensees will work together to resolve interference problems, and also notes that rule 22.917(c) allows licensees to negotiate a different limit from the one specified in

rule 22.917(a) by private contractual agreement. The Commission encourages Cellular and adjacent-band carriers to continue to work together not only to address interference as it occurs, but also to be proactive in avoiding increased interference from Cellular PSD operations under the revised radiated power rules adopted by the *Cellular Second R&O.* The Commission also reminds parties that, under rule 22.917(d), the Commission may require a greater attenuation if any emission from a Cellular transmitter results in interference to users of another radio service.

41. Regarding the existing provision in rule 22.917(b), the Commission notes that the International Telecommunications Union (ITU) recommends different measurement bandwidths for operations above and below 1 GHz. To remain consistent with international practices, the Commission concludes that the 100 kHz resolution bandwidth should be used only for measurements in the spectrum below 1 GHz, and that any measurements in the spectrum above 1 GHz should use a resolution bandwidth of 1 MHz. Accordingly, the Commission adopts revised 47 CFR 22.917(b) to retain the existing provision (renumbered as 22.917(b)(1)) and specifies that it applies for measurements in the spectrum below 1 GHz; the Commission adds 22.917(b)(2) to specify that measurements of out of band emissions from Cellular licensees into the spectrum above 1 GHz should use a resolution bandwidth of 1 MHz. As technologies change, the Commission updates its part 2 rules and its measurement procedures to keep pace, and therefore, licensees should regularly consult the KDB Web site for the latest recommended measurement procedures and Commission-approved techniques, and part 2 of the Commission rules.

D. Other Technical and Licensing Issues

1. Permanent Discontinuance of Operations

42. Under 47 CFR 1.955(a)(3), an authorization will be automatically terminated if service is ''permanently discontinued.'' Existing rule 22.317, which applies to all part 22 Public Mobile Services stations including those in the Cellular Service, defines permanent discontinuance as the failure to provide service to subscribers for 90 continuous days (up to 120 continuous days with an extension). If a Cellular site is permanently discontinued under that definition, the licensee's CGSA is modified accordingly in ULS, reflecting the reduction in service coverage. While the licensee is required to file the appropriate form in ULS, the authorization for the permanently discontinued site is automatically terminated without Commission action whether or not the appropriate form is filed. After the Commission released the NPRM, a coalition of Cellular licensees (Coalition) advocated a more flexible rule governing permanent discontinuance of service.

43. Having adopted rules in the *2014 Cellular R&O* to transition the Cellular Service to a geographically-licensed regime, and consistent with the approach in various other commercial wireless services, the Commission concludes that it serves the public interest to adopt a modernized provision—47 CFR 22.947—that defines permanent discontinuance as 180 consecutive days during which a Cellular licensee does not operate or, in the case of a Cellular commercial mobile radio services (CMRS) provider, does not provide service to at least one subscriber that is not affiliated with, controlled by, or related to the providing carrier. Under this provision, Cellular licensees will be required to notify the Commission of the permanent discontinuance within 10 days of the expiration of the 180-day period by filing FCC Form 601. However, whether or not the licensee files the proper notification form, the license for a Cellular system that has permanently discontinued service will be terminated automatically, and the area will revert back to the Commission for relicensing. Commencing on the day following public notice of cancellation of the Cellular license, the Unserved Area will be available to applicants seeking to establish a new Cellular system or expand an existing CGSA by at least 50 contiguous square miles. Based on the record, the Commission finds that it serves the public interest to apply the 180-day discontinuance period to new Cellular systems—other than the Chambers, TX license system (Chambers License)—only after the initial construction period has ended, including extensions, if any, following grant of the new-system application. This approach will ensure that licensees of new systems are not penalized in the event they complete construction and commence operations prior to expiration of their build-out period. The rule will apply to the entire geographic licensed area—the CGSA, thus enhancing licensees' flexibility. The Commission also adopts revised 47 CFR 22.317 such that its site-based approach will no longer apply to the Cellular Service. Thus, consistent with other geographically licensed services, permanent discontinuance of service at an individual cell site will no longer result in modification of the CGSA to reflect reduced service coverage. Once these rules as adopted today have taken effect, the Commission will dismiss as unnecessary a site-based cancellation notification, *i.e.,* a filing concerning permanent discontinuance of any individual cell site(s). Regarding the Chambers License, the Commission finds that it serves the public interest to apply the new rule such that the 180-day period for purposes of determining permanent discontinuance will commence immediately after the interim construction deadline set forth in 47 CFR 22.961.

44. The flexible approach being adopted regarding permanent service discontinuance was initially discussed in the Commission's pending WRS Reform proceeding, which also covers the Cellular Service. Notwithstanding adoption in the *Cellular Second R&O* of rule 22.947 and revised rule 22.317, Cellular Service licensees will remain subject to any future Commission action affecting wireless radio services in the WRS Reform proceeding.

2. Elimination of Filings for Certain Minor Modifications

45. Cellular licensees are required under existing rules to file a minor modification application for any change to a non-internal cell site that results in a reduction in service area coverage (*e.g.,* an antenna adjustment to a Cellular site along the CGSA border), no matter how small the change. The CGSA boundary is modified accordingly in ULS to reflect the reduction in service coverage. This is a lingering vestige of the legacy site-based Cellular licensing scheme, similar to the existing permanent service discontinuance rule addressed above. As stated in the *2014 Cellular R&O,* a hallmark of geographic licensing is a defined area within which each licensee can make certain system changes without Commission filings. Throughout this proceeding, the Commission has pursued the goals of removing unnecessary filing requirements and providing Cellular licensees with significant new flexibility to make changes within their CGSA boundaries. In light of establishment of the CGSA as a geographic license area coupled with today's elimination of the filing requirement and resulting CGSA reduction when an individual cell site ceases operating entirely, the Commission finds that eliminating the site-based provision requiring filings for non-permanent-discontinuance changes to operational cell site(s) advances its

reform goals and serves the public interest.

46. Accordingly, the Commission adopts revised 47 CFR 22.953(c). Consistent with other geographically licensed commercial wireless services, even following such minor system changes, the CGSA boundary will remain fixed, except that Cellular licensees may continue to expand their CGSAs under 47 CFR 22.949. This should better enable licensees to implement technology upgrades involving reconfiguration and possible relocation of cell sites and other network elements. Once revised rule 22.953(c) as adopted today has taken effect, the Commission will dismiss as an unnecessary filing an application for a CGSA reduction. Notwithstanding this rule change, Cellular licensees remain subject to any future Commission action affecting wireless radio services in the pending WRS Reform proceeding.

3. Domestic Coordination Requirements

47. Under 47 CFR 22.907, Cellular licensees are required to coordinate channel usage at each transmitter location within 121 kilometers (75 miles) of any transmitter locations that are authorized to other licensees or proposed by applicants. As intended by this rule, coordination has played a major role in avoiding co-channel and adjacent-channel interference between neighboring systems. However, the Commission finds that the coordination requirement is not necessary for systems that deploy technologies such as CDMA and LTE, which do not utilize frequency re-use techniques. Accordingly, the Commission adopts a revised introductory paragraph of the rule to exempt those Cellular licensees that deploy technologies with a frequency re-use factor of one. In that same paragraph, the Commission deletes the reference to ''tentative selectees''—a vestige of the lottery system that had been in place for Cellular licensing many years ago that is now obsolete.

4. International Coordination Requirements

48. Cellular licensees are currently subject to three separate part 22 rules governing coordination between the United States government and the governments of Canada and Mexico. The generic rule applicable to all part 22 Public Mobile Services licensees, 47 CFR 22.169, states that channel assignments are ''subject to the applicable provisions and requirements of treaties and other international agreements between the United States government and the governments of Canada and Mexico.'' The other two rules—22.955 and 22.957—are in subpart H (Cellular Service-specific), and each sets forth the text of a condition that is to be placed on authorizations for all Cellular systems, requiring them to coordinate any transmitter installations within 72 kilometers (45 miles) of the U.S.-Canada or U.S.-Mexico border, as applicable. To advance its regulatory reform agenda by deleting unnecessary or redundant provisions, the Commission now eliminates rules 22.955 and 22.957 while preserving rule 22.169 with a minor revision—adding a reference to ''operation of systems.'' The Commission finds that this approach is sufficient and consistent with the international coordination requirements set forth in other rule parts and serves the public interest.

E. Miscellaneous Other Provisions

1. ERP vs. EIRP; MIMO Antennas; Equipment Standards

49. *ERP vs. EIRP.* As noted above, the Cellular radiated power limits are expressed in terms of ERP. There is inconsistency in how the radiated power limits are expressed in the various bands in which commercial wireless services are generally provided. For example, in the PCS rules, EIRP (equivalent isotropically radiated power) is used, but for AWS and 700 MHz, the power limits are expressed in terms of ERP. Given that Cellular licensees are long accustomed to ERP limits under the existing rule 22.913, the Commission concludes that it serves the public interest to continue to express the non-PSD limits in terms of ERP, and also to express the newly adopted PSD limits in terms of ERP. This will avoid unnecessary confusion and maintain consistency for Cellular licensees.

50. *MIMO Antennas.* No commenter addressed the Commission's query as to whether the use of MIMO techniques requires a modification to the way measurements are performed for equipment authorization. Some carriers state their intent to use spectrally efficient MIMO techniques in their Cellular LTE deployments, and the Commission has taken that into account in adopting the PSD and PFD limits described above.

51. *Equipment Standards.* Part 2 of the Commission's rules include equipment certification requirements. In the absence of any interest by commenters on the issue of whether part 22 equipment standards and measurement rules need to be updated or modified to be consistent with the equipment certification rules in part 2, the Commission concludes that no changes concerning this issue are warranted at this time in part 22. However, as technologies change, the Commission updates its procedures in part 2 to keep pace, and licensees should consult part 2 of Commission rules and the FCC Laboratory's KDB Web site so they can be aware of the most up-to-date requirements, recommended measurement procedures, and Commission-approved techniques.

2. Mobile Transmitters and Auxiliary Test Transmitters

52. The existing provision in 47 CFR 22.913(a)(2) states that the ERP of Cellular mobile and auxiliary test transmitters must not exceed 7 W. Given that the Commission is retaining the current non-PSD power limits for Cellular base stations and repeaters as an option so as not to disrupt systems that use narrowband Cellular technology, a commenter's argument for a ''corresponding increase'' in the mobile station ERP limit is moot. Moreover, there is no technical evidence on the record to suggest that the current 7 W limit is limiting the use of mobile and auxiliary test transmitters. Accordingly, and in the absence of comments on the record concerning all the other issues raised in the *Cellular Further Notice* related to mobile and auxiliary test transmitters, the Commission finds that it serves the public interest to retain the existing provision, including the existing 7 W limit, but creates a new paragraph of the rule (§ 22.913(a)(5)) for this provision.

3. Frequency Coordinators

53. Although one commenter expressly supported the Commission's proposal to establish frequency coordinators to perform the first-line review of Cellular applications for CGSA expansions and new Cellular systems, and two parties expressed preliminary non-binding interest in serving as frequency coordinators for the Cellular Service, the Commission declines to adopt the use of frequency coordinators for the Cellular Service at this time. While the total number of CGSA-expansion (major modification) applications in 2013 was 565 (908 if amendments are included), for calendar year 2015, Commission data show that only 42 CGSA-expansion applications were filed (60 if amendments are included). This represents a decrease of more than 90 percent since 2013, and the trend is further downward, as only 23 CGSA-expansion applications were filed through the third quarter of 2016. This is a far greater decrease than the Commission anticipated when it

proposed frequency coordination for the Cellular Service. To accommodate the use of frequency coordinators for Cellular applications, the Commission would need to make numerous changes to ULS at the taxpayers' expense. Additionally, Commission staff resources would necessarily be expended for selection and certification of frequency coordinators and preparation of requisite Commission releases, including a Memorandum of Understanding to be executed with those selected. Thereafter, the certified coordinators and Commission staff would need to collaborate on a file format incorporating the frequency coordination process. The Commission concludes that the requisite Commission outlay of resources to introduce frequency coordination into the Cellular Service would not be justified, but it will monitor the application volume and, if the data show a significant upward trend, it will revisit establishing frequency coordinators for the Cellular Service.

4. Definition of ''Rural'' for Purposes of 47 CFR 22.913

54. Revising the definition of a rural area under 47 CFR 22.913 (or any other part 22 rule) was not raised by any commenter prior to release of the *Cellular Further Notice,* nor did the Commission mention it in that release. Although one commenter subsequently argued that the definition should be automatically adjusted after each completed U.S. Census, the Commission is not persuaded by the record that it should revisit the longstanding definition of ''rural'' for the purpose of rule 22.913, and it makes no change to the definition in the *Cellular Second R&O.*

5. 47 CFR 22.355 (Frequency Tolerance)

55. Although the *Cellular Further Notice* proposed to correct a ministerial error that appeared in the third-column heading of the table in 47 CFR 22.355, the Commission notes that the current edition of the Code of Federal Regulations does not contain this error, and therefore no Commission action is required in this proceeding.

II. Report and Order (WRS Reform Proceeding, WT Docket No. 10–112)

A. Background

56. In the WRS Reform proceeding (WT Docket No. 10–112), on May 25, 2010 the Commission released a *Notice of Proposed Rulemaking* (*WRS NPRM*) and a companion *Order* (*2010 WRS Order*). The *WRS NPRM* proposed to revise and harmonize numerous rules applicable to WRS, which include the Cellular Service. Among other issues addressed in the *WRS NPRM,* the Commission generally proposed to establish a uniform license renewal process modeled after the 700 MHz Service rules, and specifically proposed to adopt a three-part approach to renewal for all WRS, including Cellular licensees, that would entail: (1) A uniform requirement regarding the content of a renewal showing necessary to support renewal; (2) a prohibition on the filing of competing renewal applications; and (3) in the event of denial of a renewal application, return of the associated spectrum to the Commission for reassignment. Specifically with respect to Cellular licensees, the Commission proposed to delete all five existing part 22 rules governing Cellular comparative renewal proceedings—47 CFR 22.935, 22.936, 22.939, 22.940, and 22.943—and sought comment on its proposal. The Commission's companion *2010 WRS Order* imposed a freeze on the filing of new applications that are mutually exclusive with renewal applications and established an interim process for addressing renewal applications.

57. In response to the *WRS NPRM,* interested parties submitted comments, reply comments, and *ex parte* letters, addressing, among other issues, the proposed deletion of the five rules noted above governing Cellular comparative renewal proceedings. The specific reforms adopted by the Commission in the *WRS R&O* are described below.

B. Deletion of 47 CFR 22.935, 22.936, 22.939, 22.940, and 22.943

58. These five Cellular license renewal rules in part 22 establish a two-step comparative hearing process for addressing renewal applications as well as any timely-filed competing applications. They require an administrative law judge (ALJ) to conduct a threshold hearing to determine whether a Cellular renewal applicant is entitled to a renewal expectancy. If the ALJ determines that the applicant is entitled to a renewal expectancy and is otherwise basically qualified, the license is renewed and any competing applications are denied. If, on the other hand, the ALJ determines that a renewal expectancy is not warranted, all mutually exclusive applications in the renewal filing group are considered in a full comparative hearing. The rules also establish certain specific requirements for the filing of competing applications, and procedures governing their withdrawal during the hearing.

59. As part of its efforts to eliminate unnecessary requirements for Cellular licensees and promote comparable treatment of spectrum bands commonly used to provide comparable wireless services, the Commission finds that it serves the public interest to delete—as of the effective date of this *WRS R&O*—the part 22 rules pertaining to Cellular renewal comparative hearings, as proposed in the *WRS NPRM.* This action with respect to the Cellular Service is consistent with the Commission's determinations in various other commercial wireless service proceedings over the last ten years, including those for certain AWS (*e.g.,* AWS–3, AWS–4, H-Block) and the 700 MHz Service. Also, the elimination of service-specific renewal rules and adoption of uniform renewal procedures that would apply to all WRS licensees, including the elimination of comparative renewal hearings, is supported by the majority of commenters responding to the *WRS NPRM.* Accordingly, the revised Cellular Service rules reflect the Commission's deletion of rules 22.935, 22.936, 22.939, 22.940, and 22.943. The Commission defers, however, any decision on the remaining issues raised in the *WRS NPRM* and the *2010 WRS Order,* including what standard or requirements to apply in determining whether a renewal application should be granted, and whether licensed spectrum that does not meet specified renewal requirements shall be returned to the Commission for reassignment. Pending further action in the WRS Reform proceeding, the freeze imposed on the filing of new competing applications and the procedures established in the *2010 WRS Order* will remain in effect for all covered wireless services, including the Cellular Service.

III. Procedural Matters

A. Paperwork Reduction Act Analysis

60. Some of the rule amendments adopted by the *Cellular Second R&O*—specifically, rules 22.911(a) through (c), 22.913(a), 22.913(c), 22.913(f), 22.947, and 22.953(c)—contain modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. Those rule amendments will be submitted to 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 modified information collection requirements. In addition, the Commission notes that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C.

3506(c)(4), the Commission previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. The Commission has assessed the effects on small business concerns of the rule changes it is adopting by this *Cellular Second R&O* and *WRS R&O* and finds that businesses with fewer than 25 people will benefit from the flexibility afforded by the revised technical rules, including the option of deploying systems using PSD, as well as by the licensing reforms, including elimination of certain filing requirements and the comparative hearing process for license renewals.

B. Congressional Review Act

61. The Commission will send a copy of this *Cellular Second R&O* and *WRS R&O* to Congress and the Government Accountability Office pursuant to the Congressional Review Act.

C. Final Regulatory Flexibility Analysis

62. The Regulatory Flexibility Act of 1980 (RFA) requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA), set forth in Appendix B of the *Cellular Second R&O* and companion *WRS R&O,* concerning the possible impact of the rule changes.

D. Ex Parte Presentations

63. *Permit-But-Disclose.* The Commission will continue to treat the Cellular Reform and WRS Reform proceedings as ''permit-but-disclose'' proceedings in accordance with the Commission's *ex parte* rules. Persons making presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the Commission's Electronic Comment Filing System (ECFS) available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf).

64. *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

IV. Ordering Clauses

65. Accordingly, *it is ordered*, pursuant to Sections 1, 2, 4(i), 4(j), 7, 301, 303, 307, 308, 309, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 157, 301, 303, 307, 308, 309, and 332, that this *second report* and *order* and *second further notice of proposed rulemaking* in WT Docket No. 12–40 are adopted.

66. *It is further ordered*, pursuant to Sections 1, 2, 4(i), 4(j), 301, 303, 307, 308, 309, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 301, 303, 307, 308, 309, and 332, that this *report and order* in WT Docket No. 10–112 *is adopted*.

67. *It is further ordered* that the *second report and order* and the *report and order shall be effective* May 12, 2017.

68. *It is further ordered* that part 22 of the Commission's rules, 47 CFR part 22, *is amended* as specified in Appendix A of the *second report and order and report and order*, effective May 12, 2017 except as otherwise provided herein.

69. *It is further ordered* that the amendments adopted in the *second report and order*, and specified in Appendix A of the *second report and order and report and order,* to §§ 22.317, 22.911(a) through (c), 22.913(a), 22.913(c), 22.913(f), 22.947, and 22.953(c), which contain new or modified information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act, *will become effective* after the Commission publishes a document in the **Federal Register** announcing such approval and the relevant effective date.

70. *It is further ordered* that, pursuant to Section 801(a)(1)(A) of the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), the Commission *shall send* a copy of the *second report and order, report and order*, and *second further notice of proposed rulemaking* to Congress and to the Government Accountability Office.

71. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of the *second report and order, report and order*, and *second further notice of proposed rulemaking*, including the Final Regulatory Flexibility Analysis and the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 22

Communications common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 22 as follows:

PART 22—PUBLIC MOBILE SERVICES

■ 1. The authority citation for part 22 continues to read as follows:

Authority: 47 U.S.C. 154, 222, 303, 309, and 332.

■ 2. Section 22.99 is amended by revising the definition of ''Cellular system'' and adding, in alphabetical order, the definition of ''Power spectral density'' to read as follows:

§ 22.99 Definitions.

* * * * *

Cellular system. An automated high-capacity system of one or more multi-channel base stations designed to provide radio telecommunication services to mobile stations over a wide area in a spectrally efficient manner. Cellular systems employ techniques

such as automatic hand-off between base stations of communications in progress to enable channels to be re-used at relatively short distances.

* * * * *

Power spectral density (PSD). The power of an emission in the frequency domain, such as in terms of ERP or EIRP, stated per unit bandwidth, *e.g.,* watts/MHz.

* * * * *

■ 3. Section 22.169 is revised to read as follows:

§ 22.169 International coordination.

Operation of systems and channel assignments under this part are subject to the applicable provisions and requirements of treaties and other international agreements between the United States government and the governments of Canada and Mexico.

■ 4. Section 22.317 is revised by adding a sentence at the end to read as follows:

§ 22.317 Discontinuance of station operation.

* * * This section does not apply to the Cellular Radiotelephone Service (*see* § 22.947).

■ 5. Section 22.907 is amended by revising the introductory text to read as follows:

§ 22.907 Coordination of channel usage.

Licensees in the Cellular Radiotelephone Service must coordinate, with the appropriate parties, channel usage at each transmitter location within 121 kilometers (75 miles) of any transmitter locations authorized to other licensees or proposed by other applicants, except those with mutually exclusive applications. Licensees utilizing systems employing a frequency re-use factor of 1 (universal re-use) are exempt from this requirement.

* * * * *

■ 6. Section 22.911 is amended by:
■ a. Revising the introductory text, paragraph (a) heading and introductory text, paragraph (b) heading, and paragraph (b)(1);
■ b. Adding paragraph (c);
■ c. Revising paragraph (d); and
■ d. Removing and reserving paragraph (e).

The revisions and additions read as follows:

§ 22.911 Cellular geographic service area.

The Cellular Geographic Service Area (CGSA) of a Cellular system is the geographic area considered by the FCC to be served by the Cellular system and is the area within which cellular systems are entitled to protection and adverse effects for the purpose of determining whether a petitioner has standing are recognized. The CGSA is the composite of the service areas of all of the cells in the system, excluding any Unserved Area (even if it is served on a secondary basis) or area within the CGSA of another Cellular system. The service area of a cell is the area within its service area boundary (SAB). Licensees that use power spectral density (PSD) at cell sites within their licensed geographic area are subject to paragraph (c) of this section; all other licensees are subject to paragraph (a) (or, as applicable, paragraph (b)) of this section. If the calculation under paragraph (a), (b), or (c) of this section (as applicable) yields an SAB extension comprising at least 130 contiguous square kilometers (50 contiguous square miles), the licensee must submit an application for major modification of the CGSA using FCC Form 601. *See also* §§ 22.912, 22.949, and 22.953.

(a) *CGSA determination (non-PSD).* For the purpose of calculating the SABs for cell sites and determining CGSA expansion areas for Cellular base stations that do not operate using PSD (as permitted under § 22.913), the distance to the SAB is calculated as a function of effective radiated power (ERP) and antenna center of radiation height above average terrain (HAAT), height above sea level (HASL), or height above mean sea level (HAMSL).

* * * * *

(b) *Alternative CGSA determination (non-PSD).* * * *

(1) The alternative CGSA determination must define the CGSA in terms of distances from the cell sites to the 32 dBμV/m contour along the eight cardinal radials, with points in other azimuthal directions determined by the method given in paragraph (a)(6) of this section. The distances used must be representative of the coverage within the eight cardinal radials, as depicted by the alternative CGSA determination.

* * * * *

(c) *CGSA determination (PSD).* (1) For the purpose of calculating the SABs for cell sites and determining CGSA expansion areas for Cellular base stations that operate using PSD (as permitted under § 22.913), the licensee must use a predictive propagation model that is appropriate for the service provided, taking into account terrain and local conditions. The SAB and CGSA boundary must be defined in terms of distances from the cell site to the 32 dBμV/m contour along the eight cardinal radials, with points in other azimuthal directions determined by the method set forth in paragraph (a)(6) of this section. The distances used must be representative of the coverage within the eight cardinal radials.

(2) An application for major modification of the CGSA under this paragraph (c) must include, as an exhibit, a depiction of the CGSA accompanied by one or more supporting propagation studies using methods appropriate for the 800–900 MHz frequency range, including all supporting data and calculations, and/or by extensive field strength measurement data. For the purpose of such submissions, Cellular service is considered to be provided in all areas, including ''dead spots,'' between the transmitter location and the locus of points where the predicted or measured median field strength finally drops to 32 dBμV/m (*i.e.,* does not exceed 32 dBμV/m further out). If, after consideration of such submissions, the FCC finds that adjustment to a CGSA is warranted, the FCC may grant the application.

(d) *Protection afforded.* Cellular systems are entitled to protection only within the CGSA (as determined in accordance with this section) from co-channel and first-adjacent channel interference (*see* § 22.983). Licensees must cooperate in resolving co-channel and first-adjacent channel interference by changing channels used at specific cells or by other technical means.

(e) [Reserved]

■ 7. Section 22.913 is revised to read as follows:

§ 22.913 Effective radiated power limits.

Licensees in the Cellular Radiotelephone Service are subject to the effective radiated power (ERP) limits and other requirements in this Section. *See also* § 22.169.

(a) *Maximum ERP.* The ERP of transmitters in the Cellular Radiotelephone Service must not exceed the limits in this section.

(1) Except as described in paragraphs (a)(2), (3), and (4) of this section, the ERP of base stations and repeaters must not exceed—

(i) 500 watts per emission; or

(ii) 400 watts/MHz (PSD) per sector.

(2) Except as described in paragraphs (a)(3) and (4) of this section, for systems operating in areas more than 72 kilometers (45 miles) from international borders that:

(i) Are located in counties with population densities of 100 persons or fewer per square mile, based upon the most recently available population statistics from the Bureau of the Census; or

(ii) Extend coverage into Unserved Area on a secondary basis (*see* § 22.949),

the ERP of base transmitters and repeaters must not exceed—

(A) 1000 watts per emission; or

(B) 800 watts/MHz (PSD) per sector.

(3) Provided that they also comply with paragraphs (b) and (c) of this section, licensees are permitted to operate their base transmitters and repeaters with an ERP greater than 400 watts/MHz (PSD) per sector, up to a maximum ERP of 1000 watts/MHz (PSD) per sector unless they meet the conditions in paragraph (a)(4) of this section.

(4) Provided that they also comply with paragraphs (b) and (c) of this section, licensees of systems operating in areas more than 72 kilometers (45 miles) from international borders that:

(i) Are located in counties with population densities of 100 persons or fewer per square mile, based upon the most recently available population statistics from the Bureau of the Census; or

(ii) Extend coverage into Unserved Area on a secondary basis (*see* § 22.949), are permitted to operate base transmitters and repeaters with an ERP greater than 800 watts/MHz (PSD) per sector, up to a maximum of 2000 watts/MHz (PSD) per sector.

(5) The ERP of mobile transmitters and auxiliary test transmitters must not exceed 7 watts.

(b) *Power flux density (PFD).* Until May 12, 2024, each Cellular base station that operates at the higher ERP limits permitted under paragraphs (a)(3) and (4) of this section must be designed and deployed so as not to exceed a modeled PFD of 3000 microwatts/m^2/MHz over at least 98% of the area within 1 km of the base station antenna, at 1.6 meters above ground level. To ensure its compliance with this requirement, the licensee must perform predictive modeling of the PFD values within at least 1 km of each base station antenna prior to commencing such operations and, thereafter, prior to making any site modifications that may increase the PFD levels around the base station. The modeling tools must take into consideration terrain and other local conditions and must use good engineering practices for the 800 MHz band.

(c) *Advance notification requirement.* At least 30 days but not more than 90 days prior to activating a base station at the higher ERP limits permitted under paragraphs (a)(3) and (4) of this section, the Cellular licensee must provide written advance notice to any public safety licensee authorized in the frequency range 806–816 MHz/851–861 MHz with a base station located within a radius of 113 km of the Cellular base station to be deployed. The written notice shall be required only one time for each such cell site and is for informational purposes only; the public safety licensees are not afforded the right to accept or reject the activation or to unilaterally require changes in the operating parameters. The written notification must include the base station's location, ERP level, height of the transmitting antenna's center of radiation above ground level, and the timeframe for activation, as well as the Cellular licensee's contact information. Additional information shall be provided by the Cellular licensee upon request of a public safety licensee required to be notified under this paragraph (c). *See also* §§ 22.970 through 22.973.

(d) *Power measurement.* Measurement of the ERP of Cellular base transmitters and repeaters must be made using an average power measurement technique. The peak-to-average ratio (PAR) of the transmission must not exceed 13 dB. Power measurements for base transmitters and repeaters must be made in accordance with either of the following:

(1) A Commission-approved average power technique (*see* FCC Laboratory's Knowledge Database); or

(2) For purposes of this section, peak transmit power must be measured over an interval of continuous transmission using instrumentation calibrated in terms of an rms-equivalent voltage. The measurement results shall be properly adjusted for any instrument limitations, such as detector response times, limited resolution bandwidth capability when compared to the emission bandwidth, sensitivity, *etc.,* so as to obtain a true peak measurement for the emission in question over the full bandwidth of the channel.

(e) *Height-power limit.* The ERP of base transmitters must not exceed the amount that would result in an average distance to the service area boundary of 79.1 kilometers (49 miles) for Cellular systems authorized to serve the Gulf of Mexico MSA and 40.2 kilometers (25 miles) for all other Cellular systems. The average distance to the service area boundary is calculated by taking the arithmetic mean of the distances determined using the procedures specified in § 22.911 for the eight cardinal radial directions.

(f) *Exemptions from height-power limit.* Licensees need not comply with the height-power limit in paragraph (e) of this section if either of the following conditions is met:

(1) The proposed operation is coordinated with the licensees of all affected Cellular systems on the same channel block within 121 kilometers (75 miles) and concurrence is obtained; or

(2) The licensee's base transmitter or repeater is operated at the ERP limits (W/MHz) specified above in paragraph (a)(1)(ii), (a)(2)(ii), (a)(3), or (a)(4) of this section.

■ 8. Section 22.917 is amended by revising paragraph (b) to read as follows:

§ 22.917 Emission limitations for cellular equipment.

* * * * *

(b) *Measurement procedure.* Compliance with these rules is based on the use of measurement instrumentation employing a reference bandwidth as follows:

(1) In the spectrum below 1 GHz, instrumentation should employ a reference bandwidth of 100 kHz or greater. In the 1 MHz bands immediately outside and adjacent to the frequency block, a resolution bandwidth of at least one percent of the emission bandwidth of the fundamental emission of the transmitter may be employed. A narrower resolution bandwidth is permitted in all cases to improve measurement accuracy, provided that the measured power is integrated over the full required reference bandwidth (*i.e.,* 100 kHz or 1 percent of emission bandwidth, as specified). The emission bandwidth is defined as the width of the signal between two points, one below the carrier center frequency and one above the carrier center frequency, outside of which all emissions are attenuated at least 26 dB below the transmitter power.

(2) In the spectrum above 1 GHz, instrumentation should employ a reference bandwidth of 1 MHz.

* * * * *

§§ 22.935 through 22.943 [Removed and Reserved]

■ 9. Sections 22.935, 22.936, 22.939, 22.940, and 22.943 are removed and reserved.

■ 10. Section 22.947 is added to read as follows:

§ 22.947 Discontinuance of service.

(a) *Termination of authorization.* (1) Except with respect to CMA672–A (*see* paragraph (a)(2) of this section), a licensee's Cellular Geographic Service Area (CGSA) authorization will automatically terminate, without specific Commission action, if the licensee permanently discontinues service. A new-system licensee is not subject to this provision until after expiration of the construction period specified in § 22.946.

(2) The licensee's authorization for CMA672–A (Chambers, TX) will

automatically terminate, without specific Commission action, if the licensee permanently discontinues service after meeting its interim construction requirement as specified in § 22.961(b)(1).

(b) *Permanent discontinuance.* Permanent discontinuance of service is defined as 180 consecutive days during which a Cellular licensee does not operate or, in the case of a commercial mobile radio service provider, does not provide service to at least one subscriber that is not affiliated with, controlled by, or related to the providing carrier.

(c) *Filing requirements.* A licensee that permanently discontinues service as defined in this section must notify the Commission of the discontinuance within 10 days by filing, via the ULS, FCC Form 601 requesting license cancellation. An authorization will automatically terminate, without specific Commission action, if service is permanently discontinued as defined in this section, even if a licensee fails to file the required form requesting license cancellation.

■ 11. Section 22.953 is amended by revising paragraph (c) to read as follows:

§ 22.953 Content and form of applications for Cellular Unserved Area authorizations.

* * * * *

(c) *Existing systems—minor modifications.* Licensees making minor modifications pursuant to § 1.929(k) of this chapter must file FCC Form 601 or FCC Form 603, provided, however, that a resulting reduction in coverage within the CGSA is not subject to this requirement. *See* § 1.947(b). *See also* § 22.169. If the modification involves a contract SAB extension into or from the Gulf of Mexico Exclusive Zone, it must include a certification that the required written consent has been obtained. *See* §§ 22.912(c) and 22.950.

§§ 22.955 and 22.957 [Removed and Reserved]

■ 12. Sections 22.955 and 22.957 are removed and reserved.

[FR Doc. 2017–07154 Filed 4–11–17; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 386

[Docket Number: FMCSA–2016–0128]

RIN 2126–AB93

Federal Civil Penalties Inflation Adjustment of 2015

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Final rule.

SUMMARY: FMCSA amends the civil penalties listed in its regulations to ensure that the civil penalties assessed or enforced by the Agency reflect the statutorily mandated ranges as adjusted for inflation. Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), FMCSA is required to promulgate annual adjustments each year by January 15th. Pursuant to the Administrative Procedure Act, FMCSA finds that good cause exists for immediate implementation of this final rule because prior notice and comment are unnecessary, per the specific provisions of the 2015 Act.

DATES: This rule is effective April 24, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. LaTonya Mimms, Enforcement Division, by email at *civilpenalty@dot.gov* or phone at 202–366–0991. Office hours are from 8:00 a.m. to 4:30 p.m. Monday through Friday, except Federal holidays. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Purpose and Summary of the Major Provisions

This final rule adjusts the amount of FMCSA's civil penalties to account for inflation as directed by the 2015 Act. The final rule implements the 2017 annual adjustments, which will update the adjustments made by interim final rule on June 27, 2016 (81 FR 41453). The specific inflation adjustment methodology is described later in this document.

B. Benefits and Costs

The changes imposed by this final rule affect civil penalty amounts, which are considered by the Office of Management and Budget (OMB) Circular A–4, Regulatory Analysis,[1] as transfer payments, not costs. Transfer payments are payments from one group to another that do not affect total resources available to society. By definition they are not considered in the monetization of societal costs and benefits of rulemakings.

Congress stated in the Federal Civil Penalties Inflation Adjustment Act of 1990 (1990 Act) that increasing penalties over time will ''maintain the deterrent effect of civil monetary penalties and promote compliance with the law.'' [2] Therefore, with this continued deterrence, FMCSA infers that there may be some safety benefits that occur due to this final rule. The deterrence effect of increasing penalties, which Congress has recognized, cannot be reliably quantified into safety benefits.

II. Legal Basis for the Rulemaking

A. Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015

This rulemaking is based primarily on the 2015 Act, Public Law 114–74, title VII, sec. 701, 129 Stat. 599, 28 U.S.C. 2461 note (Nov. 2, 2015). The 2015 Act amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (1990 Act) (28 U.S.C. 2461 note). The basic findings and purpose of the amended 1990 Act remain unchanged and include supporting the role civil penalties play in Federal law and regulations in deterring violations by allowing for regulatory adjustments to account for inflation.

OMB must provide annual guidance by December of each year on implementing the 2015 Act. In response to this provision, OMB has provided guidance to agencies regarding the methodology to implement the 2017 annual adjustment required under the 2015 Act,[3] as further discussed in the Background section, below.

B. Administrative Procedure Act (APA)

Generally, agencies may promulgate final rules only after issuing a notice of proposed rulemaking and providing an opportunity for public comment under

[1] Office of Management and Budget (OMB). Circular A–4. Regulatory Analysis. September 17, 2003. Available at: *https://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a004/a-4.pdf* (accessed January 5, 2017).

[2] 28 U.S.C. 2461 note (Pub. L. 101–410, Oct. 5, 1990, 104 Stat. 890.).

[3] OMB Memorandum for the Heads of Executive Departments and Agencies; Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015: *https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf.*

procedures required by the APA, as provided in 5 U.S.C. 553(b) and (c). The APA, in 5 U.S.C. 553(b)(3)(B), provides an exception from these requirements when notice and public comment procedures are ''impracticable, unnecessary, or contrary to the public interest.'' FMCSA finds that prior notice and comment is unnecessary because section 4 of the 2015 Act specifically requires the annual adjustments to be accomplished through final rule without notice and comment.

Also pursuant to the APA (5 U.S.C. 553 (d)(3)), the rule will be effective April 24, 2017. Delaying the effective date for 30 days after publication would be contrary to the direction provided in the 2015 Act, which states that annual adjustments be made by January 15th of each year. As this final rule is already past that deadline, further delay would be contrary to the public interest.

III. Background

A. Regulatory History

On June 27, 2016, FMCSA published an interim final rule using an initial ''catch up'' adjustment, as required by section 4 of the 2015 Act (81 FR 41453). That interim final rule included an explanation of how FMCSA would apply adjusted civil penalty amounts to ongoing enforcement cases. As stated in that rule:

> FMCSA has concluded that, for those open enforcement matters in which a penalty was proposed before the date of the ''catch-up'' adjustment or an annual adjustment but in which a Final Agency Action has not been issued, recalculating the amount of the proposed penalty would not induce further compliance, and would thus be contrary to the goal of 49 U.S.C. 521(b)(2)(D). Moreover, the length of time between the date that a person is notified of the amount of the proposed penalty and the issuance of the Final Agency Action can vary, but is sometimes several years, depending on litigation schedules and other factors. Applying an inflation adjustment to proposed penalties in cases long awaiting administrative review could raise questions of equity. FMCSA therefore will not retroactively adjust the proposed penalty amounts in notices of claim issued prior to the effective date. Otherwise, the 2015 Act applies prospectively, and does not retroactively change previously assessed or enforced penalties an agency is actively collecting or has collected.[4]

B. Method of Calculation

OMB published a memorandum on December 16, 2016 (see footnote 3), providing guidance to the Agencies for implementation of the 2017 annual adjustment under the 2015 Act (OMB implementation guidance). The OMB implementation guidance detailed a cost-of-living adjustment multiplier of 1.01636 for 2017. This adjustment applies to all civil monetary penalties covered by the Inflation Adjustment Act. OMB guidance requires the multiplier to be applied to the most recent penalty amount, *i.e.,* the catch-up adjustment that the 2015 Act required agencies to issue not later than July 1, 2016. FMCSA, therefore, bases these adjustments on the changes contained in the interim final rule published June 27, 2016 (81 FR 41453).

IV. Discussion of Comments and Responses

On June 27, 2016, FMCSA published an interim final rule using an initial ''catch up'' adjustment. While that interim final rule was issued without notice and comment, FMCSA did request comments on any errors or discrepancies that the public might find. No comments were received on the interim final rule.

V. International Impacts

The FMCSRs, and any exceptions to the FMCSRs, apply to foreign entities operating within the United States (and, in some cases, United States territories). Motor carriers and drivers are subject to the laws and regulations of the countries in which they operate, unless an international agreement states otherwise. Drivers and carriers should be aware of the regulatory differences among nations.

VI. Section-by-Section Analysis

Today's amendments to part 386 finalize the changes made to the introductory text of the Appendices A and B to Part 386 in the interim final rule published on June 27, 2016 (81 FR 41453). The amendments also revise the penalty amounts found within Appendices A and B. Below are two tables describing the changes to the civil penalty amounts in Appendices A and B. The first and second columns show the location of the change in the appendices and the legal authority. Column three shows the current penalty as adjusted by the interim final rule. The fourth column presents the ''Annually Adjusted Penalty,'' which is the current penalty adjusted using the OMB-prescribed multiplier of 1.01636. As noted in the regulatory text (Part 386, Appendices A and B) in today's rule, the adjusted civil penalties identified in the appendices supersede, where a discrepancy exists, the corresponding civil penalty amounts identified in title 49, United States Code.

A. Appendix A to Part 386—Penalty Schedule: Violations of Notices and Orders

The introduction to Appendix A is republished, but is unchanged from the interim final rule. Table 1, below, describes the changes in the penalties in Appendix A made by today's final rule.

TABLE 1—INFLATION ADJUSTMENTS FOR APPENDIX A TO PART 386

Civil penalty location	Legal authority	Current penalty	Annually adjusted penalty (current penalty × 1.01636)
(1)	(2)	(3)	(4)
Appendix A II Subpoena	MAP–21 Public Law 112–141, 32110 126 Stat. 405, 782, (2012) (49 U.S.C. 525).	$1,028	$1,045
Appendix A II Subpoena	MAP–21 Public Law 112–141, 32110, 126 Stat. 405, 782 (2012) (49 U.S.C. 525).	10,282	10,450
Appendix A IV (a) Out-of-service order (operation of CMV by driver).	Public Law 98–554, 213(b), 98 Stat. 2829, 2841–2843 (1984) (49 U.S.C. 521(b)(7)), 55 FR 11224 (March 27, 1990).	1,782	1,811
Appendix A IV (b) Out-of-service order (requiring or permitting operation of CMV by driver).	Public Law 98–554, 213(a), 98 Stat. 2829 (1984) (49 U.S.C. 521(b)(7)), 55 FR 11224 (March 27, 1990).	17,816	18,107

[4] 81 FR 41453, 41454, June 27, 2016.

TABLE 1—INFLATION ADJUSTMENTS FOR APPENDIX A TO PART 386—Continued

Civil penalty location	Legal authority	Current penalty	Annually adjusted penalty (current penalty × 1.01636)
(1)	(2)	(3)	(4)
Appendix A IV (c) Out-of-service order (operation by driver of CMV or intermodal equipment that was placed out of service).	Public Law 98–554, 213(a), 98 Stat 2829 (1984) (49 U.S.C. 521(b)(7)), FR 11224 (March 27, 1990).	1,782	1,811
Appendix A IV (d) Out-of-service order (requiring or permitting operation of CMV or intermodal equipment that was placed out of service).	Public Law 98–554, 213(a), 98 Stat 2829 (1984) (49 U.S.C. 521(b)(7)); 55 FR 11224 (March 27, 1990).	17,816	18,107
Appendix A IV (e) Out-of-service order (failure to return written certification of correction).	49 U.S.C. 521(b)(2)(B), 49 CFR 396.9(d)(3)	891	906
Appendix A IV (g) Out-of-service order (failure to cease operations as ordered).	MAP–21, Public Law 112–141, 32503, 126 Stat. 405, 803 (2012) (49 U.S.C. 521(b)(2)(F)).	25,705	26,126
Appendix A IV (h) Out-of-service order (operating in violation of order).	Public Law 98–554, 213(a), 98 Stat, 2829, 2841–2843 (1984) (49 U.S.C. 521(b)(7)).	22,587	22,957
Appendix A IV (i) Out-of-service order (conducting operations during suspension or revocation for failure to pay penalties).	TEA–21, Public Law 105–178, 4015(b), 112 Stat. 411–12 (1998) (49 U.S.C. §521(b)(2)(A)), 521(b)(7)); 65 FR 56521, 56530 (September 19, 2000).	14,502	14,739
Appendix A IV (j) (conducting operations during suspension or revocation).	Public Law 98–554, 213(a), 98 Stat, 2829, 2841–2843 (1984) (49 U.S.C. 521(b)(7)).	22,587	22,957

B. Appendix B to Part 386—Penalty Schedule: Violations and Monetary Penalties

The introduction to Appendix B is republished, but is unchanged from the interim final rule. Table 2, below, describes the changes in the penalties in Appendix B made by today's final rule.

TABLE 2—INFLATION ADJUSTMENTS FOR APPENDIX B TO PART 386

Civil penalty location	Legal authority	Current penalty	Annually adjusted penalty (current penalty × 1.01636)
(1)	(2)	(3)	(4)
Appendix B (a)(1) Recordkeeping—maximum penalty per day.	SAFETEA–LU, Public Law 109–59, 4102(a), 119 Stat. 1144, 1715 (2005) (49 U.S.C. 521(b)(2)(B)(i)).	$1,194	$1,214
Appendix B (a)(1) Recordkeeping—maximum total penalty.	SAFETEA–LU, Public Law 109–59, 4102(a), 119 Stat. 1144, 1715 (2005) (49 U.S.C. 521(b)(2)(B)(i)).	11,940	12,135
Appendix B (a)(2) Knowing falsification of records	SAFETEA–LU, Public Law 109–59, 4102(a), 119 Stat. 1144, 1715 (2005) (49 U.S.C. 521(b)(2)(B)(ii)).	11,940	12,135
Appendix B (a)(3) Non-recordkeeping violations	TEA–21, Public Law 105–178, 4015(b), 112 Stat. 107, 411–12 (1998) (49 U.S.C. 521(b)(2)(A)).	14,502	14,739
Appendix B (a)(4) Non-recordkeeping violations by drivers.	TEA–21, Public Law 105–178, 4015(b), 112 Stat. 107, 411–12 (1998) (49 U.S.C. 521(b)(2)(A)).	3,626	3,685
Appendix B (a)(5) Violation of 49 CFR 392.5 (first offense).	SAFETEA–LU, Public Law 109–59, 119 Stat. 1144, 1715; 4102(b), 119 Stat. 1715–16 (2005) (49 U.S.C. 31310(i)(2)(A)).	2,985	3,034
Appendix B (a)(5) Violation of 49 CFR 392.5 (second or subsequent conviction).	SAFETEA–LU, Public Law 109–59, 119 Stat. 1144, 1715; 4102(b), 119 Stat. 1715–16 (2005) (49 U.S.C. 31310(i)(2)(A)).	5,970	6,068
Appendix B (b) Commercial driver's license (CDL) violations.	Public Law 99–570, 12012(b), 100 Stat. 3207–184–85 (1986) (49 U.S.C. 521(b)(2)(C)).	5,391	5,479
Appendix B (b)(1): Special penalties pertaining to violation of out-of-service orders (first conviction).	SAFETEA–LU, Public Law 109–59, 4102(b), 119 Stat. 1144, 1715 (2005) (49 U.S.C. 31310(i)(2)(A)).	2,985	3,034
Appendix B (b)(1) Special penalties pertaining to violation of out-of-service orders (second or subsequent conviction).	SAFETEA–LU, Public Law 109–59, 119, 4102(b), Stat. 1144, 1715 (2005) (49 U.S.C. 31310(i)(2)(A)).	5,970	6,068
Appendix B (b)(2) Employer violations pertaining to knowingly allowing, authorizing employee violations of out-of-service order (minimum penalty).	Public Law 99–570, 12012(b), 100 Stat. 3207–184–85 (1986) (49 U.S.C. 521(b)(2)(C)).	5,391	5,479

TABLE 2—INFLATION ADJUSTMENTS FOR APPENDIX B TO PART 386—Continued

Civil penalty location	Legal authority	Current penalty	Annually adjusted penalty (current penalty × 1.01636)
(1)	(2)	(3)	(4)
Appendix B (b)(2) Employer violations pertaining to knowingly allowing, authorizing employee violations of out-of-service order (maximum penalty).	SAFETEA–LU, Public Law 109–59, 4102(b), 119 Stat. 1144, 1715 (2005) (49 U.S.C. 31310 (i)(2)(C)).	29,849	30,337
Appendix B (b)(3) Special penalties pertaining to railroad-highway grade crossing violations.	ICC Termination Act of 1995, Public Law 104–88, 403(a), 109 Stat. 956 (1995) (49 U.S.C. 31310(j)(2)(B)).	15,474	15,727
Appendix B (d) Financial responsibility violations	Public Law 103–272, 31139(f), 108 Stat. 745, 1006–1008 (1994) (49 U.S.C. 31139(g)(1)).	15,909	16,169
Appendix B (e)(1) Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (transportation or shipment of hazardous materials).	MAP–21 Public Law 112–141, 33010, 126 Stat. 405, 837–838 (2012) (49 U.S.C. 5123(a)(1)).	77,114	78,376
Appendix B (e)(2) Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (training)—minimum penalty.	MAP–21 Public Law 112–141, 33010, 126 Stat. 405, 837 (2012) (49 U.S.C. 5123(a)(3)).	463	471
Appendix B (e)(2): Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (training)—maximum penalty.	MAP–21 Public Law 112–141, 33010 126 Stat. 405, 837 (2012) (49 U.S.C. 5123(a)(1)).	77,114	78,376
Appendix B (e)(3) Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (packaging or container).	MAP–21 Public Law 112–141, 33010, 126 Stat. 405, 837, (2012) 49 U.S.C. 5123(a)(1)).	77,114	78,376
Appendix B (e)(4): Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (compliance with FMCSRs).	MAP–21 Public Law 112–141, 33010, 126 Stat. 405, 837 (2012) (49 U.S.C. 5123(a)(1)).	77,114	78,376
Appendix B (e)(5) Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (death, serious illness, severe injury to persons; destruction of property).	MAP–21 Public Law 112–141, 33010, 126 Stat. 405, 837 (2012) (49 U.S.C. 5123(a)(2)).	179,933	182,877
Appendix B (f)(1) Operating after being declared unfit by assignment of a final ''unsatisfactory'' safety rating (generally).	MAP–21, Public Law 112–141, 32503, 126 Stat. 405, 803 (2012) (49 U.S.C. 521(b)(2)(F)).	25,705	26,126
Appendix B (f)(2) Operating after being declared unfit by assignment of a final ''unsatisfactory'' safety rating (hazardous materials)—maximum penalty.	MAP–21, Public Law 112–141, 33010, 126 Stat. 405, 837 (49 U.S.C. 5123(a)(1)).	77,114	78,376
Appendix B (f)(2): Operating after being declared unfit by assignment of a final ''unsatisfactory'' safety rating (hazardous materials)—maximum penalty if death, serious illness, severe injury to persons; destruction of property.	MAP–21, Public Law 112–141, 33010, 126 Stat. 405, 837 (2012) (49 U.S.C. 5123(a)(2)).	179,933	182,877
Appendix B (g)(1) New Appendix B (g)(1): Violations of the commercial regulations (CR) (property carriers).	MAP–21, Public Law 112–141, 32108(a), 126 Stat. 405, 782 (2012) (49 U.S.C. 14901(a)).	10,282	10,450
Appendix B (g)(2) Violations of the CRs (brokers)	MAP–21 Public Law 112–141, 32919(a), 126 Stat. 405, 827 (2012) (49 U.S.C. 14916(c)).	10,282	10,450
Appendix B (g)(3) Violations of the CRs (passenger carriers).	MAP–21, Public Law 112–141, 32108(a), 126 Stat. 405, 782 (2012) (49 U.S.C. 14901(a)).	25,705	26,126
Appendix B (g)(4) Violations of the CRs (foreign motor carriers, foreign motor private carriers).	MAP–21, Public Law 112–141, 32108(a), 126 Stat. 405, 782 (2012) (49 U.S.C. 14901(a)).	10,282	10,450
Appendix B (g)(5) Violations of the CRs (foreign motor carriers, foreign motor private carriers before implementation of North American Free Trade Agreement land transportation provisions)—maximum penalty for intentional violation.	MCSIA of 1999, Public Law 106–59, 219(b), 113 Stat. 1748, 1768 (1999) (49 U.S.C. 14901 note).	14,140	14,371
Appendix B (g)(5) Violations of the CRs (foreign motor carriers, foreign motor private carriers before implementation of North American Free Trade Agreement land transportation provisions)—maximum penalty for a pattern of intentional violations.	MCSIA of 1999, Public Law 106–59, 219(c), 113 Stat. 1748, 1768 (1999) (49 U.S.C. 14901 note).	35,351	35,929
Appendix B (g)(6) Violations of the CRs (motor carrier or broker for transportation of hazardous wastes)—minimum penalty.	MAP–21, Public Law 112–141, 32108, 126 Stat. 405, 782 (2012) (49 U.S.C. 14901(b)).	20,564	20,900
Appendix B (g)(6) Violations of the CRs (motor carrier or broker for transportation of hazardous wastes)—maximum penalty.	MAP–21 Public Law 112–141, 32108, 126 Stat. 405,782 (2012) (49 U.S.C. 14901(b)).	41,128	41,801

TABLE 2—INFLATION ADJUSTMENTS FOR APPENDIX B TO PART 386—Continued

Civil penalty location	Legal authority	Current penalty	Annually adjusted penalty (current penalty × 1.01636)
(1)	(2)	(3)	(4)
Appendix B (g)(7): Violations of the CRs (HHG carrier or freight forwarder, or their receiver or trustee).	ICC Termination Act of 1995, Public Law 104–88, 103, 100 Stat. 803, 914 (1995) (49 U.S.C. 14901(d)(1)).	1,547	1,572
Appendix B (g)(8) Violation of the CRs (weight of HHG shipment, charging for services)—minimum penalty for first violation.	ICC Termination Act of 1995, Public Law 104–88, 103, 100 Stat. 803, 914 (1995) (49 U.S.C. 14901(e)).	3,095	3,146
Appendix B (g)(8) Violation of the CRs (weight of HHG shipment, charging for services) subsequent violation.	ICC Termination Act of 1995, Public Law 104–88, 103, 100 Stat. 803, 914 (1995) (49 U.S.C. 14901(e)).	7,737	7,864
Appendix B (g)(10) Tariff violations	ICC Termination Act of 1995, Public Law 104–88, 103, 100 Stat. 803, 868–869, 915 (1995) (49 U.S.C. §13702, 14903).	154,742	157,274
Appendix B (g)(11) Additional tariff violations (rebates or concessions)—first violation.	ICC Termination Act of 1995, Public Law 104–88, 103, 100 Stat. 803, 915–916 (1995) (49 U.S.C. 14904(a)).	309	314
Appendix B (g)(11) Additional tariff violations (rebates or concessions)—subsequent violations.	ICC Termination Act of 1995, Public Law 104–88, 103, 100 Stat. 803, 915–916 (1995) (49 U.S.C. 14904(a)).	387	393
Appendix B (g)(12): Tariff violations (freight forwarders)—maximum penalty for first violation.	ICC Termination Act of 1995, Public Law 104–88, 103, 100 Stat. 803, 916 (49 U.S.C. 14904(b)(1)).	774	787
Appendix B (g)(12): Tariff violations (freight forwarders)—maximum penalty for subsequent violations.	ICC Termination Act of 1995, Public Law 104–88, 103, 100 Stat. 803, 916 (1995) (49 U.S.C. 14904(b)(1)).	3,095	3,146
Appendix B (g)(13): Service from freight forwarder at less than rate in effect—maximum penalty for first violation.	ICC Termination Act of 1995, Public Law 104–88, 103, 100 Stat. 803, 916 (1995) (49 U.S.C. 14904(b)(2)).	774	787
Appendix B (g)(13): Service from freight forwarder at less than rate in effect—maximum penalty for subsequent violation(s).	ICC Termination Act of 1995, Public Law 104–88, 103, 100 Stat. 803, 916 (1995) (49 U.S.C. 14904(b)(2)).	3,095	3,146
Appendix B (g)(14): Violations related to loading and unloading motor vehicles.	ICC Termination Act of 1995, Public Law 104–88, 103, 100 Stat. 803, 916 (1995) (49 U.S.C. 14905).	15,474	15,727
Appendix B (g)(16): Reporting and recordkeeping under 49 U.S.C. subtitle IV, part B (except 13901 and 13902(c)—minimum penalty.	MAP–21, Public Law 112–141, 32108, 126 Stat. 405, 782 (2012) (49 U.S.C. 14901).	1,028	1,045
Appendix B (g)(16): Reporting and recordkeeping under 49 U.S.C. subtitle IV, part B—maximum penalty.	ICC Termination Act of 1995, Public Law 104–88, 103, 100 Stat. 803, 916–917 (1995) (49 U.S.C. 14907).	7,737	7,864
Appendix B (g)(17): Unauthorized disclosure of information.	ICC Termination Act of 1995, Public Law 104–88, 103, 100 Stat. 803, 917 (1995) (49 U.S.C. 14908).	3,095	3,146
Appendix B (g)(18): Violation of 49 U.S.C. subtitle IV, part B, or condition of registration.	ICC Termination Act of 1995, Public Law 104–88, 103, 100 Stat. 803, 917 (1995) (49 U.S.C. 14910).	774	787
Appendix B (g)(21)(i): Knowingly and willfully fails to deliver or unload HHG at destination.	ICC Termination Act of 1995, Public Law 104–88, 103, 100 Stat. 803, 916 (1995) (49 U.S.C. 14905).	15,474	15,727
Appendix B (g)(22): HHG broker estimate before entering into an agreement with a motor carrier.	SAFETEA–LU, Public Law 109–59, 4209(2), 119 Stat. 1144, 1758, (2005) (49 U.S.C. 14901(d)(2)).	11,940	12,135
Appendix B (g)(23): HHG transportation or broker services—registration requirement.	SAFETEA–LU, Public Law 109–59, 4209(d)(3), 119 Stat. 1144, 1758 (2005) (49 U.S.C. 14901 (d)(3)).	29,849	30,337
Appendix B (h): Copying of records and access to equipment, lands, and buildings—maximum penalty per day.	SAFETEA–LU, Public Law 109–59, 4103(2), 119 Stat. 1144, 1716 (2005) (49 U.S.C. 521(b)(2)(E)).	1,194	1,214
Appendix B (h): Copying of records and access to equipment, lands, and buildings—maximum total penalty.	SAFETEA–LU, Public Law 109–59, 4103(2), 119 Stat. 1716 (2005) (49 U.S.C. 521(b)(2)(E)).	11,940	12,135
Appendix B (i)(1): Evasion of regulations under 49 U.S.C. ch. 5, 51, subchapter III of 311 (except 31138 and 31139), 31302–31304, 31305(b), 31310(g)(1)(A), 31502—minimum penalty for first violation.	MAP–21 Public Law 112–141, 32505, 126 Stat. 405, 804 (2012) (49 U.S.C. 524).	2,056	2,090
Appendix B (i)(1): Evasion of regulations under 49 U.S.C. ch. 5, 51, subchapter III of 311 (except 31138 and 31139), 31302–31304, 31305(b), 31310(g)(1)(A), 31502—maximum penalty for first violation.	MAP–21 Public Law 112–141, 32505, 126 Stat. 405, 804 (2012) (49 U.S.C. 524).	5,141	5,225

TABLE 2—INFLATION ADJUSTMENTS FOR APPENDIX B TO PART 386—Continued

Civil penalty location	Legal authority	Current penalty	Annually adjusted penalty (current penalty × 1.01636)
(1)	(2)	(3)	(4)
Appendix B (i)(1): Evasion of regulations under 49 U.S.C. ch. 5, 51, subchapter III of 311 (except 31138 and 31139), 31302–31304, 31305(b), 31310(g)(1)(A), 31502—minimum penalty for subsequent violation(s).	MAP–21 Public Law 112–141, 32505, 126 Stat. 405, 804 (2012) (49 U.S.C. 524). MAP–21 Public Law 112–141, 32505, 126 Stat. 405, 804 (2012) (49 U.S.C. 524).	2,570	2,612
Appendix B (i)(1): Evasion of regulations under 49 U.S.C. ch. 5, 51, subchapter III of 311 (except 31138 and 31139), 31302–31304, 31305(b), 31310(g)(1)(A), 31502—maximum penalty for subsequent violation(s).	MAP–21 Public Law 112–141, 32505, 126 Stat. 405, 804 (2012) (49 U.S.C. 524).	7,711	7,837
Appendix B (i)(2): Evasion of regulations under 49 U.S.C. subtitle IV, part B—minimum penalty for first violation.	MAP–21 Public Law 112–141, 32505, 126 Stat. 405, 804 (2012) (49 U.S.C. 14906).	2,056	2,090
Appendix B (i)(2): Evasion of regulations under 49 U.S.C. subtitle IV, part B—minimum penalty for subsequent violation(s).	MAP–21 Public Law 112–141, 32505, 126 Stat. 405, 804 (2012) (49 U.S.C. 14906).	5,141	5,225

VII. Regulatory Analyses

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review and DOT Regulatory Policies and Procedures as Supplemented by E.O. 13563)

This final rule is not a significant regulatory action under section 3(f) of Executive Order (E.O.) 12866, Regulatory Planning and Review, as supplemented by E.O. 13563 (76 FR 3821, January 21, 2011), and is also not significant within the meaning of DOT regulatory policies and procedures (DOT Order 2100.5 dated May 22, 1980; 44 FR 11034, February 26, 1979) and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. This final rule would not have an annual effect on the economy of $100 million or more because transfer payments, by definition, do not affect total resources available to society. Historically, the Agency has never assessed civil penalties that approach $100 million in any given year.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612), FMCSA is not required to complete a regulatory flexibility analysis, because, as discussed earlier in the legal basis section, this action is not subject to prior notice and comment under section 553(b) of the Administrative Procedure Act.

C. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, FMCSA wants to assist small entities in understanding this final rule so that they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the final rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the FMCSA point of contact, Ms. LaTonya Mimms, listed in the **FOR FURTHER INFORMATION CONTACT** section of this final rule.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's 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 FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

D. Unfunded Mandates Reform Act of 1995

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 $156 million (which is the value equivalent of $100,000,000 in 1995, adjusted for inflation to 2015 levels) or more in any 1 year. This final rule will not result in such an expenditure.

E. Paperwork Reduction Act

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

F. Federalism (E.O. 13132)

A rule has implications for Federalism under Section 1(a) of Executive Order 13132 if it has ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' FMCSA has determined that this rule would not have substantial direct costs on or for States, nor would it limit the policymaking discretion of States. Nothing in this rule preempts any State law or regulation. Therefore, this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Impact Statement.

G. Civil Justice Reform (E.O. 12988)

This final rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to

minimize litigation, eliminate ambiguity, and reduce burden.

H. Protection of Children (E.O. 13045)

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, Apr. 23, 1997), requires agencies issuing ''economically significant'' rules to include an evaluation of the regulation's environmental health and safety effects on children if an agency has reason to believe the rule may disproportionately affect children. The Agency determined that this final rule is not economically significant. Therefore, no analysis of the impacts on children is required. In any event, the Agency does not anticipate that this regulatory action could in any respect present an environmental or safety risk that could disproportionately affect children.

I. Taking of Private Property (E.O. 12630)

FMCSA reviewed this final rule in accordance with E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and has determined it will not effect a taking of private property or otherwise have taking implications.

J. Privacy Impact Assessment

Section 522 of title I of division H of the Consolidated Appropriations Act, 2005, enacted December 8, 2004 (Pub. L. 108–447, 118 Stat. 2809, 3268, 5 U.S.C. 552a note), requires the Agency to conduct a privacy impact assessment (PIA) of a regulation that will affect the privacy of individuals. This rule does not require the collection of personally identifiable information (PII).

The E-Government Act of 2002, Public Law 107–347, 208, 116 Stat. 2899, 2921 (Dec. 17, 2002), requires Federal agencies to conduct a privacy impact assessment for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology would collect, maintain, or disseminate information as a result of this rule. Accordingly, FMCSA has not conducted a privacy impact assessment.

K. Intergovernmental Review (E.O. 12372)

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

L. Energy Supply, Distribution, or Use (E.O. 13211)

FMCSA has analyzed this rule under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The Agency has determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, it does not require a Statement of Energy Effects under E.O. 13211.

M. Indian Tribal Governments (E.O. 13175)

This rule does not have tribal implications under E.O. 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.

N. National Technology Transfer and Advancement Act (Technical Standards)

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) are standards that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

O. Environmental Review (National Environmental Policy Act, Clean Air Act, Environmental Justice)

FMCSA analyzed this rule in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321, *et seq.*) and FMCSA's NEPA Implementing Procedures and Policy for Considering Environmental Impacts, Order 5610.1 (FMCSA Order), March 1, 2004 (69 FR 9680). FMCSA's Order states that ''[w]here FMCSA has no discretion to withhold or condition an action if the action is taken in accordance with specific statutory criteria and FMCSA lacks control and responsibility over the effects of an action, that action is not subject to this Order.'' Id. at chapter 1.D. Because Congress specifies the Agency's precise action here, thus leaving the Agency no discretion over such action, and since the Agency lacks control and responsibility over the effects of this action, this rulemaking falls under chapter 1.D. Therefore, no further analysis is considered.

FMCSA also analyzed this rule under the Clean Air Act, as amended (CAA), section 176(c) (42 U.S.C. 7401 *et seq.*), and implementing regulations promulgated by the Environmental Protection Agency. Approval of this action is exempt from the CAA's general conformity requirement since it does not affect direct or indirect emissions of criteria pollutants.

Under E.O. 12898 (Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), each Federal agency must identify and address, as appropriate, ''disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations'' in the United States, its possessions, and territories. FMCSA has determined that this final rule would have no environmental justice effects, nor would its promulgation have any collective environmental impact.

List of Subjects in 49 CFR Part 386

Administrative procedures, Commercial motor vehicle safety, Highways and roads, Motor carriers, Penalties.

For the reasons stated in the preamble, FMCSA is amending title 49 CFR part 386 to read as follows:

PART 386—RULES OF PRACTICE FOR FMCSA PROCEEDINGS

■ 1. The authority citation for part 386 continues to read as follows:

Authority: 49 U.S.C. 113, chapters 5, 51, 59, 131–141, 145–149, 311, 313, and 315; 49 U.S.C. 5123; Sec. 204, Pub. L. 104–88, 109 Stat. 803, 941 (49 U.S.C. 701 note); Sec. 217, Pub. L. 105–159, 113 Stat. 1748, 1767; Sec. 206, Pub. L. 106–159, 113 Stat. 1763; subtitle B, title IV of Pub. L. 109–59; Sec. 701 of Pub. L. 114–74, 129 Stat. 584, 599; and 49 CFR 1.81 and 1.87.

■ 2. Amend Appendix A to part 386 by revising the introductory text and sections II, IV. a. through e., and IV. g. through j. to read as follows:

Appendix A to Part 386—Penalty Schedule: Violations of Notices and Orders

The Civil Penalties Inflation Adjustment Act Improvements Act of 2015 [Pub. L. 114–74, sec. 701, 129 Stat. 584, 599] amended the Federal Civil Penalties Inflation Adjustment

Act of 1990 to require agencies to adjust civil penalties for inflation. Pursuant to that authority, the inflation adjusted civil penalties identified in this appendix supersede the corresponding civil penalty amounts identified in title 49, United States Code.

* * * * *

II. Subpoena

Violation—Failure to respond to Agency subpoena to appear and testify or produce records.

Penalty—minimum of $1,045 but not more than $10,450 per violation.

* * * * *

IV. Out-of-Service Order

a. Violation—Operation of a commercial vehicle by a driver during the period the driver was placed out of service.

Penalty—Up to $1,811 per violation.

(For purposes of this violation, the term ''driver'' means an operator of a commercial motor vehicle, including an independent contractor who, while in the course of operating a commercial motor vehicle, is employed or used by another person.)

b. Violation—Requiring or permitting a driver to operate a commercial vehicle during the period the driver was placed out of service.

Penalty—Up to $18,107 per violation.

(This violation applies to motor carriers including an independent contractor who is not a ''driver,'' as defined under paragraph IV(a) above.)

c. Violation—Operation of a commercial motor vehicle or intermodal equipment by a driver after the vehicle or intermodal equipment was placed out-of-service and before the required repairs are made.

Penalty—$1,811 each time the vehicle or intermodal equipment is so operated.

(This violation applies to drivers as defined in IV(a) above.)

d. Violation—Requiring or permitting the operation of a commercial motor vehicle or intermodal equipment placed out-of-service before the required repairs are made.

Penalty—Up to $18,107 each time the vehicle or intermodal equipment is so operated after notice of the defect is received.

(This violation applies to intermodal equipment providers and motor carriers, including an independent owner operator who is not a ''driver,'' as defined in IV(a) above.)

e. Violation—Failure to return written certification of correction as required by the out-of-service order.

Penalty—Up to $906 per violation.

* * * * *

g. Violation—Operating in violation of an order issued under § 386.72(b) to cease all or part of the employer's commercial motor vehicle operations or to cease part of an intermodal equipment provider's operations, *i.e.,* failure to cease operations as ordered.

Penalty—Up to $26,126 per day the operation continues after the effective date and time of the order to cease.

h. Violation—Operating in violation of an order issued under § 386.73.

Penalty—Up to $22,957 per day the operation continues after the effective date and time of the out-of-service order.

i. Violation—Conducting operations during a period of suspension under § 386.83 or § 386.84 for failure to pay penalties.

Penalty—Up to $14,739 for each day that operations are conducted during the suspension or revocation period.

j. Violation—Conducting operations during a period of suspension or revocation under §§ 385.911, 385.913, 385.1009 or 385.1011.

Penalty—Up to $22,957 for each day that operations are conducted during the suspension or revocation period.

■ 3. Amend Appendix B to part 386 by revising the introductory text and paragraphs (a)(1) through (5), (b), (c), (d), (e), (f), (g) introductory text, (g)(1) through (8), (g)(10) through (18), (g)(21)(i), (g)(22) and (23), (h), and (i) to read as follows:

Appendix B to Part 386—Penalty Schedule: Violations and Monetary Penalties

The Civil Penalties Inflation Adjustment Act Improvements Act of 2015 [Public Law 114–74, sec. 701, 129 Stat. 584, 599] amended the Federal Civil Penalties Inflation Adjustment Act of 1990 to require agencies to adjust civil penalties for inflation. Pursuant to that authority, the inflation adjusted civil penalties identified in this appendix supersede the corresponding civil penalty amounts identified in title 49, United States Code.

What are the types of violations and maximum monetary penalties?

(a) *Violations of the Federal Motor Carrier Safety Regulations (FMCSRs):*

(1) *Recordkeeping.* A person or entity that fails to prepare or maintain a record required by parts 40, 382, 385, and 390–99 of this subchapter, or prepares or maintains a required record that is incomplete, inaccurate, or false, is subject to a maximum civil penalty of $1,214 for each day the violation continues, up to $12,135.

(2) *Knowing falsification of records.* A person or entity that knowingly falsifies, destroys, mutilates, or changes a report or record required by parts 382, 385, and 390–99 of this subchapter, knowingly makes or causes to be made a false or incomplete record about an operation or business fact or transaction, or knowingly makes, prepares, or preserves a record in violation of a regulation order of the Secretary is subject to a maximum civil penalty of $12,135 if such action misrepresents a fact that constitutes a violation other than a reporting or recordkeeping violation.

(3) *Non-recordkeeping violations.* A person or entity that violates parts 382, 385, or 390–99 of this subchapter, except a recordkeeping requirement, is subject to a civil penalty not to exceed $14,739 for each violation.

(4) *Non-recordkeeping violations by drivers.* A driver who violates parts 382, 385, and 390–99 of this subchapter, except a recordkeeping violation, is subject to a civil penalty not to exceed $3,685.

(5) *Violation of 49 CFR 392.5.* A driver placed out of service for 24 hours for violating the alcohol prohibitions of 49 CFR 392.5(a) or (b) who drives during that period is subject to a civil penalty not to exceed $3,034 for a first conviction and not less than $6,068 for a second or subsequent conviction.

* * * * *

(b) *Commercial driver's license (CDL) violations.* Any person who violates 49 CFR part 383, subparts B, C, E, F, G, or H, is subject to a civil penalty not to exceed $5,479; except: (1) A CDL-holder who is convicted of violating an out-of-service order shall be subject to a civil penalty of not less than $3,034 for a first conviction and not less than $6,068 for a second or subsequent conviction;

(2) An employer of a CDL-holder who knowingly allows, requires, permits, or authorizes an employee to operate a CMV during any period in which the CDL-holder is subject to an out-of-service order, is subject to a civil penalty of not less than $5,479 or more than $30,337; and

(3) An employer of a CDL-holder who knowingly allows, requires, permits, or authorizes that CDL-holder to operate a CMV in violation of a Federal, State, or local law or regulation pertaining to railroad-highway grade crossings is subject to a civil penalty of not more than $15,727.

(c) *[Reserved].*

(d) *Financial responsibility violations.* A motor carrier that fails to maintain the levels of financial responsibility prescribed by Part 387 of this subchapter or any person (except an employee who acts without knowledge) who knowingly violates the rules of Part 387 subparts A and B is subject to a maximum penalty of $16,169. Each day of a continuing violation constitutes a separate offense.

(e) *Violations of the Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations found in Subpart E of Part 385.* This paragraph applies to violations by motor carriers, drivers, shippers and other persons who transport hazardous materials on the highway in commercial motor vehicles or cause hazardous materials to be so transported.

(1) All knowing violations of 49 U.S.C. chapter 51 or orders or regulations issued under the authority of that chapter applicable to the transportation or shipment of hazardous materials by commercial motor vehicle on the highways are subject to a civil penalty of not more than $78,376 for each violation. Each day of a continuing violation constitutes a separate offense.

(2) All knowing violations of 49 U.S.C. chapter 51 or orders or regulations issued under the authority of that chapter applicable to training related to the transportation or shipment of hazardous materials by commercial motor vehicle on the highways are subject to a civil penalty of not less than $471 and not more than $78,376 for each violation.

(3) All knowing violations of 49 U.S.C. chapter 51 or orders, regulations or exemptions under the authority of that chapter applicable to the manufacture, fabrication, marking, maintenance, reconditioning, repair, or testing of a packaging or container that is represented, marked, certified, or sold as being qualified for use in the transportation or shipment of

hazardous materials by commercial motor vehicle on the highways are subject to a civil penalty of not more than $78,376 for each violation.

(4) Whenever regulations issued under the authority of 49 U.S.C. chapter 51 require compliance with the FMCSRs while transporting hazardous materials, any violations of the FMCSRs will be considered a violation of the HMRs and subject to a civil penalty of not more than $78,376.

(5) If any violation subject to the civil penalties set out in paragraphs (e)(1) through (4) of this appendix results in death, serious illness, or severe injury to any person or in substantial destruction of property, the civil penalty may be increased to not more than $182,877 for each offense.

(f) *Operating after being declared unfit by assignment of a final* ''*unsatisfactory*'' *safety rating.* (1) A motor carrier operating a commercial motor vehicle in interstate commerce (except owners or operators of commercial motor vehicles designed or used to transport hazardous materials for which placarding of a motor vehicle is required under regulations prescribed under 49 U.S.C. chapter 51) is subject, after being placed out of service because of receiving a final ''unsatisfactory'' safety rating, to a civil penalty of not more than $26,126 (49 CFR 385.13). Each day the transportation continues in violation of a final ''unsatisfactory'' safety rating constitutes a separate offense.

(2) A motor carrier operating a commercial motor vehicle designed or used to transport hazardous materials for which placarding of a motor vehicle is required under regulations prescribed under 49 U.S.C. chapter 51 is subject, after being placed out of service because of receiving a final ''unsatisfactory'' safety rating, to a civil penalty of not more than $78,376 for each offense. If the violation results in death, serious illness, or severe injury to any person or in substantial destruction of property, the civil penalty may be increased to not more than $182,877 for each offense. Each day the transportation continues in violation of a final ''unsatisfactory'' safety rating constitutes a separate offense.

(g) *Violations of the commercial regulations (CRs).* Penalties for violations of the CRs are specified in 49 U.S.C. chapter 149. These penalties relate to transportation subject to the Secretary's jurisdiction under 49 U.S.C. chapter 135. Unless otherwise noted, a separate violation occurs for each day the violation continues.

(1) A person who operates as a motor carrier for the transportation of property in violation of the registration requirements of 49 U.S.C. 13901 is liable for a minimum penalty of $10,450 per violation.

(2) A person who knowingly operates as a broker in violation of registration requirements of 49 U.S.C 13904 or financial security requirements of 49 U.S.C 13906 is liable for a penalty not to exceed $10,450 for each violation.

(3) A person who operates as a motor carrier of passengers in violation of the registration requirements of 49 U.S.C. 13901 is liable for a minimum penalty of $26,126 per violation.

(4) A person who operates as a foreign motor carrier or foreign motor private carrier of property in violation of the provisions of 49 U.S.C. 13902(c) is liable for a minimum penalty of $10,450 per violation.

(5) A person who operates as a foreign motor carrier or foreign motor private carrier without authority, before the implementation of the land transportation provisions of the North American Free Trade Agreement, outside the boundaries of a commercial zone along the United States-Mexico border, is liable for a maximum penalty of $14,371 for an intentional violation and a maximum penalty of $35,929 for a pattern of intentional violations.

(6) A person who operates as a motor carrier or broker for the transportation of hazardous wastes in violation of the registration provisions of 49 U.S.C. 13901 is liable for a minimum penalty of $20,900 and a maximum penalty of $41,801 per violation.

(7) A motor carrier or freight forwarder of household goods, or their receiver or trustee, that does not comply with any regulation relating to the protection of individual shippers, is liable for a minimum penalty of $1,572 per violation.

(8) A person—

(i) Who falsifies, or authorizes an agent or other person to falsify, documents used in the transportation of household goods by motor carrier or freight forwarder to evidence the weight of a shipment or

(ii) Who charges for services which are not performed or are not reasonably necessary in the safe and adequate movement of the shipment is liable for a minimum penalty of $3,146 for the first violation and $7,864 for each subsequent violation.

* * * * *

(10) A person who offers, gives, solicits, or receives transportation of property by a carrier at a different rate than the rate in effect under 49 U.S.C. 13702 is liable for a maximum penalty of $157,274 per violation. When acting in the scope of his/her employment, the acts or omissions of a person acting for or employed by a carrier or shipper are considered to be the acts or omissions of that carrier or shipper, as well as that person.

(11) Any person who offers, gives, solicits, or receives a rebate or concession related to motor carrier transportation subject to jurisdiction under subchapter I of 49 U.S.C. chapter 135, or who assists or permits another person to get that transportation at less than the rate in effect under 49 U.S.C. 13702, commits a violation for which the penalty is $314 for the first violation and $393 for each subsequent violation.

(12) A freight forwarder, its officer, agent, or employee, that assists or willingly permits a person to get service under 49 U.S.C. 13531 at less than the rate in effect under 49 U.S.C. 13702 commits a violation for which the penalty is up to $787 for the first violation and up to $3,146 for each subsequent violation.

(13) A person who gets or attempts to get service from a freight forwarder under 49 U.S.C. 13531 at less than the rate in effect under 49 U.S.C. 13702 commits a violation for which the penalty is up to $787 for the first violation and up to $3,146 for each subsequent violation.

(14) A person who knowingly authorizes, consents to, or permits a violation of 49 U.S.C. 14103 relating to loading and unloading motor vehicles or who knowingly violates subsection (a) of 49 U.S.C. 14103 is liable for a penalty of not more than $15,727 per violation.

(15) [Reserved].

(16) A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under part B of subtitle IV, title 49, U.S.C., or an officer, agent, or employee of that person, is liable for a minimum penalty of $1,045 and for a maximum penalty of $7,864 per violation if it does not make the report, does not completely and truthfully answer the question within 30 days from the date the Secretary requires the answer, does not make or preserve the record in the form and manner prescribed, falsifies, destroys, or changes the report or record, files a false report or record, makes a false or incomplete entry in the record about a business-related fact, or prepares or preserves a record in violation of a regulation or order of the Secretary.

(17) A motor carrier, water carrier, freight forwarder, or broker, or their officer, receiver, trustee, lessee, employee, or other person authorized to receive information from them, who discloses information identified in 49 U.S.C. 14908 without the permission of the shipper or consignee is liable for a maximum penalty of $3,146.

(18) A person who violates a provision of part B, subtitle IV, title 49, U.S.C., or a regulation or order under Part B, or who violates a condition of registration related to transportation that is subject to jurisdiction under subchapter I or III of chapter 135, or who violates a condition of registration of a foreign motor carrier or foreign motor private carrier under section 13902, is liable for a penalty of $787 for each violation if another penalty is not provided in 49 U.S.C. chapter 149.

* * * * *

(21) A person—

(i) Who knowingly and willfully fails, in violation of a contract, to deliver to, or unload at, the destination of a shipment of household goods in interstate commerce for which charges have been estimated by the motor carrier transporting such goods, and for which the shipper has tendered a payment in accordance with part 375, subpart G of this chapter, is liable for a civil penalty of not less than $15,727 for each violation. Each day of a continuing violation constitutes a separate offense.

* * * * *

(22) A broker for transportation of household goods who makes an estimate of the cost of transporting any such goods before entering into an agreement with a motor carrier to provide transportation of household goods subject to FMCSA jurisdiction is liable to the United States for a civil penalty of not less than $12,135 for each violation.

(23) A person who provides transportation of household goods subject to jurisdiction under 49 U.S.C. chapter 135, subchapter I, or provides broker services for such transportation, without being registered

under 49 U.S.C. chapter 139 to provide such transportation or services as a motor carrier or broker, as the case may be, is liable to the United States for a civil penalty of not less than $30,337 for each violation.

(h) *Copying of records and access to equipment, lands, and buildings.* A person subject to 49 U.S.C. chapter 51 or a motor carrier, broker, freight forwarder, or owner or operator of a commercial motor vehicle subject to part B of subtitle VI of title 49 U.S.C. who fails to allow promptly, upon demand in person or in writing, the Federal Motor Carrier Safety Administration, an employee designated by the Federal Motor Carrier Safety Administration, or an employee of a MCSAP grant recipient to inspect and copy any record or inspect and examine equipment, lands, buildings, and other property, in accordance with 49 U.S.C. 504(c), 5121(c), and 14122(b), is subject to a civil penalty of not more than $1,214 for each offense. Each day of a continuing violation constitutes a separate offense, except that the total of all civil penalties against any violator for all offenses related to a single violation shall not exceed $12,135.

(i) *Evasion.* A person, or an officer, employee, or agent of that person:

(1) Who by any means tries to evade regulation of motor carriers under title 49, United States Code, chapter 5, chapter 51, subchapter III of chapter 311 (except sections 31138 and 31139) or sections 31302, 31303, 31304, 31305(b), 31310(g)(1)(A), or 31502, or a regulation issued under any of those provisions, shall be fined at least $2,090 but not more than $5,225 for the first violation and at least $2,612 but not more than $7,837 for a subsequent violation.

(2) Who tries to evade regulation under part B of subtitle IV, title 49, U.S.C., for carriers or brokers is liable for a penalty of at least $2,090 for the first violation or at least $5,225 for a subsequent violation.

Issued under the authority of delegation in 49 CFR 1.87 on: April 5, 2017.

Daphne Y. Jefferson,

Deputy Administrator.

[FR Doc. 2017–07316 Filed 4–11–17; 8:45 am]

BILLING CODE 4910–EX–P

Proposed Rules

Federal Register
Vol. 82, No. 69
Wednesday, April 12, 2017

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

9 CFR Part 201

RIN 0580–AB28

Scope of Sections 202(a) and (b) of the Packers and Stockyards Act

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule sets forth the U.S. Department of Agriculture's (USDA) intention to pursue one of several actions on the above titled Interim Final Rule (IFR) published in the **Federal Register** on December 20, 2016, by USDA's Grain Inspection, Packers and Stockyards Administration (GIPSA). USDA is asking the public to comment as to the possible actions USDA should take in regards to the disposition of the IFR. The IFR addresses the scope of sections 202(a) and (b) of the Packers and Stockyards Act, 1921, as amended and supplemented (P&S Act) in order to clarify that conduct or action may violate sections 202(a) and (b) of the P&S Act without adversely affecting, or having a likelihood of adversely affecting, competition. The IFR was originally set to take effect on February 21, 2017, and is now being extended to October 19, 2017.

DATES: Interested persons are invited to submit written comments on this proposed rule on or before June 12, 2017.

ADDRESSES: We invite you to submit comments on the proposed rule by any of the following methods:

- *Mail:* M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2542A–S, Washington, DC 20250–3613.
- *Hand Delivery or Courier:* M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2530–S, Washington, DC 20250–3613.
- *Internet: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Instructions: All comments should make reference to the date and page number of this issue of the **Federal Register**. All comments received will be included in the public docket without change, including any personal information provided. Regulatory analyses and other documents relating to this rulemaking will be available for public inspection in Room 2542A–S, 1400 Independence Avenue SW., Washington, DC 20250–3613 during regular business hours. All comments will be available for public inspection in the above office during regular business hours (7 CFR 1.27(b)). Please call the Management and Budget Services staff of GIPSA at (202) 720–8479 to arrange a public inspection of comments or other documents related to this rulemaking.

FOR FURTHER INFORMATION CONTACT: S. Brett Offutt, Director, Litigation and Economic Analysis Division, P&SP, GIPSA, 1400 Independence Ave. SW., Washington, DC 20250, (202) 720–7051, *s.brett.offutt@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Consistent with the memorandum of January 20, 2017, to the heads of executive departments and agencies from the Assistant to the President and Chief of Staff entitled ''Regulatory Freeze Pending Review,'' GIPSA published in the **Federal Register** [81 FR 92566] a notice that extended the public comment period of the IFR until March 24, 2017, and delayed its effective date until April 22, 2017. Along with this proposed rule, GIPSA is also publishing a Notice in the **Federal Register** that further delays the effective date of the IFR until October 19, 2017.

The IFR establishes by regulation the USDA's long held interpretation that not all violations of the P&S Act require a showing of harm or likely harm to competition. Codified at 9 CFR 201.3(a), the IFR specifically provides that the scope of Sections 202(a) and (b) of the P&S Act encompass conduct or action that, depending on their nature and the circumstances, can be found to violate the P&S Act without a finding of harm or likely harm to competition. This IFR finalizes a proposed § 201.3(c) that GIPSA published in the **Federal Register** on June 22, 2010, 75 FR 35338, with slight modifications in order to allow additional public comment on the proposed provisions.

Actions Being Considered

Because there are significant policy and legal issues addressed within the IFR that warrant further review by USDA, the public is being asked to comment on which of the following four actions they believe would be best for USDA to take with regard to the disposition of the IFR. Specifically, the public should submit their comments as to whether USDA should:

(1) Allow the IFR to become effective,
(2) Suspend the IFR indefinitely,
(3) Delay the effective date of the IFR further, or
(4) Withdraw the IFR.

Notice Delaying IFR Effective Date

Concurrent with this proposed rule, GIPSA is publishing in the Rules and Regulations section of this issue of the **Federal Register** a document extending the effective date of the IFR by 180 days until October 19, 2017.

Randall D. Jones,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–07361 Filed 4–11–17; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0288; Directorate Identifier 2017–CE–007–AD]

RIN 2120–AA64

Airworthiness Directives; Textron Aviation Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Textron Aviation Inc. Models A36TC and B36TC airplanes. This proposed AD was prompted by a fatal accident where the exhaust tailpipe fell off during takeoff. This proposed AD would add a life limit to the exhaust tailpipe v-band coupling (clamp) that attaches the

exhaust tailpipe to the turbocharger and, if the coupling is removed for any reason before the life limit is reached, this proposed AD would require an inspection of the coupling before reinstalling. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by May 30, 2017.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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–2017–0288; 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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Thomas Teplik, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209; phone: (316) 946–4196; fax: (316) 946–4107; email: *thomas.teplik@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0288; Directorate Identifier 2017–CE–007–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We were notified of a fatal accident involving a Textron Aviation Inc. (Beech Bonanza) Model A36TC airplane. The National Transportation Safety Board preliminary report stated that shortly after takeoff the pilot advised the control tower that there was smoke in the cockpit and they needed to return to the airport. Witnesses reported seeing smoke and flames coming from the airplane before it impacted terrain. The exhaust tailpipe, a fractured v-band coupling (clamp) that attached the exhaust tailpipe to the turbocharger, and small fragments of fabric insulation were recovered from the runway. Failure of the exhaust tailpipe v-band coupling may lead to detachment of the exhaust tailpipe from the turbocharger and allow high-temperature exhaust gases to enter the engine compartment, which could result in an inflight fire.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would add a life limit to the exhaust tailpipe v-band coupling and, if the coupling is removed for any reason before the life limit is reached, this AD would require an inspection of the v-band coupling before reinstalling.

Costs of Compliance

We estimate that this proposed AD affects 499 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement of the exhaust tailpipe v-band coupling (clamp).	2 work-hours × $85 per hour = $170	$300	$470	$234,530

We estimate the following costs to do any necessary inspection that would be required based on removal and reinstallation of the exhaust tailpipe v-band coupling. We have no way of determining the number of airplanes that might need this inspection:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Inspection of the exhaust tailpipe v-band coupling (clamp).	1 work-hour × $85 per hour = $85	Not applicable	$85

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

For the reasons discussed above, I certify this proposed regulation:

(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.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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):

Textron Aviation Inc.: Docket No. FAA–2017–0288; Directorate Identifier 2017–CE–007–AD

(a) Comments Due Date

We must receive comments by May 30, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Textron Aviation Inc. Models A36TC and B36TC airplanes; all serial numbers, that are certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 81, Turbocharging.

(e) Unsafe Condition

This AD was prompted by a fatal accident where the exhaust tailpipe fell off during takeoff. We are issuing this AD to prevent failure of the exhaust tailpipe v-band coupling that may lead to detachment of the exhaust tailpipe from the turbocharger and allow high-temperature exhaust gases to enter the engine compartment, which could result in an inflight fire.

(f) Compliance

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

(g) Replacement of the V-Band Coupling (Clamp)

Replace the exhaust tailpipe v-band coupling part number (P/N) N4211–375–M or P/N 5322C–375–Z (P/Ns are also known as P/N N4211–375M and P/N 5322C3752) with a new exhaust tailpipe v-band coupling. When installing the new part, tighten the v-band coupling to 40 in-lbs., tap the periphery of the band to distribute tension, and torque again to 40 in-lbs. Do the replacement at the compliance times in paragraphs (g)(1) and (2) of this AD. For the purposes of this AD, the exhaust tailpipe v-band coupling may also be referred to as the exhaust tailpipe v-band clamp.

Note 1 to paragraph (g) of this AD: The engineering drawing lists the applicable part number v-band couplings as P/N N4211–375–M and P/N 5322C–375–Z; however, the parts catalog lists the applicable v-band couplings as P/N N4211–375M and P/N 5322C3752.

Note 2 to paragraphs (g) and (h)(2) of this AD: We recommend after installation of the exhaust tailpipe v-band coupling, you do an engine run and recheck the torque of the v-band coupling.

(1) *If from a review of the maintenance records you can positively identify that the hours time-in-service (TIS) for the exhaust tailpipe v-band coupling is less than 500 hours TIS:* Do the initial replacement within 500 hours TIS for the exhaust tailpipe v-band coupling or within the next 50 hours TIS after the effective date of this AD, whichever occurs later, and replace repetitively thereafter at intervals not to exceed 500 hours TIS on the exhaust tailpipe v-band coupling.

(2) *If from a review of the maintenance records you can positively identify that the hours TIS for the exhaust tailpipe v-band coupling is 500 hours TIS or more or you cannot positively identify the hours TIS for the exhaust tailpipe v-band coupling:* Do the initial replacement within 50 hours TIS after the effective date of this AD and replace repetitively thereafter at intervals not to exceed 500 hours TIS on the exhaust tailpipe v-band coupling.

(h) Removal of the Exhaust Tailpipe V-Band Coupling Before Reaching the 500-Hour Life Limit

(1) If the exhaust tailpipe v-band coupling is removed for any reason before any replacement required by this AD, before re-installing the same (existing) v-band coupling, you must do the inspection steps listed in paragraphs (h)(1)(i) through (vi) of this AD. During the removal, inspection, and reinstallation do not open the coupling more than necessary because excessive flexing of the coupling can lead to damage.

(i) Use crocus cloth and mineral spirits/Stoddard solvent, to clean the outer band of the v-band coupling. Pay particular attention to the spot weld areas on the coupling.

(ii) Use a 10X magnifier to visually inspect the outer band for cracks, paying particular attention to the spot weld areas. If cracks are found during this inspection, do not re-install the v-band coupling. Before further flight, you must install a new v-band coupling and restart the hours TIS for the repetitive replacement of the v-band coupling.

(iii) Visually inspect the flatness of the outer band using a straight edge. Lay the straight edge across the width of the outer band. The gap must be less than 0.062 inches. See figure 1 to paragraphs (h)(1)(iii) and (v) of this AD. If the gap exceeds 0.062 inches between the outer band and the straight edge, do not re-install the v-band coupling. Before further flight, you must install a new v-band coupling and restart the hours TIS for the repetitive replacement of the v-band coupling.

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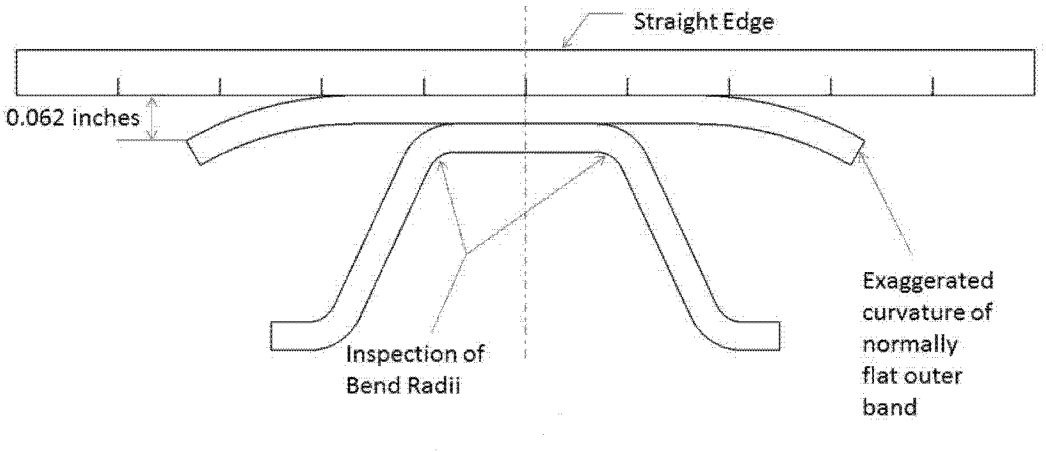

Figure 1 to paragraphs (h)(1)(iii) and (v) of this AD: Cross section of v-band coupling

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(iv) With the t-bolt in the 12 o'clock position, visually inspect the coupling for the attachment of the outer band to the v-retainer coupling segments by inspecting for gaps between the outer band and the v-retainer coupling segments between approximately the 1 o'clock through 11 o'clock position. It is recommended to use backlighting to see gaps. If gaps between the outer band and the v-retainer coupling segments are found, do not re-install the v-band coupling. Before further flight, you must install a new v-band coupling and restart the hours TIS for the repetitive replacement of the v-band coupling.

(v) Visually inspect the bend radii of the coupling v-retainer coupling segments for cracks. Inspect the radii throughout the length of the segment. See figure 1 to paragraphs (h)(1)(iii) and (v) of this AD. If any cracks are found, do not re-install the v-band coupling. Before further flight, you must install a new v-band coupling and restart the hours TIS for the repetitive replacement of the v-band coupling.

(vi) Visually inspect the outer band opposite the t-bolt for damage (distortion, creases, bulging, or cracks), which may be caused from excessive spreading of the coupling during installation and/or removal. If any damage is found, do not re-install the v-band coupling. Before further flight, you must install a new v-band coupling and restart the hours TIS for the repetitive replacement of the v-band coupling.

(2) If the removed exhaust tailpipe v-band coupling passes all of the inspection steps listed in paragraphs (h)(1)(i) through (vi) of this AD, you may re-install the same v-band coupling. After the coupling is re-installed and torqued as specified in paragraph (g) of this AD, verify there is space between each v-retainer coupling segment below the t-bolt. If there is no space between each v-retainer coupling segment below the t-bolt, before further flight, you must install a new v-band coupling and restart the hours TIS for the repetitive replacement of the v-band coupling.

(3) The inspections required in paragraphs (h)(1) and (2) of this AD only apply to re-installing the same exhaust tailpipe v-band coupling that was removed for any reason as specified in paragraph (h)(1) of this AD. It does not apply to installation of a new v-band coupling. These inspections do not terminate the 500-hour TIS repetitive replacement of the v-band coupling and do not restart the hours TIS for the repetitive replacement of the v-band coupling.

(4) After the effective date of this AD, do not install a used exhaust tailpipe v-band coupling on the airplane except for the reinstallation of the inspected exhaust tailpipe v-band coupling that was removed for any reason as specified in paragraph (h)(1) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

(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.

(j) Related Information

For more information about this AD, contact Thomas Teplik, Aerospace Engineer, Wichita ACO, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209; phone: (316) 946–4196; fax: (316) 946–4107; email: *thomas.teplik@faa.gov*.

Issued in Kansas City, Missouri, on April 3, 2017.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–07343 Filed 4–11–17; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2016–0631; FRL 9961–45–OAR]

RIN 2060–AT32

Relaxation of the Federal Reid Vapor Pressure Gasoline Volatility Standard for Davidson, Rutherford, Sumner, Williamson, and Wilson Counties, Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a request from the state of Tennessee for EPA to relax the federal Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year for Davidson, Rutherford, Sumner, Williamson, and Wilson Counties (hereinafter referred to as the Middle Tennessee Area or Area). Specifically, EPA is proposing to amend the

regulations to allow the RVP standard for the Middle Tennessee Area to rise from 7.8 pounds per square inch (psi) to 9.0 psi for gasoline. EPA has preliminarily determined that this change to the federal RVP regulation is consistent with the applicable provisions of the Clean Air Act (CAA).

DATES: Written comments must be received on or before May 12, 2017 unless a public hearing is requested by April 27, 2017. If the EPA receives such a request, we will publish information related to the timing and location of the hearing and a new deadline for public comment.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2016–0631, to the *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. 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. If you need to include CBI as part of your comment, please visit *https://www.epa.gov/dockets/commenting-epa-dockets* for instructions. 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.

For additional submission methods, the full EPA public comment policy, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: David Dickinson, Office of Transportation and Air Quality, Environmental Protection Agency, 1200 Pennsylvania Avenue, Washington, DC 20460; telephone number: (202) 343–9256; fax number: (202) 343–2804; email address: *dickinson.david@epa.gov.*

SUPPLEMENTARY INFORMATION:

The contents of this preamble are listed in the following outline:

I. General Information

A. Does this action apply to me?

Entities potentially affected by this proposed rule are fuel producers and distributors involved in the supplying of gasoline to the Middle Tennessee Area.

Examples of potentially regulated entities	NAICS [1] codes
Petroleum refineries	324110
Gasoline Marketers and Distributors	424710 424720
Gasoline Retail Stations	447110
Gasoline Transporters	484220 484230

The above table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. The table lists the types of entities of which EPA is aware that potentially could be affected by this proposed rule. Other types of entities not listed on the table could also be affected. To determine whether your organization could be affected by this proposed rule, you should carefully examine the regulations in 40 CFR 80.27. If you have questions regarding the applicability of this action to a particular entity, call the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. What is the agency's authority for taking this action?

The statutory authority for this action is granted to the EPA by Sections 211(h) and 301(a) of the Clean Air Act, as amended; 42 U.S.C. 7545(h) and 7601(a).

II. Public Participation

EPA will not hold a public hearing on this matter unless a request is received by the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble by April 27, 2017. If the EPA receives such a request, we will publish information related to the timing and location of the hearing and a new deadline for public comment.

III. Background and Proposal

A. Summary of the Proposal

EPA is proposing to approve a request from the State of Tennessee to change the summertime federal RVP standard for Davidson, Rutherford, Sumner, Williamson, and Wilson Counties from 7.8 psi to 9.0 psi by amending EPA's regulations at 40 CFR 80.27(a)(2). In a separate, concurrent rulemaking noted below, EPA has already proposed to approve a maintenance plan revision for the Middle Tennessee Area for the 1997 ozone national ambient air quality standard (NAAQS) and a CAA section 110(l) non-interference demonstration that relaxing the federal RVP requirement from 7.8 psi to 9.0 psi for gasoline sold from June 1 to September 15 of each year in the Middle Tennessee Area would not interfere with maintenance of any NAAQS in the Middle Tennessee Area, including the 2008 and 2015 ozone NAAQS, or with any other applicable CAA requirement. For more information on Tennessee's maintenance plan revision request for the Middle Tennessee Area, please refer to the notice of proposed rulemaking for that action (82 FR 11517 (February 24, 2017)). EPA intends to take final action on this rule as proposed only upon the finalization of the maintenance plan revision and non-interference demonstration rulemaking.

The preamble for this rulemaking is organized as follows: Section III.B. provides the history of the federal gasoline volatility regulation. Section III.C. describes the policy regarding relaxation of gasoline volatility standards in ozone nonattainment areas that are redesignated as attainment areas as well as maintenance areas. Section III.D. provides information specific to Tennessee's request for the Middle Tennessee Area.

B. History of the Gasoline Volatility Requirement

On August 19, 1987 (52 FR 31274), EPA determined that gasoline nationwide was becoming increasingly volatile, causing an increase in evaporative emissions from gasoline-powered vehicles and equipment. Evaporative emissions from gasoline, referred to as volatile organic compounds (VOC), are precursors to the formation of tropospheric ozone and contribute to the nation's ground-level ozone problem. Exposure to ground-level ozone can reduce lung function, thereby aggravating asthma and other respiratory conditions, increase susceptibility to respiratory infection, and may contribute to premature death in people with heart and lung disease.

The most common measure of fuel volatility that is useful in evaluating gasoline evaporative emissions is RVP. Under CAA section 211(c), the EPA promulgated regulations on March 22, 1989 (54 FR 11868) that set maximum limits for the RVP of gasoline sold during the regulatory control periods that were established on a state-by-state basis in the final rule. The regulatory control periods addressed the portion of the year when peak ozone concentrations were expected. These

[1] North American Industry Classification System.

regulations constituted Phase I of a two-phase nationwide program, which was designed to reduce the volatility of gasoline during the high ozone season. On June 11, 1990 (55 FR 23658), EPA promulgated more stringent volatility controls as Phase II of the volatility control program. These requirements established maximum RVP standards of 9.0 psi or 7.8 psi (depending on the state, the month, and the area's initial ozone attainment designation with respect to the 1-hour ozone NAAQS).

The 1990 CAA Amendments established a new section 211(h) to address fuel volatility. CAA section 211(h) requires EPA to promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP level in excess of 9.0 psi during the high ozone season. CAA section 211(h) also prohibits the EPA from establishing a volatility standard more stringent than 9.0 psi in an attainment area, except that the EPA may impose a lower (more stringent) standard in any former ozone nonattainment area redesignated to attainment.

On December 12, 1991 (56 FR 64704), the EPA modified the Phase II volatility regulations to be consistent with CAA section 211(h). The modified regulations prohibited the sale of gasoline with an RVP above 9.0 psi in all areas designated attainment for ozone, effective January 13, 1992. For areas designated as nonattainment, the regulations retained the original Phase II standards published on June 11, 1990 (55 FR 23658), which included the 7.8 psi ozone season limitation for certain areas. As stated in the preamble to the Phase II volatility controls and reiterated in the proposed change to the volatility standards published in 1991, EPA will rely on states to initiate changes to their respective volatility programs. EPA's policy for approving such changes is described below in Section III.C.

The State of Tennessee has initiated this change by requesting that EPA relax the 7.8 psi gasoline RVP standard to 9.0 psi for Davidson, Rutherford, Sumner, Williamson, and Wilson Counties, which are subject to the 7.8 gasoline RVP requirement during the summertime ozone season. Accordingly, the TDEC provided a technical demonstration showing that relaxing the federal gasoline RVP requirements in the five counties from 7.8 psi to 9.0 psi would not interfere with maintenance of any NAAQS in the Middle Tennessee Area, including the 2015 ozone NAAQS, or with any other applicable CAA requirement.

C. Relaxation of Gasoline Volatility Standards in Ozone Nonattainment Areas That Are Redesignated to Attainment Areas

As stated in the preamble for EPA's amended Phase II volatility standards (56 FR 64706), any change in the gasoline volatility standard for a nonattainment area that was subsequently redesignated as an attainment area must be accomplished through a separate rulemaking that revises the applicable standard for that area. Thus, for former 1-hour ozone nonattainment areas where the EPA mandated a Phase II volatility standard of 7.8 psi RVP in the December 12, 1991 rulemaking, the federal 7.8 psi gasoline RVP requirement remains in effect, even after such an area is redesignated to attainment, until a separate rulemaking is completed that relaxes the federal gasoline RVP standard in that area from 7.8 psi to 9.0 psi.

As explained in the December 12, 1991 rulemaking, EPA believes that relaxation of an applicable gasoline RVP standard is best accomplished in conjunction with the redesignation process. In order for an ozone nonattainment area to be redesignated as an attainment area, CAA section 107(d)(3) requires the state to make a showing, pursuant to CAA section 175A, that the area is capable of maintaining attainment for the ozone NAAQS for ten years. Depending on the area's circumstances, this maintenance plan will either demonstrate that the area is capable of maintaining attainment for ten years without the more stringent volatility standard or that the more stringent volatility standard may be necessary for the area to maintain its attainment with the ozone NAAQS. Therefore, in the context of a request for redesignation, EPA will not relax the gasoline volatility standard unless the state requests a relaxation and the maintenance plan demonstrates that the area will maintain attainment for ten years without the need for the more stringent volatility standard. Similarly, a maintenance plan may be revised to relax the gasoline volatility standard if the state requests a relaxation and the maintenance plan demonstrates that the area will maintain attainment for the duration of the maintenance plan.

Tennessee is requesting relaxation of the federal gasoline RVP standard from 7.8 psi to 9.0 psi for the Middle Tennessee Area concurrent with its request that the EPA approve a maintenance plan revision for the Area for the 1997 ozone NAAQS.

D. Tennessee's Request To Relax the Federal Gasoline RVP Requirement for the Middle Tennessee Area

On November 21, 2016, the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC or State), submitted a revised maintenance plan for the Middle Tennessee Area to EPA for approval, and this maintenance plan revision included a request to relax the federal gasoline RVP requirement. The Middle Tennessee Area is designated as attainment for the 1997 and 2008 ozone NAAQS. Tennessee did not request relaxation of the federal RVP standard from 7.8 psi to 9.0 psi when TDEC originally submitted a CAA section 110(a)(1) maintenance plan (for the 1997 ozone NAAQS) that was approved on January 28, 2011 (76 FR 5078). In addition to the State's November 21, 2016 request to relax the federal gasoline RVP requirement, the State's request includes a CAA section 110(l) non-interference demonstration that removal of the federal RVP requirement of 7.8 psi for gasoline during the summertime ozone season in the Middle Tennessee Area would not interfere with maintenance of any NAAQS, or with any other applicable CAA requirement. Specifically, the State provided a technical demonstration showing that relaxing the federal gasoline RVP requirement in the Middle Tennessee Area from 7.8 psi to 9.0 psi for gasoline sold between June 1 and September 15 of each year would not interfere with maintenance of any NAAQS in the Area, including the 2015 ozone NAAQS, or with any other applicable CAA requirement.

On February 24, 2017, EPA proposed the approval of Tennessee's November 21, 2016 request for a maintenance plan revision for the Middle Tennessee Area. In that proposed rulemaking, EPA included an initial evaluation of Tennessee's non-interference demonstration for the Area.[2]

The maintenance plan revision and non-interference demonstration rulemaking is subject to public notice and comment. EPA will evaluate any comments on the request for a maintenance plan revision and associated non-interference demonstration rulemaking, and any comments will be addressed in the final rule for that rulemaking. Further information on that rulemaking, including any comments received, can be found in the docket for that rulemaking (EPA–R04–OAR–2016–0615).

[2] 82 FR 11517 (February 24, 2017).

In this action, the EPA is taking the second step in the process by proposing to approve Tennessee's request to relax the summertime ozone season gasoline RVP standard for the Middle Tennessee Area from 7.8 psi to 9.0 psi. Specifically, EPA is proposing to amend the applicable gasoline RVP standard to allow the gasoline RVP requirements to rise from 7.8 psi to 9.0 psi provided at 40 CFR 80.27(a)(2) for the Area. This proposal to approve Tennessee's request to relax the summertime ozone season gasoline RVP standard for the Middle Tennessee Area from 7.8 psi to 9.0 psi is contingent on EPA's separate approval of Tennessee's November 21, 2016 request for a maintenance plan revision and non-interference demonstration. It is also based on the fact that the Middle Tennessee Area is currently in attainment for both the 2008 ozone NAAQS and the 2015 ozone NAAQS.

If EPA finalizes the approval of the revised maintenance plan for Middle Tennessee and the section 110(l) non-interference demonstration as separately proposed, EPA may issue its final action (based on this proposal) as soon as the date of publication of such final rule. EPA believes that a final rule that raises the RVP standard for gasoline from 7.8 psi to 9.0 psi would be a ''a substantive rule which . . . relieves a restriction'' within the meaning of 5 U.S.C. 553(d)(1). Accordingly, EPA may decide to make a final rule based on this proposal effective upon publication.

IV. Statutory and Executive Order Reviews

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

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

B. Paperwork Reduction Act

This action does not impose any new information collection burden under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.,* and therefore is not subject to these requirements.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The small entities subject to the requirements of this action are refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in Tennessee and gasoline distributers and retail stations in Tennessee. This action relaxes the federal RVP standard for gasoline sold in Davidson, Rutherford, Sumner, Williamson, and Wilson Counties during the summertime ozone season (June 1 to September 15 of each year) to allow the RVP for gasoline sold in those counties to rise from 7.8 psi to 9.0 psi. This rule does not impose any requirements or create impacts on small entities beyond those, if any, already required by or resulting from the CAA section 211(h) Volatility Control program. Therefore, this action will have no net regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

This proposed rule does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action implements mandates that are specifically and explicitly set forth in CAA section 211(h) without the exercise of any policy discretion by EPA.

E. Executive Order 13132: Federalism

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

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This proposed rule affects only those refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in the Middle Tennessee Area and gasoline distributers and retail stations in the Area. Thus, Executive Order 13175 does not apply to this action.

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

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

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

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

I. National Technology Transfer Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations because it does not affect the applicable ozone NAAQS which establish the level of protection provided to human health or the environment. This rule will relax the applicable volatility standard of gasoline during the summer, possibly resulting in slightly higher mobile source emissions. However, the State of Tennessee has demonstrated in its non-interference demonstration that this action will not interfere with maintenance of the ozone NAAQS in the Middle Tennessee Area for the 1997 ozone NAAQS, or with any other applicable requirement of the CAA including the 2008 and 2015 ozone NAAQS. Therefore, disproportionately high and adverse human health or environmental effects on minority or low-income populations are not an anticipated result. The results of this evaluation are contained in EPA's proposed rule for Tennessee's maintenance plan revision. A copy of Tennessee's November 23, 2016 letter requesting that the EPA relax the gasoline RVP standard, including the technical analysis demonstrating that the less stringent gasoline RVP would

not interfere with continued maintenance of the 1997 ozone NAAQS in the Area Middle Tennessee Area, or with any other applicable CAA requirement, has been placed in the public docket for this action.

V. Legal Authority

The statutory authority for this action is granted to the EPA by Sections 211(h) and 301(a) of the Clean Air Act, as amended; 42 U.S.C. 7545(h) and 7601(a).

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Incorporation by reference, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: April 4, 2017.

E. Scott Pruitt,

Administrator.

[FR Doc. 2017–07399 Filed 4–11–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[EPA–HQ–OPPT–2017–0038; FRL–9961–04]

Chlorinated Phosphate Ester (CPE) Cluster; TSCA Section 21 Petition; Reasons for Agency Response

AGENCY: Environmental Protection Agency (EPA).

ACTION: Petition; reasons for Agency response.

SUMMARY: This document provides the reasons for EPA's response to a petition it received under the Toxic Substances Control Act (TSCA). The TSCA section 21 petition was received from Earthjustice, Natural Resources Defense Council, Toxic-Free Future, Safer Chemicals, Healthy Families, BlueGreen Alliance, and Environmental Health Strategy Center on January 6, 2017. The petitioners requested that EPA issue an order under TSCA section 4, requiring that testing be conducted by manufacturers and processors of chlorinated phosphate esters (''CPE''). The CPE Cluster is composed of tris(2-chloroethyl) phosphate (''TCEP'') (CAS No. 115–96–8), 2-propanol, 1-chloro-, phosphate (''TCPP'') (CAS No. 13674–84–5), and 2-propanol, 1,3- dichloro-, phosphate (''TDCPP'') (CAS No. 13674–87–8). After careful consideration, EPA denied the TSCA section 21 petition for the reasons discussed in this document.

DATES: EPA's response to this TSCA section 21 petition was signed April 6, 2017.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Hannah Braun, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–5614; email address: *braun.hannah@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to those persons who are or may manufacture or process the chemicals tris(2-chloroethyl) phosphate (''TCEP'') (CAS No. 115–96–8), 2-propanol, 1-chloro-, phosphate (''TCPP'') (CAS No. 13674–84–5), and 2-propanol, 1,3- dichloro-, phosphate (''TDCPP'') (CAS No. 13674–87–8). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I access information about this petition?

The docket for this TSCA section 21 petition, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0038, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. TSCA Section 21

A. What is a TSCA section 21 petition?

Under TSCA section 21 (15 U.S.C. 2620), any person can petition EPA to initiate a rulemaking proceeding for the issuance, amendment, or repeal of a rule under TSCA section 4, 6, or 8 or an order under TSCA section 4 or 5(e) or (f). A TSCA section 21 petition must set forth the facts that are claimed to establish the necessity for the action requested. EPA is required to grant or deny the petition within 90 days of its filing. If EPA grants the petition, the Agency must promptly commence an appropriate proceeding. If EPA denies the petition, the Agency must publish its reasons for the denial in the **Federal Register**. A petitioner may commence a civil action in a U.S. district court to compel initiation of the requested rulemaking proceeding within 60 days of either a denial or the expiration of the 90-day period.

B. What criteria apply to a decision on a TSCA section 21 petition?

1. *Legal standard regarding TSCA section 21 petitions.* Section 21(b)(1) of TSCA requires that the petition ''set forth the facts which it is claimed establish that it is necessary'' to issue the rule or order requested. 15 U.S.C. 2620(b)(1). Thus, TSCA section 21 implicitly incorporates the statutory standards that apply to the requested actions. Accordingly, EPA has relied on the standards in TSCA section 21 and in the provisions under which actions have been requested to evaluate this TSCA section 21 petition. In addition, TSCA section 21 establishes standards a court must use to decide whether to order EPA to initiate an order in the event of a lawsuit filed by the petitioner after denial of a TSCA section 21 petition. 15 U.S.C. 2620(b)(4)(B).

2. *Legal standard regarding TSCA section 4 rules.* EPA must make several findings in order to issue a rule or order to require testing under TSCA section 4(a)(1)(A)(i). In all cases, EPA must find that information and experience are insufficient to reasonably determine or predict the effects of a chemical substance on health or the environment and that testing of the chemical substance is necessary to develop the missing information. 15 U.S.C. 2603(a)(1). In addition, EPA must find that the chemical substance may present an unreasonable risk of injury under section 4(a)(1)(A)(i). Id. If EPA denies a petition for a TSCA section 4 rule or order and the petitioners challenge that decision, TSCA section 21 allows a court to order EPA to initiate the action requested by the petitioner if the petitioner demonstrates to the satisfaction of the court by a preponderance of the evidence in a *de novo* proceeding that findings very similar to those described in this unit

with respect to a chemical substance have been met.

III. Summary of the TSCA Section 21 Petition

A. What action was requested?

On January 6, 2017, Earthjustice, Natural Resources Defense Council, Toxic-Free Future, Safer Chemicals, Healthy Families, BlueGreen Alliance, and Environmental Health Strategy Center petitioned EPA to issue an order under TSCA section 4(a)(1), 90 days after the petition was filed, requiring that testing be conducted by manufacturers and processors of the chlorinated phosphate esters (''CPE'') Cluster composed of tris(2-chloroethyl) phosphate (''TCEP'') (CAS No. 115–96–8), 2-propanol, 1-chloro-, phosphate (''TCPP'') (CAS No. 13674–84–5), and 2-propanol, 1,3- dichloro-, phosphate (''TDCPP'') (CAS No. 13674–87–8) (Ref. 1).

B. What support do the petitioners offer?

The petitioners cite to section 4(a)(1) of TSCA, which requires EPA to direct testing on a chemical substance or mixture if the Administrator finds the following criteria are met:

1. The manufacture, distribution in commerce, processing, use, or disposal of a chemical substance or mixture, or that any combination of such activities, may present an unreasonable risk of injury to health or the environment.

2. There is insufficient information and experience upon which the effects of such manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture, or of any combination of such activities on health or the environment can reasonably be determined or predicted.

3. Testing is necessary to develop such information.

The petitioners assert that the CPE Cluster chemicals ''may present an unreasonable risk of injury to health or the environment'' because there is substantial evidence that chemicals in the CPE Cluster may be toxic, including:

- EPA's TSCA Work Plan Chemical Problem Formulation and Initial Assessment—Chlorinated Phosphate Ester Cluster Flame Retardants (heretofore referred to as Problem Formulation and Initial Assessment), which cites multiple mammalian toxicity studies showing adverse effects caused by the cluster members such as reproductive and developmental effects, neurological effects, liver, kidney and thyroid effects and cancer (for certain cluster members) (Refs. 2–7).
- EPA's Problem Formulation and Initial Assessment, which also states that ecological toxicity from exposure to TCEP and TDCPP was exhibited in acute tests with fish resulting in loss of coordination, edema, darker pigmentation and hyperventilation (Ref. 2).
- EPA's Design for the Environment in which the Agency conducted a hazard assessment of the chemicals in the CPE cluster and found that each of the three cluster members are considered a high hazard for more than one human health effect, as well as for aquatic toxicity, based on empirical data. Additionally, TCPP and TDCPP are considered to be highly persistent (Ref. 8).
- The state of California finds TDCPP to be a ''known carcinogen,'' and in 2011 California added TDCPP to the list of chemicals requiring warning labels under California Proposition 65 law (Ref. 9, 10).
- California's Proposition 65 list of chemicals where TCEP was ''known to the State to cause cancer'' in 1992 (Ref. 11).
- The European Union (EU) classifying TCEP as a ''Substance of Very High Concern'' based on reproductive toxicity (Ref. 12).
- California's Safer Consumer Products program listing TCPP as a candidate chemical based on carcinogenicity (Ref. 13).

The petitioners assert there are CPE Cluster chemicals exposure to humans and the environment based on the following information provided in EPA's Problem Formulation and Initial Assessment (Ref. 2).

- Several studies of U.S. drinking water where CPEs have been detected (Refs. 14–16).
- Numerous studies where concentrations of CPEs in infant products such as high chairs, bath mats, car seats, nursing pillows, carriers, sofas, and camping tents have been measured (Refs. 17–21).
- Small children may have additional exposures through contact with baby products containing CPEs and via mouthing behaviors (Ref. 2).
- A number of published studies where levels of CPEs in indoor air and dust have been reported (Refs. 19–49).
- Several studies throughout the United States and abroad which reported levels of the CPEs in surface water. Collectively, these data indicate high potential for exposures to ecological receptors, and in particular, aquatic organisms (Refs. 50–77).
- A study where TCEP, TCPP, and TDCPP have all been measured in herring gull eggs from the Lake Huron area (Ref. 78).

With the evidence of toxicity and exposure the petitioners argue that the chemicals in the CPE Cluster meet the criteria for ''may present an unreasonable risk of injury to health or the environment.''

The petitioners also assert there is ''insufficient information'' on the CPE Cluster chemicals. They indicate that EPA's Problem Formulation and Initial Assessment (Ref. 2) ''identifies seven critical data gaps around exposures and hazards of these flame retardants''. While EPA disagrees that the Problem Formulation and Initial Assessment specifically identifies those which the petitioners assert, the petition lists the following seven data gaps around exposures and hazard of CPE flame retardants:

Exposure pathways: Dermal and inhalation;

2. Hazard: Reproduction and endocrine toxicity;

3. Exposure: Environmental releases from non-industrial uses;

4. Exposure: Community and worker exposures from manufacturing, processing, industrial and non-industrial uses;

5. Exposure: Community and worker exposures recycling;

6. Exposure: Community, worker and environmental exposures from disposal; and

7. Hazard: Toxicity to birds, wildlife, sediment organisms.

The petitioners argue that the testing recommended in the petition is critical to address this allegedly insufficient information and for performing any TSCA section 6 risk evaluation of the CPE Cluster chemicals.

IV. Disposition of TSCA Section 21 Petition

A. What was EPA's response?

After careful consideration, EPA denied the petition. A copy of the Agency's response, which consists of two letters to the signatory petitioners from Earthjustice and Natural Resources Defense Council (Ref. 79), is available in the docket for this TSCA section 21 petition.

B. Background Considerations for the Petition

EPA published a Problem Formulation and Initial Assessment for the CPE Cluster chemicals in August 2015 (Ref. 2). As stated on EPA's Web site titled ''Assessments for TSCA Work Plan Chemicals'' (Ref. 80), ''As a first step in evaluating TSCA Work Plan Chemicals, EPA performs problem formulation to determine if available data and current assessment approaches

and tools will support the assessments.'' During development of the Problem Formulation and Initial Assessment document for the CPE Cluster chemicals, EPA followed an approach developed for assessing chemicals under TSCA as it existed at that time. In addition, in Table 2–1 of the Problem Formulation and Initial Assessment (Ref. 2), EPA specified, in very general terms, the nature and type of information sought to inform this particular risk assessment, under the existing TSCA framework.

Under TSCA prior to the June amendments, EPA performed risk assessments on individual uses, hazards, and exposure pathways. The approach taken during the TSCA Work Plan assessment effort was to focus risk assessments on those conditions of use that were most likely to pose concern, *and* for which EPA identified the most robust readily available, existing, empirical data, located using targeted literature searches, although modeling approaches and alternative types of data were also considered. EPA relied heavily on previously conducted assessments by other authoritative bodies and well-established conventional risk assessment methodologies in developing the Problem Formulation documents. Although EPA identified existing information and presented it in the Problem Formulation and Initial Assessment, EPA did not necessarily undertake a comprehensive search of available information or articulate a range of scientifically supportable approaches that might be used to perform risk assessment for various uses, hazards, and exposure pathways in the absence of directly applicable, empirical data prior to seeking public input. Rather, EPA generally elected to focus its attention on the uses, hazards, and exposure pathways that appeared to be of greatest concern and for which the most extensive relevant information had been identified. (Ref. 2).

As EPA explains on its Web site, ''Based on on-going experience in conducting TSCA Work Plan Chemical assessments and stakeholder feedback, starting in 2015 EPA will publish a problem formulation for each TSCA Work Plan assessment as a stand-alone document to facilitate public and stakeholder comment and input prior to conducting further risk analysis. Commensurate with release of a problem formulation document, EPA will open a public docket for receiving comments, data or information from interested stakeholders. EPA believes publishing problem formulations for TSCA Work Plan assessments will increase transparency of EPA's thinking and analysis process, provide opportunity for public/stakeholders to comment on EPA's approach and provide additional information/data to supplement or refine our assessment approach prior to EPA conducting detailed risk analysis and risk characterization'' (Ref. 80).

EPA's 2015 Problem Formation and Initial Assessment for the CPE Cluster chemicals does not constitute a full risk assessment for the chemicals in the CPE Cluster, nor does it purport to be a final analysis plan for performing a risk assessment or to present the results of a comprehensive search for available data or approaches for conducting risk assessments. Rather, it is a preliminary step in the risk assessment process, which EPA desired to publish to provide transparency and the opportunity for public input. EPA received comments from Earthjustice, Natural Resources Defense Council and others during the public comment period, which ended in November 2015 (Ref. 81). After the public comment period, EPA was in the process of considering this input in refining the analysis plan and further data collection for conducting a risk assessment for the CPE Cluster chemicals.

On June 22, 2016, Congress passed the Frank R. Lautenberg Chemical Safety for the 21st Century Act. EPA has interpreted the amended TSCA as requiring that forthcoming risk evaluations encompass all manufacturing, processing, distribution in commerce, use, and disposal activities that the Administrator determines are intended, known, or reasonably foreseen (Ref. 83). This interpretation of ''conditions of use'' as defined by TSCA section 3(4), has prompted EPA to re-visit the scoping and problem formulation for risk assessments under TSCA. Other provisions included in the amended TSCA, including section 4(h) regarding alternative testing methods, have also prompted EPA to evolve its approach to scoping and conducting risk evaluations. The requirement to consider all conditions of use in risk evaluations—and to do so during the three to three and a half years allotted in the statute—has led EPA to more fully evaluate the range of data sources and technically sound approaches for conducting risk evaluations. Thus, a policy decision articulated in a problem formulation under the pre-amendment TSCA not to proceed with risk assessment for a particular use, hazard, or exposure pathway does not necessarily indicate at this time that EPA will need to require testing in order to proceed to risk evaluation. Rather, such a decision indicates an area in which EPA will need to further evaluate the range of potential approaches—including generation of additional test data—for proceeding to risk evaluation. EPA is actively developing and evolving approaches for implementing the new provisions in amended TSCA. These approaches are expected to address many, if not all, of the data needs asserted in the petition. Whereas under the Work Plan assessment effort, EPA sometimes opted not to include conditions of use for which data were limited or lacking, under section 6 of amended TSCA, EPA will evaluate all conditions of use and will apply a broad range of scientifically defensible approaches—using data, predictive models, or other methods—that are appropriate and consistent with the provisions of TSCA section 26, to characterize risk and enable the Administrator to make a determination of whether the chemical substance presents an unreasonable risk.

C. What was EPA's reason for this response?

For the purpose of making its decision on the response to the petition, EPA evaluated the information presented or referenced in the petition and its authority and requirements under TSCA sections 4 and 21. EPA also evaluated relevant information that was available to EPA during the 90-day petition review period that may have not been available or identified during the development of EPA's Problem Formulation and Initial Assessment (Ref. 2).

EPA agrees that the manufacture, distribution in commerce, processing, use, or disposal of the CPE Cluster chemicals may present an unreasonable risk of injury to health or the environment under TSCA section 4(a)(1)(A). EPA also agrees that the Problem Formulation and Initial Assessment was not comprehensive in scope with regard to the conditions of use of the CPE Cluster chemicals, exposure pathways/routes, or potentially exposed populations. However, the Problem Formulation and Initial Assessment was not designed to be comprehensive. Rather, the Problem Formulation and Initial Assessment was developed under EPA's then-existing process, as explained previously. It was a fit-for-purpose document to meet a TSCA Work Plan (*i.e.,* pre-Lautenberg Act) need. Going forward under TSCA, as amended, EPA will conform its analyses to TSCA, as amended. EPA has explained elsewhere how the Agency proposes to conduct prioritization and

risk evaluation going forward (Refs. 82 and 83). However, EPA does not find that the petitioners have demonstrated, for each exposure pathway and hazard endpoint presented in the petition, that the information and experience available to EPA are insufficient to reasonably determine or predict the effects on health or the environment from ''manufacture, distribution in commerce, processing, use, or disposal'' (or any combination of such activities) of the CPE Cluster chemicals nor that the specific testing they have identified is necessary to develop such information.

The discussion that follows provides the reasons for EPA's decision to deny the petition based on the finding that for each requested test the information on the individual exposure pathways and hazard endpoints identified by the petitioners do not demonstrate that there is insufficient information upon which the effects of the CPE Cluster chemicals can reasonably be determined or predicted or that the requested testing is necessary to develop additional information. The sequence of EPA's responses follows the sequence in which requested testing was presented in the petition (Ref. 1). *1. Dermal and Inhalation Exposure Toxicity. a. Dermal toxicity.* The petition does not set forth facts demonstrating that there is insufficient information available to EPA to reasonably determine or predict effects to health from dermal exposure to the CPE Cluster chemicals. The toxicokinetics test (Organization for Economic Co-operation and Development (OECD) Test Guideline 417) (Ref. 84), in vivo absorption test (OECD Test Guideline 427) (Ref. 85) and dermal toxicity test (OPPTS Test Guideline 870.1200) (Ref. 86) requested by the petitioners may not be needed. In the Problem Formulation and Initial Assessment, EPA stated that risk from the dermal exposure pathway could not be quantified for risk assessment because of a lack of route-specific toxicological data, but also indicated that an alternative approach, *i.e.,* development of a PBPK model for oral, inhalation and dermal routes of exposure would provide the ability to perform route-to-route extrapolation. The Problem Formulation and Initial Assessment indicated that adequate toxicokinetic data would be needed for each route of exposure and that these data are lacking for dermal exposures. However, since the publication of the Problem Formulation and Initial Assessment document, EPA has identified pharmacokinetic data including absorption, bioaccessibility and absorption, distribution, metabolism and excretion (ADME) data (Refs. 7, 87–96) that could be used to perform route-to-route extrapolation from oral toxicity studies to predict effects from dermal exposure to the CPE Cluster chemicals.

Furthermore, EPA's use of available existing toxicity information reduces the use of vertebrate animals in the testing of chemical substances in a manner consistent with provisions described in TSCA section 4(h).

b. Inhalation toxicity. The petition does not set forth facts demonstrating that there is insufficient information available to EPA to reasonably determine or predict effects to health from inhalation exposure to the CPE Cluster chemicals. The toxicokinetics test (OECD Test Guideline 417: Toxicokinetics) (Ref. 84) and inhalation toxicity test (OPPTS Test Guideline 870.1300: Acute Inhalation Toxicity) (Ref. 98) requested by the petitioners may not be needed. In the Problem Formulation and Initial Assessment, EPA stated that risk from the inhalation exposure pathway could not be quantified for risk assessment because of a lack of route-specific toxicological data, but also indicated that an alternative approach, *i.e.,* development of a PBPK model for oral, inhalation and dermal routes of exposure would provide the ability to perform route-to-route extrapolation. The Problem Formulation and Initial Assessment, indicated that adequate toxicokinetic data would be needed for each route of exposure and that these data are lacking for inhalation exposures. However, since the publication of the Problem Formulation and Initial Assessment, EPA has identified toxicological data including, acute toxicity, bioaccessibility and ADME data (Refs. 7, 87–89, 93, 99 and 100) that could be used in route-to-route extrapolation from oral toxicity studies to predict effects from inhalation exposure to the CPE Cluster chemicals. As proposed in the Problem Formulation and Initial Assessment, CPE Cluster chemicals that are absorbed to and inhaled associated with particles, once the particles are in the gastrointestinal tract, absorption would be the same as in the oral toxicity studies and hence, oral toxicity studies can be used to determine or predict effects to health from inhalation exposure to the CPE cluster substances. Current literature on bioaccessibility (Ref. 89) could also be used to refine the estimate of the amount of the CPE Cluster chemicals absorbed via ingestion of particles (via inhalation and translocation to the gut).

Furthermore, EPA's use of available existing toxicity information reduces the use of vertebrate animals in the testing of chemical substances in a manner consistent with provisions described in TSCA section 4(h). *2. Reproductive and Endocrine Toxicity. a. Reproductive Toxicity.* The petition does not set forth facts demonstrating that there is insufficient data available to EPA to reasonably determine or predict the reproductive toxicity of the CPE Cluster chemicals. The NTP Modified One Generation study (Ref. 102) or the alternatively suggested in vivo reproductive toxicity screening test (OPPTS 870.3800: Reproduction and Fertility Effects) (Ref. 103) based on two-generation reproduction toxicity test (OECD Test Guideline 416) (Ref. 104), requested by the petitioners, may not be needed. Although EPA states in the Problem Formulation and Initial Assessment that ''given uncertainty surrounding the impact of long-term exposures and male reproductive toxicity, it would not be possible to quantify risks at this time,'' EPA now believes, after further review and consideration of existing studies, that the Agency could use information identified in the Problem Formulation and Initial Assessment, as well as new information identified through comprehensive literature searches, data from alternative testing approaches, and read-across (in which data for one structurally similar chemical can be used to assess the toxicity of another) could be used to conduct an assessment of effects of the CPE Cluster chemicals on reproduction (Ref. 2). As presented in the Problem Formulation and Initial Assessment, EPA identified several studies for each chemical in the CPE Cluster to assess reproductive effects. Specifically, a multi-generation reproductive and developmental toxicity study in mice for TCEP (Ref. 105) and a two-generation reproductive and developmental study in rats for TCPP (Ref. 106, test data currently listed as CBI) were identified. For TDCPP, a reproduction study in male rabbits (Ref. 7), two developmental toxicity studies in female rats (Refs. 7 and 107) and a two-year cancer bioassay in rats, which included evaluation of effects on reproductive organs (Ref. 108), are already available.

Since the publication of the Problem Formulation Initial Assessment document, EPA identified additional reproductive studies. Specifically, TCPP has been evaluated in a developmental toxicity study (Ref. 109). The results of this study have not yet been released, but are expected to be available to EPA

prior to initiation of a Risk Evaluation for TCPP. EPA has also identified studies using alternative animal models and *in vitro* tests that could inform the evaluation of reproductive toxicity (Refs. 110–117). Finally, given the structural similarity of the three chemicals in the CPE Cluster, EPA could consider read-across approaches, using data from one chemical to characterize the hazards of another chemical. Collectively, the studies identified in the Problem Formulation and Initial Assessment document, the studies identified since the release of the Problem Formulation and Initial Assessment document, and read-across approaches, could be used to characterize reproductive toxicity for the CPE Cluster chemicals.

Furthermore, EPA's use of available existing toxicity information reduces the use of vertebrate animals in the testing of chemical substances in a manner consistent with provisions described in TSCA section 4(h).

b. Endocrine Activity. The petition does not set forth facts demonstrating that there is insufficient information available to EPA to reasonably determine or predict the effects of the CPE Cluster chemicals on endocrine activity. EPA believes that the Larval Amphibian Growth and Development Assay (OCSPP 890.2300) (Ref. 118) or the alternatively suggested NTP Modified One Generation Study (Ref. 102) requested by the petitioners may not be needed. EPA's Problem Formulation and Initial Assessment stated that data were conflicting with regard to endocrine activity, which made it difficult to make a determination in the pre-assessment phase. However, EPA did not consider the information to be insufficient; rather EPA intended to defer drawing conclusions until the assessment phase when additional, comprehensive review of all available data would be conducted.

A number of studies evaluating thyroidal and other endocrine effects are available, including the reproduction and developmental toxicity studies described in Unit IV.C.2.a. (Refs. 7, 105, 106 and 108), as well as studies using alternative animal models and *in vitro* tests (Refs. 110–117) identified since the Problem Formulation and Initial Assessment. An evaluation of each study as well as the full body of evidence (*i.e.,* weight of evidence) would be undertaken to identify endocrine-related hazard concerns. *3. Environmental Releases from Non-Industrial and Consumer Uses.* The petition does not set forth facts demonstrating that there is insufficient information available to EPA to reasonably determine or predict effects of the CPE Cluster chemicals associated with environmental releases from non-industrial and consumer uses nor specifically the potential contribution of down-the-drain releases of the CPE Cluster chemicals in United States waters. EPA agrees with the petitioner's suggestion that existing data (*e.g.,* effluent and influent of wastewater) could be used to estimate environmental concentrations of the CPE Cluster chemicals from consumer and down-the drain uses. Hence, development of sampling plans for effluent waters from municipal treatment plants and analytical methods for measuring the CPE Cluster chemicals may not be needed.

While EPA's Problem Formulation and Initial Assessment indicated that contributions of non-industrial and consumer uses to water and wastewater were not quantifiable, EPA's conceptual model did indicate that exposures to water and wastewater (aggregated from all sources) would be assessed. EPA agrees, as the petition suggests, that existing effluent and influent from wastewater could likely be used to predict environmental concentrations of the CPE Cluster chemicals from consumer and other down-the drain uses. As identified in the Problem Formulation and Initial Assessment, there are over 100 available monitoring studies that could be used to characterize concentrations of the CPE Cluster chemicals in water and wastewater. Monitoring studies range from nationwide studies with larger sample sizes and consistent analytical methods such as United States Geological Survey (USGS), to targeted studies with generally smaller sample sizes and variable analytical methods.

In addition, several studies from other countries are also available to characterize the CPE Cluster chemicals in water and wastewater. Since the publication and Problem Formulation and Initial Assessment document, an Australian study (Ref. 124), sampled for all three members of the CPE Cluster in 11 waste water treatment plants (Ref. 124). Another study, identified in the Problem Formulation and Initial Assessment, compares influent water concentrations between the U.S. and Sweden (Ref. 29) and indicates that U.S. concentration values are comparable to Sweden, suggesting that data from Sweden could also be considered in a U.S. assessment.

EPA has identified existing effluent data from municipal treatment plants for TCEP and TDCPP from the U.S. Geological Survey National Water Information System (Ref. 121) since the publication of the Problem Formulation and Initial Assessment document. Several other studies also indicate the presence of CPE Cluster chemicals in U.S. wastewater (Refs. 55 and 122). One study shows low levels of TCEP in a sample from U.S. industrial laundry wastewater (Ref. 123), a potential down-the drain contributor to treatment plant effluent. Other wastewater samples in the industrial laundry study showed non-detect levels of TCEP. EPA agrees with the petitioners that these types of data may be especially useful to estimate potential contributions from down-the-drain uses to water and wastewater CPE concentrations. Hence, as the petitioners suggest, EPA could use a combination of existing occurrence data, especially effluent and influent of wastewater from municipal treatment plants (*e.g.,* U.S. effluent data and non-U.S. data) to determine or predict contributions from non-industrial and consumer uses, including the potential contribution of down-the-drain releases. EPA believes that the monitoring and effluent data described previously, as well as additional data that describes non-industrial or consumer sources to wastewater (Ref. 125) that may be identified during prioritization of the CPE Cluster for risk evaluation is likely sufficient for characterizing risk from exposures to water and wastewater and for assessing potential contributions from non-industrial and consumer down-the-drain releases of the CPE Cluster chemicals. As the petitioners point out, this approach of using existing monitoring data and especially wastewater effluent data has been used by others (*i.e.,* Environment and Climate Change Canada) to assess the potential contribution to down-the-drain releases (Ref. 2).

EPA believes that the development of analytical methods for the determination and quantification of the CPE Cluster chemicals in sampled waters and the development of a strategy for sampling effluent waters from municipal treatment plants as requested by the petitioners is not needed at this time. Analytical methods for TCEP, TCPP and TDCPP already exist as evidenced by measurements performed by the USGS and other laboratories (Refs. 119 and 120). The petition does not establish why these are insufficient. *4. Exposure from manufacturing, processing, industrial and non-industrial uses. a. Communities.* The petition does not set forth facts demonstrating that there is insufficient information available to EPA to reasonably determine or predict effects from exposure to air, soil and water in communities near manufacturing, processing, industrial and non-industrial use facilities of the CPE Cluster chemicals. The petitioners state that in the absence of facility specific Toxic Release Inventory (TRI) data, other information sources should be used to identify relevant facilities to monitor near. EPA agrees with the petitioners that other sources of information, such as Chemical Data Reporting (CDR), can be used to identify relevant facilities on which exposure estimates could be made.

Although the Problem Formulation and Initial Assessment states that chemical-specific environmental release data to air, soil and water from industrial sites could not be found (Ref. 2), EPA believes that approaches other than site-specific monitoring could be used to assess potential exposures from manufacturing, processing, industrial and non-industrial uses. EPA believes it could be reasonable to estimate or model releases from facilities and concentrations in the surrounding environments using established EPA models such as ChemSTEER, E–FAST and AERMOD. ChemSTEER is a model to estimate workplace exposure and environmental releases (Ref. 126). E–FAST is a tool to estimate concentrations of chemicals released to air, water, landfills and consumer products (Ref. 127). AERMOD is a model to estimate chemical emissions from stationary industrial sources (Ref. 128). All of these models have been extensively reviewed and validated based on comparisons with monitoring data. These modeled estimates could be compared to existing U.S. monitoring data, which is not site-specific, and non-U.S. data associated with industrial facilities to assess the modeling approaches. Monitoring data exist for the CPE Cluster chemicals. As identified in the Problem Formulation Initial Assessment, there are over 100 available monitoring studies that could be used to characterize concentrations of the CPE Cluster chemicals in various media (Ref. 2).

Air. The petition does not set forth facts demonstrating that there is insufficient information available to EPA to reasonably determine or predict effects from exposure through air in communities near manufacturing, processing, industrial and non-industrial use facilities of the CPE Cluster chemicals. Air sampling, using methods such as EPA Air Method Toxic Organics-9A (TO–9A, Determination of Polychlorinated, Polybrominated and Brominated/Chlorinated Dibenzo-p-Dioxins and Dibenzofurans in Ambient Air) (Ref. 129), in the vicinity of representative manufacturing and processing facilities, as requested by the petitioners may not be necessary. EPA could use existing approaches, such as modeling (ChemSTEER, E–FAST and AERMOD) (Refs. 126–128) along with existing data to estimate releases and air concentrations near facilities for the CPE Cluster chemicals.

The modeled data in combination with measurements of the CPE Cluster chemicals in ambient air as identified in the Problem Formulation and Initial Assessment for the U.S. and abroad (Refs. 40, 49, 130 and 131), could be used to estimate air concentrations in communities near manufacturing and processing facilities. However, the petition does not address these possibilities, let alone explain why a testing order under section 4 would be necessary at this point. EPA considers this approach to be reasonable to determine exposure to communities near manufacturing and processing facilities, but may decide to pursue targeted sampling in the future near manufacturing and processing facilities to reduce uncertainty.

Soil. The petition does not set forth facts demonstrating that there is insufficient information available to EPA to reasonably determine or predict effects from exposure through soil in communities near manufacturing, processing, industrial and non-industrial use facilities of the CPE Cluster chemicals. Soil sampling, using EPA methods, in the vicinity of representative manufacturing and processing facilities, as requested by the petitioners may not be necessary. Although the Problem Formulation and Initial Assessment stated that ''Studies of soil with measured U.S. values are not readily available'' (Ref. 2 Page 67), EPA could use a combination of models (*e.g.* ChemSTEER and AERMOD) to predict deposition to soil near facilities in conjunction with predicted environmental releases to air. The modeled data in combination with measurements of the CPE Cluster chemicals in other media such as sludge, biosolids, and effluent as identified in the Problem Formulation and Initial Assessment (Refs. 40, 55, 122, 132 and 133) could be used to estimate soil concentrations from land application of sludge and effluent. There is also a study in Germany, identified since the publication of the Problem Formulation and Initial Assessment, showing concentrations (ranging from approximately 2–20 µg/kg dry weight) of TCEP and TCPP in soil from grasslands and two urban sites (Ref. 134) which also could be evaluated for use in predicting soil concentrations in communities near manufacturing and processing facilities. However, the petition does not address these possibilities, let alone explain why a testing order under section 4 would be necessary at this point. EPA considers this approach to be reasonable to determine exposure to communities near manufacturing and processing facilities, but may decide to pursue targeted sampling in the future near manufacturing and processing facilities to reduce uncertainty.

Water. The petition does not set forth facts demonstrating that there is insufficient information available to EPA to reasonably determine or predict effects from exposure through water in communities near manufacturing, processing, and industrial and non-industrial use facilities of the CPE Cluster chemicals. Sampling studies, especially for various types of water (*e.g.,* drinking water, surface water, and ground water) may not be necessary. EPA could use existing measured chemical-specific environmental data and modeling to estimate releases and water concentrations near facilities.

For example, surface water concentrations near known facilities can be estimated using existing approaches, such as E–FAST and ChemSTEER along with estimated releases from these activities (Refs. 126 and 127). As identified in the Problem Formulation and Initial Assessment, data are available for surface water concentrations of TCEP and TDCPP from USGS NWIS as well as other studies. Surface water monitoring data for TCPP are available in the open literature (Refs. 50, 55 and 135). Groundwater concentrations near known facilities can also be characterized using models such as E–

FAST and ChemSTEER (Refs. 126 and 127).

Furthermore, groundwater data are available for TCEP and TDCPP from USGS NWIS in addition to other monitoring studies that have reported concentrations (generally ranging from non-detect to approximately 1 µg/L) for all three CPE Cluster chemicals (Refs. 65 and 136).

As with surface and groundwater, drinking water concentrations near known facilities could also be estimated from releases using modeling (*e.g.,* E–FAST and ChemSTEER). Furthermore, drinking water data from samples taken at drinking water treatment plants are available for TCPP, TCEP and TDCPP from several studies that have reported concentrations generally ranging from non-detect to approximately 1 µg/L (Refs. 14–16 and 137).

In summary, EPA could use modeled data in combination with measurements of the CPE Cluster chemicals in water to estimate water concentrations in communities near manufacturing and processing facilities. However, the petition does not address these possibilities, let alone explain why a testing order under section 4 would be necessary at this point. EPA considers this approach to be reasonable to determine exposure to communities near manufacturing and processing facilities, but may decide to pursue targeted sampling in the future near manufacturing and processing facilities to reduce uncertainty.

b and c. Workers (Industrial and Non-Industrial). The petition states that ''Occupational assessments, including biological and environmental monitoring, should be conducted in representative manufacturing, processing and industrial use facilities'' and that ''Occupational assessments based on personal monitoring should be used for non-industrial workers'' (Ref. 1).

Air Sampling. The petition does not set forth facts demonstrating that there is insufficient information available to EPA to reasonably determine or predict effects from exposure to the CPE Cluster chemicals through air for workers in manufacturing, processing, industrial and non-industrial use facilities. EPA believes that a combination of modeled data and existing data (*e.g.,* non-U.S. data for similar activities/scenarios) could be used to determine or predict effects on workers exposed to air containing the CPE Cluster chemicals in an industrial and non-industrial environment.

The CPE Problem Formulation and Initial Assessment document states that EPA's lack of toxicity data for inhalation and dermal routes of exposure as the basis for not further elaborating these exposure pathways. However, as described in Unit IV.C.1., EPA has described data and approaches that may be useful in filling these data gaps such that this may not be a critical data gap going forward. Additionally, the petitioners cited a report from the National Institute of Occupational Safety and Health (NIOSH) titled: ''Assessment of Occupational Exposure to Flame Retardants'' that aims to quantify and characterize occupational exposure routes (inhalation, ingestion, or dermal) for CPE Cluster chemicals as potentially useful for EPA to consider (Ref. 138). EPA agrees that this report appears to include a number of scenarios and measurements for which the petitioners are asking for testing and that EPA would consider any relevant information that results from this on-going study. However, the petition fails to explain how it considered worker exposure or why a testing order under section 4 would be necessary for additional information.

If measured data are not available, it is still possible to assess exposure using modelling approaches. Specifically, EPA's ChemSTEER could be used to estimate worker exposure under a number of manufacturing, processing and use scenarios (Ref. 126). In addition, EPA may be able to use air concentration information or an estimation approach for a structurally similar chemical to estimate work exposures under specific industrial or non-industrial scenarios. However, the petition does not address these possibilities, let alone explain why a testing order under section 4 would be necessary at this point. EPA considers these approaches to be reasonable to determine exposure to workers of manufacturing and processing facilities, but may decide to pursue targeted sampling in the future for workers in manufacturing and processing facilities to reduce uncertainty.

Dust Sampling. The petition does not set forth facts demonstrating that there is insufficient information available to EPA to reasonably determine or predict effects from exposure to the CPE Cluster chemicals through dust for workers in manufacturing, processing, industrial and non-industrial use facilities. EPA believes that a combination of modelling and existing data (*e.g.,* non-U.S. data) could allow EPA to determine or predict effects on workers exposed to dust containing the CPE Cluster chemicals in an industrial and non-industrial environment.

EPA believes the approaches described earlier, Unit IV.C.4.b. and c. regarding Air Sampling, are sufficient to characterize exposures to workers at manufacturing or processing facilities from exposure to dust. Sampling of settled dust (surface wipe and bulk sampling) using the OSHA Technical Manual (Ref. 139), as requested by the petitioners, may not be necessary. During Problem Formulation and Initial Assessment, EPA stated that inhalation and dermal exposure were the primary routes of occupational exposure for the CPE Cluster chemicals. Presence of the CPE Cluster chemicals in settled dust may indicate additional dermal and ingestion exposures are possible. However, surface wipe sampling does not provide a direct estimate of dermal or ingestion exposure. Surface wipe sampling would need to be combined with information on transfer efficiency between the surface, hands, and objects as well as the number of events to estimate exposures from ingestion (Ref. 140).

EPA notes that in the ongoing NIOSH study (Ref. 138) surface wipe sampling is not included, which provides support for the conclusion that settled dust is not a customary measure for occupational exposure. Furthermore, EPA would use any information generated from the NIOSH study considered relevant for this exposure pathway.

Biomonitoring. EPA believes the approaches described previously are sufficient to characterize exposures to workers at manufacturing or processing facilities from external doses/concentrations. The biomonitoring data collected following the protocols of the ongoing NIOSH study or other peer-reviewed studies, as requested by the petitioners, is not needed. EPA would, however, consider any data or information generated from the NIOSH study deemed to be relevant and applicable for discerning exposures from all exposure routes. *5. Exposures from recycling.* The petition does not set forth facts demonstrating that there is insufficient information available to EPA to reasonably determine or predict effects to communities and workers specifically located at or near facilities that recycle the CPE Cluster chemical-containing products. EPA believes that the approaches requested by the petitioners to measure exposure to the CPE Cluster chemicals from recycling facilities may not be needed. These are the same approaches referenced in Unit IV.C.4.a.b. and c. EPA did not include in the Problem Formulation and Initial Assessment a search for data associated with the recycling of the CPE Cluster chemicals. Going forward, EPA would initiate a comprehensive search of

available data. EPA could then assess the nature of the data, including those cited by the petitioners (Refs. 141–143) to determine feasibility of conducting an assessment. For example, the following could inform development of exposure scenarios for recycling facilities within the United States:

a. The number and location of recycling facilities in the United States;

b. The types and volumes of products that are accepted by these sites; and

c. the recycling and disposal methods employed at these facilities.

With such information, the recycling processes used in the U.S. could potentially be assessed. However, the petition does not address this possibility, let alone explain why a testing order under section 4 would be necessary on this point.

EPA also notes that the NIOSH study (Ref. 138) may inform occupational exposures from recycling facilities and could be considered in an occupational assessment of CPE Cluster chemicals. EPA also notes that the settled dust sampling and biomonitoring data, as requested by the petitioners, may not be the most appropriate data to collect for the reasons provided previously in Unit IV.C.4.b. and c. EPA would consider any data or information generated from the NIOSH study deemed to be relevant and applicable for discerning exposures from all exposure routes. *6. Exposure from disposal.* The petition does not set forth facts demonstrating that there is insufficient information available to EPA to reasonably determine or predict effects to communities and workers specifically located at or near facilities that dispose of CPE Cluster chemical-containing products. EPA believes that the approaches requested by the petitioners to measure exposure to the CPE Cluster chemicals from disposal facilities may not be needed. These are the same approaches referenced in Unit IV.C.4.a.b. and c. EPA did not include in the Problem Formulation and Initial Assessment a search for data associated with the disposal of the CPE Cluster chemicals. Going forward, EPA would initiate a comprehensive search of available data. EPA could then assess the nature of the data to determine feasibility of conducting an assessment. For example, the following could inform development of exposure scenarios for recycling facilities within the United States:

a. The number and location of recycling facilities in the United States;

b. The types and volumes of products that are accepted by these sites; and

c. The recycling and disposal methods employed at these facilities.

With such data or information, the recycling processes used in the U.S. could potentially be assessed. However, the petition does not address this possibility, let alone explain why a testing order under section 4 would be necessary at this point.

EPA also notes that the NIOSH study (Ref. 138), may inform occupational exposures from disposal facilities and could be considered in an occupational assessment of the CPE Cluster chemicals. EPA also notes that the settled dust sampling and biomonitoring data, as requested by the petitioners, may not be the most appropriate data to collect for the reasons provided previously in Unit IV.C.4.b. and c., but that EPA would consider any data or information generated from the NIOSH study deemed to be relevant and applicable for discerning exposures from any/all exposure routes. *7. Exposures of birds, wildlife and sediment organisms.*

Terrestrial organism toxicity. The petition does not set forth facts demonstrating that there is insufficient information available to EPA to reasonably determine or predict CPE Cluster chemicals' effects to terrestrial organisms. The avian toxicity test (OCSPP 850.2100: Avian Acute Oral Toxicity Test) (Ref. 144) as requested by the petitioners is not necessary. Although the Problem Formulation and Initial Assessment previously stated that there was limited ability to quantify risks because of a lack of monitoring data and hazard endpoints (Ref. 2), studies have been identified since the publication of the Problem Formulation and Initial Assessment document including a study by Fernie et al. (2013) measuring toxicity of all three CPE Cluster chemicals to American Kestrels (Ref. 145) using a modified Avian Dietary Toxicity Test (OCSPP 850.2200) (Ref. 146), and a study on the toxicity of TCEP to hens (Ref. 147).

EPA considers the three chemicals in the CPE Cluster to have similar hazard profiles from an ecological perspective and hence, read-across, in which data for one structurally similar chemical can be used to assess the toxicity of another, could be appropriately applied. EPA's conclusion regarding this approach is supported by its use in risk assessments performed by the European Union (Refs. 96, 97 and 148). Collectively, the available data could be used to determine or predict the effects of the CPE Cluster chemicals on terrestrial organism, specifically birds, from repeated exposures.

Furthermore, EPA's use of available existing toxicity information reduces the use of vertebrate animals in the testing of chemical substances in a manner consistent with provisions described in TSCA section 4(h).

Soil/Sediment dwelling organisms. The petition does not set forth facts demonstrating that there is insufficient information available to EPA to reasonably determine or predict the CPE Cluster chemicals' effects to soil/sediment dwelling organisms. The Earthworm Subchronic Toxicity Test (OCSPP 850.3100) (Ref. 152) as requested by petitioners is not needed. Although the Problem Formulation and Initial Assessment states that data was not available to characterize risk for sediment dwelling organisms (Ref. 2), adequate sediment toxicity studies exist for TDCPP and this data could also be used to evaluate and characterize the effects of the other CPE Cluster chemicals to sediment dwelling organisms using read-across. There are chronic toxicity studies on three sediment-dwelling species, *Chironomus riparius* (midge), *Hyallela Azteca* (amphipod) and *Lumbriculus variegatus* (oligochaete) (Refs. 150–152). Since publication of the Problem Formulation and Initial Assessment, EPA identified additional data on soil/sediment dwelling organisms that could be used to assess risks to these organisms (Refs. 153–155).

EPA considers the three chemicals in the CPE Cluster to have similar hazard profiles from an ecological perspective and hence, read-across, in which data for one structurally similar chemical can be used to assess the toxicity of another, could be appropriately applied. EPA's conclusion regarding this approach is supported by its use in risk assessments performed by the European Union (Refs. 96, 97, and 148). Collectively, the available data could be used to determine or predict the effects of the CPE Cluster chemicals on soil/sediment dwelling organisms.

Plant toxicity. The petition does not set forth facts demonstrating that there is insufficient information available to EPA to reasonably determine or predict the CPE Cluster chemicals effects on plants. The Early Seedling Growth Toxicity Test (OCSPP 850.4230) (Ref. 156) as requested by the petitioners is not needed. Since publication of the Problem Formulation and Initial Assessment document, EPA identified data on the toxicity to terrestrial plants from TDCPP (Ref. 157), TCEP (Ref. 158) and TCPP (Ref. 159). The data could be used to determine or predict the effects of the CPE Cluster chemicals on plants.

8. *EPA's conclusions.* EPA denied the request to issue an order under TSCA section 4 because the TSCA section 21 petition does not set forth sufficient

facts for EPA to find that the information currently available to the Agency, including existing studies (identified prior to or after publication of EPA's Problem Formulation and Initial Assessment) on the CPE Cluster chemicals as well as alternate approaches for risk evaluation is insufficient to permit a reasoned determination or prediction of the health or environmental effects of the CPE Cluster chemicals at issue in the petition nor that the specific testing the petition identified is necessary to develop additional information, as elaborated throughout Unit IV. of this notice.

Furthermore, to the extent the petitioners request vertebrate testing, EPA emphasizes that future petitions should discuss why such testing is appropriate, considering the reduction of testing on vertebrates encouraged by TSCA section 4(h), as amended.

V. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

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List of Subjects in 40 CFR Chapter I

Environmental protection, Flame retardants, Hazardous substances, chlorinated phosphate ester cluster.

Dated: April 6, 2017.

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[FR Doc. 2017–07404 Filed 4–11–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 10–51 and 03–123; FCC 17–26]

Structure and Practices of the Video Relay Services Program

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seeks comment on establishing performance goals and service quality metrics to evaluate the efficacy of the video relay service (VRS) program and on the incidence of ''phony'' VRS calls and the handling of such calls. The Commission also proposes a four-year plan for VRS compensation and rule amendments to permit server-based routing of VRS and point-to-point video calls, provide safeguards regarding who may use VRS at enterprise and public videophones, allow customer service support centers to access the Telecommunications Relay Service (TRS) Numbering Directory for direct video calling, and make a technical change to per-call validation requirements. The Commission also seeks comment on whether to continue including research and development in the TRS Fund budget, prohibit non-service related inducements to register for VRS, and prohibit the use of non-compete provisions in VRS communications assistant (CA) employment contracts.

DATES: For VRS compensation rates, server-based routing, and research and development, comments are due April 24, 2017, and reply comments are due May 4, 2017. For performance goals and service quality metrics, the incidence and handling of ''phony'' VRS calls, VRS use of enterprise and public videophones, direct video calling customer support services, per-call validation procedures, non-service related inducements, and non-compete provisions in VRS employment contracts, comments are due May 30, 2017, and reply comments are due June 26, 2017.

ADDRESSES: You may submit comments, identified by CG Docket Nos. 10–51 and 03–123, by any of the following methods:

• *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS), through the Commission's Web site *http://apps.fcc.gov/ecfs/.* Filers should follow the instructions provided on the Web

site for submitting comments. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and CG Docket Nos. 10–51 and 03–123.

• *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

For detailed instructions for submitting comments and additional information on the rulemaking process, *see* the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Bob Aldrich, Consumer and Governmental Affairs Bureau (202) 418–0996, email *Robert.Aldrich@fcc.gov,* or Eliot Greenwald, Consumer and Governmental Affairs Bureau, (202) 418–2235, email *Eliot.Greenwald@fcc.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 47 CFR 1.415 and 1.419, interested parties may file comments on or before the dates indicated in the **DATES** section. Comments may be filed using the Commission's ECFS. *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

• All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

• Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

• U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington DC 20554.

This is a summary of document FCC 17–26, *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* Notice of Inquiry and Further Notice of Proposed Rulemaking, document FCC 17–26, adopted on March 23, 2017, and released on March 23, 2017, in CG Docket Nos. 10–51 and 03–123. The Report and Order and Order, FCC 17–26, adopted on March 23, 2017, and released on March 23, 2017, will be published elsewhere in a later issue. The full text of document FCC 17–26 will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. 47 CFR 1.1200 *et seq.* Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with 47 CFR 1.1206(b). In proceedings governed by 47 CFR 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to: *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (844) 432–2272 (videophone), or (202) 418–0432 (TTY).

Initial Paperwork Reduction Act of 1995 Analysis

Document FCC 17–26 seeks comment on proposed rule amendments that may result in modified information collection requirements. If the Commission adopts any modified information collection requirements, the Commission will publish another notice in the **Federal Register** inviting the public to comment on the requirements, as required by the Paperwork Reduction Act. Public Law 104–13; 44 U.S.C. 3501–3520. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, the Commission seeks comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees. Public Law 107–198; 44 U.S.C. 3506(c)(4).

Synopsis

Notice of Inquiry on Service Quality Metrics for VRS

Performance Goals

1. The Commission seeks comment on appropriate performance goals for the VRS program. 47 U.S.C. 225 requires the Commission to ensure, to the extent possible, the availability to people with disabilities of telephone services that are functionally equivalent to services used by individuals who do not need TRS. The Commission seeks comment on whether establishing performance goals that align with this requirement is appropriate for VRS. The Commission believes that the mandate for VRS to be functionally equivalent to voice telephone services requires levels of service that are equivalent to those experienced in mainstream wireless, wireline, and voice over Internet protocol (VoIP) communication calls between and among hearing persons. In this regard, the Commission notes that a policy statement submitted by various Consumer Groups in April 2011 proposes to define functional equivalence generally for all forms of TRS as follows:

> Persons receiving or making relay calls are able to participate equally in the entire conversation with the other party or parties and they experience the same activity, emotional context, purpose, operation, work, service, or role (function) within the call as

if the call is between individuals who are not using relay services on any end of the call.

The Commission seeks comment on the extent to which this is an appropriate definition of functional equivalence for the purpose of defining performance goals and service quality metrics.

2. The Commission also seeks comment on whether other goals are appropriate for assessing the VRS program and VRS provider performance. For example, should VRS performance goals also mirror the Commission's statutory obligations to ensure that TRS is provided ''in the most efficient manner,'' and to encourage ''the use of existing technology and . . . not discourage or impair the development of improved technology?'' Should the cost-effective provision of VRS be included in VRS performance goals, either as a component of the efficient provision of VRS or as a separate goal?

3. The Commission seeks comment on how the use of mainstream and off-the-shelf technologies that do not rely on VRS can serve the communications needs of individuals who are deaf, hard of hearing, deaf-blind, or have speech disabilities. For example, people who use sign language are now able to communicate directly with each other via video over broadband and cellular networks; and electronic messaging services, such as email, short messaging service (SMS), instant messaging (IM), and chat, allow people to use these networks to communicate in text. In addition, the Commission expects some wireless providers to be rolling out real-time text (RTT) by the end of this calendar year. The Commission asks commenters to address the types of circumstances when such services can be used to provide effective communication for these individuals. What steps, if any, should the Commission be taking to provide such direct communication solutions? Alternatively, are there certain situations where such services would fall short of functional equivalency for the signing population? To what extent can these direct video or text alternatives be used for calls made to businesses and other parties, such as doctors' offices, schools, stores, family members, and colleagues? What are the potential cost-savings to the TRS Fund resulting from the use of such non-VRS technologies?

Performance Measures

4. The Commission seeks comment on whether the derivation of data used to measure VRS service quality should be overseen by the TRS Fund administrator or otherwise developed through contractual or similar arrangements with independent third parties selected by the Commission. The Commission believes that the establishment of estimates and calculations resulting from performance measures will have greater efficacy if the measurements and reports of results are conducted independently, *i.e.,* not by the regulated entities. The Commission also seeks comment on whether to publish the metrics achieved for each provider, as it appears likely that making the results of these measurements available to the public in a standard format will aid users in their selection of VRS providers. Finally, the Commission seeks comment on the merits of developing a system by which VRS users can rate the quality and performance of VRS calls, which would be based on the metrics discussed below and shared publicly to improve competition.

5. To measure functional equivalence, the Commission seeks specific comment on whether to use the following metrics: (1) Quality and accuracy of interpretation; (2) technical voice and video quality; (3) interoperability and portability; (4) percentage and frequency of dropped or disconnected calls; and (5) service outages.

6. *Quality and Accuracy of Interpretation.* The Commission seeks comment on how interpretation quality can be effectively measured to assess functional equivalence. A key element of interpretation quality is accuracy, *i.e.,* the extent to which the information conveyed by one party to a VRS call accurately matches the communication conveyed by the CA to the other parties to that call. How should accuracy be measured? What metrics and methods are currently used to evaluate VRS interpreters, *e.g.,* for purposes of certification or evaluation during interpreter training? Are there relevant metrics and methods used by spoken language translators that could be effectively applied to evaluate the accuracy of VRS interpretation? For example, for any given call, can accuracy be measured by comparing the signs of the American Sign Language (ASL) user and words of the hearing person—as each are delivered to the CA—to the words spoken and signs made by the CA? Given that interpretation of ASL to English is often a matter of conveying concepts rather than word-for-word translation, how can an appropriate comparison between the signs produced by ASL users be effectively compared to the words relayed by the CA to produce an effective accuracy percentage? Unlike speech-to-text transcription, interpretation accuracy may be difficult to evaluate on a word-by-word basis because the grammar and word usage differ between ASL and spoken languages such as English or Spanish. How can the Commission account for such differences in taking accuracy measurements? Are there scales similar to the voice five-step mean opinion score (MOS) metrics? MOS scores are used to rate the user-perceived quality and listening effort on a five point scale, such as ''excellent-good-fair-poor-bad,'' as defined in ITU–T Recommendation P.800.

7. Should the Commission adjust accuracy measurements for certain kinds of calls, such as calls to 911 or calls where a skills-based or deaf interpreter is utilized? More broadly, what tools should the Commission use to measure the accuracy of VRS calls given that measurements may be unreliable without access to both sides of the conversation? Should test calls, *e.g.,* by independent third parties, using sample scripts, be employed to evaluate the accuracy of interpretation? Alternatively, should independent third parties be permitted to monitor unscripted calls for the purpose of measuring interpretation quality, and under what conditions to protect privacy and confidentiality? The Commission's rules presently prohibit providers from retaining records of the content of any conversation beyond the duration of a call. Are there real-time or other methods that can be used to measure the accuracy of calls consistently with this prohibition? Or should an exception be permitted for purposes of ensuring call quality? For example, should the Commission require providers to record a statistically valid sample of calls? Should the Commission use anonymous callers to make and record call interactions for later analysis by experts? How many calls would be appropriate for either of these methods? How should the Commission address the confidentiality concerns of VRS users if recordings are used in this process?

8. The Commission also seeks comment on whether and how to measure the synchronicity of interpreted communications taking place during a VRS call. Although the Commission recognizes that there is necessarily some delay during relay calls and inherent time lag involved in interpretation, these delays should be kept to a minimum and signing should begin to appear at the approximate time that the corresponding speech begins and end approximately when the speech ends. The Commission seeks comment on whether there are existing metrics, *e.g.,* for non-ASL language interpreters,

that might be used for this purpose. Are there studies that indicate what kind of delay is acceptable for fluid conversation? Does the interpretation delay vary significantly among CAs such that there is a need to determine this measurement? To what extent should this metric be measured by independent third parties?

9. Are there other metrics that the Commission should use to evaluate interpreter quality and accuracy? How effectively will such metrics assess the extent to which functional equivalence is being attained and what methods can be used to measure these?

10. *Technical Voice and Video Quality.* What metrics should be assigned to evaluate the technical quality of VRS as a component of functional equivalence? What are the key parameters of a VRS provider's audio and video communication service, and how should they be measured, evaluated, and published? Should providers disclose whether they interconnect with their telecommunication service provider in high definition (HD) audio? To what extent is this capability needed for functionally equivalent VRS communications, and what metrics can be used to measure this feature?

11. *Interoperability.* To enhance the ability of the Commission and consumers to evaluate the extent of the interoperability that is achieved by VRS providers, the Commission seeks comment on the most appropriate metrics and measurement methods for quantitatively assessing interoperability. For example, is there a means of quantifying the interoperability of various types of user-visible functions, such as the connection of calls, video mail and address books, or technical protocol features such as call setup, codecs, system configuration, end-to-end security and registration that could fail to interoperate as a result of noncompliance?

12. *Dropped or Disconnected Calls.* The Commission next seeks comment on whether it would be appropriate to track and measure the percentage and frequency of ''dropped'' or disconnected VRS calls as an indicator of service quality and functional equivalence, and how such data should be compared with dropped or disconnected telephone calls made over mainstream voice networks. Should such metrics be collected through user feedback or test calls or by analyzing provider logs? Is it possible to distinguish call drops that occur due to disruptions in the Internet connectivity of the VRS user from call drops caused by the VRS provider or deficiencies in the VRS user software or hardware? Are there metrics and measurement methodologies used in wireless or wired networks that can be used for VRS? The Commission further seeks comment on how such data should be collected.

13. *Service Outages.* In general, to achieve functional equivalence, the Commission believes that the frequency and extent of VRS service outages and interruptions should not exceed that of outages and interruptions occurring on transmission services used by hearing people. The Commission seeks comment on this assumption. The Commission seeks comment on an appropriate metric to measure functional equivalence in this regard.

14. *Other Metrics.* The Commission seeks further comment on other concrete, measurable metrics it could employ to measure the quality of service among VRS providers. Commenters should address, with specificity, what should be measured, how it should be measured, and how often it should be measured, along with any estimated costs of such measurements.

Phony VRS Calls

15. The Commission has received anecdotal evidence of calls made to VRS CAs that are not made for the purpose of communicating with a third party, but rather for the sole purpose of harassing or threatening a CA. The Commission seeks comment on the extent to which such calls occur, as well as the incidence of other types of ''phony'' VRS calls, for example, those that involve scams or spoofing. The Commission seeks comment on how such calls should be handled and on action that should be taken by the Commission to effectively address such calls.

16. On a related matter, the Commission notes that in the past, the Commission received reports that text-based Internet Protocol (IP) Relay was being used to commit ''swatting,'' *i.e.,* individuals were using IP Relay to hide their identities in order to place calls to 911, in an attempt to trick public safety answering points into dispatching emergency services based on false reports. The Commission is unaware of similar incidents of swatting through VRS, but the Commission invites commenters to share reports of any such occurrences, as well as recommendations on how to address such incidents.

Further Notice of Proposed Rulemaking

VRS Compensation Rates

17. In 2007, the Commission adopted a tiered VRS compensation rate structure in order to reflect likely cost differentials between small, mid-level, and large, dominant providers. In 2013, having determined that VRS compensation rates for all the rate tiers were substantially in excess of providers' actual costs, the Commission adopted a transitional four-year ''glide path'' of compensation rate adjustments in lieu of a more immediate reduction to cost-based levels, in order to assist providers in adjusting to cost-based rates. The Commission's four-year rate plan established gradual per-minute VRS rate reductions every six months, from July 1, 2013, through June 30, 2017. The Commission also reassessed the use of a tiered compensation structure. The Commission decided that, to encourage the provision of VRS in the most efficient manner, the gap between the highest and lowest tiered rates would be reduced over time. Upon the completion of certain structural reforms, which the Commission expected to occur before the expiration of the four-year plan, the Commission contemplated moving to a unitary compensation rate for all minutes, which the Commission hoped to set based on pricing benchmarks developed through competitive bidding for the provision of various elements of VRS. On March 1, 2016, after considering a petition by all six certified VRS providers urging an interruption of the scheduled compensation rate adjustments, the Commission adopted a temporary ''freeze'' of the compensation rates of the smallest VRS providers—those handling 500,000 or fewer monthly minutes. On December 20, 2016, Convo, Purple, and ZVRS submitted a joint VRS compensation proposal to the Commission, and on January 31, 2017, Global joined in this proposal. They propose a four-year VRS rate plan with the following per-minute rates: $5.29 for providers with 500,000 or fewer monthly minutes (''emergent rate''); $4.82 for other providers' first 1,000,000 VRS minutes (Tier I); $4.35 for a provider's monthly minutes between 1,000,001 and 2,500,000 (Tier II); and $2.83 for a provider's monthly minutes in excess of $2,500,000 (Tier III).

18. The Commission's last four-year plan was successful in lowering the cost of VRS by $35.7 million in FY2013, $86.7 million in FY2014, $131.3 million in FY2016, and $90.4 million in the first half of FY2017. This gradual reduction in rates has driven VRS providers to provision their services more efficiently. The weighted average per-minute cost for providing service has declined from $3.09 in 2012 (before the rate plan

became effective) to $2.63 today. However, the VRS market structure has seen little change, in part because the structural reforms the Commission envisioned in 2013 have been slow to arrive. Thus, the Commission believes its previous four-year plan was too optimistic in assuming that rates for all VRS providers could start to converge in FY2016, as indicated by the Commission's decision to freeze small-provider compensation rates in 2016. Indeed, Rolka Loube reports that four of the five providers continue to incur per-minute costs that are higher than the weighted average per-minute cost of providing VRS.

19. Given these circumstances, the Commission believes that maintaining a tiered rate structure continues to be necessary to allow smaller providers a reasonable opportunity to continue providing service. Having analyzed the cost data reported by Rolka, as well as recent data submissions from four of the providers, the Commission believes another four-year plan best balances the need to minimize the cost of service for ratepayers, maintain competition in the marketplace pending further structural reforms, reflect the differing costs of differing providers, and give VRS providers the long-term stability in rates to make investment decisions. The Commission proposes that this four-year period run from July 1, 2017 to June 30, 2021, and sets forth a proposed restructuring of rates and tiers for this period below. Like the Joint VRS Providers, the Commission believe three tiers plus a rate for ''emergent'' VRS providers are appropriate for this purpose.

20. The Commission seeks comment on this overall approach. To what extent are the goals of functional equivalence and efficiency served by maintaining a tiered rate approach during an additional four-year transitional rate period? For instance, is the VRS industry characterized by sufficient economies of scale to warrant tiered rates? Which components of a VRS provider's costs are and are not subject to significant economies of scale and how do such scale economies affect provider costs at various levels of demand? Do considerations other than scale economies, such as the benefits of allowing consumer choice among a diversity of providers, justify tiered rates? What marketplace distortions, if any, may be created if tiers boundaries are not closely correlated to scale economies, and how should such distortions, as well as the inefficiencies that may result from a tiered structure, be weighed against the benefits of enabling competition by multiple providers? What marketplace distortions, if any, could result from moving to a single unitary compensation rate? Is there an alternative tiered structure to that proposed below that would strike a more appropriate balance between efficiency and competition?

21. The Commission also seeks comment on the following proposals. First, given that the Commission's current rate plan sets the same rate for the first 500,000 minutes of larger providers and the next 500,000 minutes, the Commission proposes to redefine Tier I to include the first 1,000,000 minutes as suggested by the Joint VRS Providers. Second, the Commission agrees with the Joint VRS Providers that economies of scale continue to increase significantly for VRS providers with more than 1,000,000 monthly minutes. In line with the suggestion of the Joint VRS Providers, the Commission proposes to draw the line between Tiers II and III at 2,500,000 monthly minutes. Third, the Commission agrees with the Joint VRS Providers that an emergent rate for the smaller, new entrants is appropriate given the slow onset of structural reforms to encourage competition and interoperability. An emergent rate also reflects the Commission's previous decision to freeze the rates for this class of providers on a temporary basis, and generally the higher cost of service for new entrants in the market. The Commission proposes to apply this emergent rate to VRS providers with no more than 500,000 monthly minutes as of January 1, 2017, and to maintain this rate for the first 500,000 monthly minutes of such providers through the end of this four-year rate plan. Structuring the emergent rate in this way should encourage new entry into the program and give small providers appropriate incentives to grow without risking a sudden reduction in rates if they grow above the 500,000 monthly minute threshold.

22. The Commission proposes to adjust the rates for each of these tiers through several steps, at six-month intervals as in the current rate plan. First, the Commission seeks comment on rates for the initial period of the four-year rate plan. For emergent providers, the Commission seeks comment on whether to increase the rate to $5.29 as proposed by the Joint VRS Providers or to maintain the $4.82 rate that is set to be in effect in June. For Tier I, the Commission seeks comment on whether to increase the rate to $4.82, as proposed by the Joint VRS Providers, or to maintain the current $4.06 rate. For Tier II, the Commission seeks comment on whether to increase the rate to $4.35 as proposed by the Joint VRS Providers or to maintain the current $3.49 rate. For Tier III, the Commission seeks comment on whether to maintain the current $3.49 rate or decrease it to the $2.83 rate proposed by the Joint VRS Providers. The Commission also invites parties to submit other suggested rate levels for each tier, with justification and supporting data.

23. Next, the Commission seeks comment on rates for the final period in the four-year rate plan. For emergent providers, the Commission seeks comment on whether to set a $5.29 rate as proposed by the Joint VRS Providers, a $4.82 rate reflecting the rate that is set to be in effect in June, or a $4.06 rate based on the current Tier I rate. For Tier I, the Commission seeks comment on whether to set a $4.82 rate as proposed by the Joint VRS Providers, a $4.06 rate based on the current Tier I rate, or a rate of $3.74 based on the historical costs of providers achieving only some economies of scale plus an operating margin, or a rate of $3.49 based on the current Tier II rate. For Tier II, the Commission seeks comment on whether to set a $4.35 rate as proposed by the Joint VRS Providers, a rate of $3.49 based on the current Tier III rate, or a rate of $3.08 based on the historical costs of providers achieving significant economies of scale plus an operating margin. For Tier III, the Commission seeks comment on a $3.49 rate based on the current Tier III rate, a $2.83 rate as proposed by the Joint VRS Providers, and a $2.63 rate based on average historical expenses for all providers. The Commission also invites parties to submit other suggested rate levels for each tier, with justification and supporting data.

24. For each six-month period between the initial and final periods, the Commission proposes to apply transitional rates that gradually transition the rates the Commission proposes for the initial period to the final rates that will apply in the first half of 2021. By definition, the larger the difference between initial and final rates, the greater the transitional step taken every six months.

25. The Commission notes that providers have long argued that, because substantial plant investment is not necessary to provide VRS, a rate-of-return allowance based on the telephone industry model is inadequate to generate sufficient profits to attract significant long-term investment in VRS companies. As such, providers have argued that an 11.25% rate-of-return on net capital investment is insufficiently compensatory. The Commission also

notes that the Commission has recently reconsidered whether an 11.25% rate-of-return is reasonable given the current financial and economic environment and, in 2016 determined that a lower range of 7.12–9.75% is instead reasonable. The Commission seeks comment on whether to adopt that lower range of rates-of-return if the Commission maintains a rate-of-return approach to cost calculations. To respond to the VRS providers' concern, however, the Commission also seeks comment on eschewing the traditional rate-of-return calculation and instead employing an operating margin approach with that same range of 7.12–9.75%.

26. The Commission further notes that the average weighted per-minute cost for the industry is $2.63 in 2015, or $2.82–2.89 if the Commission includes an operating margin. Excluding any VRS provider with significantly more than 1,000,000 monthly minutes, average weighted per-minute costs in 2015 were more than $1.00 higher. The Commission further notes that for the VRS industry as a whole, total compensation for calendar year 2015 was $563,069,736, while the total cost of service plus an operating margin was only $360,197,998 to $369,041,545. Given the large gap between total compensation for VRS providers and the total cost of service plus an operating margin, the Commission tentatively concludes that any new rate schedule it adopts should result in a smaller gap than freezing rates in June 2017 for a four-year period. The Commission seeks comments on this analysis and this tentative conclusion, and their implications for setting rates during the four-year term. Although the Commission seeks comment on the possible substitution of an alternative approach, such as described above, for the current rate-of-return allowance, the Commission does not intend to reopen questions that would expand the types of expenses that should be included in allowable costs.

27. In setting rates, the Commission is not required to guarantee all providers that they will recover their allowable costs—the purpose of the tiered rate structure has been to set rates for providers in discrete size classes based on general differentials between large, medium-sized, and small providers, not to guarantee all providers recovery of their individual costs. Although the Commission seeks to preserve a diversity of suppliers in the market, the Commission is not required to ensure the viability of every VRS competitor, no matter how inefficient.

28. Despite the past four years of significant reductions in compensation rates, VRS providers apparently continue to give out iPads, video monitors, and state-of-the-art videophones to customers in order to secure their default VRS traffic. To the extent that a VRS provider engages in such behavior, it would appear to confirm that the marginal compensation rate for that provider continues to be well above the provider's marginal cost of serving additional customers, and remains above the marginal cost even including the per-minute cost of the giveaways offered to gain those customers' traffic. The continuation of such wasteful and disruptive marketing tactics seems to confirm the importance of bringing the rate for each tier as close as possible to the marginal per-minute cost of the affected firms. The Commission seeks comment on what proposed rates would be a step in that direction.

29. The Commission seeks comment on these proposed service tiers, the suggested alternatives for initial and final compensation rates, and the proposed schedule of rate reductions. Should the Commission collapse the tiers to reduce the possible overpayment of some providers or expand them further to reflect the differing costs of service as VRS providers scale up? What are the most appropriate initial rates to begin the further transition to cost-based levels? What are the most appropriate final rates to ensure that providers are neither over- nor under-compensated? Is the proposed transition schedule too fast or too slow? What is the likely impact of various alternative rate levels on the competitiveness of the VRS market? What is the likely impact on the quality of service to consumers?

30. The Commission also seeks comment on any other factors the Commission should consider in setting compensation rates for this four-year period. For example, what, if any, categories of costs should providers be able to recover as exogenous costs (including consideration of improved services discussed elsewhere in this proceeding), and how should the Commission ensure that such costs are adequately documented and that providers do not incur such costs imprudently? Are there marketplace benchmarks, such as rates paid for video remote interpreting (VRI), that could serve as a benchmark against which the Commission could determine the reasonableness of proposed VRS compensation rates? If so, what are such benchmarks and how should the Commission factor them into VRS rates? Further, should the Commission impose an auditing requirement on any companies that seek to qualify for the emergent provider rate? The Commission notes that some very small providers have reported costs well above compensable rates for multiyear periods, yet have continued to offer VRS—a circumstance that appears inconsistent with the behavior of a rational firm. Conditioning the emergent provider rate on an audit to determine whether improper cost allocation is occurring may be one means of ensuring that the cost data reported actually reflects the incremental costs of a business to offer VRS alongside its other marketplace offerings.

31. Further, should the Commission make any of the proposed initial rates that are higher than current rates retroactive to January 1, 2017, as proposed by the Joint VRS Providers? On a number of prior occasions, the Commission has applied adjustments, including changes in TRS compensation rates and contribution factors, retroactively to the beginning of a Fund Year. Are retroactive adjustments appropriate here? If so, for which rates and based on what specific justification? For example, in what way is such retroactive compensation relevant to providers' ability to recover their costs and attract investment on a going-forward basis?

32. Although the proposed approach contains elements of a price-cap regime—because rates are not directly tied to, and tend to lag, costs—the Commission also seeks comment on a price-cap approach. First, the Commission seeks comment on whether the Commission should initialize rates for each carrier based on its own historical costs, as the Commission did when it created price-cap regulation over two decades ago. Second, the Commission seeks comment on whether it should apply a productivity factor and an inflation factor to such price-caps over the course of the four-year term. If the Commission was to adopt this approach, would that cause greater striation in rates and costs among VRS providers? Would a price-cap regime give carriers sufficient incentive to reduce costs? Would such a regime reduce the compensation paid for the service closer to its costs? Would such a regime unfairly penalize more efficient providers? How should the Commission set a productivity factor (would it be based on industry-wide efficiencies or company-by-company)? How complicated would it be to establish and administer a price-cap regime? If the Commission declines to adopt such a regime, should the Commission nonetheless apply productivity and

inflation factors to rates the Commission adopt under the proposed approach?

33. Sorenson also suggests that the Commission set rates for individual components of VRS based on pricing benchmarks developed through competitive bidding. The Commission notes that the proposal in the *2013 VRS Reform FNPRM,* published at 78 FR 40407, July 5, 2013, was premised on developing a neutral video communications service platform. The Commission previously canceled that procurement. In light of the general lack of industry interest in the neutral video communications services platform, the Commission seeks comment on whether it would be productive for the Commission to request new bids for such a platform. Absent a showing that the Commission should request new bids, the Commission proposes to repeal the provisions of its rules relating to it. Providers and other parties that believe the Commission should proceed with its original plan to develop this platform should explain why they believe its build-out is necessary to achieve the goals of functional equivalence and efficiency under section 225 of the Act, as well as the extent to which VRS providers would commit to utilizing such a platform. If the Commission does decide to pursue a neutral platform, the Commission seeks comment on whether the use of competitive bidding to set rates for other services would make sense. What would be the impact of moving toward a piece-part system of compensation on VRS providers? Would there remain sufficient competitive bidding prospects to ensure an efficient auction given the rise of direct connections at federal agencies and other entities that have historically received a large number of VRS calls?

34. Alternatively, Sorenson asks that the Commission seek comment on employing a reverse auction approach to set rates based on a modified version of the electricity supply auctions authorized by the Federal Energy Regulatory Commission. Under this suggested approach, the Commission would determine how many VRS providers are needed to provide sufficient competitive choices for users and then would seek bids from each potential VRS provider on the per-minute rate of compensation each will accept for the provision of VRS. Compensation would be paid to all winning providers at the highest rate bid by the winners, *i.e.,* the rate bid by the last bidder whose bid was accepted. How many providers would be sufficient under this approach? If less than the total number of VRS providers currently in the market, how would the reduction in choice and competition affect VRS users? If equal to the total number of VRS providers currently in the market, would that be considered an auction at all? How would such an approach address the apparent economies of scale and scope within the VRS market, ensuring that no VRS provider receives an unjust windfall? Would such an approach increase—perhaps substantially—the cost of VRS service to ratepayers? Would such an approach prohibit new entry into the VRS market during the rate period? Would such an approach be less ''regulatory,'' as Sorenson suggests?

35. As another alternative, Sorenson suggests replacing the TRS Fund with a system under which telecommunications carriers would provide service themselves or by contracting with TRS providers, pursuant to the provision of section 225 of the Act that requires carriers to provide service directly or ''through designees, through a competitively selected vendor, or in concert with other carriers.'' 47 U.S.C. 225(c). This approach would thus entail revisiting the Commission's earlier determination that VRS should not be a ''mandatory'' service for common carriers. The Commission seeks comment on the feasibility, costs, and benefits of migrating to a system in which VRS—as well as, perhaps, other forms of TRS—would be provided by carriers, through private contracts or self-provisioning, rather than through the FCC-administered TRS Fund. How would such an approach be likely to affect the provision of functionally equivalent service in the most efficient manner, and could it be done consistently with the requirements of section 225 of the Act? In addition, are there any other relevant statutory provisions that would inform our consideration of Sorenson's suggestion?

Server-Based Routing

36. In August 2015, the VRS Task Group of the Session Initiation Protocol (SIP) Forum completed a technical standard, the VRS Provider Interoperability Profile, which addresses interoperability between VRS providers, as well as the interface between a VRS provider and the TRS Numbering Directory. Subsequently, the Consumer and Government Affairs Bureau incorporated the VRS Provider Interoperability Profile by reference into the Commission's VRS interoperability rule. To enable implementation of the new call routing protocol specified by the VRS Provider Interoperability Profile, the Commission proposes to amend 47 CFR 64.613 to provide that the routing information provided to the TRS numbering directory may include Uniform Resource Identifiers (URIs) that contain provider domain names rather than user IP addresses. All the current VRS providers, as well as consumer groups, support this approach. The Commission believes that this proposed amendment will advance interoperability and will otherwise serve the public interest for the following reasons.

37. First, enabling the use of domain names to route VRS and point-to-point video calls will allow the implementation of a consensus interoperability standard and will thereby advance VRS interoperability, an objective long sought by the Commission and one that is integral to achieving functional equivalence. Second, the record indicates that this rule amendment will improve the efficiency, reliability, and security of VRS and point-to-point video communications, thus advancing these important Commission objectives as well. Third, the Commission believes that amending the rule to allow routing based on domain names will promote TRS regulation that ''encourage[s] . . . the use of existing technology and do[es] not discourage or impair the development of improved technology,'' as required by 47 U.S.C. 225(c)(2). Finally, the record indicates that the proposed amendment will not impair the Commission's ability to prevent fraud, abuse, and waste in the VRS program.

The Commission seeks comment on these conclusions, and any other factors it should consider regarding this proposed amendment. The Commission believes it has authority to amend its rules to allow server based routing under 47 U.S.C. 225 and 251, and the Commission seeks comment on this assumption.

VRS Use of Enterprise and Public Videophones

38. Historically, VRS providers have handled and received compensation for VRS calls placed from both private videophones of VRS users, and from enterprise and public videophones. For the limited purposes of document FCC 17–26, the Commission uses the term ''enterprise videophones'' to refer to videophones provided by entities such as businesses, organizations and governmental agencies that are designated for use by their employees who use ASL. These phones can be situated in a variety of locations, including private or shared offices, conference rooms, or other common rooms. ''Public videophones,'' for

purposes of document FCC 17–26, are those made available in public spaces, such as schools, hospitals, libraries, airports, and governmental agencies, for use by any individuals who communicate through ASL.

39. The TRS user registration database (TRS–URD) and associated TRS Numbering Directory have been set up to enable validation of individual VRS users by transmitting either the originating or terminating Internet-based TRS telephone number (iTRS number) for each call. For enterprise or public videophones, each of which permit use by more than one individual, however, the identity of all users of the videophone cannot be known in advance and thus is not retrievable from registration information associated with the videophone's iTRS number. For this reason, at present, there is no means of validating the eligibility of registered VRS users wishing to use these phones. The Commission proposes procedures to achieve this, along with safeguards for the use of these phones to protect against fraud, waste and abuse.

40. For all public videophones, and for enterprise videophones that are not located in private workspaces, the Commission proposes to require that VRS providers establish log-in procedures for VRS users. For example, for VRS users who already have registered a personal videophone, the VRS provider can require the user to electronically enter the user's iTRS number plus a personal identification number (PIN) before making or receiving a VRS or point-to-point call. Individuals who are not registered for VRS would first be required to complete such registration with the provider in accordance with the requirements of 47 CFR 64.611(a) and receive a personal identifier (ID) and PIN number from the provider in order to begin using the public or enterprise videophone with such log-in information. The Commission also proposes that when VRS providers submit the call data records (CDRs) for calls made from public and enterprise phones, in addition to the registered telephone number, the CDR should include the telephone or ID number of the person using the public or enterprise videophone. The Commission seeks comment on this proposal or any other alternative suggestions to ensure the eligibility and verification of users of enterprise and public phones. The Commission asks commenters whether these precautionary measures will further the Commission's efforts to reduce waste, fraud, and abuse and improve its ability to efficiently manage the VRS program.

41. For enterprise videophones that are located in private workspaces, defined as workspaces where access is limited to one individual, the Commission proposes to permit the registered VRS user of the enterprise videophone to log in a single time, without having to again log in each time the phone is used. The Commission seeks comment on this proposal.

42. In addition, the Commission proposes that VRS providers be required to submit the registration information specified below to the TRS–URD administrator for each new public or enterprise videophone prior to initiating service, and for each such videophone already in service, within 60 days of notice from the Commission that the TRS–URD is ready to accept such information.

43. For enterprise videophones, the Commission proposes to require the following information:

- Name and business address of the enterprise;
- Name of the responsible person for the videophone, as well as a digital copy of a self-certification (as described below) from that person and the date this certification was obtained by the provider;
- Tax identification number of the enterprise (for non-governmental enterprises);
- Registered Location of the phone;
- VRS provider's name;
- Date of the videophone's service initiation; and
- For existing enterprise videophones, the date on which the videophone was last used to place a point-to-point or TRS call.

In addition, the Commission proposes that each VRS provider be required to obtain from the individual responsible for each enterprise videophone a certification that such responsible person (1) has authority to port the phone to a different VRS provider, (2) will, to the best of that person's ability, permit only eligible VRS users with hearing or speech disabilities to use the phone, and (3) understands that the cost of VRS calls is financed by the federally regulated Interstate TRS Fund. The Commission seeks comment on the collection of the information listed, as well any exception to the above-proposed information collection requirements that should be made for governmental entities that are restricted in their ability to provide certain information due to national security concerns. The Commission also seeks comment on whether enterprises consider any of the proposed information collection requirements described above to contain commercially sensitive information, and if so, whether it is necessary for the Commission to impose data security requirements on VRS providers in order to protect such information.

44. For public videophones, the Commission proposes to require the following information and seeks comment on such collection:

- Name and physical address of the organization, business, or agency where the public videophone is located (which will be used as the Registered Location of the videophone);
- VRS provider's name;
- Date on which the videophone was placed in that location; and
- Date on which the videophone was last used to place a point-to-point or TRS call.

45. For both enterprise and public videophones, in the event that a registered videophone is removed from service or permanently disconnected from VRS, the Commission proposes that the VRS provider be required to notify the TRS Fund administrator of such termination of use within 24 hours of such termination. In addition, for each type of phone, the Commission proposes to require each VRS provider to monitor usage and report any unusual activity to the TRS Fund administrator. Because each of these videophones are available for use by multiple individuals, the Commission believes that the collection of this information is necessary to ensure the legitimacy of calls made on these phones. The Commission seeks comment on its assumptions and on these proposals and ask commenters to describe the types of unusual activity that should trigger a report to the Commission.

Direct Video Calling Customer Support Services

46. A direct video calling (DVC) customer support service is a telephone customer assistance service provided by an organization that permits individuals who are deaf, hard of hearing, deaf-blind, or have a speech disability, using telephone numbers that are registered in the TRS numbering directory, to engage in real-time video communication in ASL without using VRS. The purpose of DVC is to provide direct telephone service to such individuals that is functionally equivalent to voice communications service provided to hearing individuals who do not have speech disabilities. Because it is a direct service, no CA is involved and there is no compensation from the TRS Fund.

47. The Commission seeks comment on whether to amend 47 CFR 64.613 to allow all providers of DVC customer

support services to access the TRS Numbering Directory. The Commission believes amending its rules to allow DVC customer support service providers access to the TRS Numbering Directory will enhance the functional equivalence of the TRS program by allowing VRS users to engage in more direct, private, and reciprocal communication with customer service agents. As the Commission has repeatedly recognized, compared to traditional TRS, point-to-point services even more directly support the purposes of 47 U.S.C. 225 because they increase the utility of the Nation's telephone system for persons with hearing and speech disabilities by providing direct communication—including all visual cues that are so important to persons with hearing and speech disabilities. The Commission also believes allowing DVC customer support service access to the TRS Numbering Directory will likely reduce the TRS costs that would otherwise be borne by the TRS Fund because using DVC involves direct, rather than interpreted, communication and does not trigger the costs involved with interpretation or unnecessary routing. The Commission seeks comment on these tentative conclusions. The Commission further seeks comment on the concerns raised by Sorenson, specifically whether any rule changes should require that ASL-capable DVC numbers be distinct from general service numbers used by hearing individuals to the same customer call center. Finally, the Commission seeks comment on any other factors it should consider regarding this proposed rule amendment, including specific costs or additional benefits from allowing DVC customer support services providers to access the TRS Numbering Directory, as well as alternative proposals for ensuring direct access to DVC customer support services.

Per-Call Validation Procedures

48. 47 CFR 64.615(a)(i) requires each VRS provider to validate the eligibility of the party on the video side of each VRS call (once the TRS–URD is up and running) by querying the TRS–URD on a per-call basis. The Commission's Managing Director has contracted with the TRS Numbering Directory administrator to validate the eligibility of the party on the video side of each VRS call by utilizing the TRS Numbering Directory to respond to the per call query. The Commission proposes to amend 47 CFR 64.615(a)(i) to require that each VRS provider query either the TRS–URD or the TRS Numbering Directory, as directed by the Commission or the TRS Fund administrator, and seeks comment on this proposal.

Research and Development

49. In 2014, the Commission set an initial budget for research and development projects to be supported by the TRS Fund. Congress, in recognizing the need for relay services for persons with hearing and speech disabilities, charged the FCC with ensuring that the services evolve with improvements in technology. To this end, the Commission seeks comment on whether to continue this important research. Specifically, it seeks comment on whether it should take action to ensure continued funding from the TRS Fund beyond the initial project's $3 million budget, as that amount was only sufficient through the 2016–2017 TRS Fund Year. Therefore, to continue to meet its statutory obligations, the Commission seeks comment on whether to direct the TRS Fund administrator, for the 2017–2018 TRS Fund Year, and as part of future annual ratemaking proceedings, to include in proposed administrative costs for the Commission's approval an appropriate amount for research and development necessary to continue to meet the Commission's charge of furthering the goals of functional equivalence and efficient availability of TRS. The Commission asks commenters to address the specific purposes of such research and whether the benefits of such research outweigh the cost to the TRS Fund.

Non-Service Related Inducements To Sign Up for VRS

50. In 2013, the Commission adopted a rule prohibiting providers from offering or providing ''to any person or entity that registers to use IP CTS any form of direct or indirect incentives, financial or otherwise, to register for or use IP CTS'' and denying compensation to providers violating the rule. 47 CFR 64.604(c)(8)(i). The Commission seeks comment on whether to adopt a similar prohibition for VRS. Specifically, should the Commission prohibit VRS providers from offering or providing non-service related inducements (*e.g.,* video game systems) to sign up for or to continue to use a VRS provider's service? Are there any circumstances in which such inducements should be permitted? Does it matter if the provider offers the same inducements to all users, regardless of call volume? Further, how should the Commission define what is a non-service related inducement?

Non-Compete Provisions in VRS CA Employment Contracts

51. In 2007, a coalition of five VRS providers petitioned the Commission for a declaratory ruling to prohibit VRS providers from using non-competition agreements in VRS CA employment contracts that limit the ability of VRS CAs to work for competing VRS providers after the VRS CAs terminate their employment with their current employer. The Commission sought and received comment on these agreements in the *2013 VRS Reform FNPRM.* The Commission seeks further comment on the impact of non-competition agreements on the provision of VRS. What are the cost and benefits or advantages and disadvantages of allowing, prohibiting or limiting the scope of these agreements? Do non-competition agreements limit the pool of VRS CAs that are available to VRS providers? If so, does any such limitation affect the ability of VRS providers to effectively compete in the marketplace? To what extent do these agreements have an impact on the level of compensation paid to VRS CAs, and consequently, the cost of providing VRS? Do the agreements affect speed of answer, accuracy or other quality of service metrics for VRS users? Commenters should support their positions with data to the extent possible.

52. The Commission also asks commenters to address possible sources of authority for the Commission to regulate VRS CA non-competition agreements. For example, does 47 U.S.C. 225(d)(1)(A), which directs the Commission to ''establish functional requirements, guidelines, and operations procedures for telecommunications relay services'' afford the Commission sufficient authority to address these agreements? Are there other provisions of 47 U.S.C. 225 that provide the Commission with such authority? The Commission seeks feedback on any other matter that might assist the Commission in determining whether and how to address these agreements.

Initial Regulatory Flexibility Analysis

53. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed document FCC 17–26. Written public comments are requested on this IRFA. Comments must be identified as

responses to the IRFA and must be filed by the deadline for comments specified in the **DATES** section. The Commission will send a copy of document FCC 17–26 to the Chief Counsel for Advocacy of the Small Business Administration (SBA).

Need for, and Objectives of, the Proposed Rules

54. Document FCC 17–26 addresses server-based routing of VRS calls; registration of VRS enterprise and public videophones in the TRS–URD; access to the TRS Numbering Directory by DVC customer support services; per-call validation procedures for VRS calls; funding for research and development; prohibiting inducements to register for VRS; and prohibiting non-compete clauses in VRS CA employment contracts.

55. The proposed changes to permit server-based routing will expand the ways that VRS calls can be routed. The Commission proposes to permit domain names to be included in the user routing information provided to the TRS numbering directory.

56. The Commission proposes to require the registration of enterprise and public videophones in the TRS–URD and to require that the users of such videophones log-in to use the videophones, so that calls from such equipment may be appropriately processed and compensated for by the TRS Fund, as they have been in the past.

57. The Commission proposes to permit providers of DVC services to have access to the TRS Numbering Directory. Such access will enhance the functional equivalence of DVC. Because the per-call query function has been built into the TRS Numbering Directory rather than the TRS–URD, the Commission proposes to amend 47 CFR 64.615(a)(1)(i) to require per-call validation using either the TRS–URD or the TRS Numbering Directory, as directed by either the Commission or the TRS Fund administrator.

58. The Commission proposes to direct the TRS Fund administrator for the 2017–2018 TRS Fund Year, and as part of future annual ratemaking proceedings to include for Commission approval proposed funding for research and development. Such funding is necessary to continue to meet the Commission's charge of furthering the goals of functional equivalence and efficient availability of TRS.

59. The Commission also proposes to adopt a rule prohibiting VRS providers from offering direct or indirect inducements to customers to register for VRS. Such rules may be necessary to ensure that VRS is available to the extent possible and in the most efficient manner and to help prevent waste, fraud, and abuse of the TRS Fund.

60. Lastly, the Commission proposes to prohibit VRS providers from preventing CAs from subsequently working for a competing VRS provider through the inclusion of non-compete provisions in VRS CA employment contracts or otherwise requiring or inducing CAs to agree to non-compete agreements. A prohibition on non-compete agreements will ensure that VRS is available to the extent possible and in the most efficient manner by increasing the CA labor pool, ensuring the availability of qualified interpreters, and removing a barrier to competition.

Legal Basis

61. The authority for this proposed rulemaking is contained in 47 U.S.C. 225, 251.

Small Entities Impacted

62. The rules proposed in document FCC 17–26 will affect obligations of VRS providers and providers of DVC services. These services can be included within the broad economic category of All Other Telecommunications.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

63. The proposed server-based call routing option will permit the use of domain names, and will require VRS providers to keep records of such domain names. The domain names will then be processed as call routing information, just as other call routing information is processed currently. The changes to the TRS–URD design to permit calls to be made from enterprise and public videophones will require VRS providers to register such equipment in the TRS–URD, in a manner similar to how they currently register individuals in the TRS–URD. The other proposed rule changes do not involve recordkeeping requirements.

Steps Taken To Minimize Significant Impact on Small Entities, and Significant Alternatives Considered

64. The proposed server-based call routing option using domain names will be available to all VRS providers, will not be burdensome, and will advance interoperability. Greater interoperability will foster competition, thereby benefitting the smaller providers. To the extent there are differences in operating costs resulting from economies of scale, those costs are reflected in the different compensation rate structures applicable to large and small VRS providers.

65. The provision of VRS service to enterprise and public videophones is optional for VRS providers. The proposed registration requirements for such videophones and log-in procedures for users of such videophones apply equally to all VRS providers and users, and are necessary to prevent waste, fraud, and abuse of the TRS Fund. The registration requirements for enterprise and public videophones are no more burdensome than the registration requirements for individual videophones. To the extent there are differences in operating costs resulting from economies of scale, those costs are reflected in the different rate structures applicable to large and small VRS providers. Therefore, the Commission does not adopt any of the four alternatives listed above for small entities.

66. Permitting providers of DVC call centers to access the TRS Numbering Directory is necessary for the purpose of routing calls to and from DVC call centers. Such access would subject such call center providers to call-routing rules similar to those currently applicable to Internet-based TRS providers. Such rules are not burdensome.

67. Requiring VRS providers to transmit per-call validation queries to the TRS Numbering Directory instead of the TRS–URD, as currently required, is not burdensome. The only difference is the database that must be queried.

68. Directing the TRS Fund administrator to propose an appropriate amount of funding for research and development for the 2017–2018 TRS Fund year and as a part of each future annual ratemaking proceeding extends a past Commission directive to the TRS Fund Administrator to set an initial budget for research and development projects to be supported by the TRS Fund. The Commission seeks comment on the appropriate budget for research and development and whether to continue independently funding research and development through the TRS Fund. Funding independent research and development through the TRS Fund may result in a reduction in the costs that VRS providers incur to conduct their own research and development.

69. Prohibiting VRS providers from offering customers direct or indirect inducements to register for VRS will help ensure that VRS is available to the extent possible and in the most efficient manner while helping to limit waste, fraud, and abuse. Adopting this prohibition may benefit small providers by removing competitive costs associated with offering inducements

unrelated to providing service and focusing competition on service quality.

70. Prohibiting non-compete provisions in VRS CA employment contracts and prohibiting VRS providers from otherwise requesting or requiring CAs to agree to non-compete agreements narrowly targets a concern that affects the size of the CA labor pool, restricts competition, and impedes consumers choice. Prohibiting such restrictions may benefit smaller providers through increased availability of qualified interpreters.

Federal Rules Which Duplicate, Overlap, or Conflict With, the Commission's Proposals

71. None.

List of Subjects in 47 CFR Part 64

Individuals with disabilities, Telecommunications, Telecommunications relay services, Video relay services.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend Title 47 of the Code of Federal Regulation as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 154, 225, 254(k), 403(b)(2)(B), (c), 715, Pub. L. 104–104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 222, 225, 226, 227, 228, 254(k), 616, 620, and the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112–96, unless otherwise noted.

■ 2. Amend § 64.611 by adding paragraphs (a)(6) and (7) and revising paragraph (c)(1) to read as follows:

§ 64.611 Internet-based TRS registration.

(a) * * *

(6) *Enterprise videophones.* For purposes of this section, an enterprise videophone is a videophone provided by an entity such as a business, an organization, or a governmental entity that is designated for use by its employees who use American Sign Language.

(i) A VRS provider seeking compensation from the TRS Fund for providing VRS to a registered VRS user utilizing an enterprise videophone must first obtain a written certification from the individual responsible for the enterprise videophone, attesting that:

(A) The individual will, to the best of that individual's ability permit only eligible VRS users with hearing or speech disabilities to use the enterprise videophone; and

(B) The individual understands that the cost of VRS calls is paid for by contributions from telecommunications and VoIP providers to the TRS Fund.

(ii) The certification required by paragraph (a)(6)(i) of this section must be made on a form separate from any other agreement or form, and must include a separate user signature specific to the certification. For the purposes of this rule, an electronic signature, defined by the Electronic Signatures in Global and National Commerce Act, as an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record, has the same legal effect as a written signature. For the purposes of this rule, an electronic record, defined by the Electronic Signatures in Global and National Commerce Act as a contract or other record created, generated, sent, communicated, received, or stored by electronic means, constitutes a record.

(iii) Each VRS provider shall collect and transmit to the TRS User Registration Database, in a format prescribed by the administrator of the TRS User Registration Database, the following registration information for each of its enterprise videophones, for new enterprise videophones prior to the initiation of service, and for existing enterprise videophones within 60 days of notice from the Commission that the TRS User Registration Database is ready to accept such information:

(A) The name and business address of the enterprise;

(B) The name of the individual responsible for the videophone, a digital copy of the certification required by paragraph (a)(6)(i) of this section, and the date the certification was obtained by the provider;

(C) The last digits of the tax identification number of the enterprise, unless it is a governmental enterprise;

(D) The Registered Location of the phone;

(E) The VRS provider's name;

(F) The date of the enterprise videophone's service initiation; and

(G) For existing enterprise videophones, the date on which the videophone was last used to place a point-to-point or relay call.

(iv) Each VRS provider must obtain, from the individuals responsible for each new and existing enterprise videophone, consent to transmit the registered Internet-based TRS user's information to the TRS User Registration Database. Prior to obtaining consent, the VRS provider must describe to the individual responsible for the enterprise videophone, using clear, easily understood language, the specific information being transmitted, that the information is being transmitted to the TRS User Registration Database to ensure proper administration of the TRS program, and that failure to provide consent will result in the registered Internet-based TRS user being denied service. VRS providers must obtain and keep a record of affirmative acknowledgment of such consent for every enterprise videophone.

(v) Each VRS provider shall maintain the confidentiality of any registration and certification information obtained by the provider, and may not disclose such registration and certification information, or the content of such registration and certification information, except as required by law or regulation.

(vi) After the time period for the 60-day notice from the Commission that the TRS User Registration Database is ready to accept registration information has passed, VRS calls provided to enterprise videophones shall not be compensable from the TRS Fund unless the user of the enterprise videophone is a registered VRS user and logs in to the videophone with a user identification plus a passcode or PIN. For enterprise videophones located in private work spaces where access is limited to one individual, the user of such enterprise videophone may log in a single time, without being required to log in each time the videophone is used.

(vii) VRS providers shall require their CAs to terminate any call which does not involve an individual eligible to use VRS due to a hearing or speech disability or, pursuant to the provider's policies, the call does not appear to be a legitimate VRS call, and VRS providers may not seek compensation for such calls from the TRS Fund.

(viii) A VRS provider may be compensated from the TRS Fund for dial-around VRS provided to registered users of registered enterprise videophones.

(7) *Public videophones.* For purposes of this section, a public videophone is a videophone that is made available in a public space, such as a school, a hospital, a library, an airport, or a governmental building, for use by any individual who communicates through American Sign Language.

(i) A VRS provider seeking compensation from the TRS Fund for providing VRS to a registered VRS user utilizing a public videophone must transmit to the TRS User Registration

Database, in a format prescribed by the administrator of the TRS User Registration Database, the following information, for each of its new public videophones prior to the initiation of VRS on the videophone, and for existing public videophones, within 60 days of notice from the Commission that the TRS User Registration Database is ready to accept such information:

(A) The name and physical address of the organization, business, or agency where the public videophone is located;

(B) The VRS provider's name;

(C) The date on which the videophone was placed in that location; and

(D) The date on which the videophone was last used to place a point-to-point or TRS call.

(ii) After the time period for the 60-day notice from the Commission that the TRS User Registration Database is ready to accept registration information has passed, VRS calls provided to public videophones shall not be compensable from the TRS Fund unless the user of the public videophone is a registered VRS user and logs in to the videophone with a user identification plus a passcode or PIN.

(iii) VRS providers shall require their CAs to terminate any call which does not involve an individual eligible to use VRS due to a hearing or speech disability or, pursuant to the provider's policies, the call does not appear to be a legitimate VRS call, and VRS providers may not seek compensation for such calls from the TRS Fund.

(iv) A VRS provider may be compensated from the TRS Fund for dial-around VRS provided to registered users of registered public videophones.

* * * * *

(c) *Obligations of default providers and former default providers.*

(1) Default providers must:

(i) Obtain current routing information from their Registered Internet-based TRS Users, registered enterprise videophones, and hearing point-to-point video users;

* * * * *

■ 3. Amend § 64.613 by revising paragraphs (a)(1), (a)(2), and (a)(4) to read as follows:

§ 64.613 Numbering directory for Internet-based TRS users.

(a) *TRS Numbering Directory.*

(1) The TRS Numbering Directory shall contain records mapping the geographically appropriate NANP telephone number of each Registered Internet-based TRS User, registered enterprise videophone, public videophone, Direct Video Calling customer support services, and hearing point-to-point video user to a unique Uniform Resource Identifier (URI).

(2) For each record associated with a geographically appropriate NANP telephone number for a Registered Internet-based TRS User, registered enterprise videophone, public videophone, Direct Video Calling customer support services, or hearing point-to-point video user, the URI shall contain a server domain name or the IP address of the user's device. For each record associated with an IP Relay user's geographically appropriate NANP telephone number, the URI shall contain the user's user name and domain name that can be subsequently resolved to reach the user.

(3) * * *

(4) The TRS Numbering Administrator, Internet-based TRS providers, and Direct Video Calling customer support services providers may access the TRS Numbering Directory.

* * * * *

■ 4. Amend § 64.615 by revising paragraph (a)(1) and adding subparagraph (a)(1)(iv) to read as follows:

§ 64.615 TRS User Registration Database and administrator.

(a) *TRS User Registration Database.*

(1) VRS providers shall validate the eligibility of the party on the video side of each call by querying the TRS User Registration Database or the TRS Numbering Directory, as directed by the Commission or the TRS Fund Administrator, on a per-call basis. Emergency 911 calls are excepted from this requirement.

* * * * *

(iv) The eligibility of a party using an enterprise videophone or public VRS phone may be validated by the registration information for the enterprise phones or public VRS phones in the TRS User Registration Database.

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[FR Doc. 2017–07153 Filed 4–11–17; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 82, No. 69
Wednesday, April 12, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0015]

Bayer CropScience LP.; Availability of Draft Environmental Assessment, Plant Pest Risk Similarity Assessment, Preliminary Finding of No Significant Impact, and Preliminary Decision for an Extension of a Determination of Nonregulated Status of Canola Genetically Engineered for Male Sterility and Glufosinate-Ammonium Resistance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has reached a preliminary decision to extend our determination of nonregulated status of InVigor® MS8 canola (hereinafter MS8 canola) to Bayer's canola event MS11 in response to a request from Bayer CropScience LP. MS11 canola has been genetically engineered for male sterility and resistance to the herbicide glufosinate-ammonium using the same mechanism of action as MS8 canola. We are making available for public comment our draft environmental assessment, preliminary regulatory determination, preliminary finding of no significant impact, and plant pest risk similarity assessment for the proposed determination of nonregulated status.

DATES: We will consider all comments that we receive on or before May 12, 2017.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0015.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0015, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

The Bayer CropScience LP. extension request, our draft environmental assessment, plant pest risk similarity assessment, our preliminary finding of no significant impact, our preliminary determination, and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0015* 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) 7997039 before coming.

Supporting documents and any comments we received regarding our determination of nonregulated status of the antecedent organism, MS8 canola, may be inspected in our reading room. Supporting documents may also be found on the APHIS Web site for MS11 canola (the organism under evaluation) under APHIS Petition Number 16–235–01p.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Eck, Document Control Officer/Team Leader, Policy Coordination Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147 Riverdale, MD 20737–1236; (301) 851–3954, email: *cynthia.a.eck@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of the plant pest provisions of the Plant Protection Act (PPA) (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms (GE) and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Further, the regulations in § 340.6(e)(2) provide that a person may request that APHIS extend a determination of nonregulated status to other organisms. Such a request must include information to establish the similarity of the antecedent organism and the regulated article in question.

On March 31, 1999,[1] APHIS announced its determination of nonregulated status of MS8 canola (*Brassica napus* L.), which was genetically engineered for male sterility and resistance to the herbicide glufosinate-ammonium. APHIS has received a request for an extension of that determination of nonregulated status of MS8 canola to canola designated as canola event MS11 (APHIS Petition Number 16–235–01p) from Bayer CropScience LP. (Bayer) of Research Triangle Park, NC. MS11 canola expresses male sterility and resistance to the herbicide glufosinate-ammonium. In its request, Bayer stated that this canola is similar to the antecedent organism MS8 canola and, based on the similarity to the antecedent organism, is unlikely to pose a plant pest risk and, therefore, should not be a regulated article under APHIS' regulations in 7 CFR part 340.

As described in the extension request, MS11 canola was developed using the gene cassette pTCO113 containing the same genetic events used to transform MS8 canola (gene cassette pTHW107) with male sterility and resistance to glufosinate-ammonium. Based on the information in the request, we have concluded that MS11 canola is similar to MS8 canola. MS11 canola is currently regulated under 7 CFR part 340.

As part of our decisionmaking process regarding a GE organism's regulatory status, APHIS evaluates the plant pest risk of the article. In section 403 of the PPA, ''plant pest'' is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant

[1] *https://www.federalregister.gov/documents/1999/03/31/99-7803/agrevo-usa-co-availability-of-determination-of-nonregulated-status-for-canola-genetically-engineered?utm_content=next&utm_medium=PrevNext&utm_source=Article.*

product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or any article similar to or allied with any of the foregoing.

APHIS has prepared a plant pest risk similarity assessment (PPRSA) to compare MS11 canola to the antecedent. As described in the PPRSA, the proteins expressed in MS11 canola are similar to those expressed in MS8 canola, and APHIS has concluded that the proteins expressed in MS8 canola are unlikely to pose a plant health risk. Therefore, based on the similarity between MS8 canola and MS11 canola as described in the PPRSA, APHIS has concluded that MS11 canola is no more likely to pose a plant pest risk than MS8 canola.

APHIS has also prepared a draft environmental assessment (EA) in which it presents two alternatives based on its analysis of data submitted by Bayer, a review of other scientific data, and field tests conducted under APHIS oversight. APHIS is considering the following alternatives: (1) Take no action, *i.e.,* APHIS would not change the regulatory status of MS11 canola and it would continue to be a regulated article, or (2) make a determination of nonregulated status for MS11 canola.

Based on the similarity of MS11 canola to MS8 canola, APHIS has also prepared a preliminary finding of no significant impact (FONSI) for MS11 canola. The draft EA and the FONSI were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*); (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508); (3) USDA regulations implementing NEPA (7 CFR part 1b); and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

APHIS has analyzed information submitted by Bayer, references provided in the extension request, peer-reviewed publications, and supporting documentation prepared for the antecedent organism. Based on APHIS' analysis of this information and the similarity of MS11 canola to the antecedent organism MS8 canola, APHIS has determined that MS11 canola is unlikely to pose a plant pest risk. We have therefore reached a preliminary decision to approve the request to extend the determination of nonregulated status of MS8 canola to MS11 canola, whereby MS11 canola would no longer be subject to our regulations governing the introduction of certain genetically engineered organisms.

Paragraph (e) of § 340.6 provides that APHIS will publish a notice in the **Federal Register** announcing all preliminary decisions to extend determinations of nonregulated status for 30 days before the decisions become final and effective. In accordance with § 340.6(e) of the regulations, we are publishing this notice to inform the public of our preliminary decision to extend the determination of nonregulated status of MS8 canola to MS11 canola.

APHIS will accept written comments on the draft EA and preliminary FONSI regarding a determination of nonregulated status of MS11 canola for a period of 30 days from the date this notice is published in the **Federal Register**. The draft EA and preliminary FONSI, as well as the extension request, PPRSA, and our preliminary determination for MS11 canola, are available for public review as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above. Copies of these documents may also be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

After the comment period closes, APHIS will review all written comments received during the comment period and any other relevant information. All comments will be available for public review. After reviewing and evaluating the comments, APHIS will furnish a response to the petitioner regarding our final regulatory determination. APHIS will also publish a notice in the **Federal Register** announcing the regulatory status of MS11 canola and the availability of APHIS' written environmental decision and regulatory determination.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 6th day of April 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–07359 Filed 4–11–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Child Nutrition Database

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This is a revision of a currently approved collection. This collection is the voluntary submission of data including nutrient data from the food industry to update and expand the Child Nutrition Database in support of the Healthy Hunger Free Kids Act.

DATES: Written comments on this notice must be received by June 12, 2017 to be assured of consideration.

ADDRESSES: Comments may be sent to: Natalie Partridge, Nutritionist, Nutrition Education, Training and Technical Assistance Division, Child Nutrition Programs, Room 630, Food and Nutrition Service, United States Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302. Comments may also be submitted via email to the attention of Natalie Partridge at *natalie.partridge@fns.usda.gov* with ''CN Database Comments'' in the subject line. Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and follow the online instructions for submitting comments electronically. All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instruction should be directed to Natalie Partridge at (703) 457–6803.

SUPPLEMENTARY INFORMATION: 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 use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Child Nutrition Database.
Form Number: FNS–710.
OMB Number: 0584–0494.
Expiration Date: August 31, 2017.

Type of Request: Revision of currently approved collection.

Abstract: The development of the Child Nutrition (CN) Database is regulated by the United States Department of Agriculture (USDA), Food and Nutrition Service. This database is designed to be incorporated in USDA-approved nutrient analysis software and provide an accurate source of nutrient data. The software allows schools participating in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) to analyze meals and measure the compliance of the menus to established nutrition goals and standards specified in 7 CFR 210.10 for the NSLP and 7 CFR 220.8 for the SBP. The information collection for the CN Database is conducted using an outside contractor. The CN Database is updated annually with brand name or manufactured foods commonly used in school food service. To update and expand the CN Database, collection of this information is accomplished by form FNS–710, *CN Database Qualification Report.* The Food and Nutrition Service's contractor collects this data from the food industry through the paper form, an online Web Tool, or a spreadsheet (for bulk data submissions). The online Web tool is available at: *https://healthymeals.fns.usda.gov/online-web-tool-submitting-nutrient-data-0.* The paper form and online Web Tool were revised to add two nutrients, vitamin D and potassium, and to remove an obsolete ingredient list. The form was also edited to update terminology and instructions. The new spreadsheet version was developed to facilitate submission of bulk data. The burden should not be affected by these changes. The submission of data from the food industry will be strictly voluntary, and based on analytical, calculated, or nutrition facts label sources.

Affected Public: Business or other for-profit (Manufacturers of food produced for schools.)

Form: FNS–710.

Estimated Number of Respondents: 32.

Estimated Number of Responses per Respondent: 35.

Estimated Total Annual Responses: 1,120.

Estimated Time per Response: 2.0 Hours.

Estimated Total Annual Burden on Respondents: 2,240 Hours.

Dated: March 30, 2017.

Jessica Shahin,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 2017–07412 Filed 4–11–17; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Recordkeeping of D–SNAP Benefit Issuance and Commodity Distribution for Disaster Relief

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is a revision of a currently approved collection.

DATES: Written comments must be received on or before June 12, 2017.

ADDRESSES: Comments regarding recordkeeping for form FNS–292A may be sent to Erica Antonson, Chief, Policy Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 506, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Ms. Antonson at 703–305–2956 or via email to *Erica.Antonson@fns.usda.gov.*

Comments regarding recordkeeping for form FNS–292B may be sent to Sasha Gersten-Paal, Chief, Certification Policy Branch, Program Development Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 506, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Ms. Gersten-Paal at 703–305–2507 or via email to *Sasha.Gersten-Paal@fns.usda.gov.*

Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically. All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Erica Antonson at 703–305–2956, to Sasha Gersten-Paal at 703–305–2507.

SUPPLEMENTARY INFORMATION: 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 shall 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 that were 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 use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Report of Disaster Supplemental Nutrition Assistance Program Benefit Issuances and Report of Commodity Distribution for Disaster Relief.

Form Number: FNS–292A and FNS–292B.

OMB Number: 0584–0037.

Expiration Date: 8/31/2017.

Type of Request: Revision of a currently approved collection.

Abstract: This information collection pertains only to the recordkeeping burden associated with forms FNS–292A and FNS–292B. The reporting burden associated with these forms is approved under OMB No. 0584–0594 (Food Program Reporting System; expiration date: 09/30/2019). The Food and Nutrition Service (FNS) utilizes forms FNS–292A and FNS–292B to collect information not otherwise available on the extent of FNS-funded disaster relief operations. Form FNS–292A, *Report of Commodity Distribution for Disaster Relief,* is used by State distributing agencies to provide a summary report to FNS following termination of disaster commodity assistance and to request replacement of donated foods distributed during the disaster or situation of distress. Donated food distribution in disaster situations is authorized under Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c); Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431); Section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a–1); Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); and by Sections 412 and 413 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5179, 5180). Program implementing regulations are contained in Part 250 of Title 7 of the Code of Federal Regulations (CFR). In accordance with 7 CFR 250.69(f), State distributing agencies shall provide a

summary report to FNS within 45 days following termination of the disaster assistance, and maintain records of these reports and other information relating to disasters. Form FNS–292B, *Report of Disaster Supplemental Nutrition Assistance Benefit Issuance,* is used by State agencies to report to FNS the number of households and persons certified for Disaster Supplemental Nutrition Assistance Program (D–SNAP) benefits as well as the value of benefits issued. D–SNAP is a separate program from the Supplemental Nutrition Assistance Program (SNAP) and is authorized by Sections 402 and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) and the temporary emergency provisions contained in Section 5 of the Food and Nutrition Act of 2008, and in 7 CFR part 280 of the SNAP regulations. State agencies may operate a D–SNAP to address the temporary food needs of applicants in an affected area of a State that has received a Presidential declaration of ''Major Disaster'' with Individual Assistance. The State agency must submit its final FNS–292B to FNS within 45 days of terminating D–SNAP operations, and maintain records of this report.

Affected Public: State agencies that administer FNS disaster food relief activities.

Estimated Number of Respondents: 55.

Estimated Number of Responses per Respondent: 2 recordkeeping responses per State agency.

Estimated Total Annual Responses: 110.

Estimated Time per Response: Recordkeeping burden for the State agencies is estimated to be 5 minutes (.084 hours) per form (FNS–292A and FNS–292B) per respondent (total of 10 minutes (.168 hours) per respondent).

Estimated Total Annual Burden on Respondents: Recordkeeping burden for the State agencies is estimated to be 5 minutes (.084 hours) per form (FNS–292A and FNS–292B) per respondent (total of 10 minutes (.168 hours) per respondent) for a total of 9.24 hours.

Respondent	Estimated number of recordkeepers	Number of records per recordkeeper	Total annual records (Col. bxc)	Estimated avg. number of hours per record	Estimated total hours (Col. dxe)
Record Keeping Burden					
State Agencies—Commodity Distribution Form FNS–292A	55	1.00	55	0.084	4.62
State Agencies—Commodity Distribution Form FNS–292B	55	1.00	55	0.084	4.62
Total Record Keeping Burden	55	2.00	110	0.168	9.24
Total Burden	55		110		9.24

Dated: March 27, 2017.

Jessica Shahin,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 2017–07413 Filed 4–11–17; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Monongahela National Forest; West Virginia; Proposed WB Xpress Project (FERC)

AGENCY: Forest Service, USDA.

ACTION: Notice of availability of the environmental assessment for the Proposed WB XPress Project.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended; the Federal Land Policy and Management Act of 1976, as amended; and the National Forest Management Act of 1976 (NFMA), as amended; the Forest Service (USFS), U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (USACE), West Virginia Division of Natural Resources (WVDNR), and West Virginia Department of Environmental Protection (WVDEP) have participated as cooperating agencies with the Federal Energy Regulatory Commission (FERC) in the preparation of the WB XPress Environmental Assessment (EA). The EA addresses the impacts of the project and the proposal for authorization from the Forest Service to construct, operate, maintain, and eventually decommission a natural gas transmission pipeline that crosses National Forest System (NFS) lands. With this agency-specific Notice of Availability, the FS is announcing the opening of the FERC comment period. Comments submitted to the FERC concerning FS actions need to be timely and specific, showing a direct relationship to the proposal and include supporting reasons.

DATES: To ensure that comments will be considered, the FERC must receive written comments on the WB XPress EA within 30 days following the date of publication of the FERC Notice of Availability (NOA) for the EA in the **Federal Register**.

ADDRESSES: You may submit comments related to the WB XPress Project EA, including any comments related to the FS consideration of the authorization of WB XPress to cross NFS lands to the FERC by any of the three methods listed below. The FERC 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 FERC's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature on the FERC'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 (CP16–38–000) with your submission:

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE., Room 1A
Washington, DC 20426

Your comments must reference the FERC Docket number for the WB XPress Project, Docket No. CP16–38–000, to be correctly attributed to this specific project. Copies of the WB XPress are available for inspection in the offices of

the Forest Supervisor for the Monongahela National Forest.

FOR FURTHER INFORMATION CONTACT: Additional information about the projects is available from the FERC's Office of External Affairs at 866–208–FERC (3372), or on the FERC Web site (*www.ferc.gov*). On the FERC's Web site, go to ''Documents & Filings,'' click on the ''eLibrary'' link, click on ''General Search'' and enter the docket number CP16–38. 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 issues by the FERC such as orders, notices, and rulemakings. For additional information about authorizing project activities on NFS lands, contact Clyde Thompson at (304) 636–1800.

SUPPLEMENTARY INFORMATION: This NOA is specific to the FS and provides notice that the agency has participated as a cooperating agency with FERC in the preparation of the WB XPress Project EA. The WB XPress route would cross about 11.4 miles of NFS lands managed by the Monongahela National Forest, in Randolph and Pendleton counties, West Virginia.

The FERC is the NEPA Lead Federal Agency for the environmental analysis of the construction and operation of the proposed WB XPress Project. The FS is the federal agency responsible for authorizing this use and issuing special use permits for natural gas pipelines across NFS lands under its jurisdiction.

Before issuing a Special Use permit (SUP) to construct, operate, maintain, and eventually decommission a natural gas transmission pipeline that crosses NFS lands, the FS would include any specific stipulations applicable to lands, facilities, water bodies, and easements for inclusion in the SUP.

The FERC's EA includes the consideration of a USFS authorization across NFS lands. The USFS intends to adopt FERC's EA for agency decisions if the analysis provides sufficient evidence to support the agency's decisions and the agency is satisfied that agency comments and suggestions have been addressed.

The FS will prepare separate Decision Notice (DN) for the authorization decision after issuance of the FERC EA. The FS decision to authorize WB XPress will be subject to FS predecisional administrative review procedures established in 36 CFR 218. The FS is requesting public comments on the authorization of WB XPress on NFS lands that would allow WB XPress to cross the MNF. All comments must be submitted to the FERC, the Lead Federal Agency, within 30 days following the date of publication of the FERC Notice of Availability for their EA in the **Federal Register**. Refer to Docket CP16–38–000 in all correspondence to ensure that your comments are correctly filed in the record. You may submit comments to the FERC using one of the methods listed in the **ADDRESSES** section above. Only those who submit timely and specific written comments regarding the proposed project during a public comment period are eligible to file an objection with the FS. Before including your address, phone number, email address, or other personal identifying information in your comments, you should be aware that the entire text of your comments—including your personal identifying information—would be publicly available through the FERC eLibrary system if you file your comments with the Secretary of the FERC.

Responsible Official for FS Authorization of Use to Issue a Special Use Permit: The Regional Forester Eastern Region is the Responsible Official.

Authority: 40 CFR 1506.6.

Dated: March 28, 2017.

Glenn P. Casamassa,

Associate Deputy Chief, National Forest System.

[FR Doc. 2017–07042 Filed 4–11–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Revision of the Land Management Plan for the National Forests and Grasslands in Texas

AGENCY: Forest Service, USDA.

ACTION: Notice of initiating the assessment phase of the land management plan revision for the National Forests and Grasslands in Texas.

SUMMARY: The National Forests and Grasslands in Texas, located in central and east Texas, is initiating the first phase of the forest planning process pursuant to the 2012 National Forest System land management planning rule. This process will result in a revised land management plan (Forest Plan) which describes the strategic direction for management of forest and grassland resources on the National Forests and Grasslands in Texas for the next ten to fifteen years. The planning process encompasses three stages: Assessment, plan revision, and monitoring. The first phase of the process, the assessment phase, is beginning on the National Forests and Grasslands in Texas and involves assessing ecological, social, and economic conditions of the planning area, which is documented in an assessment report.

The Forest is inviting the public to contribute to the development of the assessment. The Forest will be hosting public forums where the public will be invited to share information relevant to the assessment, including existing information, current trends, and local knowledge.

DATES: Public meetings associated with the development of the assessment will be announced on the Forest's Web site at *www.fs.usda.gov/goto/texas/planrevision* and sent to individuals and organizations on the Forest's mailing list. A draft of the assessment report for the revision of National Forests and Grasslands land management plan is anticipated to be available by March 2018. Following completion of the assessment, the Forest will initiate procedures pursuant to the National Environmental Policy Act (NEPA) to prepare and evaluate a revised land management plan.

ADDRESSES: Written comments or questions concerning this notice should be addressed to National Forests and Grasslands in Texas, Attn: Forest Plan, 2221 N. Raguet St., Lufkin, Texas 75904. Comments or questions may also be sent via email to *TexasPlanRev@fs.fed.us.* All correspondence, including names and addresses when provided, are placed in the record and are available for public inspection and copying.

FOR FURTHER INFORMATION CONTACT: Theresa Mathis, Forest Planner, National Forests and Grasslands in Texas at 936–639–8586. More information on the plan revision process can be found on the Forest's Web site at *www.fs.usda.gov/goto/texas/planrevision.* If you have questions or would like to sign up to be on the Forest's mailing list, send an email to *TexasPlanRev@fs.fed.us* or call the Forest Plan Revision number 936–639–8586. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m. (Eastern time), Monday through Friday.

SUPPLEMENTARY INFORMATION: The National Forest Management Act (NFMA) of 1976 requires that every National Forest System (NFS) unit develop a land management plan. On April 9, 2012, the Forest Service

finalized its land management planning rule (2012 Planning Rule, 36 CFR 219), which describes requirements for the planning process and the content of land management plans. Forest plans describe the strategic direction for management of forest and grassland resources for ten to fifteen years, and are adaptive and amendable as conditions change over time. Pursuant to the 2012 Forest Planning Rule (36 CFR 219), the planning process encompasses three-stages: Assessment, plan revision, and monitoring. The first stage of the planning process involves assessing social, economic, and ecological conditions of the planning area, which is documented in an assessment report. This notice announces the start of the initial stage of the planning process, which is the development of the assessment report.

The second stage, formal plan revision, involves the development of the Forest Plan in conjunction with the preparation of an Environmental Impact Statement under the NEPA. Once the plan revision is completed, it will be subject to the objection procedures of 36 CFR 219, subpart B, before it can be approved. The third stage of the planning process is the monitoring and evaluation of the revised plan, which is ongoing over the life of the revised plan.

The assessment is a rapid evaluation of the existing information about the relevant ecological, economic, cultural and social conditions, trends, and sustainability and their relationship to land management plans within the context of the broader landscape. This information builds a common understanding prior to entering formal plan revision. The development of the assessment will include public engagement.

With this notice, the National Forests and Grasslands in Texas invite other governments, non-governmental parties, and the public to contribute to the development of the assessment. The intent of public engagement during development of the assessment is to identify as much relevant information as possible to inform the upcoming plan revision process. We encourage contributors to share material about existing conditions, trends, and perceptions of social, economic, and ecological systems relevant to the planning process. The assessment also supports the development of relationships with key stakeholders that will be used throughout the plan revision process.

As public meetings, other opportunities for public engagement, and public review and comment opportunities are identified to assist with the development of the forest plan revision, public announcements will be made, notifications will be posted on the Forest's Web site at *www.fs.usda.gov/goto/texas/planrevision* and information will be sent out to the Forest's mailing list. If anyone is interested in being on the Forest's mailing list to receive these notifications, please contact Theresa Mathis, Forest Planner, at the address or phone number identified above, or by sending an email to *TexasPlanRev@fs.fed.us.*

Responsible Official

The responsible official for the revision of the land management plan for the National Forests and Grasslands in Texas is William E. Taylor, Jr., Forest Supervisor, National Forests and Grasslands in Texas, 2221 N. Raguet St., Lufkin, Texas 75904.

Dated: March 15, 2017.

Jeanne M. Higgins,

Associate Deputy Chief, National Forest System.

[FR Doc. 2017–07407 Filed 4–11–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

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

AGENCY: U.S. Census Bureau.

Title: Current Population Survey, Housing Vacancy Survey.

OMB Control Number: 0607–0179.

Form Number(s): There are no forms for data collection. We conduct all interviews on computers.

Type of Request: Regular Submission.

Number of Respondents: 84,000.

Average Hours per Response: 3 minutes.

Burden Hours: 4200.

Needs and Uses: Collection of the HVS in conjunction with the Current Population Survey began in 1956, and serves a broad array of data users. We conduct the HVS interviews with landlords or other knowledgeable people concerning vacant housing units identified in the monthly CPS sample and meeting certain criteria. The HVS provides the only quarterly statistics on rental vacancy rates and homeownership rates for the United States, the four census regions, the 50 states and the District of Columbia, and the 75 largest metropolitan areas (MAs). Private and public sector organizations use these rates extensively to gauge and analyze the housing market with regard to supply, cost, and affordability at various points in time.

In addition, the rental vacancy rate is a component of the index of leading economic indicators published by the Department of Commerce.

Policy analysts, program managers, budget analysts, and congressional staff use these data to advise the executive and legislative branches of government with respect to the number and characteristics of units available for occupancy and the suitability of housing initiatives. Several other government agencies use these data on a continuing basis in calculating consumer expenditures for housing as a component of the gross national product; to project mortgage demands; and to measure the adequacy of the supply of rental and homeowner units. In addition, investment firms use the HVS data to analyze market trends and for economic forecasting.

Affected Public: Individuals who have knowledge of the vacant sample unit (*e.g.,* landlord, rental agents, neighbors).

Frequency: Monthly.

Respondent's Obligation: Voluntary.

Legal Authority: 13 U.S.C. 182 and 29 U.S.C. 1–9.

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

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202)395–5806.

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2017–07289 Filed 4–11–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–857]

Certain Oil Country Tubular Goods From India: Notice of Court Decision Not in Harmony With Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances and Notice of Amended Final Determination

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

SUMMARY: On March 16, 2017, the United States Court of International Trade (CIT) entered final judgment sustaining the final results of remand redetermination pursuant to court order by the Department of Commerce (Department) pertaining to the less-than-fair-value (LTFV) investigation of certain oil country tubular goods (OCTG) from India. The Department is notifying the public that the final judgment in this case is not in harmony with the Department's final determination in the LTFV investigation of OCTG from India.

DATES: *Effective Date:* March 26, 2017.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4261.

SUPPLEMENTARY INFORMATION:

Background

On July 18, 2014, the Department published its final determination of sales at LTFV and final negative determination of critical circumstances in this proceeding.[1] The Department reached affirmative determinations for mandatory respondents GVN Fuels Limited (GVN) and Jindal SAW, Limited (Jindal SAW). U.S. Steel appealed the *Final Determination* to the CIT, and on May 5, 2016, the CIT sustained, in part, and remanded, in part, the *Final Determination.*[2] The court remanded the *Final Determination* to the Department with respect to its differential pricing analysis, specifically the Department's application and explanation of its ratio test in this case, for further explanation and consideration.[3] Further, the court remanded for further explanation and consideration the Department's determinations that: (1) Jindal SAW was unaffiliated with certain suppliers of inputs; (2) Jindal SAW's yield loss data reasonably reflected its costs of production; and (3) the highest COP in GVN's cost database should be assigned to its dual-grade products.[4] On August 31, 2016, the Department issued its final results of redetermination pursuant to remand in accordance with the CIT's order.[5] On remand, the Department revised the weighted-average dumping margins for both GVN and Jindal SAW. On March 16, 2017, the CIT sustained the Department's *Final Redetermination.*[6]

Timken Notice

In its decision in *Timken,*[7] as clarified by *Diamond Sawblades,*[8] the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's March 16, 2017, judgment constitutes a final decision of that court that is not in harmony with the Department's *Final Determination.* This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, the Department will continue suspension of liquidation of subject merchandise pending expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

Amended Final Determination

Because there is now a final court decision, the Department is amending the *Final Determination* with respect to GVN and Jindal SAW. The revised weighted-average dumping margins for GVN and Jindal SAW for the period July 1, 2012, through June 30, 2013, are as follows:

Exporter or producer	Weighted-average dumping margins (percentage)
GVN Fuels Limited	1.07 (*de minimis*).
Jindal SAW, Limited	11.24.

With respect to GVN, because we have calculated a *de minimis* weighted-average dumping margin, in the event the court's ruling is not appealed or, if appealed, upheld by a final and conclusive court decision, the Department will amend the order to exclude GVN's entries from further suspension of liquidation and will order all entries currently suspended to be liquidated without regard to dumping duties.

Amended Cash Deposit Rates

Neither GVN nor Jindal SAW have a superseding cash deposit rate (*e.g.,* from an administrative review) and, therefore, the Department will issue revised cash deposit instructions to U.S. Customs and Border Protection. For Jindal SAW, the revised cash deposit rate will be the rate indicated above, effective March 26, 2017. For GVN, because the revised weighted-average dumping margin is *de minimis,* the revised cash deposit rate will be zero, effective March 26, 2017.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1) and 777(i)(1) of the Act.

Dated: April 6, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–07362 Filed 4–11–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–520–803]

Polyethylene Terephthalate Film, Sheet, and Strip From the United Arab Emirates: Final Results of Antidumping Duty Administrative Review; 2014–2015

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

SUMMARY: On December 9, 2016, the Department of Commerce (the Department) published the preliminary results of administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip (PET Film) from the United Arab Emirates (UAE). This review

[1] *See Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances: Certain Oil Country Tubular Good from India,* 79 FR 41981 (July 18, 2014) (*Final Determination*).

[2] *See United States Steel Corp.* v. *United States,* 179 F. Supp. 3d 1114 (CIT 2016) (*US Steel*).

[3] *See US Steel,* 179 F. Supp. 3d at 1120.

[4] *Id.*

[5] *See* Final Results of Redetermination Pursuant to Remand, *United States Steel Corporation et al. and Maverick Tube Corporation et al.* v. *United States,* Consolidated Court No. 14–00263, dated August 31, 2017 (*Final Redetermination*).

[6] *See United States Steel Corporation et al.* v. *United States,* Slip Op. 17–28, Consolidated Court No. 14–00263 (CIT 2017).

[7] *See Timken Co.* v. *United States,* 893 F.2d. 337 (Fed. Cir. 1990) (*Timken*).

[8] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d. 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

covers one producer/exporter of subject merchandise, JBF RAK LLC (JBF). Based on our analysis of the comments and information received, we made changes to the preliminary results, which are discussed below. The final weighted-average dumping margin is listed below in the section entitled ''Final Results of Review.''

DATES: Effective April 12, 2017.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4261.

SUPPLEMENTARY INFORMATION:

Background

On December 9, 2016, the Department published the *Preliminary Results.*[1] On January 9, 2017, the Department received a timely-filed case brief from JBF.[2] No other party filed a case or rebuttal brief.

Period of Review

The period of review is November 1, 2014, through October 31, 2015.

Scope of the Order

The products covered by the order are all gauges of raw, pre-treated, or primed polyethylene terephthalate film (PET Film), whether extruded or co-extruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches thick. Also excluded is roller transport cleaning film which has at least one of its surfaces modified by application of 0.5 micrometers of SBR latex. Tracing and drafting film is also excluded. PET Film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in the sole case brief filed in this review are addressed in the Issues and Decision Memorandum.[3] A list of the issues addressed in the Issues and Decision Memorandum is appended to this notice. The Issues and Decision Memorandum is a public document and is available electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and it is available to all parties in the Central Records Unit of the main Commerce Building, room B–8024. In addition, a complete version of the Issues and Decision Memorandum is also accessible on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we made changes to our margin calculations for JBF. A complete discussion of these changes can be found in the Issues and Decision Memorandum.

Final Results of the Administrative Review

As a result of this review, we determine that the following weighted-average dumping margin exists for the period of November 1, 2014, through October 31, 2015:

Producer or Exporter	Weighted-average dumping margin (percent *ad valorem*)
JBF RAK LLC	7.91

Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.[4] The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the date of publication of these final results of review.

For assessment purposes, we calculated importer-specific, *ad valorem* assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of those same sales.[5] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act): (1) For JBF, the cash deposit rate will be equal to the weighted-average dumping margin listed above in the section ''Final Results of the Administrative Review;'' (2) for merchandise exported by producers or exporters not covered in this review but covered in a previously completed segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the final results for the most recent period in which that producer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the producer is, then the cash deposit rate will be that established for the producer of the merchandise in these final results of review or in the final results for the most recent period in which that producer participated; and (4) if neither the exporter nor the producer is a firm covered in this review or in any previously completed segment of this proceeding, then the cash deposit rate will be 4.05 percent, the all-others rate established in the less than fair value investigation.[6] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

We will disclose to interested parties the calculations performed in connection with these final results within five days of the publication of

[1] *See Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates: Preliminary Results of Antidumping Duty Administrative Review; 2014–2015,* 81 FR 89061 (December 9, 2016) (*Preliminary Results*).

[2] *See* ''Polyethylene Terephthalate (PET) Film, Sheet and Strip from the United Arab Emirates (A–520–803); Case Brief of JBF RAK, LLC,'' dated January 9, 2017.

[3] *See* Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from Gary Taverman, Associate Deputy Assistant Secretary for AD/CVD Operations, ''Antidumping Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates: Issues and Decision Memorandum for the Final Results,'' (Issues and Decision Memorandum), dated concurrently with and herby adopted by this notice.

[4] The Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[5] *See* 19 CFR 351.212(b)(1).

[6] See Polyethylene Terephthalate Film, Sheet, and Strip from Brazil, the People's Republic of China and the United Arab Emirates: Antidumping Duty Orders and Amended Final Determination of Sales at Less Than Fair Value for the United Arab Emirates, 73 FR 66595, 66596 (November 10, 2008).

this notice, consistent with 19 CFR 351.224(b).

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice is the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: April 6, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—Issues in the Decision Memorandum

[FR Doc. 2017–07364 Filed 4–11–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–849]

Certain Cut-To-Length Carbon Steel Plate From the People's Republic of China: Rescission of Antidumping Circumvention Inquiry

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

SUMMARY: The Department of Commerce (''the Department'') is rescinding the antidumping circumvention inquiry on certain cut-to-length carbon steel plate (''CTL plate'') from the People's Republic of China (''PRC'') that was initiated on February 10, 2016.

DATES: Effective April 12, 2017.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian, Office IV, Enforcement & Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6412.

SUPPLEMENTARY INFORMATION:

Background

On October 2, 2003, the Department published an antidumping duty order on CTL plate from the PRC.[1] On February 10, 2016, in response to a request from Nucor Corporation and SSAB Enterprises LLC (collectively, ''Domestic Producers''), the Department initiated a circumvention inquiry regarding the *Order* with respect to certain CTL plate with small amounts of specific alloying elements (chromium, titanium, and boron where there was no heat treatment).[2] On December 5, 2016, the Department extended the deadline for issuing the final determination in this circumvention inquiry until April 5, 2017.[3] Subsequently, on March 20, 2017, the Department published antidumping and countervailing duty orders on certain carbon and alloy steel CTL plate from the PRC.[4] On March 23, 2017, the Department issued a letter notifying interested parties of its intent to rescind this antidumping circumvention inquiry on CTL plate from the PRC.[5] In that letter, the Department provided interested parties an opportunity to comment on its intention to rescind this antidumping circumvention inquiry.[6] No parties commented on the letter.

Rescission of Antidumping Circumvention Inquiry

As noted above, this antidumping circumvention inquiry pertains to certain CTL plate products from the PRC containing specified levels of alloying elements. However, there are now antidumping and countervailing duty orders on CTL plate from the PRC made of alloy steel, specifically ''certain carbon and alloy steel hot-rolled or forged flat plate products not in coils, whether or not painted, varnished, or coated with plastics or other non-metallic substances (cut-to-length plate).'' [7] Therefore, the Department is rescinding the instant circumvention inquiry, as this inquiry concerned products now covered by the *CTL Alloy Steel Orders.*

Administrative Protective Orders

This notice also serves as a final reminder to parties subject to an administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This notice is issued and published in accordance with sections 781 of the Tariff Act of 1930, as amended, and 19 CFR 351.225.

Dated: April 5, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary, Enforcement and Compliance.

[FR Doc. 2017–07285 Filed 4–11–17; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Suspension Agreement on Certain Cut-To-Length Carbon Steel Plate From the People's Republic of China; Termination of Suspension Agreement and Notice of Antidumping Duty Order,* 68 FR 60081 (October 21, 2003) (*''Order''*).

[2] *See Certain Cut-To-Length Carbon Steel Plate From the People 's Republic of China: Initiation of Circumvention Inquiry on Antidumping Duty Order,* 81 FR 8173 (February 18, 2016).

[3] *See* Extension of Deadline for Final Determination for Anticircumvention Inquiry, dated December 5, 2016.

[4] *See Certain Carbon and Alloy Steel Cut-To-Length Plate From the People's Republic of China: Antidumping Duty Order,* 82 FR 14349 (March 20, 2017); *see also Certain Carbon and Alloy Steel Cut-To-Length Plate From the People's Republic of China: Countervailing Duty Order,* 82 FR 14346 (March 20, 2017) (''*CTL Alloy Steel Orders*'').

[5] *See* Certain Cut-To-Length Carbon Steel Plate (''CTL plate'') From the People's Republic of China (''PRC''): Intent to Rescind Antidumping Circumvention Inquiry, dated March 23, 2017 (''Letter of Intent to Rescind'').

[6] *See id* at 2.

[7] *See CTL Alloy Steel Orders.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Freshwater Crawfish Tail Meat From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and New Shipper Review; 2014–2015

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

SUMMARY: On October 12, 2016, the Department of Commerce (the Department) published the preliminary results of the administrative review and new shipper review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (the PRC). Based on our analysis of the comments received, we have made changes to our margin calculations for the final results. As a result of these changes, the final weighted-average dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of the Administrative Review and New Shipper Review.''

DATES: Effective April 12, 2017.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3477 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

These final results cover four producers/exporters of subject merchandise, China Kingdom (Beijing) Import & Export Co., Ltd. (China Kingdom), Xuzhou Jinjiang Foodstuffs Co., Ltd. (Xuzhou Jinjiang), Hubei Nature Agriculture Industry Co., Ltd (Hubei Nature), and Hubei Qianjiang Aquatic Food and Product Co., Ltd. (Hubei Qianjiang). The period of review (POR) for the aligned administrative review and the new shipper review is September 1, 2014, through August 31, 2015.[1] On October 12, 2016, we published the preliminary results of these reviews.[2] On October 17, 2016, we issued a post-preliminary analysis memorandum.[3] We received a case brief from Xuzhou Jinjiang on December 16, 2016, and a rebuttal brief from the petitioners, the Crawfish Processors Alliance (CPA) on December 23, 2016.[4]

On January 9, 2017, we issued a memorandum extending the time limit for the final results of these reviews to April 10, 2017.[5]

We conducted these reviews in accordance with sections 751(a)(1)(B) and 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the antidumping duty order is freshwater crawfish tail meat, which is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 1605.40.10.10, 1605.40.10.90, 0306.19.00.10, and 0306.29.00.00. On February 10, 2012, the Department added HTSUS classification number 0306.29.01.00 to the scope description pursuant to a request by U.S. Customs and Border Protection (CBP). The HTSUS numbers are provided for convenience and customs purposes only. The written description of the scope is dispositive. A full description of the scope of the order is contained in the Issues and Decision Memorandum.[6]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in these reviews are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues raised is attached to this notice as an appendix. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Enforcement and Compliance Web site at *http://enforcement.trade.gov/frn/.*

Changes Since the Preliminary Results

Based on our analysis of comments received, we made two revisions that changed the results for all respondents.[7]

Final Results of the Administrative Review

For the final results of the administrative review, we determine that the following percentage weighted-average dumping margins exist for the period September 1, 2014, through August 31, 2015:

Producer/exporter	Weighted-average margin (%)
China Kingdom (Beijing) Import & Export Co., Ltd	0.00
Xuzhou Jinjiang Foodstuffs Co., Ltd	0.00
Hubei Nature Agriculture Industry Co., Ltd	0.00

Final Results of the New Shipper Review

For the final results of the new shipper review, the Department determines that a dumping margin of 0.00 percent exists for merchandise produced and exported by Hubei Qianjiang Aquatic Food and Product Co., Ltd., covering the period September 1, 2014, through August 31, 2015.

Separate Rate for a Non-Selected Company

Hubei Nature is the only exporter of crawfish tail meat from the PRC that demonstrated its eligibility for a separate rate which was not selected for individual examination in this review. The calculated rates of the respondents selected for individual examination have changed since the *Preliminary Results* and are now all zero. Neither the

[1] On February 2, 2016, in accordance with 19 CFR 351.214(j)(3), the Department aligned the new shipper review with the administrative review. *See* Memorandum to the File entitled, ''Alignment of New Shipper Review of Freshwater Crawfish Tail Meat from the People's Republic of China with the concurrent administrative review of Freshwater Crawfish Tail Meat from the People's Republic of China,'' dated February 2, 2016.

[2] *See Freshwater Crawfish Tail Meat from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and New Shipper Review; 2014–2015,* 81 FR 70389 (October 12, 2016) (*Preliminary Results*), and accompanying Decision Memorandum (Preliminary Decision Memorandum).

[3] *See* Memorandum to James Maeder, Senior Director, AD/CVD Operations, Office I, ''Freshwater Crawfish Tail Meat from the People's Republic of China—Post-Preliminary Analysis Memorandum,'' dated October 17, 2016.

[4] *See* case brief from Xuzhou Jinjiang Foodstuffs Co. (Xuzhou Jinjiang), dated December 16, 2016, and rebuttal brief from the petitioners, the Crawfish Processors Alliance (CPA), dated December 23, 2016.

[5] *See* Memorandum to Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, extending the Final Results, dated January 9, 2017.

[6] *See* Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review and New Shipper Review of Freshwater Crawfish Tail Meat from the People's Republic of China,'' dated concurrently with and hereby adopted by this notice (Issues and Decision Memorandum).

[7] *See* Issues and Decision Memorandum at Comments 1 and 2.

Act, nor the Department's regulations address the establishment of the dumping margin applied to separate rate companies not selected for individual examination where the Department limits its individual examination in an administrative review pursuant to section 777A(c)(2) of the Act. The Department's practice in administrative reviews involving limited selection based on exporters accounting for the largest volume of subject merchandise during the period of review has been to look to section 735(c)(5) of the Act for guidance, which provides instructions for calculating the all-others rate in an antidumping investigation. Under section 735(c)(5)(A) of the Act, the Department avoids calculating an all-others rate using rates that are zero, de minimis, or based entirely on facts available in investigations. Section 735(c)(5)(B) of the Act provides that, where all dumping margins established for the mandatory respondents are zero, *de minimis,* or based entirely on facts available, the Department may use ''any reasonable method for assigning an all-others rate. In these final results of review, the dumping margins determined for the mandatory respondents are either zero, de minimis, or based entirely on AFA. Therefore, in accordance with section 735(c)(5)(B) of the Act, we have applied to the non-individually examined companies eligible for a separate rate a dumping margin equal to the simple average of the zero and AFA rates determined for the mandatory respondents.

In light of the Federal Circuit's decision in *Albemarle Corp.* v. *United States,* 821 F.3d 1345 (Fed. Cir. 2016), we have concluded that in this review that a reasonable method for determining the rate for the non-selected company, Hubei Nature, is to apply the average of the zero margins calculated for the two mandatory respondents in the administrative review, China Kingdom and Xuzhou Jinjiang. For a detailed discussion, *see* Issues and Decision Memorandum.

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by these reviews. In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific (or customer-specific) assessment rates for merchandise subject to these reviews.

For these final results, we divided the total dumping margins (calculated as the difference between normal value and export price) for each of the respondents' importers or customers by the total number of kilograms the exporter sold to that importer or customer. We will direct CBP to assess the resulting per-kilogram dollar amount against each kilogram of merchandise in each of that importer's/customer's entries during the review period.

For entries that were not reported in the U.S. sales databases submitted by companies individually examined during these reviews, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. We intend to issue assessment instructions to CBP 15 days after the date of publication of these final results of reviews.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of the administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by the companies listed above, no cash deposit will be required for that exporter; (2) for previously investigated companies not listed above that have separate rates, the cash deposit rate will continue to be the company-specific rate published for the investigation; (3) for all other PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 223.01 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC entity that supplied that non-PRC exporter.

With respect to Hubei Qianjiang, the respondent in the new shipper review, the Department established a combination cash deposit rate for this company consistent with its practice, as follows: (1) For subject merchandise produced and exported by Hubei Qianjiang the cash deposit rate will be the rate established in the final results of the new shipper review; (2) for subject merchandise exported by Hubei Qianjiang, but not produced by Hubei Qianjiang, the cash deposit rate will be the rate for the PRC-wide entity; and (3) for subject merchandise produced by Hubei Qianjiang, but not exported by Hubei Qianjiang, the cash deposit rate will be the rate applicable to the exporter.

These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the final results in accordance with 19 CFR 351.224(b).

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these final results of administrative and new shipper reviews in accordance with sections 751(a)(1), 751(a)(2)(B)(iii), 751(a)(3), 777(i) of the Act and 19 CFR 351.213(h) and 351.214.

Dated: April 6, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2017–07363 Filed 4–11–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Advisory Committee on Earthquake Hazards Reduction Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Earthquake Hazards Reduction (ACEHR or Committee), will hold an open meeting via a cloud-based video conference on Wednesday, May 3, 2017, from 3:15 p.m. to 5:15 p.m. Eastern Time. The primary purpose of this meeting is to discuss an outline for the Committee's 2017 Report on the Effectiveness of the National Earthquake Hazards Reduction Program (NEHRP). The agenda may change to accommodate Committee business. The final agenda and any meeting materials will be posted on the NEHRP Web site at *http://nehrp.gov/*. Interested members of the public will be able to participate in the meeting from remote locations by calling in to a central phone number.

DATES: The ACEHR will hold a meeting via a cloud-based video conference on Wednesday, May 3, 2017, from 3:15 p.m. until 5:15 p.m. Eastern Time. The meeting will be open to the public.

ADDRESSES: Questions regarding the meeting should be sent to the National Earthquake Hazards Reduction Program Director, National Institute of Standards and Technology (NIST), 100 Bureau Drive, Mail Stop 8604, Gaithersburg, Maryland 20899–8604. For instructions on how to participate in the meeting via the cloud-based video conference, please see the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Tina Faecke, Management and Program Analyst, National Earthquake Hazards Reduction Program, Engineering Laboratory, NIST, 100 Bureau Drive, Mail Stop 8604, Gaithersburg, Maryland 20899–8604. Ms. Faecke's email address is *tina.faecke@nist.gov* and her phone number is (301) 975–5911.

SUPPLEMENTARY INFORMATION: The Committee was established in accordance with the requirements of Section 103 of the NEHRP Reauthorization Act of 2004 (Public Law 108–360). The Committee is composed of 15 members appointed by the Director of NIST, who were selected for their established records of distinguished service in their professional community, their knowledge of issues affecting NEHRP, and to reflect the wide diversity of technical disciplines, competencies, and communities involved in earthquake hazards reduction. In addition, the Chairperson of the U.S. Geological Survey Scientific Earthquake Studies Advisory Committee serves as an ex-officio member of the Committee.

The Committee assesses:

- Trends and developments in the science and engineering of earthquake hazards reduction;
- the effectiveness of NEHRP in performing its statutory activities;
- any need to revise NEHRP; and
- the management, coordination, implementation, and activities of NEHRP.

Background information on NEHRP and the Advisory Committee is available at *http://nehrp.gov/*.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the ACEHR will hold an open meeting via a cloud-based video conference on Wednesday, May 3, 2017, from 3:15 p.m. to 5:15 p.m. Eastern Time. There will be no central meeting location. Interested members of the public will be able to participate in the meeting from remote locations by calling in to a central phone number. The primary purpose of this meeting is to discuss an outline for the Committee's 2017 Report on the Effectiveness of the NEHRP. The agenda may change to accommodate Committee business. The final agenda and any meeting materials will be posted on the NEHRP Web site at *http://nehrp.gov/*.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request an opportunity to speak and detailed instructions on how to join the video conference from a remote location in order to participate by submitting their request to Tina Faecke at *tina.faecke@nist.gov* or 301–975–5911 no later than 5:00 p.m. Eastern Time, Thursday, April 27, 2017. Approximately 15 minutes will be reserved from 4:45 p.m.—5:00 p.m. Eastern Time for public comments; speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about three minutes each. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated, and those who were unable to participate are invited to submit written statements to ACEHR, National Institute of Standards and Technology, 100 Bureau Drive, MS 8604, Gaithersburg, Maryland 20899–8604, via fax at (301) 975–4032, or electronically by email to *tina.faecke@nist.gov*.

All participants of the meeting are required to pre-register. Anyone wishing to participate must register by 5:00 p.m. Eastern Time, Thursday, April 27, 2017, in order to be included. Please submit your full name, email address, and phone number to Tina Faecke at *tina.faecke@nist.gov* or (301) 975–5911. After pre-registering, participants will be provided with detailed instructions on how to join the video conference from a remote location in order to participate.

Kevin Kimball,

NIST Chief of Staff.

[FR Doc. 2017–07318 Filed 4–11–17; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Advisory Committee on Earthquake Hazards Reduction Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Earthquake Hazards Reduction (ACEHR or Committee), will meet on Monday, July 24, 2017 from 8:30 a.m. to 5:00 p.m. Mountain Time and Tuesday, July 25, 2017, from 8:30 a.m. to 2:30 p.m. Mountain Time. The primary purpose of this meeting is to discuss the Committee's 2017 Report on the Effectiveness of the National Earthquake Hazards Reduction Program (NEHRP). The agenda may change to accommodate Committee business. The final agenda and any meeting materials will be posted on the NEHRP Web site at *http://nehrp.gov/*.

DATES: The ACEHR will meet on Monday, July 24, 2017, from 8:30 a.m. until 5:00 p.m. Mountain Time. The meeting will continue on Tuesday, July 25, 2017, from 8:30 a.m. until 2:30 p.m. Mountain Time. The meeting will be open to the public.

ADDRESSES: The meeting will be held in the Katharine Blodgett Gebbie Laboratory Conference Room 1A106, Building 81, at the National Institute of Standards and Technology (NIST), 325 Broadway Street, Boulder, Colorado 80305. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Tina Faecke, Management and Program Analyst, National Earthquake Hazards Reduction Program, Engineering Laboratory, NIST, 100 Bureau Drive, Mail Stop 8604, Gaithersburg, Maryland 20899–8604. Ms. Faecke's email address is *tina.faecke@nist.gov* and her phone number is (301) 975–5911.

SUPPLEMENTARY INFORMATION:

The Committee was established in accordance with the requirements of Section 103 of the NEHRP Reauthorization Act of 2004 (Pub. L. 108–360). The Committee is composed of 15 members appointed by the Director of NIST, who were selected for their established records of distinguished service in their professional community, their knowledge of issues affecting NEHRP, and to reflect the wide diversity of technical disciplines, competencies, and communities involved in earthquake hazards reduction. In addition, the Chairperson of the U.S. Geological Survey Scientific Earthquake Studies Advisory Committee serves as an ex-officio member of the Committee. The Committee assesses:

- Trends and developments in the science and engineering of earthquake hazards reduction;
- the effectiveness of NEHRP in performing its statutory activities;
- any need to revise NEHRP; and
- the management, coordination, implementation, and activities of NEHRP.

Background information on NEHRP and the Advisory Committee is available at *http://nehrp.gov/.*

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the ACEHR will hold an open meeting on Monday, July 24, 2017 from 8:30 a.m. to 5:00 p.m. Mountain Time and Tuesday, July 25, 2017, from 8:30 a.m. to 2:30 p.m. Mountain Time. The meeting will be held in the Katharine Blodgett Gebbie Laboratory Conference Room 1A106, Building 81, at NIST, 325 Broadway Street, Boulder, Colorado 80305. The primary purpose of this meeting is to discuss the Committee's 2017 Report on the Effectiveness of the NEHRP. The agenda may change to accommodate Committee business. The final agenda and any meeting materials will be posted on the NEHRP Web site at *http://nehrp.gov/.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda. On July 25, 2017, approximately fifteen minutes will be reserved near the beginning of the meeting for public comments, and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about three minutes each. Questions from the public will not be considered during this period. All those wishing to speak must submit their request by email to the attention of Ms. Tina Faecke, *tina.faecke@nist.gov,* by 5:00 p.m. Eastern time, Wednesday, July 19, 2017.

Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to ACEHR, National Institute of Standards and Technology, 100 Bureau Drive, MS 8604, Gaithersburg, Maryland 20899–8604, via fax at (301) 975–4032, or electronically by email to *tina.faecke@nist.gov.*

All visitors to the NIST site are required to pre-register to be admitted. Anyone wishing to attend this meeting must register by 5:00 p.m. Eastern Time, Wednesday, July 12, 2017, in order to attend. Please submit your full name, email address, and phone number to Tina Faecke. Non-U.S. citizens must submit additional information; please contact Ms. Faecke. Ms. Faecke's email address is *tina.faecke@nist.gov* and her phone number is (301) 975–5911. For participants attending in person, please note that federal agencies, including NIST, can only accept a state-issued driver's license or identification card for access to federal facilities if such license or identification card is issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109–13), or by a state that has an extension for REAL ID compliance. NIST currently accepts other forms of federal-issued identification in lieu of a state-issued driver's license. For detailed information please contact Ms. Faecke at (301) 975–5711 or visit: *http://www.nist.gov/public_affairs/visitor/.*

Kevin Kimball,

NIST Chief of Staff.

[FR Doc. 2017–07320 Filed 4–11–17; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF349

Mid-Atlantic Fishery Management Council (MAFMC); Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Atlantic *Mackerel, Squid,* and *Butterfish* Advisory Panel of the Mid-Atlantic Fishery Management Council (Council) will hold a public meeting.

DATES: The meeting will be held on Monday, May 1, 2017, from 1 p.m. to 5 p.m., to view the agenda see **SUPPLEMENTARY INFORMATION**.

The meeting will be held via Webinar with a telephone-only audio connection: *http://mafmc.adobeconnect.com/msb-ap-2017/.* Telephone instructions are provided upon connecting, or the public can call direct, at 800–832–0736, Rm: 7833942#.

ADDRESSES:

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901: telephone: (302) 674–2331 or on their Web site, at *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION:

Agenda

The purpose of the meeting is to create a *Fishery Performance Report* by the Council's Atlantic *Mackerel, Squid,* and *Butterfish* (MSB) Advisory Panel. The intent of this report is to facilitate a venue for structured input from the Advisory Panel members for the MSB specifications process, including recommendations by the Council and its Scientific and Statistical Committee (SSC).

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders, at (302) 526–5251, at least 5 business days prior to the meeting.

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

Dated: April 7, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–07344 Filed 4–11–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF285

Endangered Species; File No. 21293

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that NMFS has received an application for an incidental take permit (permit) from Mr. Jack Rudloe, Gulf Specimen Marine Laboratories, Inc. (GSML), pursuant to the Endangered Species Act of 1973, as amended (ESA). As required by the ESA, GSML's application includes a conservation plan designed to minimize and mitigate the impacts of any take of endangered or threatened species. The permit application is for the incidental take of ESA-listed adult and juvenile sea turtles associated with otherwise lawful trawling activities in Florida state waters of Bay, Gulf, Franklin, and Wakulla Counties to harvest marine organisms for the purpose of supplying entities conducting scientific research and educational activities. The duration of the proposed permit is for 18 years. NMFS is furnishing this notice in order to allow other agencies and the public an opportunity to review and comment on this document. All comments received will become part of the public record and will be available for review.

DATES: Written comments must be received at the appropriate address or fax number (see **ADDRESSES**) on or before May 12, 2017.

ADDRESSES: The application is available for download and review at *http://www.nmfs.noaa.gov/pr/permits/esa_review.htm* under the section heading ESA Section 10(a)(1)(B) Permits and Applications. The application is also available upon written request or by appointment in the following office: Endangered Species Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13752, Silver Spring, MD 20910; phone (301) 427–8403; fax (301) 713–4060.

You may submit comments, identified by NOAA–NMFS–2017–0035, by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0035* click the ''Comment Now'' icon, complete the required fields, and enter or attach your comments.
- *Fax:* (301) 713–4060; Attn: Ron Dean or Lisa Manning.
- *Mail:* Submit written comments to Endangered Species Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13535, Silver Spring, MD 20910; Attn: Ron Dean or Lisa Manning.

Instructions: You must submit comments by one of the above methods to ensure that we receive, document, and consider them. 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. All comments received are a part of the public record and will generally be posted for public viewing on *http://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. We will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Ron Dean or Lisa Manning, (301) 427–8403.

SUPPLEMENTARY INFORMATION: Section 9 of the ESA and Federal regulations prohibit the 'taking' of a species listed as endangered or threatened. The ESA defines ''take'' to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances to take listed species incidental to, and not the purpose of, otherwise lawful activities. Section 10(a)(1)(B) of the ESA provides for authorizing incidental take of listed species. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

Background

Pursuant to the ESA, GSML has submitted an application to NMFS for the incidental take of ESA-listed adult and juvenile sea turtles associated with otherwise lawful trawling activities in Florida state waters of Bay, Gulf, Franklin, and Wakulla Counties to harvest marine organisms for the purpose of supplying entities conducting scientific research and educational activities. The species identified in the application were: Loggerhead (*Caretta caretta* Northwest Atlantic Ocean Distinct Population Segment), green (*Chelonia mydas* North Atlantic Distinct Population Segment), and Kemp's ridley (*Lepidochelys kempii*) sea turtles.

NMFS received a draft permit application from GSML on February 4, 2016. Based on our review of the application, we requested further information and clarification. On July 22, 2016, GSML submitted supplemental information to its application. NMFS and GSML held further discussions on amount and extent of anticipated takes and clarifications of gear type to be used. During these discussions, NMFS determined that leatherback sea turtles (*Dermochelys coriacea*) and Gulf sturgeon (*Acipenser oxyrinchus desotoi*) also occur in the action area specified in the permit application. Thus, NMFS included these species in its analysis of the permit application. On March 16, 2017, NMFS notified GSML of this approach, and GSML confirmed the updated approach on March 21, 2017.

The duration of the proposed permit is 18 years. GSML uses small trawls (under 500 square feet) without Turtle Excluder Devices (TEDs) and trawl times are less than thirty minutes in duration. Turtle Excluder Devices often expel the desired stingrays, electric rays, horseshoe crabs and other benthic invertebrates and fish that are required for the laboratory's ongoing operations, and are not practical in the collection of these specimens.

A take of one turtle and one gulf sturgeon every three years is anticipated, given the nature of the activities and the location of the species in the area where the activities will occur. No mortalities or injury are expected should this take occur. As data are gathered through monitoring, NMFS will amend the permit to reflect any changes in the take estimate, if appropriate.

Conservation Plan

Section 10 of the ESA specifies that no permit may be issued unless an applicant submits an adequate conservation plan. The conservation plan prepared by GSML describes measures designed to minimize and mitigate the impacts of any incidental takes of ESA-listed sea turtles. It includes provisions to ensure that any captured sea turtles in need of resuscitation are provided such care, per NMFS guidelines. Additionally, any animals needing medical attention or

rehabilitation will be cared for by authorized persons and facilities.

The conservation plan will mitigate the impacts of any incidental takes of ESA-listed sea turtles that are harmed due to interactions with other fisheries in the area. Specifically, GSML will remove, taking into account any human safety considerations, any turtles it encounters ensnared in fishing lines, nets, and trap ropes. If any of these sea turtles require care, GSML will transport them to a rehabilitation facility.

The applicant's conservation plan did not include procedures for handling Gulf sturgeon. However, the applicant will follow specific handling procedures for Gulf sturgeon to minimize impacts to this species in the unlikely event an interaction should occur.

This conservation plan will be funded through GSML revenues derived from the sale of the marine fish, invertebrates, and algae collected via trawling; donations from membership in its aquarium; and grants and contracts.

GSML considered and rejected two other alternatives: (1) Reduced trawl times; and (2) alternative methods. GSML cannot practicably further reduce the trawl times or employ alternative methodologies.

National Environmental Policy Act

This notice is provided pursuant to section 10(c) of the ESA and the National Environmental Policy Act regulations (40 CFR 1506.6). NMFS will evaluate the application, associated documents, and submitted comments to determine whether the application meets the requirements of the ESA Section 10(a)(1)(B) permitting process. If it is determined that the requirements are met, a permit will be issued for incidental takes of ESA-listed sea turtles and Gulf sturgeon under the jurisdiction of NMFS.

The final permit determinations will not be completed until after the end of the 30-day comment period and will fully consider all public comments received during the comment period. NMFS will publish a record of its final action in the **Federal Register**.

Dated: April 7, 2017.

Angela Somma,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–07410 Filed 4–11–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Knowledge, Attitudes and Perceptions of the Management Strategies and Regulations of the Grays Reef National Marine Sanctuary

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 12, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *pracomments@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Dr. Vernon R. (Bob) Leeworthy, (240) 533–0647 or *Bob.Leeworthy@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a reinstatement, with changes, of a previous information collection.

NOAA, through its National Ocean Service, Office of National Marine Sanctuaries, is replicating a study done in 2010–2011 on users and non-users of Gray's Reef National Marine Sanctuary (GRNMS) off the coast of Georgia. The study will support analysis of its current regulations to support management plan revision, which could include changes in regulations. The study will collect information to assess recreational uses of GRNMS and surrounding areas off the coast of Georgia, demographic profiles, and attitudes on GRNMS current regulations, especially the research only area, which displaced recreational fishing. In addition, user perceptions of the conditions of GRNMS natural resources/environment will be obtained.

II. Method of Collection

A mail survey will be used as was done in 2010–2011 using self-addressed, postage paid mailback questionnaires.

III. Data

OMB Control Number: 0648–XXXX.
Form Number: None.
Type of Review: Regular (reinstatement with changes).
Affected Public: Individuals or households.
Estimated Number of Respondents: 300.
Estimated Time per Response: 30 minutes per individual.
Estimated Total Annual Burden Hours: 150.
Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–07282 Filed 4–11–17; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluations of National Estuarine Research Reserves

AGENCY: Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA),

Office for Coastal Management will hold public meetings to solicit comments for the performance evaluation of the Wells National Estuarine Research Reserve.

DATES: *Wells National Estuarine Research Reserve Evaluation:* The public meeting will be held on Tuesday, May 23, 2017, and written comments must be received on or before Friday, June 2, 2017.

For specific dates, times, and locations of the public meetings, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: You may submit comments on the reserves and coastal program NOAA intends to evaluate by any of the following methods:

Public Meeting and Oral Comments: A public meeting will be held in Wells, Maine for the Wells Reserve. For the specific location, see **SUPPLEMENTARY INFORMATION.**

Written Comments: Please direct written comments to Pam Kylstra, Training and Engagement Program, Office for Coastal Management, 2234 S. Hobson Avenue, Charleston SC 29405, or email comments *Pam.Kylstra@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Pam Kylstra, Evaluator, Policy, Planning and Communications, Office for Coastal Management, 2234 S Hobson Avenue, Charleston SC 29405, or *Pam.Kylstra@noaa.gov.* Copies of the most recent performance report, previous evaluation findings, Management Plan, and Site Profile may be viewed and downloaded on the Internet at *http://coast.noaa.gov/czm/evaluations.* A copy of the evaluation notification letter may be obtained upon request by contacting the person identified under **FOR FURTHER INFORMATION CONTACT.**

SUPPLEMENTARY INFORMATION: Sections 312 and 315 of the Coastal Zone Management Act (CZMA) require NOAA to conduct periodic evaluations of federally approved national estuarine research reserves. The process includes a public meeting, consideration of written public comments and consultations with interested Federal, state, and local agencies and members of the public. For the evaluation of National Estuarine Research Reserves, NOAA will consider the extent to which the state has met the national objectives, adhered to its management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the Coastal Zone Management Act. When the evaluation is completed, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

Specific information on the periodic evaluation of reserves that are the subject of this notice are detailed below as follows:

Wells National Estuarine Research Reserve Evaluation

You may participate or submit oral comments at the public meeting scheduled as follows:

Date: May 23, 2017.

Time: 5:00 p.m., local time.

Location: The Mather Auditorium, Wells Reserve, 342 Laudholm Farm Road, Wells, Maine 04090.

Written comments must be received on or before June 2, 2017.

Dated: March 17, 2017.

Jeffrey L. Payne,

Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration

[FR Doc. 2017–07346 Filed 4–11–17; 8:45 am]

BILLING CODE 3510–08–P

COURT SERVICES AND OFFENDER SUPERVISON AGENCY FOR THE DISTRICT OF COLUMBIA

Agency Information Collection Activities: Proposed Collection; Public Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery;

AGENCY: Court Services and Offender Supervision Agency for the District of Columbia (CSOSA).

ACTION: Notice and request for comments.

SUMMARY: This notice announces the intention of the CSOSA, on behalf of its sister agency, Pretrial Services Agency for the District of Columbia (PSA), to request that the Office of Management and Budget (OMB) approve the proposed Generic Information Collection request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.'' In accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*), this notice announces PSA's intent to submit this collection to OMB for approval. PSA invites the public to comment on this proposed information collection. Notice and request for public comment on this collection was published in the **Federal Register** on January 30, 2017 at 82 FR 8726. The Agency did not receive any comments in response to the 60-day notice published in the **Federal Register**.

DATES: Consideration will be given to all comments received by May 12, 2017.

ADDRESSES: You may submit written comments to: The Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: CSOSA Desk Officer and to: *oira_submission@omb.eop.gov.* A copy of any comments should be sent to: Rochelle Durant, Program Analyst, Office of General Counsel, Court Services and Offender Supervision Agency, 633 Indiana Avenue NW, Room 1253, Washington, DC 20004 or to *Rochelle.durant@csosa.gov.* All comments should reference the title of the collection, ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.'' Comments submitted in response to this notice may be made available to the public. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and may be made available on the Internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Rochelle Durant, Program Analyst, Office of General Counsel, Court Services and Offender Supervision Agency for the District of Columbia, 633 Indiana Avenue NW., Room 1253, Washington, DC 20004, (202) 220–5304 or *Rochelle.durant@csosa.gov.*

For content support: Sharon Banks, Program Analyst, Office of Strategic Planning, Pretrial Services Agency for the District of Columbia, 1025 F Street, NW., Room 706–G, Washington, DC 20004, (202) 442–1086 or to *Sharon.Banks@psa.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: 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 collect or sponsor. Section 3506(c)(2)(A) of the PRA (944 U.S.C. 3506(c)(2)(A) requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of

information, including each proposed extension of an existing collection of information, before submitting the collection of information to OMB for approval. To comply with this requirement, CSOSA on behalf of its sister agency, PSA, is publishing notice of the proposed collection of information set forth in this document. The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

1. The collections are voluntary;

2. The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the federal government;

3. The collections are non-controversial and do not raise issues of concern to other federal agencies;

4. Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;

5. Personally identifiable information (PII) is collected only to the extent necessary and is not retained;

6. Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;

7. Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

8. Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Current Actions: New collection of information.

Type of Review: New Collection.

(1) *Affected Public:* Individuals currently under PSA supervision. PSA stakeholders including criminal justice system (e.g., judges).

Estimated Number of Respondents: 450.

Below we provide projected average estimates for the next three years:

Average Expected Annual Number of Activities: 2.

Average Number of Respondents per Activity: 225.

Annual Responses: 450.

Frequency of Response: Once per request.

Average Minutes per Response: 13.

Burden Hours: 146.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. 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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Rochelle Durant,

Program Analyst, Court Services and Offender Supervision Agency, on behalf of Pretrial Services for the District of Columbia.

[FR Doc. 2017–07342 Filed 4–11–17; 8:45 am]

BILLING CODE 3129–07–P

DEPARTMENT OF EDUCATION

Notice of Revision of the National Center for Education Statistics (NCES) Confidentiality Pledges Under Confidential Information Protection and Statistical Efficiency Act (CIPSEA) and Education Sciences Reform Act of 2002 (ESRA 2002)

AGENCY: National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: Under 44 U.S.C. 3506(e), and 44 U.S.C. 3501 (note), the National Center for Education Statistics (NCES) is announcing revisions to the confidentiality pledge(s) it provides to its respondents under the Confidential Information Protection and Statistical Efficiency Act (44 U.S.C. 3501 (note)) (CIPSEA) and under the Education Sciences Reform Act of 2002 (ESRA 2002). These revisions are required by the passage and implementation of provisions of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 151), which permits and requires the Secretary of Homeland Security to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. More details on this announcement are presented in the **SUPPLEMENTARY INFORMATION** section below.

DATES: These revisions become effective upon publication of this notice in the **Federal Register**.

ADDRESSES: Questions about this notice should be addressed to Dr. Cleo Redline, National Center for Education Statistics, Potomac Center Plaza, 550 12th Street SW., Washington, DC 20202 or by email at *cleo.redline@ed.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Cleo Redline by telephone at 202–245–7695 (this is not a toll-free number); by email at *cleo.redline@ed.gov;* or by mail at the National Center for Education Statistics, Potomac Center Plaza, 550 12th Street SW., Washington, DC 20202. Because of delays in the receipt of regular mail related to security screening, respondents are encouraged to use electronic communications.

SUPPLEMENTARY INFORMATION: Federal statistics provide key information that the Nation uses to measure its performance and make informed choices about education, employment, health, investments, budgets, taxes, and a host of other significant topics. The overwhelming majority of Federal surveys are conducted on a voluntary basis. Respondents, ranging from businesses to households to institutions, may choose whether or not to provide the requested information. Many of the most valuable Federal statistics come from surveys that ask for highly sensitive information such as proprietary business data from companies or particularly personal information or practices from individuals.

Confidential Information and Protection and Statistical Efficiency Act (CIPSEA)

Strong and trusted confidentiality and exclusively statistical use pledges under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) and similar statistical confidentiality pledges are effective and necessary in honoring the trust that businesses, individuals, and institutions, by their responses, place in statistical agencies. Under CIPSEA and similar statistical confidentiality protection statutes, many Federal statistical agencies make statutory pledges that the information respondents provide will be seen only by statistical agency personnel or their sworn agents, and will be used only for statistical purposes. CIPSEA and similar statutes protect the confidentiality of information that agencies collect solely for statistical purposes and under a pledge of confidentiality. These acts protect such statistical information from administrative, law enforcement, taxation, regulatory, or any other non-statistical use and immunize the information submitted to statistical agencies from legal process. Moreover, many of these statutes carry criminal penalties of a Class E felony (fines up to $250,000, or up to five years in prison, or both) for conviction of a knowing and willful unauthorized disclosure of covered information.

As part of the Consolidated Appropriations Act for Fiscal Year 2016 signed on December 17, 2015, the Congress included the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 151). This Act, among other provisions, permits and requires the Secretary of Homeland Security to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. The technology currently used to provide this protection against cyber malware is known as Einstein 3A; it electronically searches Internet traffic in and out of Federal civilian agencies in real time for malware signatures.

When such a signature is found, the Internet packets that contain the malware signature are shunted aside for further inspection by Department of Homeland Security (DHS) personnel. Because it is possible that such packets entering or leaving a statistical agency's information technology system may contain a small portion of confidential statistical data, statistical agencies can no longer promise their respondents that their responses will be seen only by statistical agency personnel or their sworn agents.

Accordingly, DHS and Federal statistical agencies, in cooperation with their parent departments, have developed a Memorandum of Agreement for the installation of Einstein 3A cybersecurity protection technology to monitor their Internet traffic.

However, many current CIPSEA and similar statistical confidentiality pledges promise that respondents' data will be seen only by statistical agency personnel or their sworn agents. Since it is possible that DHS personnel could see some portion of those confidential data in the course of examining the suspicious Internet packets identified by Einstein 3A sensors, statistical agencies need to revise their confidentiality pledges to reflect this process change.

Therefore, the National Center for Education Statistics (NCES) is providing this notice to alert the public to these confidentiality pledge revisions in an efficient and coordinated fashion.

Under CIPSEA, the following is the revised statistical confidentiality pledge for applicable NCES data collections, with the new line added to address the new cybersecurity monitoring activities bolded for reference only:

The information you provide will be used for statistical purposes only. In accordance with the Confidential Information Protection provisions of Title V, Subtitle A, Public Law 107–347 and other applicable Federal laws, your responses will be kept confidential and will not be disclosed in identifiable form to anyone other than employees or agents. By law, every NCES employee as well as every agent, such as contractors and NAEP coordinators, has taken an oath and is subject to a jail term of up to 5 years, a fine of $250,000, or both if he or she willfully discloses ANY identifiable information about you. Electronic submission of your information will be monitored for viruses, malware, and other threats by Federal employees and contractors in accordance with the Cybersecurity Enhancement Act of 2015.

The following listing shows the current NCES Paperwork Reduction Act (PRA) OMB number and information collection title whose CIPSEA confidentiality pledge will change to reflect the statutory implementation of DHS' Einstein 3A monitoring for cybersecurity protection purposes:

OMB control number	Information collection title
1850–0928	National Assessment of Educational Progress (NAEP) 2017.

Education Sciences Reform Act of 2002 (ESRA 2002)

NCES sample surveys are governed by additional laws, one of which is the Education Sciences Reform Act of 2002 (ESRA 2002) (20 U.S.C. 9573). Under ESRA 2002, the information respondents provide can be seen only by statistical agency personnel or their sworn agents, and may not be disclosed, or used, in identifiable form for any other purpose, except in the case of an authorized investigation or prosecution of an offense concerning national or international terrorism. Under ESRA 2002, the Attorney General is permitted to petition a court of competent jurisdiction for an ex parte order requiring the Secretary of Education to provide data relevant to an authorized investigation or prosecution of an offense concerning national or international terrorism. Thus, ESRA 2002 affords many of the same protections as CIPSEA, that is, surveys conducted under ESRA 2002 are protected from administrative, taxation, regulatory, and many other non-statistical uses and the disclosure of information carries criminal penalties of a Class E felony (fines up to $250,000, or up to five years in prison, or both) for conviction of a knowing and willful unauthorized disclosure of covered information for any non-statistical uses, except as noted previously, in the case of an authorized investigation concerning national or international terrorism.

As part of the Consolidated Appropriations Act for Fiscal Year 2016 signed on December 17, 2015, the Congress included the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 151). This Act, among other provisions, permits and requires the Secretary of Homeland Security to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. Since it is possible that DHS personnel could see some portion of the confidential data collected under ESRA 2002 in the course of examining the suspicious Internet packets identified by Einstein 3A sensors, the National Center for Education Statistics needs to revise the confidentiality pledges made under ESRA 2002 to reflect this process change.

Therefore, the National Center for Education Statistics (NCES) is providing this notice to alert the public to these confidentiality pledge revisions in an efficient and coordinated fashion.

Under ESRA 2002, the following is the revised statistical confidentiality pledge for applicable NCES data collections, with the new line added to address the new cybersecurity monitoring activities bolded for reference only:

All of the information you provide may be used only for statistical purposes and may not be disclosed, or used, in identifiable form for any other purpose except as required by law (20 U.S.C. 9573 and 6 U.S.C. 151).

The following listing shows the current NCES Paperwork Reduction Act (PRA) OMB numbers and information collection titles whose ESRA 2002 confidentiality pledge will change to reflect the statutory implementation of DHS' Einstein 3A monitoring for cybersecurity protection purposes:

OMB control number	Information collection title
1850–0631	2012/17 Beginning Postsecondary Students Longitudinal Study (BPS:12/17).
1850–0695	Trends in International Mathematics and Science Study (TIMSS 2019) Pilot Test.
1850–0733	Fast Response Survey System (FRSS) 108: Career and Technical Education (CTE) Programs in Public School Districts.
1850–0755	Program for International Student Assessment (PISA 2018) Field Test.
1850–0852	High School Longitudinal Study of 2009 (HSLS:09) Second Follow-up Main Study.
1850–0870	Program for the International Assessment of Adult Competencies (PIAAC) 2017 National Supplement.
1850–0888	2018 Teaching and Learning International Survey (TALIS 2018) Field Test.
1850–0911	Middle Grades Longitudinal Study of 2017–18 (MGLS:2017) Operational Field Test (OFT) and Recruitment for Main Study Base-year.
1850–0923	ED School Climate Surveys (EDSCLS) National Benchmark Study.
1850–0929	International Computer and Information Literacy Study (ICILS 2018) Field Test.
1850–0931	NCER–NPSAS Grant Study—Connecting Students with Financial Aid (CSFA) 2017: Testing the Effectiveness of FAFSA Interventions on College Outcomes.
1850–0932	NCER–NPSAS Grant Study—Financial Aid Nudges 2017: A National Experiment to Increase Retention of Financial Aid and College Persistence.
1850–0934	Principal Follow-Up Survey (PFS 2016–17) to the National Teacher and Principal Survey (NTPS 2015–16).
1850–0803 v.174	The National Assessment of Educational Progress (NAEP) Oral Reading Fluency Pilot Study 2017.
1850–0803 v.176	National Assessment of Educational Progress (NAEP) Survey Assessments Innovations Lab (SAIL) English Language Arts (ELA) Collaboration and Inquiry Study 2017.
1850–0803 v.177	2017 Integrated Postsecondary Education Data System (IPEDS) Time Use and Burden Cognitive Interviews Round 1.
1850–0803 v.178	ED School Climate Surveys (EDSCLS) Additional Item Cognitive Interviews—Set 2 Round 2.
1850–0803 v.179	National Assessment of Educational Progress (NAEP) Pretesting of Survey and Cognitive Items for Pilot in 2017 and 2018.
1850–0803 v.180	National Assessment of Educational Progress (NAEP) 2017 Feasibility Study of Middle School Transcript Study (MSTS).
1850–0803 v.181	National Assessment of Educational Progress (NAEP) Digitally Based Assessments (DBA) Usability Study 2017–18.
1850–0803 v.182	2017 National Household Education Survey (NHES) Web Data Collection Test.
1850–0803 v.186	National Household Education Surveys Program 2019 (NHES:2019) Focus Groups with Parents of Students using Virtual Education.
1850–0803 v.187	National Household Education Surveys Program (NHES) 2017 Web Test Debriefing Interviews for Parents of Homeschoolers.
1850–0803 v.189	2017–2018 National Teacher and Principal Survey (NTPS) Portal Usability Testing.
1850–0803 v.191	NCER–NPSAS Grant Study—Connecting Students with Financial Aid (CSFA) 2017 Cognitive Testing.
1850–0803 v.190	International Early Learning Study (IELS 2018) Cognitive Items Trial.
1850–0803 v.164	National Assessment of Educational Progress (NAEP) 2019 Science Items Pretesting.
1850–0803 v.170	National Assessment of Educational Progress (NAEP) Survey Assessments Innovations Lab (SAIL) Pretesting Activities: Virtual World for English Language Arts Assessment.
1850–0803 v.175	National Assessment of Educational Progress (NAEP) Science Questionnaire Cognitive Interviews 2017.

OMB control number	Information collection title
1850–0803 v.184	NCER–NPSAS Grant Study—Connecting Students with Financial Aid (CSFA) 2017 Focus Groups.
1850–0803 v.183	NCER–NPSAS Grant Study—Financial Aid Nudges 2017 Focus Groups.
1850–0803 v.185	The School Survey on Crime and Safety (SSOCS) Principals Focus Groups.

Affected Public: Survey respondents to applicable NCES information collections.

Total Respondents: Unchanged from current collections.

Frequency: Unchanged from current collections.

Total Responses: Unchanged from current collections.

Average Time per Response: Unchanged from current collections.

Estimated Total Burden Hours: Unchanged from current collections.

Estimated Total Cost: Unchanged from current collections.

Dated: April 7, 2017.

Kate Mullan,

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

[FR Doc. 2017–07350 Filed 4–11–17; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Meeting Notice; EAC Standards Board

AGENCY: U.S. Election Assistance Commission.

ACTION: Notice of public meeting for EAC Standards Board.

DATE AND TIME: Thursday, April 27, 2017, 8:30 a.m.–5:00 p.m. and Friday, April 28, 2017, 8:00–11:00 a.m. [Executive Board Session: Thursday, April 27, 2017, 7:30 p.m. (administrative business only)]

PLACE: The Westin Riverwalk, 420 West Market Street, San Antonio, TX 78205, Phone: (210) 224–6500.

PURPOSE: In accordance with the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C. Appendix 2), the U.S. Election Assistance Commission (EAC) Standards Board will meet to address its responsibilities under the Help America Vote Act of 2002 (HAVA), to present its views on issues in the administration of Federal elections, formulate recommendations to the EAC, and receive updates on EAC activities.

AGENDA: The Standards Board will receive an overview and updates on EAC agency operations. The Board will receive panel briefings on issues associated with military and overseas voters, vote-by-mail balloting, and election cyber security. Panel members will include election officials and stakeholders, and representatives from the Counsel of State Governments (CSG), the Federal Voting Assistance Program (FVAP), the United States Postal Service (USPS), and the Department of Homeland Security (DHS). The Standards Board will receive updates on the recommendations from EAC's Technical Guidelines Development Committee (TGDC) on the Voluntary Voting System Guidelines (VVSG) 2.0. The Standards Board will hold a discussion on the TGDC's VVSG recommendations.

The Standards Board will conduct committee breakout sessions and hear committee reports. The Standards Board will fill vacancies on the Executive Board of the Standards Board. The Standards Board will elect new officers, and the Executive Board will appoint Standards Board committee members and chairs, and consider other administrative matters.

SUPPLEMENTARY: Members of the public may submit relevant written statements to the Standards Board with respect to the meeting no later than 5:00 p.m. EDT on Thursday, April 20, 2017. Statements may be sent via email at *facaboards@eac.gov,* via standard mail addressed to the U.S. Election Assistance Commission, 1335 East West Highway, Suite 4300, Silver Spring, MD 20910, or by fax at 301–734–3108.

This meeting will be open to the public.

PERSON TO CONTACT FOR INFORMATION: Bryan Whitener, Telephone: (301) 563–3961.

Bryan Whitener,

Director, National Clearinghouse on Elections, U.S. Election Assistance Commission.

[FR Doc. 2017–07401 Filed 4–11–17; 8:45 am]

BILLING CODE 6820–KF–P

DEPARTMENT OF ENERGY

Notice of Intent To Grant Exclusive License

AGENCY: Office of the General Counsel, Department of Energy.

ACTION: Notice of intent to grant exclusive patent license.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i). The Department of Energy (DOE) hereby gives notice that DOE intends to grant an exclusive license to practice the inventions described and claimed in four U.S. Patents to Mack IV, LLC., having its principal place of business at Hapeville, Georgia. The four Patents are titled: Multi-Robot Control Interface (patent #8,073,564); Hardware Device to Physical Structure Binding and Authentication (patent #8,516,269); Quantum Key Management (patent #9,509,506); and Handheld Portable Real-Time Tracking and Communications Device (patent #8,185,101). The patents are owned by United States of America, as represented by DOE. The prospective exclusive license complies with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

DATES: Written comments, objections, or nonexclusive license applications must be received at the address listed no later than April 27, 2017.

ADDRESSES: Comments, applications for nonexclusive licenses, or objections relating to the prospective exclusive license should be submitted to Office of the Assistant General Counsel for Technology Transfer and Intellectual Property, U.S. Department of Energy, Room 6F–067, 1000 Independence Ave. SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Marianne Lynch, Office of the Assistant General Counsel for Technology Transfer and Intellectual Property, U.S. Department of Energy, Room 6F–067, 1000 Independence Ave. SW., Washington, DC 20585; Email: *marianne.lynch@hq.doe.gov;* and Phone: (202) 586–3815.

SUPPLEMENTARY INFORMATION: 35 U.S.C. 209(c) gives DOE the authority to grant exclusive or partially exclusive licenses in federally-owned inventions where a determination is made, among other things, that the desired practical application of the invention has not been achieved, or is not likely to be achieved expeditiously, under a nonexclusive license. The statute and implementing regulations (37 CFR 404) require that the necessary determinations be made after public notice and opportunity for filing written comments and objections.

Mack IV has applied for an exclusive license to practice the inventions

embodied in the patent and has plans for commercialization of the inventions.

Within 15 days of publication of this notice, any person may submit in writing to DOE's General Counsel for Intellectual Property and Technology Transfer Office (see contact information), either of the following, together with supporting documents:

(i) A statement setting forth reasons why it would not be in the best interest of the United States to grant the proposed license; or (ii) An application for a nonexclusive license to the invention, in which applicant states that it already has brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The proposed license would be exclusive, subject to a license and other rights retained by the United States, and subject to a negotiated royalty. DOE will review all timely written responses to this notice, and will grant the licenses if, after expiration of the 15-day notice period, and after consideration of any written responses to this notice, a determination is made in accordance with 35 U.S.C. 209(c) that the licenses are in the public interest.

Brian Lally,

Assistant General Counsel for Technology Transfer and Intellectual Property.

[FR Doc. 2017–07385 Filed 4–11–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–384–A]

Application To Export Electric Energy; NRG Power Marketing LLC

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: NRG Power Marketing LLC (NRGPML or Applicant) has applied to renew its authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before May 12, 2017.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On June 12, 2012, DOE issued Order No. EA–384 to NRGPML, which authorized the Applicant to transmit electric energy from the United States to Mexico as a power marketer for a five-year term using existing international transmission facilities. That authority expires on June 12, 2017. On March 21, 2017, NRGPML filed an application with DOE for renewal of the export authority contained in Order No. EA–384 for an additional five-year term.

In its application, NRGPML states that it does not own or operate any electric generation or transmission facilities, and it does not have a franchised service area. The electric energy that NRGPML proposes to export to Mexico would be purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The existing international transmission facilities to be utilized by NRGPML have previously been authorized by Presidential Permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning NRGPML's application to export electric energy to Mexico should be clearly marked with OE Docket No. EA–384–A. An additional copy is to be provided directly to both Alan Johnson, NRG Energy, Inc., 804 Carnegie Center, Princeton, NJ 08540, and Adnan Sarwar, NRG Energy, Inc., 804 Carnegie Center, Princeton, NJ 08540.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after a determination is made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov.*

Issued in Washington, DC, on April 5, 2017.

Christopher Lawrence,

Electricity Policy Analyst, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2017–07367 Filed 4–11–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and Arms Control, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This document is being issued under the authority of section 131a. of the Atomic Energy Act of 1954, as amended. The Department is providing notice of a proposed subsequent arrangement under the Agreement for Cooperation Concerning Civil Uses of Atomic Energy between the Government of the United States and the Government of Canada.

DATES: This subsequent arrangement will take effect no sooner than April 27, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Goorevich, Office of Nonproliferation and Arms Control, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–0589 or email: *Richard.Goorevich@nnsa.doe.gov*.

SUPPLEMENTARY INFORMATION: This subsequent arrangement concerns the alteration in form or content of 5 kg of U.S.-origin low enriched uranium (LEU) metal, 987.5 g of which is in the isotope of U–235 (19.75 percent enrichment) and which was exported to Canadian Nuclear Laboratories (CNL) among 100.095 kg of LEU containing 19.776 kg U–235. The LEU was exported for the LEU National Research Universal (NRU) Driver Fuel supply and will now be used for a Plate-Type Proof of Principle

Project, the purpose of which is to demonstrate that CNL can fabricate plate-type fuel products to industry specifications and successfully irradiate those products. The material is currently in the original elemental uranium chemical and physical state. The final chemical and physical form of nuclear material will be two different types of miniature fuel plates: 1. U3Si2 dispersion in an aluminum matrix clad with an aluminum alloy; and 2. UA1x dispersion in an aluminum matrix clad with aluminum alloy. The material will be fabricated in the Nuclear Fuel Fabrication Facilities at Chalk River Laboratories (CRL), irradiated in the NRU Reactor and then Post Irradiation Examination (PIE) will take place in the Universal Cell at CRL.

In accordance with section 131a. of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement concerning the change of end-use of nuclear material of United States origin will not be inimical to the common defense and security of the United States of America.

Dated: March 22, 2017.

For the Department of Energy.

David Huizenga,

Acting Deputy Administrator, Defense Nuclear Nonproliferation.

[FR Doc. 2017–07387 Filed 4–11–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 17–23–LNG]

Freeport LNG Development, L.P.; Application for Blanket Authorization To Export Previously Imported Liquefied Natural Gas on a Short-Term Basis

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application (Application), filed on February 15, 2017, by Freeport LNG Development, L.P. (Freeport LNG), requesting blanket authorization to export liquefied natural gas (LNG) previously imported into the United States from foreign sources in an amount up to the equivalent of 24 billion cubic feet (Bcf) of natural gas on a short-term or spot market basis for a two-year period commencing on July 19, 2017.[1] Freeport LNG seeks authorization to export the LNG from the Freeport LNG Terminal owned by Freeport LNG and located on Quintana Island, Texas, to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy. Freeport LNG states that it does not seek authorization to export any domestically produced natural gas or LNG. DOE/FE notes that Freeport LNG currently holds a blanket authorization to import LNG from various international sources by vessel in an amount up to the equivalent of 30 Bcf of natural gas.[2] Freeport LNG is requesting this authorization both on its own behalf and as agent for other parties who hold title to the LNG at the time of export. The Application was filed under section 3 of the Natural Gas Act (NGA). Additional details can be found in Freeport LNG's Application, posted on the DOE/FE Web site at: *http://energy.gov/fe/downloads/freeport-lng-development-lp-fe-dkt-no-17–23-lng.*

Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, May 12, 2017.

ADDRESSES: Electronic Filing by email: *fergas@hq.doe.gov.*

Regular Mail: U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375.

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Beverly Howard or Larine Moore, U.S. Department of Energy (FE–34) Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9387; (202) 586–9478.

R.J. Colwell, U.S. Department of Energy, Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, Room 6D–033, 1000 Independence Ave. SW., Washington, DC 20585, (202) 586–8499.

SUPPLEMENTARY INFORMATION:

DOE/FE Evaluation

The Application will be reviewed pursuant to section 3 of the NGA, as amended, and the authority contained in DOE Delegation Order No. 00–002.00N (July 11, 2013) and DOE Redelegation Order No. 00–006.02 (Nov. 17, 2014). In reviewing this LNG export application, DOE will consider domestic need for the gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties that may oppose this application should comment in their responses on these issues.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) emailing the filing to *fergas@hq.doe.gov,* with FE Docket No. 17–23–LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**. All filings must

[1] Freeport LNG's current blanket authorization to export previously imported LNG, granted in DOE/FE Order No. 3717 on September 15, 2015, extends through July 18, 2017 (FE Docket No. 15–103–LNG).

[2] *Freeport LNG Development, L.P.,* DOE/FE Order No. 3777, FE Docket No. 16–02–LNG, Order Granting Blanket Authorization to Import Liquefied Natural Gas from Various International Sources by Vessel (Jan. 19, 2016).

include a reference to FE Docket No. 17–23–LNG. PLEASE NOTE: If submitting a filing via email, please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Office of Regulation and International Engagement docket room, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: *http://www.fe.doe.gov/programs/gasregulation/index.html.*

Issued in Washington, DC, on April 3, 2017.

John A. Anderson,

Director, Office of Regulation and International Engagement, Office of Oil and Natural Gas.

[FR Doc. 2017–07337 Filed 4–11–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Orders Granting Authority To Import and Export Natural Gas, To Import and Export Liquefied Natural Gas, and Errata During February 2017

	FE Docket Nos.
DRIFTWOOD LNG LLC	16–144–LNG
STEPPE PETROLEUM USA INC	17–06–NG
CFE INTERNATIONAL LLC	17–07–NG
CITIGROUP ENERGY CANADA, ULC	17–11–NG
JUST ENERGY NEW YORK CORP	17–12–NG
CRYOPEAK LNG SOLUTIONS CORPORATION	17–17–LNG
CENTRA GAS MANITOBA INC	17–09–NG
FREEPOINT COMMODITIES LLC	17–18–NG
ALPHA GAS & ELECTRIC, LLC	17–03–NG
REPSOL OIL & GAS USA, LLC	17–01–NG
GAZPROM MARKETING & TRADING USA, INC	17–02–NG
CARGILL INCORPORATED	17–08–NG
HUDSON ENERGY SERVICES, LLC	17–14–NG
ARIZONA PUBLIC SERVICE COMPANY	16–189–NG
DYNEGY MARKETING AND TRADE, LLC	17–05–NG
JUST ENERGY ONTARIO L.P	17–13–NG
ENGIE GAS & LNG LLC	17–10–LNG
REPSOL OIL & GAS USA, LLC	17–01–NG

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during February 2017, it issued orders granting authority to import and export natural gas, to import and export liquefied natural gas (LNG), and Errata. These orders are summarized in the attached appendix and may be found on the FE Web site at *http://energy.gov/fe/listing-doefe-authorizationsorders-issued-2017.*

They are also available for inspection and copying in the U.S. Department of Energy (FE–34), Division of Natural Gas Regulation, Office of Regulation and International Engagement, Office of Fossil Energy, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

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

John A. Anderson,

Director, Office of Regulation and International Engagement, Office of Oil and Natural Gas.

APPENDIX

DOE/FE ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS

3968	02/28/17	16–144–LNG	Driftwood LNG LLC	Order 3968 granting Long-term, Multi-contract authority to export LNG by vessel from the proposed Driftwood LNG Facility in Calcasieu Parish, Louisiana, to Free Trade Agreement Nations.
3979	02/10/17	17–06–NG	Steppe Petroleum USA Inc	Order 3979 granting blanket authority to import natural gas from Canada.
3980	02/10/17	17–07–NG	CFE International LLC	Order 3980 granting blanket authority to import/export natural gas from/to Mexico.

DOE/FE ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS—Continued

3981	02/10/17	17–11–NG	Citigroup Energy Canada, ULC.	Order 3981 granting blanket authority to import/export natural gas from/to Canada.
3982	02/10/17	17–12–NG	Just Energy New York Corp	Order 3982 granting blanket authority to import/export natural gas from/to Canada.
3983	02/10/17	17–17–LNG	Cryopeak LNG Solutions Corporation.	Order 3983 granting blanket authority to import/export LNG from/to Canada by truck.
3984	02/10/17	17–09–NG	Centra Gas Manitoba Inc	Order 3984 granting blanket authority to import/export natural gas from/to Canada.
3985	02/10/17	17–18–NG	Freepoint Commodities LLC	Order 3985 granting blanket authority to import/export natural gas from/to Canada/Mexico.
3986	02/10/17	17–03–NG	Alpha Gas & Electric, LLC	Order 3986 granting blanket authority to import/export natural gas from/to Canada.
3987	02/10/17	17–01–NG	Repsol Oil & Gas USA, LLC	Order 3987 granting blanket authority to import/export natural gas from/to Canada.
3988	02/10/17	17–02–NG	Gazprom Marketing & Trading USA, Inc.	Order 3988 granting blanket authority to import/export natural gas from/to Canada/Mexico.
3989	02/10/17	17–08–NG	Cargill Incorporated	Order 3989 granting blanket authority to import/export natural gas from/to Canada/Mexico, and to import LNG from various international sources by vessel.
3990	02/10/17	17–14–NG	Hudson Energy Services, LLC	Order 3990 granting blanket authority to import/export natural gas from/to Canada.
3991	02/13/17	16–189–NG	Arizona Public Service Company.	Order 3991 granting blanket authority to import/export natural gas from/to Mexico.
3992	02/13/17	17–05–NG	Dynegy Marketing and Trade, LLC.	Order 3992 granting blanket authority to import/export natural gas from/to Canada.
3993	02/13/17	17–13–NG	Just Energy Ontario L.P	Order 3993 granting blanket authority to import/export natural gas from/to Canada.
3994	02/14/17	17–10–LNG	ENGIE Gas & LNG LLC	Order 3994 granting blanket authority to import LNG from various international sources by vessel.
Errata 3987	02/14/17	17–01–NG	Repsol Oil & Gas USA, LLC	Order 3987 Errata Notice.

[FR Doc. 2017–07339 Filed 4–11–17; 8:45 am]
BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 16–205–LNG]

Dominion Cove Point LNG, LP; Application for Blanket Authorization To Export Liquefied Natural Gas to Non-Free Trade Agreement Nations on a Short-Term Basis

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application (Application), filed on November 23, 2016, by Dominion Cove Point LNG, LP (DCP). The Application requests blanket authorization to export liquefied natural gas (LNG) in an amount up to the equivalent of 250 billion cubic feet (Bcf) of natural gas prior to the commencement of commercial operation of DCP's Liquefaction Project at its existing Cove Point LNG Terminal in Calvert County, Maryland. DCP requests authorization to export such ''Commissioning Volumes'' over a period of two years commencing on the date of the first short-term export, which is expected to occur during the fourth quarter of 2017 and not later than six months thereafter. The LNG would be exported from the Cove Point LNG Terminal to any country with the capacity to import LNG in ocean-going carriers and with which trade is not prohibited by U.S. law or policy, including both countries with which the United States has entered into a free trade agreement requiring national treatment for trade in natural gas (FTA countries) and all other countries (non-FTA countries). DCP requests this authorization on its own behalf and as agent for other entities who hold title to the natural gas at the time of export. The Application was filed under section 3 of the Natural Gas Act (NGA). Additional details can be found in DCP's Application, posted on the DOE/FE Web site at: *https://energy.gov/fe/dominion-cove-point-lng-lp-16-205-lng-blanket-authorization-export-lng-ftanfta.* Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, May 12, 2017.

ADDRESSES:

Electronic Filing by email: fergas@hq.doe.gov.

Regular Mail: U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375.

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Beverly Howard or Larine Moore, U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9387; (202) 586–9478.

R.J. Colwell, U.S. Department of Energy, Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, 1000 Independence Ave. SW., Washington, DC 20585, (202) 586–8499.

SUPPLEMENTARY INFORMATION: DCP requests a short-term blanket authorization to export Commissioning Volumes—that is, the volumes of LNG produced prior to the start of full commercial operations of DCP's Liquefaction Project. DCP intends to source these Commissioning Volumes from domestically produced natural gas and/or from LNG previously imported by vessel at the Cove Point LNG

Terminal from foreign sources, and requests authorization allowing for both possibilities. DCP commits that the Commissioning Volumes to be exported under the requested authorization, when added to any volumes exported under DCP's long-term export authorizations, will not exceed 250 Bcf in any annual (12 consecutive month) period, so that the quantity exported in any year shall not exceed the level previously authorized by DOE/FE.

DOE/FE Evaluation

The portion of the Application seeking authority to export Commissioning Volumes to non-FTA countries will be reviewed pursuant to section 3(a) of the NGA, 15 U.S.C. 717b(a), and DOE will consider any issues required by law or policy. In reviewing this Application, DOE will consider domestic need for the natural gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. As part of this analysis, DOE will consider the following two studies examining the cumulative impacts of exporting domestically produced LNG:

- *Effect of Increased Levels of Liquefied Natural Gas on U.S. Energy Markets,* conducted by the U.S. Energy Information Administration upon DOE's request (2014 EIA LNG Export Study); [1] and
- *The Macroeconomic Impact of Increasing U.S. LNG Exports,* conducted jointly by the Center for Energy Studies at Rice University's Baker Institute for Public Policy and Oxford Economics, on behalf of DOE (2015 LNG Export Study).[2]

Additionally, DOE will consider the following environmental documents:

- *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States,* 79 FR 48132 (Aug. 15, 2014); [3] and
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States,* 79 FR 32260 (June 4, 2014).[4]

Parties that may oppose this Application should address these issues and documents in their comments and/or protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. DCP states that the proposed export of Commissioning Volumes will not require the construction of any new facilities, nor any modification of the facilities previously authorized by FERC. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

Interested persons will be provided 30 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, notices of intervention, or motions for additional procedures.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Interested persons will be provided 30 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to *fergas@hq.doe.gov,* with FE Docket No. 16–205–LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 16–205–LNG. Please Note: If submitting a filing via email, please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this Notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this Notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Office of Regulation and International Engagement docket room, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: *http://www.fe.doe.gov/programs/gasregulation/index.html.*

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

John A. Anderson,

Director, Office of Regulation and International Engagement, Office of Oil and Natural Gas.

[FR Doc. 2017–07338 Filed 4–11–17; 8:45 am]

BILLING CODE 6450–01–P

[1] The 2014 EIA LNG Export Study, published on Oct. 29, 2014, is available at: *https://www.eia.gov/analysis/requests/fe/.*

[2] The 2015 LNG Export Study, dated Oct. 29, 2015, is available at: *http://energy.gov/sites/prod/files/2015/12/f27/20151113_macro_impact_of_lng_exports_0.pdf.*

[3] The Addendum and related documents are available at: *http://energy.gov/fe/draft-addendum-environmental-review-documents-concerning-exports-natural-gas-united-states.*

[4] The Life Cycle Greenhouse Gas Report is available at: *http://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states.*

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Case No. CR–006]

Notice of Petition for Waiver of AHT Cooling Systems GmbH and AHT Cooling Systems USA Inc. From the Department of Energy Commercial Refrigerator, Freezer, and Refrigerator-Freezer Test Procedures and Partial Granting of an Interim Waiver; Withdrawal

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of petition for waiver, partial granting of an interim waiver, and request for public comment; withdrawal.

SUMMARY: The U.S. Department of Energy (DOE) is withdrawing its notice of petition for waiver, partial granting of an interim waiver, and request for public comment for AHT Cooling Systems GmbH and AHT Cooling Systems USA Inc. (''AHT'') from the commercial refrigerator, freezer, and refrigerator-freezer (''CRE'') test procedures. The notice published on March 28, 2017, included an error in the calculations to determine daily energy consumption in the alternate test procedure and omitted a step needed to accurately capture the entire defrost energy contribution. Therefore, DOE is withdrawing the notice in its entirety and will republish the notice with corrected calculations and associated discussion.

DATES: The notice published at 82 FR 15345 on March 28, 2017, is withdrawn as of April 12, 2017.

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: *AS_Waiver_Request@ee.doe.gov.*

Johanna Jochum, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–33, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585–0103. Telephone: (202) 287–63007. Email: *Johanna.Jochum@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: DOE is withdrawing its notice of petition for waiver, partial granting of an interim waiver, and request for public comment for AHT from the CRE test procedures. The notice published on March 28, 2017, included an error in the calculations to determine daily energy consumption in the alternate test procedure. 82 FR 15345, 15348. Specifically, the notice included an error in the calculation of t_{DS}, the sum of defrost time per week. The notice incorrectly showed that value calculated as the duration of one defrost cycle divided by the maximum number of defrosts per week. The correct calculation would be the duration of one defrost cycle multiplied by the maximum number of defrosts per week.

In addition, the notice omitted the test methodology instructions to capture the entire defrost operation. As published, the test period would only capture the defrost itself and not any pre-cooling or temperature recovery periods that would use more energy along with the defrost.

Because of this error and omission, DOE is withdrawing the March 28, 2017, notice in its entirety and will republish the notice to correct the error. While DOE works to expeditiously correct and republish the interim waiver, AHT's original application will be considered pending and DOE's enforcement policy on test procedure waivers will apply.[1]

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

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2017–07368 Filed 4–11–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Agency Information Collection Extension

AGENCY: National Nuclear Security Administration, U.S. Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review; comment request.

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to the OMB for an extension under the provisions of the Paperwork Reduction Act of 1995. The information collection request seeks a three-year extension of The American Assured Fuel Supply Program, OMB Control Number 1910–5173. The proposed collection will help determine if applicants have provided sufficient information for the Office of Nonproliferation and Arms Control to evaluate requests of applicants for use of the American Assured Fuel Supply.

DATES: Comments regarding this collection must be received on or before May 12, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4718.

ADDRESSES: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW., Washington, DC 20503 and to Richard Goorevich, Senior Policy Advisor, Office of Nonproliferation and Arms Control, National Nuclear Security Administration, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, or by fax at 202–586–1348 or by email at *richard.goorevich@nnsa.doe.gov.*

FOR FURTHER INFORMATION CONTACT:

Richard Goorevich, Senior Policy Advisor, Office of Nonproliferation and Arms Control, National Nuclear Security Administration, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, or by fax at 202–586–1348 or by email at *richard.goorevich@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No. 1910–5173; (2) Information Collection Request Title: The American Assured Supply Program; (3) Type of Request: Renewal; (4) Purpose: DOE created the American Assured Fuel Supply (AFS), a reserve of low enriched uranium (LEU) to serve as backup fuel supply for foreign recipients to be supplied through U.S. persons or for domestic recipients, in the event of fuel supply disruption. DOE is committed to making the AFS available to eligible recipients in the case of supply disruptions in the nuclear fuel market. This effort supports the United States Government's nuclear nonproliferation objectives by supporting civilian nuclear energy development while minimizing proliferation risks. DOE published a Notice of Availability for AFS on August 18, 2011, and published an application on December 2, 2013, in the **Federal Register** to standardize the information that must be provided in a request to access the material in the AFS

[1] For additional information on DOE's enforcement policy pertaining to test procedure waivers, see *https://www.energy.gov/gc/downloads/enforcement-policy-application-waivers-and-waiver-process.*

as set forth in the Notice of Availability. 76 FR 51357, 51358. This application form is necessary in order for DOE to identify if applicants meet basic requirements for use of the AFS and implement this important nonproliferation initiative; (5) Annual Estimated Number of Respondents: 10; (6) Annual Estimated Number of Total Responses: 10; (7) Annual Estimated Number of Burden Hours: 8; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: $1,800.

Statutory Authority: The Secretary of Energy is authorized pursuant to the Atomic Energy Act of 1954, as amended (Pub. L. 83–703), and the Nuclear Non-Proliferation Act of 1978 (NNPA) (Pub. L. 95–242) to encourage the widespread use of atomic energy for peaceful purposes, and to cooperate with other nations by distributing nuclear material where appropriate safeguards measures are in place to ensure the material is properly controlled and used for peaceful purposes. In 2005, DOE set aside a portion of its LEU inventory to be used to support the International Atomic Energy Agency's (IAEA) International Nuclear Fuel Bank (INFB) initiative, which is envisioned as an LEU reserve that will be administered by the IAEA and that will serve as a back-up for global supply disruptions. Congress later appropriated $49,540,000 in the Consolidated Appropriations Act, 2008 (Pub. L. 110–161) to fund a portion of the INFB. Congress, in the Explanatory Statement accompanying the House Appropriations Committee Print (which in the Act was given the same effect as a joint explanatory statement), noted that the INFB freed up DOE's LEU set-aside, and recommended DOE also ''allow U.S. interests to purchase uranium fuel from the Reliable Fuel Supply [now the AFS] in the event of supply disruption.'' (H. Approp. Cmte. Print at 592.)

The sale of LEU from the AFS will be conducted consistent with applicable law, the policies and guidance in the ''Secretary of Energy's 2008 Policy Statement of Management of the Department of Energy's Excess Uranium Inventory'' (March 11, 2008), and the DOE Excess Uranium Inventory Management Plan.

Issued in Washington, DC on March 31, 2017.

David Huizenga,

Acting Deputy Administrator, Defense Nuclear Nonproliferation, National Nuclear Security Administration.

[FR Doc. 2017–07384 Filed 4–11–17; 8:45 am]

BILLING CODE 6450–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP17–101–000; PF16–5–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Application

Take notice that on March 27, 2017, Transcontinental Gas Pipe Line Company, LLC (Transco), P.O. Box 1396, Houston, Texas 77251, filed in the above referenced docket an application pursuant to section 7(c) of the Natural Gas Act (NGA) for its proposed Northeast Supply Enhancement Project. Specifically, Transco proposes to: (i) Construct a 10.17-mile, 42-inch-diameter loop in Lancaster County, Pennsylvania; (ii) construct a 3.43-mile, 26-inch-diameter loop in Middlesex County, New Jersey; (iii) construct a 23.49-mile, 26-inch-diameter loop in Middlesex County, New Jersey and in New York State waters; (iv) add 21,902 horsepower (hp) at its existing Compressor Station 200 in Chester County, Pennsylvania; (v) construct a new 32,000 hp compressor station (Compressor Station 206) in Somerset County, New Jersey; and (vi) construct various additional facilities. Transco states that the Northeast Supply Enhancement Project will provide 400,000 dekatherms per day of firm transportation service. Transco estimates the cost of the project to be approximately $926.5 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 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 concerning this application may be directed to Bill Hammons, Transcontinental Gas Pipe Line Company, LLC, P.O. Box 1396, Houston, Texas 77251, by telephone at (713) 215–2130.

On May 18, 2016, Commission staff granted Transco's request to utilize the Pre-Filing Process and assigned Docket No. PF16–5–000 to staff activities involved in the Northeast Supply Enhancement Project. Now, as of the March 27, 2017 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP17–101–000, as noted in the caption of the Notice.

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) for this proposal. The issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS.

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 seven 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 27, 2017.

Dated: April 6, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07354 Filed 4–11–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2660–028]

Woodland Pulp LLC; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Surrender of License.

b. *Project No.:* 2660–028.

c. *Date Filed:* December 23, 2016.

d. *Applicant:* Woodland Pulp LLC.

e. *Name of Project:* Forest City Project.

f. *Location:* On the East Branch of the St. Croix River in Washington and Aroostook Counties, Maine.

g. *Filed Pursuant to:* 18 CFR 6.1.

h. *Applicant Contact:* Mr. Scott Beal, Woodland Pulp LLC, 144 Main Street, Baileyville, ME 04694, Tel: 207–427–4004.

i. *FERC Contact:* Mr. M. Joseph Fayyad, (202) 502–8759, *Mo.Fayyad@ferc.gov.*

j. Deadline for filing comments, motions to intervene and protests, is 30 days from the issuance date of this notice. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, and recommendations, using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2660–028.

k. *Description of Project Facilities:* The Forest City Project is located at river mile 58 of the East Branch of the St. Croix River on the international boundary between the United States and Canada. The existing project as licensed includes only the lands, waters, and structures that are located in the United States, which consist of: (a) A 147-foot-long section of the 540-foot-long, 12-foot-high earth Forest City Dam that includes: (i) A 110-foot-long west earth embankment, and (ii) a 37-foot-long section of the timber-crib spillway section with two 8.3-foot-wide, 10-foot-high spillway gates on the west side of the spillway, which control the impoundment between a minimum elevation of 427.94 feet mean sea level (msl) and a maximum elevation of 434.94 feet msl; (b) a 9,141-acre portion of the 17,040-acre multi-lake impoundment (North Lake and East Grand Lake); and (c) appurtenant facilities. The project does not occupy federal lands and there are no generating facilities located at the project.

l. *Description of Request:* The licensee proposes to surrender the license for the Forest City Project due to economic considerations. As part of its surrender, the licensee plans to remove the two 8.3-foot-wide, 10-foot-high gates on the west side of the spillway. The licensee states that by removing the gates, water flow will return to natural flow conditions and the Forest City Dam will no longer act as the water control structure for East Grand Lake or use, obstruct, or divert international boundary waters. The licensee states that the removal of the gates will lower the water elevation at the dam to 427.94 feet msl, but the minimum elevation will be 428.69 msl because of a natural obstruction upstream of the dam.

m. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Responsive Documents:* Any filing must (1) Bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All

comments, motions to intervene, or protests should relate to project works which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: April 6, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07357 Filed 4–11–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1510–018]

City of Kaukauna-Kaukauna Utilities; Notice of Application Tendered for Filing With the Commission and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 1510–018.

c. *Date Filed:* March 24, 2017.

d. *Applicant:* City of Kaukauna-Kaukauna Utilities (Kaukauna Utilities).

e. *Name of Project:* Kaukauna City Plant Hydroelectric Project.

f. *Location:* On the Fox River in Outagamie County, Wisconsin. There are no federal or tribal lands within the project boundary.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Mike Pedersen, Kaukauna Utilities, 777 Island Street, P.O. Box 1777, Kaukauna, WI 54130; (920) 766–5721.

i. *FERC Contact:* Erin Kimsey, (202) 502–8621 or *erin.kimsey@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* May 23, 2017.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–1510–018.

m. This application is not ready for environmental analysis at this time.

n. The existing Kaukauna City Plant Hydroelectric Project consists of: (1) A 3,527-foot-long, 14-foot-high dam that includes: (a) A 930-foot-long, 14-foot-high rubble masonry retaining wall section (left forebay dam) with a remnant concrete headwall structure and a trash sluice; (b) a 92-foot-long, 47.5-foot-high concrete intake and powerhouse section; (c) a 365-foot-long, 20-foot-high rubble masonry retaining wall section (right forebay dam) with a masonry abutment section and a concrete gravity section with a trash sluice; (d) a 66-foot-long gated spillway section with two 30-foot-wide, 8.8-foot-high spillway gates; and (e) a 2,074-foot-long, 10-foot-high overflow spillway section that includes a 1,305-foot-long concrete ogee section, a 75-foot-long natural rock section, a 125-foot-long concrete gravity section, and a 569-foot-long concrete gravity section; (2) a 19-acre,1.5-mile-long impoundment with a normal maximum elevation of 629.0 above mean seal level; (3) an intake structure with two head gates and two 25-foot-high, 88-foot-long trashracks with 5 inch clear-bar spacing; (4) a 92-foot-long, 47.5-foot-high concrete and brick powerhouse containing two 2.4-megawatt (MW) turbine-generator units for a total capacity of 4.8 MW; (5) a 440-foot-wide, 49-foot-deep, 1,200-foot-long excavated tailrace; (6) two 68-foot-long, 2.4-kilovolt generator leads that connect the turbine-generator units to the regional distribution line; and (7) appurtenant facilities.

Kaukauna Utilities operates the project in a run-of-river mode with an annual average generation of approximately 29,704 megawatt-hours. Kaukauna Utilities is not proposing any new project facilities or changes in project operation.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. Procedural schedule and final amendments: The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter (if necessary)	June 2017.
Request Additional Information	June 2017.
Issue Acceptance Letter	September 2017.
Issue Scoping Document 1 for comments	September 2017.
Request Additional Information (if necessary)	November 2017.

Issue Scoping Document 2	January 2018.
Issue notice of ready for environmental analysis	February 2018.
Commission issues EA or draft EA	August 2018.
Comments on EA or draft EA	September 2018.
Commission issues final EA	December 2018.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of application ready for environmental analysis.

Dated: April 6, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07356 Filed 4–11–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To Prepare an Environmental Assessment for the Proposed Pomelo Connector Pipeline and South Texas Expansion Project; Request for Comments on Environmental Issues

	Docket No.
Pomelo Connector, LLC	CP17–26–000
Texas Eastern Transmission, LP.	CP15–499–000 CP15–499–001

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Pomelo Connector Pipeline Project (Pomelo Pipeline) and the South Texas Expansion Project (STEP), collectively referred to as the Projects. These separate, but connected, interstate natural gas transmission projects involve the construction and operation of facilities by Pomelo Connector, LLC (Pomelo) and Texas Eastern Transmission, LP (Texas Eastern) in Nueces, Matagorda, Chambers, Orange and Brazoria Counties, Texas. The Commission will use this EA in its decision-making process to determine whether the Projects are in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the Projects. You can make a difference by providing us with your specific comments or concerns about the Projects. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. 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 May 8, 2017.

This notice is being sent to the Commission's current environmental mailing list for these Projects. State and local government representatives should notify their constituents of these proposed projects and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. A company representative would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the Projects, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

The ''For Citizens'' section of the FERC Web site (*www.ferc.gov*) provides more information about the FERC and the environmental review process. This section also includes information about getting involved in FERC jurisdictional projects, and a citizens' guide entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need to Know?'' This guide addresses a number of frequently asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Public Participation

For your convenience, there are three (3) methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the appropriate Project docket number (CP17–26–000 and/or CP15–499–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Summary of the Proposed Projects

The Pomelo Pipeline is designed to provide up to 400,000 dekatherms per day (Dth/d) of firm transportation service from an interconnection with Texas Eastern at the proposed Pomelo Petronila Compressor Station to an intrastate header system, the Nueces Header. The Nueces Header is designed to connect with various pipelines and gathering facilities in Nueces County, Texas. Pomelo proposes to construct and operate the following facilities:

- Approximately 13.6 miles of new 30-inch-diameter natural gas pipeline;
- approximately 0.2 mile of new 30-inch-diameter pipeline;
- a new 5,000 horsepower (hp) compressor station (Pomelo Compressor Station); and
- associated aboveground facilities.

Through the new interconnection with the Pomelo Pipeline, Texas Eastern plans to provide approximately 396,000 Dth/d of firm natural gas transportation service to an interconnection with the Nueces Header. Texas Eastern proposes to install, construct, and operate the following facilities, all within existing Texas Eastern compressor stations:

- a new 8,400 hp compressor unit, appurtenant facilities, a new interconnection with Pomelo Connector Pipeline, and construction of a gas

measurement enclosure at Texas Eastern's existing Petronila Compressor Station in Nueces County;

- A new 8,400 hp compressor unit, a new control building, new gas coolers and station piping modifications to reverse compression at the existing Blessing Compressor Station in Matagorda County;
- upgrades to existing compression facilities to reduce emissions, new gas measurement enclosure, and piping modifications to the existing launcher/receiver on Line 16 at the existing Mont Belvieu Compressor Station in Chambers County;
- piping modifications to the existing launcher/receiver on Line 16, and a new gas measurement enclosure within the existing Vidor Compressor Station in Orange County; and
- piping modifications to the existing launcher/receiver on Line 16 at the existing Angleton Station property in Brazoria County.

The general locations of the Project facilities are shown in Appendix 1.[1]

Land Requirements for Construction

Constructing the proposed facilities would require the use of approximately 313.1 acres of land. This includes disturbance of approximately 190.9 acres of land for the aboveground facilities and the pipeline for Pomelo Pipeline; and approximately 122.2 acres of disturbance for STEP. Following construction, Pomelo and Texas Eastern would maintain about 136.8 acres for permanent operation of the Projects' facilities; the remaining acreage would be restored and allowed to revert to former uses.

Related Facilities

The proposed Valley Crossing System is a new intrastate pipeline system consisting of approximately 165 miles of 42- and 48-inch-diameter pipeline, two compressor stations, multiple meter stations, and ancillary facilities extending from the Nueces Header, to a point in the Gulf of Mexico in Texas state waters at the international boundary between the United States and Mexico. These intrastate facilities would be subject to the jurisdiction of the Railroad Commission of Texas and would be non-jurisdictional to the FERC. Although the Commission has no authority to approve or deny the Valley Crossing System, and no ability to require any avoidance or minimization of related impacts, we intend to disclose available resource impact information for the Valley Crossing System in the EA to inform stakeholders and decision makers.

The EA 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 [2] 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 EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed Projects under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- socioeconomics
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species;
- public safety; and
- cumulative impacts.

We will also evaluate reasonable alternatives to the proposed Projects or portions of the Projects, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through the Commission's eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of the Projects to formally cooperate with us in the preparation of the EA.[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. Currently, no agencies have expressed their intention to participate as a cooperating agency in the preparation of the EA to satisfy their NEPA responsibilities related to the Projects.

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 Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the Projects' potential effects on historic properties.[4] We will define the Project-specific Area of Potential Effects (APE) in consultation with the SHPO as the Projects develop. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for these Projects will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

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, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[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's 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.

Projects. 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 proposed Projects.

If we publish and distribute the EA, copies of the EA 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 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, 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. Instructions for becoming an intervenor are in the ''Document-less Intervention Guide'' under the ''e-filing'' link on the Commission's Web site. Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.*

Additional Information

Additional information about the Projects are available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the appropriate docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP17–26 and CP–15–499). 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 teletype/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, site visits or other staff activities will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: April 6, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07353 Filed 4–11–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–1381–000]

AEM Wind, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of AEM Wind, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 26, 2017.

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

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

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

Dated: April 6, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07355 Filed 4–11–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: ER17–569–001.

Applicants: National Choice Energy LLC.

Description: Tariff Amendment: Baseline Amendment to be effective 12/30/2016.

Filed Date: 4/6/17.

Accession Number: 20170406–5242.

Comments Due: 5 p.m. ET 4/27/17.

Docket Numbers: ER17–883–001.

Applicants: Duke Energy Florida, LLC.

Description: Compliance filing: Errata filing to ER17–883 to be effective 4/1/2017.

Filed Date: 4/6/17.

Accession Number: 20170406–5297.

Comments Due: 5 p.m. ET 4/27/17.

Docket Numbers: ER17–949–001.

Applicants: California Independent System Operator Corporation.

Description: Compliance filing: 2017–04–06 Metering Rules Enhancement Compliance to be effective 4/10/2017.

Filed Date: 4/6/17.

Accession Number: 20170406–5306.

Comments Due: 5 p.m. ET 4/27/17.

Docket Numbers: ER17–1385–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Cancellation of First Revised Service

Agreement No. 3737, Queue No. Y3–026 to be effective 3/29/2017.

Filed Date: 4/6/17.

Accession Number: 20170406–5102.

Comments Due: 5 p.m. ET 4/27/17.

Docket Numbers: ER17–1386–000.

Applicants: Bishop Hill Energy LLC.

Description: § 205(d) Rate Filing: Revised Rate Schedule to be effective 4/5/2017.

Filed Date: 4/6/17.

Accession Number: 20170406–5303.

Comments Due: 5 p.m. ET 4/27/17.

Docket Numbers: ER17–1387–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of Service Agreement No. 4652, Queue No. AB1–152 to be effective 5/26/2017.

Filed Date: 4/6/17.

Accession Number: 20170406–5311.

Comments Due: 5 p.m. ET 4/27/17.

Docket Numbers: ER17–1388–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: LGIA Luz Solar Partners LTD IV Kramer Junction 4 Project to be effective 4/1/2017.

Filed Date: 4/6/17.

Accession Number: 20170406–5320.

Comments Due: 5 p.m. ET 4/27/17.

Docket Numbers: ER17–1389–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: LGIA Luz Solar Partners LTD III Kramer Junction 3 Project to be effective 4/1/2017.

Filed Date: 4/6/17.

Accession Number: 20170406–5325.

Comments Due: 5 p.m. ET 4/27/17.

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

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

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

Dated: April 6, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07352 Filed 4–11–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10721–031]

Idaho Aviation Foundation; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent To File License Application and Request To Use the Traditional Licensing Procedures.

b. *Project No.:* 10721–031

c. *Date Filed:* February 28, 2017

d. *Submitted By:* Idaho Aviation Foundation (Idaho Aviation)

e. *Name of Project:* Big Creek Hydroelectric Project

f. *Location:* On McCorkle Creek, in Valley County, Idaho near the town of Yellow Pine. The project is located entirely within the Payette National Forest.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations

h. *Potential Applicant Contact:* Vic Jaro, Board Member, Idaho Aviation Foundation, P.O. Box 2016, Eagle, Idaho 83616; 208–404–9627; email *vjaro@filertel.com.*

i. *Contact:* Suzanne Novak at (202) 502–6665; or email at *suzanne.novak@ferc.gov.*

j. Idaho Aviation filed its request to use the Traditional Licensing Process on February 28, 2017. Idaho Aviation provided public notice of its request on March 7, 2017. In a letter dated April 6, 2017, the Director of the Division of Hydropower Licensing approved AEL&P's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, part 402; (b) NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920; and (c) the Idaho State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Idaho Aviation as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act, section 305 of the Magnuson-Stevens Fishery Conservation and Management Act, and section 106 of the National Historic Preservation Act.

m. Idaho Aviation filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*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 Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in paragraph h.

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 10721–031. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by February 28, 2020.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: April 6, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07358 Filed 4–11–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

[DOE/EIS–0469–S1]

Notice of Cancellation of Environmental Impact Statement for the Proposed Wilton IV Wind Energy Center, Burleigh County, North Dakota

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of cancellation of Environmental Impact Statement.

SUMMARY: The U.S. Department of Energy (DOE), Western Area Power Administration (WAPA) is issuing this notice to advise the public that it is cancelling the preparation of an environmental impact statement (EIS) under the National Environmental Policy Act (NEPA) on an interconnection request by NextEra Energy Resources, LLC (NextEra).

DATES: This cancellation is effective on April 12, 2017.

FOR FURTHER INFORMATION CONTACT: For additional information on the cancellation of this EIS process, contact Mark Wieringa, NEPA Document Manager, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228–8213, email *wieringa@wapa.gov,* telephone (720) 962–7448. For general information on DOE's NEPA review process, contact Brian Costner, Acting Director of NEPA Policy and Compliance, GC–54, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0119, telephone (202) 586–4600 or (800) 472–2756, facsimile (202) 586–7031.

SUPPLEMENTARY INFORMATION: NextEra, through its subsidiary Wilton Wind IV, LLC proposed to design, construct, operate, and maintain an up to 99-megawatt Wilton IV Wind Energy Center (Project) in Burleigh County, North Dakota, and interconnect that Project with WAPA's transmission system. NextEra's interconnection request caused WAPA to initiate a NEPA review of its Federal action to allow the interconnection. WAPA published a Notice of Intent to prepare an EIS in the **Federal Register** on July 20, 2011 (76 FR 43324), and started the EIS process. A public scoping meeting was held in Wilton, North Dakota, on July 26, 2011, and a Draft EIS was approved by WAPA's acting Administrator for public review and comment on March 5, 2013. The Environmental Protection Agency's Notice of Availability for the Draft EIS was published in the **Federal Register** on March 22, 2013 (78 FR 17662). A public hearing on the Draft EIS was held on April 10, 2013, in Wilton, North Dakota.

Subsequent to the issuance of the Draft EIS, NextEra proposed major changes to its proposed Project, including expanding the boundaries of the Project beyond those analyzed in the Draft EIS. Although WAPA's Federal action did not change, WAPA determined that the Project changes proposed by NextEra were substantial changes relevant to environmental concerns. In response to these Project changes, WAPA determined that preparation of a Supplemental Draft EIS was appropriate, and published a Notice of Intent to prepare this NEPA document in the **Federal Register** on November 20, 2013 (78 FR 69664). A public scoping meeting was held in Wilton, North Dakota, on December 11, 2013, to present Project changes and solicit public input on the modified proposed Project. Work on the preparation of the Supplemental Draft EIS has continued since that date, during which additional Project changes were proposed, including identification of necessary upgrades to WAPA's Bismarck-Hilken 115-kilovolt transmission line.

NextEra has since decided to suspend further action on its proposed Project, and verbally notified WAPA of its decision to withdraw its interconnection request on January 12, 2017. A letter dated February 22, 2017, formally terminated the interconnection agreement. NextEra's decision removes the need for Federal action, and WAPA is now formally terminating the NEPA review process on its interconnection decision and NextEra's proposed Project. No Supplemental Draft EIS, Final EIS, or Record of Decision will be issued for the Wilton IV Wind Energy Center. NextEra could decide to reinitiate the proposed Project or a similar project at some future date. In that event WAPA would initiate a new NEPA process with the issuance of a new Notice of Intent.

On November 16, 2011, the DOE General Counsel re-delegated all EIS authorities to WAPA's Administrator. Under the authority granted by that memorandum, I hereby terminate the EIS process for NextEra's proposed Wilton IV Wind Energy Center with the publication of this notice.

Dated: March 28, 2017.

Mark A. Gabriel,

Administrator.

[FR Doc. 2017–07386 Filed 4–11–17; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9960–98–ORD]

Human Studies Review Board; Notification of Public Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA), Office of the Science Advisor announces two separate public meetings of the Human Studies Review Board (HSRB) to advise the Agency on the ethical and scientific review of research involving human subjects.

DATES: A virtual public meeting will be held on Thursday, April 27, 2017, from 1:00 p.m. to approximately 4:00 p.m. Eastern Time. A separate, subsequent teleconference meeting is planned for Friday, June 9, 2017, from 2:00 p.m. to approximately 3:30 p.m. Eastern Time for the HSRB to finalize its Final Report of the April 27, 2017 meeting and review other possible topics.

ADDRESSES: Both of these meetings will be conducted entirely by telephone and on the Internet using Adobe Connect. For detailed access information visit the HSRB Web site: *http://www2.epa.gov/osa/human-studies-review-board*.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wishes to receive further information should contact the HSRB Designated Federal Official (DFO), Jim Downing on telephone number (202) 564–2468; fax number: (202) 564–2070; email address: *downing.jim@epa.gov;* or mailing address: Environmental Protection Agency, Office of the Science Advisor, Mail code 8105R, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

Meeting access: These meetings are open to the public. The full Agenda and meeting materials are available at the HSRB Web site: *http://www2.epa.gov/osa/human-studies-review-board*. For questions on document availability, or if you do not have access to the Internet, consult with the DFO, Jim Downing listed under **FOR FURTHER INFORMATION CONTACT**.

Special accommodations. For information on access or services for individuals with disabilities, or to request accommodation of a disability, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

How may I participate in this meeting?

The HSRB encourages the public's input. You may participate in these meetings by following the instructions in this section.

1. Oral comments. Requests to present oral comments during either meeting will be accepted up to Noon Eastern Time on Thursday, April 20, 2017, for the April 27, 2017 meeting and up to Noon Eastern Time on Friday, June 2, 2017 for the June 9, 2017 teleconference.

To the extent that time permits, interested persons who have not pre-registered may be permitted by the HSRB Chair to present oral comments during either meeting at the designated time on the agenda. Oral comments before the HSRB are generally limited to five minutes per individual or organization. If additional time is available, further public comments may be possible.

2. Written comments. Submit your written comments prior to the meetings. For the Board to have the best opportunity to review and consider your comments as it deliberates, you should submit your comments by Noon Eastern Time on Thursday, April 20, 2016, for the April 27, 2017 meeting, and by noon Eastern Time on Friday, June 2, 2017 for the June 9, 2017 teleconference. If you submit comments after these dates, those comments will be provided to the HSRB members, but you should recognize that the HSRB members may not have adequate time to consider your comments prior to their discussion. You should submit your comments to the DFO, Jim Downing listed under **FOR FURTHER INFORMATION CONTACT**. There is no limit on the length of written comments for consideration by the HSRB.

Background

The HSRB is a Federal advisory committee operating in accordance with the Federal Advisory Committee Act 5 U.S.C. App. 2 § 9. The HSRB provides advice, information, and recommendations on issues related to scientific and ethical aspects of third-party human subjects research that are submitted to the Office of Pesticide Programs (OPP) to be used for regulatory purposes.

Topic for discussion. On Thursday, April 27, 2017, EPA's Human Studies Review Board will consider a couple of questions from OPP about mosquito repellency testing.

The Agenda and meeting materials for this topic will be available in advance of the meeting at *http://www2.epa.gov/osa/human-studies-review-board.*

On June 9, 2017, the Human Studies Review Board will review and finalize their draft Final Report from the April 27, 2017 meeting, in addition to other topics that may come before the Board. The HSRB may also discuss planning for future HSRB meetings. The agenda and the draft report will be available prior to the teleconference at *http://www2.epa.gov/osa/human-studies-review-board.*

Meeting minutes and final reports. Minutes of these meetings, summarizing the matters discussed and recommendations made by the HSRB, will be released within 90 calendar days of the meeting. These minutes will be available at *http://www2.epa.gov/osa/human-studies-review-board.* In addition, information regarding the HSRB's Final Report, will be found at *http://www2.epa.gov/osa/human-studies-review-board* or from Jim Downing listed under **FOR FURTHER INFORMATION CONTACT**.

Robert J. Kavlock,

Acting EPA Science Advisor.

[FR Doc. 2017–07134 Filed 4–11–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2016–0013; FRL–9960–01]

Pesticide Product Registration; Receipt of Applications for New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to add new food uses on previously registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

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

ADDRESSES: Submit your comments, identified by the docket identification (ID) number of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael L. Goodis, P.E., Director, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Registration Applications

EPA has received applications to add new food uses on previously registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these

applications does not imply a decision by the Agency on these applications.

Addition of New Food Uses on Previously Registered Pesticide Products

1. *Registration Number:* 71512–7 (Technical Flonicamid Insecticide; Decision No. 512337). *Docket Number:* EPA–HQ–OPP–2016–0013. *Company name and address:* By IR–4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540. *Active ingredient:* Flonicamid. *Proposed Use(s):* Vegetable, legume, edible podded, Subgroup 6A; Pea and bean, succulent shelled, Subgroup 6B; and Pea and bean dried shelled, except soybean, Subgroup 6C. *Contact:* RD.

2. *Registration Number:* 71512–9 (Flonicamid 50WG; Decision No. 512339). *Docket Number:* EPA–HQ–OPP–2016–0013. *Company name and address:* By IR–4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540. *Active ingredient:* Flonicamid. *Proposed Use(s):* Vegetable, legume, edible podded, Subgroup 6A; Pea and bean, succulent shelled, Subgroup 6B; and Pea and bean dried shelled, except soybean, Subgroup 6C. *Contact:* RD.

3. *Registration Number:* 71512–10 (Beleaf 50SG Insecticide; Decision No. 512340). *Docket Number:* EPA–HQ–OPP–2016–0013. *Company name and address:* By IR–4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540. *Active ingredient:* Flonicamid. *Proposed Use(s):* Vegetable, legume, edible podded, Subgroup 6A; Pea and bean, succulent shelled, Subgroup 6B; and Pea and bean dried shelled, except soybean, Subgroup 6C. *Contact:* RD.

4. *Registration Number:* 71512–14 (Flonicamid 50WG for Manufacturing and Repacking Use Only; Decision No. 512341). *Docket Number:* EPA–HQ–OPP–2016–0013. *Company name and address:* By IR–4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540. *Active ingredient:* Flonicamid. *Proposed Use(s):* Vegetable, legume, edible podded, Subgroup 6A; Pea and bean, succulent shelled, Subgroup 6B; and Pea and bean dried shelled, except soybean, Subgroup 6C. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 13, 2017.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2017–07406 Filed 4–11–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC Advisory Committee on Economic Inclusion (ComE–IN); Notice of Meeting

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of open meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, notice is hereby given of a meeting of the FDIC Advisory Committee on Economic Inclusion, which will be held in Washington, DC. The Advisory Committee will provide advice and recommendations on initiatives to expand access to banking services by underserved populations.

DATES: Thursday, April 27, 2017, from 9:00 a.m. to 3:45 p.m.

ADDRESSES: The meeting will be held in the FDIC Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, DC

FOR FURTHER INFORMATION CONTACT: Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Committee Management Officer of the FDIC, at (202) 898–7043.

SUPPLEMENTARY INFORMATION:

Agenda: The agenda will be focused on an overview of the FDIC's Economic Inclusion Summit and economic inclusion initiatives, neighborhood access to bank branches, economic inclusion collaborations from the underserved communities, and accessing resources for affordable mortgage lending. The agenda may be subject to change. Any changes to the agenda will be announced at the beginning of the meeting.

Type of Meeting: The meeting will be open to the public, limited only by the space available on a first-come, first-served basis. For security reasons, members of the public will be subject to security screening procedures and must present a valid photo identification to enter the building. The FDIC will provide attendees with auxiliary aids (*e.g.,* sign language interpretation) required for this meeting. Those attendees needing such assistance should call (703) 562–6067 (Voice or TTY) at least two days before the meeting to make necessary arrangements. Written statements may be filed with the committee before or after the meeting. This ComE–IN meeting will be Webcast live via the Internet at: *http://fdic.windrosemedia.com.* Questions or troubleshooting help can be found at the same link. For optimal viewing, a high-speed internet connection is recommended. The ComE–IN meeting videos are made available on-demand approximately two weeks after the event.

Dated: April 7, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary, Federal Deposit Insurance Corporation.

[FR Doc. 2017–07328 Filed 4–11–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination 10150 Pacific Coast National Bank; San Clemente, California

The Federal Deposit Insurance Corporation (FDIC), as Receiver for 10150 Pacific Coast National Bank, San Clemente, California (Receiver) has been authorized to take all actions necessary to terminate the receivership estate of Pacific Coast National Bank (Receivership Estate); the Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds.

Effective April 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: April 7, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–07327 Filed 4–11–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*http://fmcinet/fmc.agreements.web/public*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012479.

Title: HSDG/HLAG/CMA CGM WCCA Vessel Sharing Agreement.

Parties: Hamburg Sud and CMA CGM S.A.

Filing Party: Wayne Rohde; Cozen O'Connor; 1200 19th Street NW., Washington, DC 20036.

Synopsis: The agreement authorizes the parties to share vessels in the trade between ports in California on the one hand, and ports in Mexico, Colombia, Costa Rica, El Salvador, Guatemala, and Nicaragua on the other hand.

Agreement No.: 012480.

Title: NYK Bulk & Projects/China Navigation Slot Charter Agreement.

Parties: NYK Bulk & Projects and The China Navigation Co. PTE LTD.

Filing Party: Kristen Chung; NYK Line (North America) Inc.; 300 Lighting Way, 5th Floor; Secaucus, NJ 07094.

Synopsis: The Agreement authorizes NYK to charter space to China Navigation between Suva, Fiji; and Apia, Samoa on the one hand, and Nuku'alofa, Tonga; Apia, Samoa; Pago Pago, American Samoa; and Papeete, French Polynesia on the other hand.

Agreement No.: 201157–007.

Title: USMX–ILA Master Contract between United States Maritime Alliance, Ltd. and International Longshoremen's Association.

Parties: United States Maritime Alliance, Ltd., on behalf of Management, and the International Longshoremen's Association, AFL–CIO.

Filing Parties: William M. Spelman, Esq.; The Lambos Firm; 303 South Broadway, Suite 410; Tarrytown, NY 10591; and Andre Mazzola, Esq.; Marrinan & Mazzola Mardon, P.C.; 26 Broadway, 17th Floor; New York, NY 10004.

Synopsis: The amendment revises the allocation of monies between two funds administered through the USMX–ILA Master Contract—the Carrier-ILA Container Royalty Fund No. 5, and the Carrier-ILA Container Freight Station Trust Fund.

By Order of the Federal Maritime Commission.

Dated: April 7, 2017.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2017–07402 Filed 4–11–17; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board or Federal Reserve) invites comment on a proposal to extend for three years, with revision, the voluntary Survey of Terms of Lending (STL; FR 2028; OMB No. 7100–0061).

DATES: Comments must be submitted on or before June 12, 2017.

ADDRESSES: You may submit comments, identified by *FR 2028A, FR 2028B, FR 2028S, or FR 2028D,* by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW.) Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for comment on information collection proposal.

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents,

including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Federal Reserve should modify the proposed revisions prior to giving final approval.

Proposal to approve under OMB delegated authority the extension for three years, with revision, of the following report:

Report Title: Survey of Small Business and Farm Lending.

Agency Form Number: FR 2028B, FR 2028D, and FR 2028S.

OMB Control Number: 7100–0061.

Frequency: Quarterly.

Respondents: Commercial banks.

Estimated Number of Respondents: FR 2028B–250; FR 2028D–398; and FR 2028S–250.

Estimated Average Hours per Response: FR 2028B–1.4 hours; FR 2028D–1.5 hours; FR 2028D (First Time only)–1.5 hours; and FR 2028S–0.1 hours.

Estimated Annual Burden Hours: 4,485 hours.

General Description of Report: The STL collects unique information concerning price and certain nonprice terms of loans made to businesses and farmers during the first full business week of the mid-month of each quarter (February, May, August, and November). The FR 2028A and FR 2028B collect detailed data on individual loans made during the survey week, and the FR 2028S collects the prime interest rate for each day of the survey from both FR 2028A and FR 2028B respondents. From these sample STL data, estimates of the terms of business loans and farm loans extended during the reporting week are constructed. The aggregate estimates for business loans are published in the quarterly E.2 statistical release, *Survey of Terms of Business Lending,* and aggregate estimates for farm loans are published in the E.15 statistical release, *Agricultural Finance Databook.*

Proposed revisions: The Federal Reserve proposes to (1) discontinue the FR 2028A, (2) create a new Small Business Lending Survey (FR 2028D) that would provide focused and enhanced information on small business lending including rates, terms, credit availability, and reasons for their changes (in contrast to the individual loan data collected on the FR 2028A, the FR 2028D would collect quarterly average quantitative data on terms of small business loans and qualitative information on changes and the reasons for changes in the terms of lending), and (3) the STL would be renamed the Survey of Small Business and Farm Lending (SSBFL) to more accurately describe the data collection. No changes are proposed to the FR 2028B and FR 2028S. The proposed final data collection for the FR 2028A would be for the May 2017 survey week, and the proposed first data collection for the FR 2028D would be in November 2017 for the September 30, 2017, as of date.

Survey of Terms of Business Lending (FR 2028A)

The survey data are used to assess conditions and to track developments in business credit markets. For instance, during the credit market turmoil that began in the second half of 2007 and early 2008, STL data showed a smaller increase in the spread of loan rates over banks' cost of funds than other indicators of business loan pricing suggested. Moreover, information about the date on which commitments were finalized or renewed has been important in understanding how loan rates evolved during the crisis, as it allowed the Federal Reserve to study the terms on new loan commitments separately from commitments written prior to the crisis. More broadly, the survey data have been useful for monitoring the changing role of the prime rate as a benchmark for business loan pricing and of shifts in the mix of fixed-rate and variable-rate lending as financial markets have changed. The STL microdata are not available to researchers outside the Federal Reserve, but have been used in a number of research papers.

The FR 2028A data have limitations for assessing conditions and analyzing developments in nonfarm business credit markets. For example, it was noted in the memorandum for renewing the STL in June 2015 that ''The STL is an important source of individual loan data used by those concerned with lending to small businesses, for which banks are one of the primary sources of credit.'' [1] However, the data were insufficient for addressing questions about small business lending during the financial crisis, ensuing recession, or economic recovery. For example, the data could not answer questions on whether changes in the flow of credit to small businesses were due to supply issues, such as changes in bank lending standards or terms, or demand issues, such as changes in application rates, or both. Additionally, the FR 2028A data could not be used to answer questions regarding changes in the credit quality of applicants or identify potential underlying factors for observed changes in credit quality. For reasons such as these, the June 2015 memorandum stated ''The Federal Reserve is seeking alternative sources of detailed, disaggregated data on small business loans, but there are currently none available. Should a better source for this type of data become available, the Federal Reserve may revisit the need for this survey.''

The Federal Reserve System has conducted a study of alternative small business loan data sources to assess their usefulness for addressing policy questions on small business credit. The study identified and conducted an extensive analysis of 35 existing small business lending data collections and potentially new data collections. The data collections considered included, among others, data collected by the Board of Governors, private sector surveys such as the National Federation of Independent Business member survey, and a Dodd-Frank Act mandated data collection by the Consumer Financial Protection Bureau.[2] The primary finding was that existing and new data collections under consideration would not meet the policy needs for understanding and addressing the relevant policy issues and questions.

The FR 2028D data collection is being proposed to address the gaps in existing and planned new surveys on small business lending. In addition, other Federal Reserve reports that have been developed in recent years provide information on large nonfarm business loans. As a result, the information used for assessing and analyzing developments in nonfarm business credit markets would be improved by combining the proposed FR 2028D data collection on the terms of small business loans with the existing reports on large business loans. For these reasons, the FR 2028A would be discontinued. The proposed final data collection for the FR 2028A would be for the May 2017 survey week.

Prime Rate Supplement to Survey of Terms of Lending (FR 2028S)

The FR 2028S is completed by banks that file the FR 2028A or the FR 2028B.

[1] See page 3 of the June 2015 OMB Supporting Statement for the FR 2028 at *http://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201505-7100-002.*

[2] Dodd-Frank Wall Street Reform and Consumer Protection Act, Section 1071, Subtitle G—Regulatory Improvements, Sec. 1071—Small Business Data Collection.

The prime rate, an administered rate, remains the base rate banks use to price a significant portion of the loans covered by the FR 2028A and FR 2028B.[3] The prime rate is by far the most common base rate used to price variable rate business and farm loans at small and medium-sized banks. Even for large borrowers and the largest banks, the prime rate is a pricing option frequently available along with market-related rates. The FR 2028S imposes little burden and the information it provides is useful in interpreting movements in rates charged on business and farm loans, especially for small loans and for loans at smaller banks. It also provides valuable information about variations in the prime-lending rate across banks, which can be considerable. The FR 2028S will be renewed without revision and will be reported by FR 2028B respondents. Information on base rates for small business loans will be included in the proposed FR 2028D.

Proposed Small Business Lending Survey (FR 2028D)

The FR 2028D would collect quantitative and qualitative information that the Federal Reserve can use to monitor developments in the availability of credit to small businesses. Bank lending to small businesses is critical for employment and economic growth at the local, regional, and national levels because it is a primary source of funding for these businesses. The FR 2028D was motivated by the inability to answer basic policy questions raised by Federal Reserve policymakers on small business credit during the recent financial crisis and subsequent recovery. It would also contribute to a better understanding of the role of community banks in providing loans to small businesses and on small business access to credit in local communities. The survey would be timed to make reports on developments in small business lending available for the second FOMC meeting of each quarter. The data would also be available for Federal Reserve System economists and other staff to use for research purposes. To get a complete understanding of the availability, terms, and market conditions of bank lending to small and large nonfarm businesses, the Federal Reserve would combine the information gathered from the FR 2028D with other Federal Reserve data collections that gather information on large business loans.

The FR 2028D would improve the ability to assess and analyze developments in nonfarm small business credit markets and to answer policy questions in a timely manner. The proposed information to be collected is not available from existing or planned surveys conducted by either the private or public sectors. The survey would collect unique, quarterly quantitative and qualitative information on nonfarm small business lending that improves upon the information currently collected by the FR 2028A. The quantitative information is similar to the data in the FR 2028A, but the FR 2028D would collect quarterly amounts or average levels of the data items as opposed to individual loan information from a survey week. As a result, the quantitative information will be less costly to report and less impacted by idiosyncratic events. The qualitative questions will provide information on changes in loan demand, credit standards and terms, and credit quality of applicants and reasons for the changes. Information on the reasons for denying a small business loan application will also be collected.

The FR 2028D would also improve upon current information on outstanding loans collected on the Report of Condition and Income (FFIEC 031 and FFIEC 041, as well as the anticipated FFIEC 051; OMB No. 7100–0036) (Call Report), which collects data on loans less than a certain dollar amount rather than on loans to small businesses. The Call Report data may result in information distortions about the availability of credit to small businesses because not all small loans are made to small businesses.

The FR 2028D would collect quantitative and qualitative information on loans to small businesses from a stratified sample of 398 banking institutions. The survey will be administered at a quarterly frequency and distributed during the second month of each quarter. Survey responses would be based on loan activity over the previous quarter. Quantitative information collected would include the aggregate number and dollar amount of outstanding loans and new loans extended by banks to small businesses each quarter, as well as line-of-credit drawdowns and the average interest rate and benchmark rate. Loans are separated into two categories: Term loans and lines of credit, with each category further separated into fixed rate and variable rate. Additionally, quantitative information on the number and dollar amount of small business loans with guarantees (Small Business Administration and other) would be collected, as well as information regarding loan maturity and the use of interest rate floors. The FR 2028D would also collect quantitative information on small business loan applications received and applications approved during the survey quarter, including information on applications from Low- and Moderate-Income tracts.

Qualitative information collected by the FR 2028D would include questions to gauge changes in lending terms, loan demand, and credit standards for small business loans during the survey period.[4] Furthermore, respondents will be asked to identify possible reasons for indicated changes in lending terms or credit standards. The survey would also include qualitative questions on the demand for small business loans, changes in credit line usage, and changes in the credit quality of small business loan applicants. Respondents would be asked to identify potential factors underlying a reported change in applicant credit quality (*e.g.* credit scores, quality of collateral) and to identify top reasons for denying small business loans during the survey quarter.

Legal authorization and confidentiality: The Board's Legal Division has determined that these surveys are authorized by section 11(a)(2) of the Federal Reserve Act (12 U.S.C. 248(a)(2)) and are voluntary. Individual responses reported on the FR 2028A, FR 2028B, FR 2028D, and FR 2028S are regarded as confidential under the Freedom of Information Act (5 U.S.C. 552(b)(4)).

Board of Governors of the Federal Reserve System, April 7, 2017.

Ann E. Misback

Secretary of the Board.

[FR Doc. 2017–07408 Filed 4–11–17; 8:45 am]

BILLING CODE 6210–01–P

[3] The FR 2028S defines the prime rate to be, ''[T]he administered rate used [by the bank] for pricing business and other credit, which [is adjusted] from time to time in response to changes in market conditions. [The] institution may set this rate internally or may adopt as its own a published rate.''

[4] The inclusion of qualitative questions, which are the same as those in the Senior Loan Officer Opinion Survey on Bank Lending Practices (FR 2018; OMB No. 7100–0058), is meant to supplement the existing FR 2018 data to get a more comprehensive view of the availability of credit to businesses. Importantly, the definitions of a small business are different in the FR 2018 and proposed FR 2028D. The FR 2018 covers lending to both small and large firms and defines small firms as those with annual sales of less than $50 million, which is significantly larger than the $5 million threshold in the FR 2028D. Furthermore, the FR 2018 panel only includes large institutions while the FR 2028D panel will be a stratified sample of 398 domestic banks and include institutions of all sizes. Therefore, not much overlap in the panels for the two data collections is expected.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act; Notice of Meeting

AGENDA: Federal Retirement Thrift Investment Board Member Meeting, 1700 K Street NW., #700, Washington, DC 20006, 10:00 a.m. (In-Person), April 12, 2017.

CLOSED SESSION: Information covered under 5 U.S.C. 552b(c)(9)(B).

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: April 10, 2017.

Megan Grumbine,

Secretary.

[FR Doc. 2017–07503 Filed 4–10–17; 4:15 pm]

BILLING CODE 6760–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0157; Docket 2017–0053; Sequence 6]

Information Collection; Architect-Engineer Qualifications (Standard Form 330)

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement for the Architect–Engineer Qualifications form (SF 330).

DATES: Submit comments on or before June 12, 2017.

ADDRESSES: Submit comments identified by Information Collection 9000–0157 by any of the following methods:

• *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0157. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0157''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0157'' on your attached document.

• *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Sosa/IC 9000–0157.

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

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover Sr. Procurement Analyst, Contract Policy Division, GSA, at 202–501–1448, or email *Curtis.glover@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Federal agencies use the Standard Form (SF) 330 to obtain information from architect-engineer (A–E) firms about their professional qualifications. Federal agencies select firms for A–E contracts on the basis of professional qualifications as required by 40 U.S.C. Chapter 11, Selection of Architects Engineers, and Part 36 of the Federal Acquisition Regulation (FAR).

SF 330, Part I is used by all executive agencies to obtain information from architect-engineer firms interested in a particular project. The information on the form is reviewed by a selection panel to assist in the selection of the most qualified architect-engineer firm to perform the specific project. The form is designed to provide a uniform method for architect-engineer firms to submit information on experience, personnel, and capabilities of the architect-engineer firm to perform, along with information on the consultants they expect to collaborate with on the specific project.

SF 330, Part II is used by all executive agencies to obtain general uniform information about a firm's experience in architect-engineering projects. Architect-engineer firms are encouraged to update the form annually. The information obtained on this form is used to determine if a firm should be solicited for architect-engineer projects.

B. Annual Reporting Burden

Respondents: 5,000.
Responses per Respondent: 4.
Total Responses: 20,000.
Hours per Response: 29.
Total Burden Hours: 580,000.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. Please cite OMB Control No. 9000–0157, Architect-Engineer Qualifications (SF 330), in all correspondence.

Dated: April 6, 2017.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2017–07330 Filed 4–11–17; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0113; Docket 2016–0053; Sequence 43]

Submission for OMB Review; Acquisition of Helium

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved

information collection requirement concerning acquisition of helium. A notice was published in the **Federal Register** at 81 FR 83844 on November 22, 2016. No comments were received.

DATES: Submit comments on or before May 12, 2017.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0113. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0113, Acquisition of Helium'', Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0113, Acquisition of Helium'', on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Sosa/IC 9000–0113, Acquisition of Helium.

Instructions: Please submit comments only and cite Information Collection 9000–0113, Acquisition of Helium, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Mahruba Uddowla, Procurement Analyst, Office of Governmentwide Acquisition Policy, GSA, via telephone 703–605–2868 or via email to *mahruba.uddowla@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The Helium Act (Pub. L. 86–777) (50 U.S.C. 167a, *et seq.*) and the Department of the Interior's implementing regulations (30 CFR parts 601 and 602) require Federal agencies to procure all major helium requirements from the Bureau of Land Management, Department of the Interior.

FAR 8.5, Acquisition of Helium, and the clause 52.208–8 Required Sources for Helium and Helium Usage Data, requires that the Contractor provide to the Contracting Officer the following data within 10 days after the Contractor or subcontractor receives a delivery of helium from a Federal helium supplier; (i) The name of the supplier; (ii) The amount of helium purchased; (iii) The delivery date(s); and (iv) the location where the helium was used. Such information will facilitate enforcement of the requirements of the Helium Act and the contractual provisions requiring the use of Government helium by agency contractors.

The information is used in administration of certain Federal contracts to ensure contractor compliance with contract clauses. Without the information, the required use of Government helium cannot be monitored and enforced effectively. The FAR requires that the contractor provide helium purchase information 10 days after delivery from a federal helium supplier, not for the contractor to forecast what they are going to purchase.

B. Annual Reporting Burden

In consultation with subject matter experts at the Department of the Interior, Bureau of Land Management, Helium Operations, the number of estimated responses per year was verified as being within an acceptable range, as was the average time required to read and prepare information which was estimated at 1 hour per response.

Respondents: 26.
Responses per Respondent: 1.
Total Responses: 26.
Hours per Response: 1.
Total Burden Hours: 26.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0113, Acquisition of Helium, in all correspondence.

Dated: April 6, 2017.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2017–07329 Filed 4–11–17; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Mine Safety and Health Research Advisory Committee, National Institute for Occupational Safety and Health (MSHRAC, NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting for the aforementioned committee:

Times and Dates: 9:00 a.m.–2:30 p.m., EDT, May 9, 2017; 8:30 a.m.–12:00 p.m., EDT, May 10, 2017.

Place: National Institute for Occupational Safety and Health, Morgantown, WV Facility, 1095 Willowdale Road, Morgantown, WV 26505. Teleconference is also available. If you wish to attend in person or by phone, please contact Marie Chovanec by email at *MChovanec@cdc.gov* or by phone at 412–386–5302 at least 5 business days in advance of the meeting.

Status: Open to public, limited only by the space available. The meeting room accommodates approximately 45 people.

Purpose: This committee is charged with providing advice to the Secretary, Department of Health and Human Services; the Director, CDC; and the Director, NIOSH, on priorities in mine safety and health research, including grants and contracts for such research, 30 U.S.C. 812(b)(2), Section 102(b)(2).

Matters for Discussion: The meeting will focus on mining safety and health research projects and outcomes, including dust and ventilation research, work organization and safety culture research, breathing air supply research, an update on partnerships, health exposure/assessment/monitoring team

research, miner health program, and hazard recognition project for stone, sand and gravel mines. The meeting will also include updates from the National Personal Protective Technology Laboratory and the Respiratory Health Division.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Jeffrey H. Welsh, Designated Federal Officer, MSHRAC, NIOSH, CDC, 626 Cochrans Mill Road, Pittsburgh, PA 15236, telephone 412–386–4040, fax 412–386–6614.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 2017–07324 Filed 4–11–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, Office of Public Health Preparedness and Response, (BSC, OPHPR)

In accordance with section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

Times and Dates:

10:00 a.m.–5:00 p.m., EDT, May 10, 2017

8:30 a.m.–3:30 p.m., EDT, May 11, 2017

Place: Centers for Disease Control and Prevention (CDC), Global Communications Center, Building 19, Auditorium B3, 1600 Clifton Road NE., Atlanta, Georgia 30333

Status: Open to the public limited only by the space available. The meeting room will accommodate up to 75 people. Public participants should pre-register for the meeting as described below.

Members of the public that wish to attend this meeting in person should pre-register by submitting the following information by email, facsimile, or phone (see Contact Person for More Information) no later than 12:00 noon (EDT) on Tuesday, May 3, 2017:

- Full Name
- Organizational Affiliation
- Complete Mailing Address
- Citizenship
- Phone Number or Email Address

Web conferencing information:

Web ID: https://adobeconnect.cdc.gov/r7mcyvjvzdh/.

Dial in number: 800–369–1179 Participant passcode: 6329989.

Purpose: This Board is charged with providing advice and guidance to the Secretary, Department of Health and Human Services (HHS), the Assistant Secretary for Health (ASH), the Director, Centers for Disease Control and Prevention (CDC), and the Director, Office of Public Health Preparedness and Response (OPHPR), concerning strategies and goals for the programs and research within OPHPR, monitoring the overall strategic direction and focus of the OPHPR Divisions and Offices, and administration and oversight of peer review for OPHPR scientific programs. For additional information about the Board, please visit: *http://www.cdc.gov/phpr/science/counselors.htm.*

Matters for Discussion: Day one of the meeting will cover briefings and BSC deliberation on the following topics: interval updates from OPHPR Divisions and Offices; establishing a BSC working group to address biological agent containment; federal and state perspectives on the opioid overdose epidemic as a public health emergency; and BSC liaison representative updates to the Board highlighting organizational activities relevant to the OPHPR mission.

Day two of the meeting will cover briefings and BSC deliberation on the following topics: OPHPR policy agenda update; natural disaster preparedness and response; global health security; and perspectives on CDC as a response organization.

Contact Person for More Information: Dometa Ouisley, Office of Science and Public Health Practice, Centers for Disease Control and Prevention, 1600 Clifton Road NE., Mailstop D–44, Atlanta, Georgia 30333, Telephone: (404) 639–7450; Facsimile: (404)471–8772; Email: *OPHPR.BSC.Questions@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention, and Agency for Toxic Substances and Disease Registry.

Claudette Grant,

Acting Director, Management Analysis and Service Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–07325 Filed 4–11–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, Office of Infectious Diseases (BSC, OID)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

Times and Dates: 8:30 a.m.–5:00 p.m., EDT, May 3, 2017; 8:30 a.m.–12:00 p.m., EDT, May 4, 2017.

Place: CDC, Global Communications Center, 1600 Clifton Road NE., Building 19, Auditorium B3, Atlanta, Georgia 30329.

Status: The meeting is open to the public, limited only by the space available. The meeting room will accommodate up to 100 people.

Purpose: The BSC, OID, provides advice and guidance to the Secretary, Department of Health and Human Services; the Director, CDC; the Director, OID; and the Directors of the National Center for Immunization and Respiratory Diseases, the National Center for Emerging and Zoonotic Infectious Diseases, and the National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, CDC, in the following areas: Strategies, goals, and priorities for programs; research within the national centers; and overall strategic direction and focus of OID and the national centers.

Matters for Discussion: The meeting will include updates from CDC's infectious disease national centers; reports from the BSC's Food Safety Modernization Act Surveillance Working Group and Infectious Disease Laboratory Working Group; and focused discussions on priority emerging infectious diseases including antimicrobial resistance, influenza, and selected zoonotic and vector-borne diseases.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Robin Moseley, M.A.T., Designated Federal Officer, OID, CDC, 1600 Clifton

Road NE., Mailstop D10, Atlanta, Georgia 30329, Telephone: (404) 639–4461.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–07323 Filed 4–11–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: Child Care and Development Fund Quality Progress Report

OMB No.: New.

Description: Lead Agencies are required to spend a certain percent of their Child Care and Development Fund (CCDF) awards on activities to improve the quality of child care. Lead Agencies are also required to invest in at least one of 10 allowable quality activities included in the Child Care and Development Block Grant (CCDBG) Act of 2014. In order to ensure that States and Territories are meeting these requirements, the CCDBG Act and the CCDF final rule require Lead Agencies to submit an annual report that describes how quality funds were expended. The CCDF final rule named this the Quality Progress Report (QPR). The report must describe how quality funds were expended, including what types of activities were funded and measures used to evaluate progress in improving the quality of child care programs and services. The QPR replaces the Quality Performance Report that was previously an appendix to the CCDF State Plan. The QPR increased transparency on quality spending and will continue to gather detailed information on how States and Territories are spending their quality funds, as well as more specific data points to reflect the requirements in the CCDBG Act and the CCDF final rule.

In the QPR, Lead Agencies are asked about the State's or Territory's progress in meeting its goals as reported in the FY 2016–2018 CCDF Plan, and provide available data on the results of those activities. Specifically, this report will: (1) Ensure accountability for the use of CCDF quality funds, including a set-aside for quality infant and toddler care that begins in FY 2017; (2) track progress toward meeting State- and Territory—set indicators and benchmarks for improvement of child care quality per what they described in their CCDF Plans; (3) summarize how the Lead Agency is building a progression of professional development for child care providers as envisioned in the CCDBG Act of 2014 and CCDF final rule; and (4) inform federal technical assistance efforts and decisions regarding strategic use of quality funds.

Respondents: State and Territory CCDF Lead Agencies (56).

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
QPR	56	1	6.0	3360

Estimated Total Annual Burden Hours:

In compliance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chap 35), the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201. Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) 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; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–07217 Filed 4–11–17; 8:45 am]

BILLING CODE 4184–43–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: Federal Case Registry (FCR)

OMB No.: 0970–0421.

Description: Established within the Federal Parent Locator Service (FPLS) on October 1, 1998, the Federal Case Registry (FCR) is a database that contains basic case and participant data from each of the State Case Registries (SCR). The SCRs are central registries of child support cases and orders in each state.

The FCR is a national database that includes all child support cases handled by state child support agencies (referred to as IV–D cases), and all support orders established or modified on or after October 1, 1998 (referred to as non-IV–D orders). It assists states in locating parties that live in different states to establish, modify, or enforce child support obligations; establish paternity; enforce state law regarding parental kidnapping; and, establish or enforce child custody or visitation determinations.

While information in the FCR is provided through the SCRs, the FCR is not a duplication of all of the data maintained in each state's automated child support system. Rather, it is a

database of the most basic case and participant information.

When a state sends the FCR information about persons in a new case or child support order, this new information is automatically compared to existing person information in the FCR. If matches are found, the FPLS notifies all appropriate state child support enforcement agencies of the record match. In this way, a state will know if another state has a case or support order with participants in common with them, and can take appropriate action. The data in the FCR is also compared to the employment data in the National Directory of New Hires (NDNH).

The information collection activities pertaining to the FCR are authorized by:

(1) 42 U.S.C. 653(h), requiring the establishment of the Federal Case Registry (FCR) within the Federal Parent Locator Service (FPLS).

(2) 42 U.S.C. 654A(e), requiring State child support agencies to include a State Case Registry (SCR) in the state's automated system.

(3) 42 U.S.C. 654A(f)(1), requiring states to conduct information comparison activities between the SCR and the FCR.

Respondents: State Child Support Agencies and Courts

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Collection of non-IV–D data for SCR: Courts	824	1544	0.0205	26,081
Collection of Child Data for IV–D cases for SCR: Courts	3,144	144	0.0205	9,281
States: Transmission to the FCR	54	18,848	0.033	33,926

Estimated Total Annual Burden Hours: 69,289

In compliance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chap 35), the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201. Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) 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; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–07317 Filed 4–11–17; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting Announcement for the Technical Advisory Panel on Medicare Trustee Reports

ACTION: Notice of public meeting.

SUMMARY: This notice announces the meeting dates for the Technical Advisory Panel on Medicare Trustee Reports on Tuesday, May 2, 2017 and Wednesday May 3, 2017 in Washington, DC

DATES: The meeting will be held on Tuesday, May 2, 2017 from 9:15 a.m. to 5:00 p.m. Eastern Time and Wednesday May 3, 2017 from 9:00 a.m. to 3:30 p.m. Eastern Time. The meetings are open to the public.

ADDRESSES: The meeting will be held at Hubert Humphrey Building 200 Independence Ave. SW., Washington, DC 20201 Room 738G.3.

FOR FURTHER INFORMATION CONTACT: Dr. Donald Oellerich, Designated Federal Officer, at the Office of Human Services Policy, Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Ave. SW., Washington, DC 20201, *don.oellerich@hhs.gov* or (202) 690–8410.

SUPPLEMENTARY INFORMATION:

I. Purpose: The Panel will discuss the long-term rate of change in health spending and may make recommendations to the Secretary on how the Medicare Trustees might more accurately estimate health spending in the short and long run. The Panel's discussion is expected to be very technical in nature and will focus on the actuarial and economic assumptions and methods by which Trustees might more accurately measure health spending. This Committee is governed by the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. 2, section 10(a)(1) and (a)(2)). The Committee is composed of nine members appointed by the Assistant Secretary for Planning and Evaluation.

II. Agenda: The Panel will likely discuss draft findings and recommendations for inclusion in the panel's final report. Discussions will likely include findings and recommendations regarding long range growth, sustainability of provider payments under Affordable Care Act (ACA) and Medicare Access and Chip Reauthorization Act (MACRA), methods for transitioning from short term (10 year) to long term (75 year) projections and methods and the presentation of uncertainty in the report. After any presentations, the Panel will deliberate openly on the topics. Interested persons may observe the deliberations, but the Panel will not hear public comments during this time. The Panel will also allow an open public session for any attendee to address issues specific to the topic.

III. Meeting Attendance: The Tuesday, May 2, 2017 and Wednesday, May 3, 2017 meetings are open to the public; however, in-person attendance is limited to space available.

IV. Meeting Registration: The public may attend the meeting in-person. Space is limited and registration is *required* in order to attend in-person. Registration may be completed by emailing all the following information to Donald Oellerich at *don.oellerich@hhs.gov* or calling 202–690–8410:

Name.

Company name.

Postal address.

Email address.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact Dr. Oellerich, no later than April 25, 2017 by sending an email message to *don.oellerich@hhs.gov* or calling 202–690–8410.

A confirmation email will be sent to the registrants shortly after completing the registration process.

V. Special Accommodations: Individuals requiring special accommodations must include the request for these services during registration.

VI. Copies of the Charter: The Secretary's Charter for the Technical Advisory Panel on Medicare Trustee Reports is available upon request from Dr. Donald Oellerich at *don.oellerich@hhs.gov* or by calling 202–690–8410.

Dated: March 31, 2017.

John R. Graham,

Acting Assistant Secretary for Planning and Evaluation.

[FR Doc. 2017–07411 Filed 4–11–17; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVCES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed project or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project—Division of State Programs—Management Reporting Tool (DSP–MRT) (OMB No. 0930–0354)—Revision

The Substance Abuse and Mental Health Services Administration (SAMHSA)'s Center for Substance Abuse Prevention (CSAP) aims to address two of SAMHSA's top substance abuse prevention priorities: Underage drinking (UAD; age 12 to 20) and prescription drug misuse and abuse (PDM; age 12 to 25) through the Division of State Program—Monitoring and Reporting Tool. This data collection will allow all DSP programs to report into a standard tool that aligns with the Strategic Prevention Framework model. This request for data collection includes a revision from a previously approved OMB instrument formally known as Partnerships for Success-Management and Reporting Tool.

Monitoring data on SPF model will allow SAMHSA project officers to systematically collect data to monitor their grant program performance and outcomes along with grantee technical assistance needs. In addition to assessing activities related to the SPF steps, the performance monitoring instruments covered in this statement collect data to assess the following grantee required specific performance measures:

- Number of training and technical assistance activities per funded community provided by the grantee to support communities;
- Reach of training and technical assistance activities (numbers served) provided by the grantee;
- Percentage of subrecipient communities that submit data to the grantee data system;
- Number of sub-recipient communities that improved on one or more targeted NOMs indicators (Outcome);
- Number of grantees who integrate Prescription Drug Monitoring Data into their program needs assessment.

Changes to this package include the following:

- Standard language for all DSP–MRT questions;
- New disparities module to align with SAMHSA's monitoring requirements;
- Updated technical assistance section;
- Deletion of cost questions specific to funding amounts and in-kind resources;
- Deletion of advisory council and other workgroup sub-committee questions;
- Addition of Section A specific to SPF-Rx questions;
- Addition of Section B specific to PDO questions;

ANNUALIZED DATA COLLECTION BURDEN

Instrument	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
Standard DSP Monitoring Tool	117	4	468	3	1404
Section A: Rx	25	2	63	1	42
Section B: PDO	23	4	100	1	100
FY2020 Total	117		631		1,546

Send comments to Summer King, SAMHSA Reports Clearance Officer at: *summer.king@samhsa.hhs.gov.* Written comments should be received by June 12, 2017.

Summer King,

Statistician.

[FR Doc. 2017–07334 Filed 4–11–17; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Mental Health Block Grant Ten Percent Set Aside Evaluation of First Episode Psychosis—NEW

The Substance Abuse and Mental Health Services Administration (SAMHSA) is directed by Congress through its FY 2016 Omnibus bill, Public Law 114–113, to set aside ten percent of the Mental Health Block Grant (MHBG) allocation for each state to support evidence-based programs that provide treatment for those with early serious mental illness (SMI) and a first episode psychosis (FEP)—an increase from the previous five percent set aside.

The purpose of this 3-year evaluation is to assess the relationship between fidelity of selected coordinated specialty care (CSC) programs supported with Mental Health Block Grant (MHBG) Ten Percent Set Aside funding and participant outcomes. There are approximately 250 sites implementing CSC programs with MHBG ten percent set aside funding. All 250 sites will be asked to report on their implementation through an online survey. Up to 32 CSC sites across the nation will be recruited to participate in a process and outcome evaluation. The data collection activities for the Mental Health Block Grant Ten Percent Set Aside Evaluation will include the following six data collection tools:

- *Site Survey:* This is a one-time online survey with site directors of all 250 centers using MHBG ten percent set aside funding (not just those included in the evaluation). The survey focuses on how centers across the U.S. are providing services to individuals with First Episode Psychosis (FEP) in their communities.
- *State Mental Health Authority Interview:* This is a one-time semi-structured interview with state mental health leadership in the states where the 32 sites in the evaluation are located. The interview focuses on their thoughts and opinions about context in which CSC programs are implemented within their state and the state's role in the implementation of the CSC programs.
- *Agency Director/Administrator Interview:* This semi-structured interview will be conducted twice with Agency Director/Administrators at each of the 32 CSC sites in the evaluation about the successes and challenges involved in implementing the CSC program.
- *Coordinated Specialty Care (CSC) Staff Interview:* This semi-structured interview will be conducted twice with CSC Staff at each of the 32 CSC sites in the evaluation about the successes and challenges involved in implementing the CSC program.
- *Coordinated Specialty Care (CSC) Participant Interview:* This semi-structured interview will be conducted twice with participants involved in programs at the 32 CSC sites in the evaluation. The purpose of the interview is to gather participant input on how CSC programs are operating and their thoughts and opinions about successes and challenges while participating in the CSC program.
- *Fidelity Interview:* This interview will be conducted twice during the evaluation with up to four CSC staff at each site. The phone interview is designed to be used in conjunction with the First Episode Psychosis Fidelity Scale (FEPS–FS) to examine whether elements of CSC are implemented at the sites.

In addition, each site will provide the evaluation team with administrative data on participant demographics and outcomes (*e.g.,* employment status, educational status, diagnosis, living situation, quality of life, symptoms).

TABLE 1—ESTIMATED BURDEN HOURS

Respondent	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden (in hours)
State Department of Mental Health Representative: Telephone Interview	32	1	32	2.0	64
CSC Site Directors across the country: Online survey	250	1	250	0.2	50
Evaluation CSC Site: Program Director on-site interview	64	1	64	2.0	128
Evaluation CSC Site: Program Staff on-site interview	192	1	192	2.0	384
Evaluation CSC Site: Program Staff Fidelity Telephone Interview	64	4	256	4.0	1,024
Evaluation CSC Site: Program Staff data submission	32	18	576	5.0	2,880
Evaluation CSC Site: Program Participant on-site interview	128	1	128	1.0	128
Total	762		1,498		4,658

Send comments to Summer King, SAMHSA Reports Clearance Officer, 5600 Fishers Lane, Room 15E57–B, Rockville, Maryland 20857, *OR* email a copy to *summer.king@samhsa.hhs.gov.* Written comments should be received by June 12, 2017.

Summer King,

Statistician.

[FR Doc. 2017–07333 Filed 4–11–17; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2010–1066]

Recreational Boating Safety Projects, Programs, and Activities Funded Under Provisions of the Transportation Equity Act for the 21st Century; Fiscal Year 2016

ACTION: Notice.

SUMMARY: The Coast Guard is publishing this notice to satisfy a requirement of the Transportation Equity Act for the 21st Century that a detailed accounting of the projects, programs, and activities funded under the national recreational boating safety program provision of the Act be published annually in the **Federal Register**. This notice specifies the funding amounts the Coast Guard has committed, obligated, or expended during fiscal year 2016, as of September 30, 2016.

In 1999, the Transportation Equity Act for the 21st Century made $5 million per year available for the payment of Coast Guard expenses for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program. In 2005, the law was amended, and the amount was increased to $5.5 million. In 2015, the law was amended again which resulted in the consolidation of the $5.5 million and the two percent amount made available under 46 U.S.C. Chapter 131, Section 13107(2). For Fiscal Year 2016 the amount allocated to the Coast Guard under Public Law 114–94, Section 10001(2) was $7.7 million.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, call Jeff Ludwig, Regulations Development Manager, telephone 202–372–1061.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Transportation Equity Act for the 21st Century became law on June 9, 1998 (Pub. L. 105–178; 112 Stat. 107). The Act required that of the $5 million made available to carry out the national recreational boating safety program each year, $2 million shall be available only to ensure compliance with Chapter 43 of Title 46, U.S. Code. On September 29, 2005, the Sportfishing and Recreational Boating Safety Amendments Act of 2005 was enacted (Pub. L. 109–74; 119 Stat. 2031). This Act increased the funds available to the national recreational boating safety program from $5 million to $5.5 million annually, and stated that ''not less than'' $2 million shall be available only to ensure compliance with Chapter 43 of Title 46, U.S. Code. Subsequently on December 04, 2015 the law was once again amended (Pub. L. 114–94; Section 10001). This amendment consolidated the $5.5 million and the two percent amount made available under 46 U.S.C. Chapter 131, Section 13107(2). For Fiscal Year 2016 the amount allocated to the Coast Guard under Public Law 114–94, Section 10001(2) was $7.7 million. Of the $7.7 million made available ''not less than'' $2.1 million shall be available to ensure compliance with Chapter 43 of Title 46, U.S. Code and ''not more'' than $1.5 million is available to conduct by grant or contract a survey of levels of recreational boating participation and related matters in the United States.

These funds are available to the Secretary from the Sport Fish Restoration and Boating Trust Fund established under 26 U.S.C. 9504(a) for payment of Coast Guard expenses for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program. Under 46 U.S.C. 13107(c), on and after October 1, 2016 no funds available to the Secretary under this subsection may be used to replace funding provided through general appropriations, nor for any purposes except those purposes authorized; namely, for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program. Amounts made available under 46 U.S.C. 13107(c) remain available during the two succeeding fiscal years. Any amount that is unexpended or unobligated at the end of the 3-year period during which it is available, shall be withdrawn by the Secretary and allocated to the States in addition to any other amounts available for allocation in the fiscal year in which they are withdrawn or the following fiscal year.

Use of these funds requires compliance with standard Federal contracting rules with associated lead and processing times resulting in a lag time between available funds and spending. The total amount of funding transferred to the Coast Guard from the Sport Fish Restoration and Boating Trust Fund and committed, obligated, and/or expended during fiscal year 2016 for each activity is shown below.

Specific Accounting of Funds

Manufacturer Compliance Inspection Program/Boat Testing Program: Funding was provided to continue the national recreational boat compliance inspection program, initiated in January 2001. During the Fiscal Year contracted personnel, acting on behalf of the Coast Guard, visit recreational boat manufacturers, recreational boat retailers, and recreational boat shows to inspect boats for compliance with the Federal regulations. During the 2015–2016 reporting year, inspectors performed 391 factory visits, 220 retailer visits, and 8 boat show visits resulting in 2,777 boats being inspected with findings of 883 non-compliances. ($2,123,490). Additional expenditures regarding this subject that are accounted for in the funding amounts listed below are Contract Personnel Support ($106,000), Reimbursable Salaries ($194,586) and New Recreational Boating Safety Associated Travel ($5,976). Collectively, these expenditures, along with other potential projects, are considered to be applicable to the legal requirement that ''not less than'' $2.1 million be available to ensure compliance with Chapter 43 of Title 46, U.S. Code.

Administrative Overhead—Funding was provided to pay for Boating Safety Division office supplies. ($6,027).

Boating Accident Report Database (BARD) Web System: Funding was allocated to continue providing the BARD Web System, which enables reporting authorities in the 50 States, five U.S. Territories, and the District of Columbia to submit their accident reports electronically over a secure Internet connection. The system also enables the user community to generate statistical reports that show the frequency, nature, and severity of boating accidents. Funds supported system maintenance, development, and technical (hotline) support. ($237,997).

Contract Personnel Support: Funding was provided for contract personnel to support the appropriate cost/benefit analyses for potential new regulations and to conduct general boating safety-related research and analysis and to assist the manufacturer compliance program. ($616,207).

Boating Accident News Clipping Services: Funding was provided to continue to gather daily news stories of

recreational boating accidents nationally for more real time accident information and to identify accidents that may involve regulatory non-compliances or safety defects. ($50,000).

RBS Program Compliance Travel: Funding was provided to pay for CG–BSX–2 staff to visit State and national nonprofit public service organization grant programs to verify their compliance with grant program requirements. ($86,297).

National Boating Safety Advisory Council: Funding was provided to pay for member travel and meeting costs for the 95th National Boating Safety Advisory Council meeting. ($35,241).

Grant Program Assessment: A contract was funded to provide for an external third-party to assess the operation of the State and national nonprofit public service organization grant programs. ($168,043).

Grant Management Training: Funding was provided to pay for staff to attend training to improve their grant management and oversight skills. ($1,469).

New Recreational Boating Safety Associated Travel: Funding was provided to facilitate travel by employees of the Boating Safety Division to carry out additional recreational boating safety actions and to gather background and planning information for new recreational boating safety initiatives. ($22,873).

Printing: Funding was provided for printing Engine Cut-Off Switch Brochures. These brochures are used to educate boaters on the importance of wearing the engine cut-off lanyard. The Coast Guard, USCG Auxiliary, U.S. Power Squadrons, and State agencies distribute this product to the public at local boating events, during classroom instruction, and during Vessel Safety Checks. ($9,727).

Reimbursable Salaries: Funding was provided as authorized by 46 U.S.C. 13107(c) to pay for 18 personnel directly related to coordinating and carrying out the national recreational boating safety program. ($2,273,722).

Technical Support and Analysis for the Recreational Boating Safety Program: The purpose of this contract is to obtain Contractor professional, technical, and management support for services relating to the national survey development, nonprofit grants grading assessments, and other analysis as needed for the enhancement of the administration of the National Recreational Boating Safety Program. Projects covered by the contract include statistical analyses of data collected in the 2012 National Recreational Boating Survey and research on the implications of the findings relative to boating safety and the National Recreational Boating Safety Program; a review of scientific literature covering various measures of risk exposure in other transportation related fields; support in designing the next National Recreational Boating Safety Survey; and development of a web-based system for review of national nonprofit organization grant submissions. ($500,000).

Of the $7.7 million made available to the Coast Guard in fiscal year 2016, $3,810,950 has been committed, obligated, or expended and an additional $2,320,143 of prior fiscal year funds have been committed, obligated, or expended, as of September 30, 2016. The remainder of the FY15 and FY16 funds made available to the Coast Guard (approximately $6,453,196) may be retained for the allowable period for the National Recreational Boating Survey or transferred into the pool of money available for allocation through the state grant program.

Authority

This notice is issued pursuant to 5 U.S.C. 552 and 46 U.S.C. 13107(c)(4).

Dated: April 3, 2017.

V.B. Gifford,

Captain, U.S. Coast Guard, Director of Inspections & Compliance.

[FR Doc. 2017–07265 Filed 4–11–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2016–0033; OMB No. 1660–NW102]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Federal Emergency Management Agency Individual Assistance Customer Satisfaction Surveys

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

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

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street SW., Washington, DC 20472–3100, or email address *FEMA-Information-Collections-Management@fema.dhs.gov.* Or, Jessica Guillory, Statistician, Customer Survey & Analysis Section, Recovery Directorate, FEMA at 940–891–8528.

SUPPLEMENTARY INFORMATION: This proposed information collection previously published in the **Federal Register** on January 31, 2017 at 82 FR 8836 with a 60-day public comment period. FEMA received one comment. The commenter requested a copy of the collection which was provided. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Federal Emergency Management Agency Individual Assistance Customer Satisfaction Surveys.

Type of information collection: New information collection.

OMB Number: 1660–NW102.

Form Titles and Numbers: FEMA Form 519–0–37, Initial Survey—Electronic; FEMA Form 519–0–36, Initial Survey—Phone; FEMA Form 519–0–39, Contact Survey—Electronic; FEMA Form 519–0–38, Contact Survey—Phone; FEMA Form 519–0–41, Assessment Survey—Electronic; FEMA Form 519–0–40, Assessment Survey—Phone.

Abstract: Federal agencies are required to survey their customers to determine the kind and quality of services customers want and their level of satisfaction with those services. Analysis from the survey is used to measure FEMA's survivor-centric mission of being accessible, simple, timely, and effective in meeting the needs of survivors.

Affected Public: Individuals and Households.

Estimated Number of Respondents: 24,096.

Estimated Total Annual Burden Hours: 8,095.

Estimated Cost: The estimated annual non-labor cost to respondents for expenditures on training, travel, and other resources is $31,104.00. There are no annual start-up or capital costs. The cost to the Federal Government is $1,766,288.36.

Dated: April 5, 2017.

Tammi Hines,

Acting Records Management Branch Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–07246 Filed 4–11–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6000–FA–19]

Announcement of Funding Awards for the Self-Help Homeownership Opportunity Program Fiscal Year 2016

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the Notice of Funding Availability (NOFA) for the Self-Help Homeownership Opportunity Program (SHOP). This announcement contains the names of the awardees and the amounts of the awards made available by HUD.

FOR FURTHER INFORMATION CONTACT: Jackie L. Williams, Ph.D., Director, Office of Rural Housing and Economic Development, Office of Community Planning and Development, 451 Seventh Street SW., Room 7240, Washington, DC 20410–7000; telephone (202) 708–2290 (this is not a toll free number). Hearing- and speech-impaired persons may access this number via TTY by calling the Federal Relay Service toll-free at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: SHOP is authorized by Section 11 of the Housing Opportunity Program Extension Act of 1996 (Public Law 104–120, as amended, 42 U.S.C. 12805 note). Funding for this NOFA is provided by the ''Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2015'' (Public Law 113–235, Division K, approved December 16, 2014). The competition was posted to *grants.gov* (FR–6000–N–19) on Thursday, August 10, 2016. Applications were rated and selected for funding on the basis of selection criteria contained in that notice.

The Catalog of Federal Domestic Assistance number for this Self-Help Homeownership Opportunity Program Appalachia Economic Development Initiative program is 14.247. The Self-Help Homeownership Opportunity Program SHOP funding is intended to facilitate and encourage innovative homeownership opportunities on a national and geographically-diverse basis. The program supports self-help housing programs that require a significant amount of sweat equity by the homebuyer toward the construction or rehabilitation of his or her home. Volunteer labor is also required. Eligible applicants for SHOP funding include national and regional non-profit organizations and consortia with experience facilitating homeownership opportunities on a national, geographically-diverse basis through the provision of self-help homeownership housing programs. The funds made available under this program were awarded competitively through a selection process conducted by HUD.

In accordance with section 102(a) (4) (C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987. 42 U.S.C. 3545), the Department is publishing the grantees and amounts of the awards in Appendix A to this document.

Dated: March 27, 2017.

Clifford Taffet,

General Deputy Assistant Secretary for Community Planning and Development.

Appendix A FY 2016 Self-Help Homeownership Opportunity Program Grantees

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Grantee	State	Amount awarded
Housing Assistance Council	DC	$1,145,625.00
Tierra Del Sol Housing Corporation (Consortium)	NM	1,279,200.00
Community Frameworks	WA	1,676,280.00
Habitat for Humanity International, Inc.	GA	5,898,895.00

[FR Doc. 2017–07392 Filed 4–11–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6020–FA–01]

Announcement of Tenant Protection Voucher Funding Awards for Fiscal Year 2016 for the Housing Choice Voucher Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of Fiscal Year 2016 awards.

SUMMARY: In accordance with the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of Tenant Protection Voucher (TPV) funding awards for Fiscal Year (FY) 2016 to public housing agencies (PHAs) under the Section 8 Housing Choice Voucher Program (HCVP). The purpose of this notice is to publish the names and addresses of awardees, and the amounts of their non-competitive funding awards for assisting households affected by housing conversion actions, public housing relocations and replacements, moderate rehabilitation replacements, and HOPE VI relocations.

FOR FURTHER INFORMATION CONTACT: Milan Ozdinec, Deputy Assistant Secretary, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4204, Washington, DC 20410–5000, telephone (202) 402–1380. Hearing- or speech-impaired individuals may call HUD's TTY number at (800) 927–7589. (Only the ''800'' telephone number is toll-free.)

SUPPLEMENTARY INFORMATION: The regulations governing the HCVP are published at 24 CFR 982. The purpose of this rental assistance program is to assist eligible families to pay their rent for decent, safe, and sanitary housing in the private rental market. The regulations for allocating housing assistance budget authority under

Section 213(d) of the Housing and Community Development Act of 1974 are published at 24 CFR part 791, subpart D.

The FY 2016 awardees announced in this notice were provided HCVP tenant protection voucher (TPV) funds on an as-needed, non-competitive basis, *i.e.,* not consistent with the provisions of a Notice of Funding Availability (NOFA). TPV awards made to PHAs for program actions that displace families living in public housing were made on a first-come, first-served basis in accordance with PIH Notice 2007–10, ''Voucher Funding in Connection with the Demolition or Disposition of Occupied Public Housing Units,'' and PIH Notice 2016–04, ''Implementation of the Federal Fiscal Year (FFY) 2016 Funding Provisions for the Housing Choice Voucher Program.'' Awards for the Rental Assistance Demonstration (RAD) were provided for Rental Supplement and Rental Assistance Payment Projects (RAD—Second Component) consistent with PIH Notice 2012–32 (HA), REV–2, ''Rental Assistance Demonstration—Final Implementation, Revision 2.'' Announcements of awards provided under the NOFA process for Mainstream, Designated Housing, Family Unification (FUP), and Veterans Assistance Supportive Housing (VASH) programs will be published in a separate **Federal Register** notice.

Awards published under this notice were provided: (1) to assist families living in HUD-owned properties that are being sold; (2) to assist families affected by the expiration or termination of their Project-based Section 8 and Moderate Rehabilitation contracts; (3) to assist families in properties where the owner has prepaid the HUD mortgage; (4) to assist families in projects where the Rental Supplement and Rental Assistance Payments contracts are expiring (RAD—Second Component); (5) to provide relocation housing assistance in connection with the demolition of public housing; (6) to provide replacement housing assistance for single room occupancy (SRO) units that fail housing quality standards (HQS); (7) to assist families in public housing developments that are scheduled for demolition in connection with a HUD-approved HOPE VI revitalization or demolition grant; and (8) to assist families consistent with PIH Notice 2016–12, ''Funding Availability for Tenant-Protection Vouchers for Certain At-Risk Households in Low-Vacancy Areas—Fiscal Year 2016'' and PIH Notice 2015–07, ''Funding Availability for Tenant-Protection Vouchers for Certain At-Risk Households in Low-Vacancy Areas—Fiscal Year 2015.''

A special administrative fee of $200 per occupied unit was provided to PHAs to compensate for any extraordinary HCVP administrative costs associated with Multifamily Housing conversion actions.

The Department awarded total new budget authority of $86,970,667 to recipients under all of the above-mentioned categories for 9,606 housing choice vouchers. This budget authority includes $1,406,073 of unobligated commitments made in FY 2015. These funds were reserved by September 30, 2015, but not contracted until FY 2016, and thus have been included with obligated commitments for FY 2016.

In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the names and addresses of awardees, and their award amounts in Appendix A. The awardees are listed alphabetically by State for each type of TPV award.

Dated: April 7, 2017.

Jemine A. Bryon,

General Deputy Assistant Secretary for Public and Indian Housing .

Appendix A

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2016

Housing agency	Address	Units	Award
Special Fees			
Special Fees—At-Risk Households			
CA: COUNTY OF LOS ANGELES HOUSING AUTH ..	C.D.C. COUNTY OF LOS ANGELES, 700 W. MAIN STREET, ALHAMBRA, CA 91801.	.....	$11,200
NY: TOWN OF BROOKHAVEN DEPT OF HSG	COMM FARMINGVILLE, NY 11738	.....	22,200
Total for Special Fees—At-Risk Households	.....	.....	33,400
Special Fees—Opt-Outs/Terminations			
CA: COUNTY OF CONTRA COSTA HSG AUTH	3133 ESTUDILLO ST., P.O. BOX 2759, MARTINEZ, CA 94553.	.....	2,200
CO: CITY OF ENGLEWOOD HOUSING AUTHORITY	3460 SOUTH SHERMAN ST. #101, ENGLEWOOD, CO 80110.	.....	5,600
CT: HARTFORD HOUSING AUTHORITY	160 OVERLOOK TERRACE, HARTFORD, CT 06106	.....	7,400
CT: HSG AUTH OF CITY OF NEW HAVEN	360 ORANGE STREET, NEW HAVEN, CT 06511	.....	53,200
FL: CITY OF MIAMI, DEPT. OF COMM DEVEL	444 SW. 2ND AVENUE, 2ND FLOOR, MIAMI, FL 33130.	.....	5,600
IA: CHARLES CITY HOUSING AND REDEVEL	501 CEDAR TERRCE SOUTH, CHARLES CITY, IA 50616.	.....	2,000
IA: SPIRIT LAKE LOW RENT HSG AGENCY	710 LAKE ST., SPIRIT LAKE, IA 51360	.....	2,200
IA: DUBUQUE DEPT OF HUMAN RIGHTS	350 W. 6TH STREET—SUITE 312, DUBUQUE, IA 52001.	.....	1,800
IL: CHICAGO HOUSING AUTHORITY	60 EAST VAN BUREN ST., 11TH FLOOR, CHICAGO, IL 60605.	.....	5,000
IL: HSG AUTHORITY FOR LASALLE COUNTY	P.O. BOX 782, 526 EAST NORRIS DRIVE, OTTAWA, IL 61350.	.....	2,800
IL: MENARD COUNTY HOUSING AUTHORITY	101 W. SHERIDAN ROAD, PETERSBURG, IL 62675	.....	1,200
IN: HA KOKOMO 219 E. TAYLOR ST	P.O. BOX 1207, KOKOMO, IN 46903	.....	2,200

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2016—Continued

Housing agency	Address	Units	Award
IN: INDIANAPOLIS HOUSING AGENCY	1919 N. MERIDIAN STREET, INDIANAPOLIS, IN 46202.		8,000
KS: WICHITA HOUSING AUTHORITY	332 N. RIVERVIEW, WICHITA, KS 67203		9,800
KY: LOUISVILLE HOUSING AUTHORITY	420 SOUTH EIGHTH STREET, LOUISVILLE, KY 40203.		35,000
KY: MAYFIELD HOUSING AUTHORITY	312 BROOKSIDE DRIVE, P.O. BOX 474, MAYFIELD, KY 42066.		2,800
LA: TALLULAH (CITY OF) PHA	204 NORTH CEDAR STREET, TALLULAH, LA 71282		1,000
ME: MAINE STATE HSG AUTHORITY	353 WATER STREET, AUGUSTA, ME 04330		6,800
MI: MICHIGAN STATE HSG. DEV. AUTH	P.O. BOX 30044, LANSING, MI 48909		7,800
MN: CAMBRIDGE ECONOMIC DEVE AUTHORITY	121 SOUTH FERN STREET, CAMBRIDGE, MN 55008.		3,600
MO: HOUSING AUTH OF KANSAS CITY, MISSOURI	920 MAIN STREET, SUITE 701, KANSAS CITY, MO 64106.		1,200
NC: GREENSBORO HOUSING AUTHORITY	P.O. BOX 21287, GREENSBORO, NC 27420		29,600
ND: STUTSMAN COUNTY HOUSING AUTHORITY	300 2ND ST. NE—200, JAMESTOWN, ND 58401		3,600
ND: HOUSING AUTH OF THE COUNTY OF RANSOM.	P.O. BOX 5, ASHLEY, ND 58413		2,200
ND: STARK COUNTY HOUSING AUTHORITY	1149 WEST VILLARD, P.O. BOX 107, DICKINSON, ND 58602.		2,400
ND: RICHLAND COUNTY HOUSING AUTHORITY	230 8TH AVENUE WEST, WEST FARGO, ND 58078		2,200
ND: COOPERSTOWN HOUSING AND REDE	P.O. BOX 208, COOPERSTOWN, ND 58425		1,200
ND: DICKEY/SARGENT HOUSING AUTHORITY	P.O. BOX 624, 309 NORTH 2ND, ELLENDALE, ND 58436.		400
ND: MCHENRY/PIERCE COUNTYHOUSING AUTH	C/O MINOT HOUSING AUTHORITY, 108 BURDICK EXPRESSWAY, MINOT, ND 58701.		6,600
NE: OMAHA HOUSING AUTHORITY	1805 HARNEY STREET, OMAHA, NE 68102		4,800
NJ: NEW JERSEY DEPAR OF COMMUNITY AFFAIRS.	101 SOUTH BROAD STREET, P.O. BOX 051, TRENTON, NJ 08625.		4,600
NY: CITY OF NEW YORK DEPT OF HSG PRESE & DEV.	100 GOLD STREET, ROOM 501, NEW YORK, NY 10038.		1,800
NY: VILLAGE OF MANLIUS	C/O CHRISTOPHER COMMUNITY, 990 JAMES STREET, SYRACUSE, NY 13203.		2,200
NY: NYS HSG TRUST FUND CORPORATION	38–40 STATE STREET, ALBANY, NY 12207		11,200
OH: CINCINNATI METROPOLITAN HSG. AUTH	16 WEST CENTRAL PARKWAY, CINCINNATI, OH 45210.		14,600
OH: LUCAS MHA	P.O. BOX 477, 435 NEBRASKA AVENUE, TOLEDO, OH 43697.		8,000
OH: LORAIN MHA	1600 KANSAS AVENUE, LORAIN, OH 44052		3,600
SD: ABERDEEN HOU & REDEV COMMISSION	2324 3RD AVE. SE., ABERDEEN, SD 57401		2,800
SD: LAWRENCE COUNTY HOUSING AUTHORITY	1220 CEDAR STREET, #113, STURGIS, SD 57785		1,000
SD: VERMILLION HOUSING & REDEVELOPMENT	P.O. BOX 362, 14 WEST MAIN STREET, VERMILLION, SD 57069.		7,400
TN: MEMPHIS HOUSING AUTHORITY	P.O. BOX 3664, MEMPHIS, TN 38103		71,800
TN: TENNESSEE HOUSING DEV AGENCY	502 DEADERICK STREET, 3RD FLOOR, NASHVILLE, TN 37243.		3,000
VA: RICHMOND REDEVELOPMENT & H/A	901 CHAMBERLAYNE PARKWAY, P.O. BOX 26887, RICHMOND, VA 23261.		26,400
WA: HA OF THE CITY OF BREMERTON	600 PARK AVENUE, BREMERTON, WA 98337		6,000
WA: HOUSING AUTH OF THE CITY OF TACOMA	902 SOUTH "L" STREET, SUITE 2C, TACOMA, WA 98405.		9,600
WA: HOUSING AUTH OF THE CITY OF YAKIMA	810 N. 6TH AVE., YAKIMA, WA 98902		6,400
Total for Special Fees—Opt-Outs/Terminations			400,600
Special Fees—Prepays			
CA: COUNTY OF SAN MATEO HSG AUTH	264 HARBOR BLVD., BLDG. A, BELMONT, CA 94002.		1,400
CT: NORWALK HOUSING AUTHORITY	24½ MONROE STREET, NORWALK, CT 06856		1,800
IL: CHAMPAIGN COUNTY HOUSING AUTHORITY	205 WEST PARK AVENUE, CHAMPAIGN, IL 61820		20,600
IL: HSG AUTHORITY OF THE COUNTY OF DEKALB	310 N. 6TH STREET, DEKALB, IL 60115		9,400
IL: DUPAGE COUNTY HOUSING AUTHORITY	711 EAST ROOSEVELT ROAD, WHEATON, IL 60187.		21,200
IN: HOUSING AUTH CITY OF MISHAWAKA	P.O. BOX 1347, MISHAWAKA, IN 46546		7,600
MA: BOSTON HOUSING AUTHORITY	52 CHAUNCY STREET, BOSTON, MA 02111		7,600
MA: CAMBRIDGE HOUSING AUTHORITY	675 MASSACHUSETTS AVENUE, CAMBRIDGE, MA 02139.		84,400
MA: SPRINGFIELD HSG AUTHORITY	25 SAAB COURT, P.O. BOX 1609, SPRINGFIELD, MA 01101.		8,800
MA: PLYMOUTH HOUSING AUTHORITY	P.O. BOX 3537, PLYMOUTH, MA 02361		6,800
MA: GARDNER HSG AUTHORITY	116 CHURCH ST., GARDNER, MA 01440		600

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2016—Continued

Housing agency	Address	Units	Award
MD: HOUSING AUTHORITY OF BALTIMORE CITY ..	417 EAST FAYETTE STREET, BALTIMORE, MD 21201.	.....	7,200
MN: MINNEAPOLIS PHA	1001 WASHINGTON AVE. NORTH, MINNEAPOLIS, MN 55401.	.....	600
MN: WORTHINGTON HRA	819 TENTH STREET, WORTHINGTON, MN 56187 ..	.....	2,000
NC: HSG AUTHORITY OF THE CITY OF ASHEVILLE.	P.O. BOX 1898, ASHEVILLE, NC 28802	.....	20,600
NJ: MIDDLETOWN HOUSING AUTHORITY	2 OAKDALE DRIVE PLAZA, MIDDLETOWN, NJ 07748.	.....	6,200
NY: HA OF SYRACUSE	516 BURT STREET, SYRACUSE, NY 13202	.....	5,200
NY: THE CITY OF NEW YORK	DEPT OF HSG PRES & DEV 100 GOLD STREET, ROOM 501, NEW YORK, NY 10038.	.....	80,600
OH: MEDINA MHA	850 WALTER ROAD, MEDINA, OH 44256	.....	8,600
WA: HOUS AUTH OF THE CITY OF VANCOUVER ..	2500 MAIN STREET, #200, VANCOUVER, WA 98660.	.....	11,800
WA: HOUS AUTH OF THE CITY OF YAKIMA	810 N. 6TH AVE., YAKIMA, WA 98902	.....	15,400
Total for Special Fees—Prepays	.....	.....	328,400
Special Fees—RAD Conversions			
CT: NORWALK HOUSING AUTHORITY	24½ MONROE STREET, NORWALK, CT 06856	.....	30,600
MA: BROOKLINE HOUSING AUTHORITY	90 LONGWOOD AVE., BROOKLINE, MA 02146	.....	5,800
ME: PORTLAND HSG AUTHORITY	14 BAXTER BOULEVARD, PORTLAND, ME 04101 ..	.....	20,000
NY: HA OF SYRACUSE	516 BURT STREET, SYRACUSE, NY 13202	.....	43,600
NY: NYS HSG TRUST FUND CORPORATION	38–40 STATE STREET, ALBANY, NY 12207	.....	70,000
Total for Special Fees—RAD Conversions	.....	.....	170,000
Special Fees—Relocation-Rent Supplement			
MA: CAMBRIDGE HOUSING AUTHORITY	675 MASSACHUSETTS AVENUE, CAMBRIDGE, MA 02139.	.....	15,200
MA: WORCESTER HOUSING AUTHORITY	40 BELMONT STREET, WORCESTER, MA 01605 ...	.....	23,200
NY: CITY OF NEW YORK DEPT OF HSG PRES & DEV.	100 GOLD STREET, ROOM 501, NEW YORK, NY 10038.	.....	28,200
NY: CITY OF FULTON	COMMUNITY DEVELOPMENT DEPT, 125 W. BROADWAY, FULTON, NY 13069.	.....	8,200
NY: NYS HSG TRUST FUND CORPORATION	38–40 STATE STREET, ALBANY, NY 12207	.....	3,000
Total for Special Fees—Relocation-Rent Supplement.	.....	.....	77,800
Total for Special Fees	.....	.....	1,010,200
Moderate Rehabilitation and Public Housing TP			
Mod Rehab—RAD			
CT: NORWALK HOUSING AUTHORITY	24½ MONROE STREET, NORWALK, CT 06856	153	3,178,656
Total for Mod Rehab—RAD	.....	153	3,178,656
Mod Replacements			
AZ: CITY OF TUCSON 310 NORTH COMMERCE	P.O. BOX 27210, TUCSON, AZ 85745	41	245,370
CA: OAKLAND HOUSING AUTHORITY	1619 HARRISON ST., OAKLAND, CA 94612	8	87,813
CA: ALAMEDA COUNTY HSG AUTH	22941 ATHERTON STREET, HAYWARD, CA 94541	17	245,159
CO: HOUS AUTH OF THE CITY AND COUNTY OF	777 GRANT STREET, DENVER, CO 80203	60	596,909
CO: AURORA HOUSING AUTHORITY	10745 E. KENTUCKY AVENUE, AURORA, CO 80012.	44	418,165
DC: D.C. HOUSING AUTHORITY	1133 NORTH CAPITOL STREET NE., WASHINGTON, DC 20002.	2	21,781
FL: MIAMI DADE HOUSING AUTHORITY	701 NW. 1ST COURT, 16TH FLOOR, MIAMI, FL 33136.	18	167,752
FL: CITY OF MIAMI, DEPT. OF COMMU DEVE	444 SW. 2ND AVENUE, 2ND FLOOR, MIAMI, FL 33130.	8	96,288
ME: AUGUSTA HSG AUTHORITY	33 UNION STREET SUITE 3, AUGUSTA, ME 04330	2	8,173
MI: DETROIT HOUSING COMMISSION	1301 EAST JEFFERSON AVENUE, DETROIT, MI 48207.	1	7,156
MO: ST. LOUIS COUNTY HOUSING AUTHORITY	8865 NATURAL BRIDGE, ST. LOUIS, MO 63121	14	84,912
MT: MT DEPARTMENT OF COMMERCE	P.O. BOX 200545, 301 S. PARK, HELENA, MT 59620.	5	26,287

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2016—Continued

Housing agency	Address	Units	Award
ND: BURLEIGH COUNTY HOUSING AUTHORITY	410 SOUTH 2ND STREET, BISMARCK, ND 58504 ...	10	55,034
ND: BARNES COUNTY HOUSING AUTHORITY	120 12TH STREET NW., VALLEY CITY, ND 58072 ..	6	23,800
NE: HOUSING AUTHORITY OF LINCOLN	5700 "R" ST., P.O. BOX 5327, LINCOLN, NE 68505	10	43,982
NY: CITY OF NORTH TONAWANDA	C/O BELMONT HOUSING RESOURCES, 1195 MAIN ST., BUFFALO, NY 14209.	3	11,577
OH: CUYAHOGA MHA	8120 KINSMAN ROAD, CLEVELAND, OH 44104	3	19,281
OH: DAYTON METROPOLITAN HA	400 WAYNE AVE., P.O. BOX 8750, DAYTON, OH 45401.	33	174,581
PA: ALLENTOWN HOUSING AUTHORITY	1339 ALLEN STREET, ALLENTOWN, PA 18102	11	76,874
PA: WESTMORELAND COUNTY HSG AUTHORITY	R.D. #6, BOX 223 SOUTH GREENGATE RD., GREENSBURG, PA 15601.	5	27,887
PA: YORK CITY HOUSING AUTHORITY	31 S. BROAD STREET, YORK, PA 17405	13	77,000
RI: PROVIDENCE H A	100 BROAD ST, PROVIDENCE, RI 02903	74	553,659
SC: CITY OF SPARTANBURG H/A	P.O. BOX 2828, SPARTANBURG, SC 29304	105	532,438
TN: HSG DEV AGENCY ELIZABETHTON	P.O. BOX 637, ELIZABETHTON, TN 37644	2	8,432
TX: HOUSTON HOUSING AUTHORITY	2640 FOUNTAIN VIEW, HOUSTON, TX 77057	11	76,690
TX: AMARILLO HOUSING AUTHORITY	P.O. BOX 1971, 509 E. 7TH, AMARILLO, TX 79105	6	38,052
VA: DANVILLE REDEVELOPMENT AND H/A	P.O. BOX 1476, DANVILLE, VA 24543	12	61,908
WI: WISCONSIN HOUSING & ECONOMIC DEVELOPMENT AUTHORITY.	P.O. BOX 1728, MADISON, WI 53701	33	166,246
Total for Mod Replacements	.....	557	3,953,206
MTW Relocation/Replacement			
NC: HA OF THE CITY OF CHARLOTTE	P.O. BOX 36795, 1301 SOUTH BOULEVARD, CHARLOTTE, NC 28236.	30	274,406
PA: PHILADELPHIA HOUSING AUTHORITY	12 SOUTH 23RD STREET, PHILADELPHIA, PA 19103.	363	2,956,010
Total for MTW Relocation/Replacement	.....	393	3,230,416
MTW Replacement			
KY: LOUISVILLE HOUSING AUTHORITY	420 SOUTH EIGHTH STREET, LOUISVILLE, KY 40203.	22	162,475
Total for MTW Replacement	.....	22	162,475
Relocation—(Sunset Provision)			
WA: PENINSULA HOUSING AUTHORITY	2603 S FRANCIS ST., PORT ANGELES, WA 98362	27	152,292
Total for Relocation—(Sunset Provision)	.....	27	152,292
Relocation—Sunset			
GA: GEORGIA DEPT. OF COMMU AFFAIRS—RENTAL.	60 EXECUTIVE PARK SOUTH, NE., SUITE 250, ATLANTA, GA 30329.	37	263,877
KY: NEWPORT HOUSING AUTHORITY	301 SOUTHGATE, P.O. BOX 459, NEWPORT, KY 41072.	50	250,764
TX: HOUSING AUTHORITY OF EL PASO	5300 PAISANO, EL PASO, TX 79905	46	219,147
WA: PENINSULA HOUSING AUTHORITY	2603 S. FRANCIS ST., PORT ANGELES, WA 98362	5	28,202
Total for Relocation—Sunset	.....	138	761,990
Replacement			
AL: MOBILE HOUSING BOARD	P.O. BOX 1345, MOBILE, AL 36633	114	810,226
AL: HA ANNISTON	P.O. BOX 2225, ANNISTON, AL 36202	101	501,665
CA: SAN FRANCISCO HSG AUTH	1815 EGBERT AVE., SAN FRANCISCO, CA 94124 ..	527	8,492,500
FL: HA FORT LAUDERDALE CITY	437 SW. 4TH AVENUE, FORT LAUDERDALE, FL 33315.	98	910,318
GA: HA MACON	P.O. BOX 4928, 2015 FELTON AVENUE, MACON, GA 31208.	390	2,234,493
GA: GEORGIA DEPT. OF COMM AFFAIRS—RENTAL.	60 EXECUTIVE PARK SOUTH, NE., SUITE 250, ATLANTA, GA 30329.	70	499,227
IL: MADISON COUNTY HA	1609 OLIVE STREET, COLLINSVILLE, IL 62234	97	533,411
IN: GARY HA	578 BROADWAY, GARY, IN 46402	42	253,245
IN: EAST CHICAGO HA	4920 LARKSPUR DR., P.O. BOX 498, EAST CHICAGO, IN 46312.	332	1,945,148
KY: NEWPORT HOUSING AUTHORITY	301 SOUTHGATE, P.O. BOX 459, NEWPORT, KY 41072.	25	125,382

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2016—Continued

Housing agency	Address	Units	Award
KY: CAMPBELL COUNTY HOUSING AUTHORITY ...	P.O. BOX 72424, NEWPORT, KY 41072	68	378,289
MA: SPRINGFIELD HSG AUTHORITY	25 SAAB COURT, P.O. BOX 1609, SPRINGFIELD, MA 01101.	45	329,611
MD: QUEEN ANNE'S COUNTY HSG AUTHORITY ...	P.O. BOX 280, 205 EAST WATER STREET, CENTREVILLE, MD 21617.	24	223,794
NC: HA OF THE CITY OF CHARLOTTE	P.O. BOX 36795, 1301 SOUTH BOULEVARD, CHARLOTTE, NC 28236.	43	359,016
NY: WHITE PLAINS HOUSING AUTHORITY	223 DR. MARTIN LUTHER KING JR. BLVD., WHITE PLAINS, NY 10601.	90	1,101,222
OH: DAYTON METROPOLITAN HA	400 WAYNE AVE., P.O. BOX 8750, DAYTON, OH 45401.	49	259,226
OR: NORTHEAST OREGON HOUSING AUTHORITY	P.O. BOX 3357, LA GRANDE, OR 97850	127	587,410
SC: HA COLUMBIA	1917 HARDEN STREET, COLUMBIA, SC 29204	274	1,682,041
TN: HA MURFREESBORO	415 NORTH MAPLE STREET, MURFREESBORO, TN 37130.	26	130,213
TX: HOUSING AUTHORITY OF EL PASO	5300 PAISANO, EL PASO, TX 79905	18	96,604
TX: GALVESTON HOUSING AUTHORITY	4700 BROADWAY, GALVESTON, TX 77551	31	248,983
TX: TEXAS CITY HSG AUTHORITY	817 SECOND AVENUE NORTH, TEXAS CITY, TX 77590.	15	91,393
VA: NORFOLK REDEVELOPMENT & H/A	201 GRANBY ST., P.O. BOX 968, NORFOLK, VA 23501.	10	87,635
VT: BRATTLEBORO HOUSING AUTHORITY	100 MELROSE TERRACE, P.O. BOX 2275, BRATTLEBORO, VT 05301.	25	144,027
VT: VERMONT STATE HOUSING AUTHORITY	ONE PROSPECT STREET, MONTPELIER, VT 05602.	55	374,055
Total for Replacement	.....	2,696	22,399,134
Witness Relocation Assistance			
FL: BROWARD COUNTY HOUSING AUTHORITY	4780 NORTH STATE ROAD 7, LAUDERDALE LAKES, FL 33319.	1	21,336
MD: MONTGOMERY CO HOUSING AUTHORITY	10400 DETRICK AVENUE, KENSINGTON, MD 20895.	4	89,064
NY: THE MUNICIPAL HOUS AUTH CITY OF	1511 CENTRAL PARK AVE., P.O. BOX 35, YONKERS, NY 10710.	1	17,304
WV: MARTINSBURG HOUSING AUTHORITY	703 S. PORTER AVENUE, MARTINSBURG, WV 25401.	1	14,521
Total for Witness Relocation Assistance	.....	7	142,225
Choice Neighborhood Relocation (Sunset Provision)			
OH: CINCINNATI METROPOLITAN HSG. AUTH	16 WEST CENTRAL PARKWAY, CINCINNATI, OH 45210.	119	715,057
TN: MEMPHIS HOUSING AUTHORITY	P.O. BOX 3664, MEMPHIS, TN 38103	300	1,642,035
Total for Choice Neighborhood Relocation (Sunset Provision).	.....	419	2,357,092
Total for Moderate Rehabilitation and Public Housing TP.	.....	4,412	36,337,486
Multifamily Housing TP			
Certain At-Risk Households Low Vacancy			
CA: COUNTY OF LOS ANGELES HOUSING AUTH ..	C.D.C. COUNTY OF LOS ANGELES, 700 W. MAIN STREET, ALHAMBRA, CA 91801.	56	555,643
NY: TOWN OF BROOKHAVEN DEPT OF HSG COMM.	ONE INDEPENDENCE HILL, FARMINGVILLE, NY 11738.	111	1,635,070
Total for Certain At-Risk Households Low Vacancy.	.....	167	2,190,713
Choice Neighborhood Relocation—(Sunset Provision)			
TN: MEMPHIS HOUSING AUTHORITY	P.O. BOX 3664, MEMPHIS, TN 38103	86	781,798
WI: HA OF THE CITY OF MILWAUKEE	P.O. BOX 324, 809 NORTH BROADWAY, MILWAUKEE, WI 53201.	150	904,825

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2016—Continued

Housing agency	Address	Units	Award
Total for Choice Neighborhood Relocation—(Sunset Provision).	.....	236	1,686,623
New Housing Conversion Rent Supplement			
MA: CAMBRIDGE HOUSING AUTHORITY	675 MASSACHUSETTS AVENUE, CAMBRIDGE, MA 02139.	76	1,211,309
MA: WORCESTER HOUSING AUTHORITY	40 BELMONT STREET, WORCESTER, MA 01605 ...	116	714,560
NY: CITY OF NEW YORK DEPT OF HSG PRESE	100 GOLD STREET, ROOM 501, NEW YORK, NY 10038.	141	1,658,549
NY: CITY OF FULTON	COMMUNITY DEVELOPMENT DEPT., 125 W. BROADWAY, FULTON, NY 13069.	41	171,108
NY: NYS HSG TRUST FUND CORPORATION	38–40 STATE STREET, ALBANY, NY 12207	15	145,001
Total for New Housing Conversion Rent Supplement.	.....	389	3,900,527
Prepayment—RAD			
IL: WINNEBAGO COUNTY HOUSING AUTHORITY ..	3617 DELAWARE STREET, ROCKFORD, IL 61102 ..	0	130,272
NY: HA OF SYRACUSE	516 BURT STREET, SYRACUSE, NY 13202	218	1,319,196
NY: NYS HSG TRUST FUND CORPORATION	38–40 STATE STREET, ALBANY, NY 12207	394	4,389,370
WI: RACINE COUNTY HA	837 MAIN STREET, RACINE, WI 53403	0	244,325
Total for Prepayment—RAD	.....	612	6,083,163
Pre-payment Replacement			
IN: HOUSING AUTH CITY OF MISHAWAKA	P.O. BOX 1347, MISHAWAKA, IN 46546	38	171,762
MA: CAMBRIDGE HOUSING AUTHORITY	675 MASSACHUSETTS AVENUE, CAMBRIDGE, MA 02139.	15	239,074
MA: PLYMOUTH HOUSING AUTHORITY	P.O. BOX 3537, PLYMOUTH, MA 02361	34	346,359
WA: HOUSING AUTH OF THE CITY OF YAKIMA	810 N 6TH AVE, YAKIMA, WA 98902	77	375,366
Total for Pre-Payments Replacement	.....	164	1,132,561
Pre-payment Vouchers			
CA: COUNTY OF SAN MATEO HSG AUTH	264 HARBOR BLVD., BLDG. A, BELMONT, CA 94002.	7	103,396
CA: CITY OF SANTA MONICA	1901 MAIN ST., STE. A, SANTA MONICA, CA 90405	0	772,230
CT: NORWALK HOUSING AUTHORITY	24½ MONROE STREET, NORWALK, CT 06856	9	121,908
IL: CHAMPAIGN COUNTY HOUSING AUTHORITY ..	205 WEST PARK AVENUE, CHAMPAIGN, IL 61820	23	171,004
IL: HSG AUTHORITY OF THE COUNTY OF DEKALB	310 N. 6TH STREET, DEKALB, IL 60115	47	332,664
IL: DUPAGE COUNTY HOUSING AUTHORITY	711 EAST ROOSEVELT ROAD, WHEATON, IL 60187.	106	818,034
MA: BOSTON HOUSING AUTHORITY	52 CHAUNCY STREET, BOSTON, MA 02111	38	497,446
MA: CAMBRIDGE HOUSING AUTHORITY	675 MASSACHUSETTS AVENUE, CAMBRIDGE, MA 02139.	407	7,073,007
MA: SPRINGFIELD HSG AUTHORITY	25 SAAB COURT, P.O. BOX 1609, SPRINGFIELD, MA 01101.	44	322,286
MA: GARDNER HSG AUTHORITY	116 CHURCH ST, GARDNER, MA 01440	3	17,572
MD: HOUSING AUTHORITY OF BALTIMORE CITY ..	417 EAST FAYETTE STREET, BALTIMORE, MD 21201.	36	308,340
MN: MINNEAPOLIS PHA	1001 WASHINGTON AVE. NORTH, MINNEAPOLIS, MN 55401.	3	26,443
MN: WORTHINGTON HRA	819 TENTH STREET, WORTHINGTON, MN 56187 ..	10	36,300
MS: MISS REG H A II	P.O. BOX 1887, OXFORD, MS 38655	0	484,530
NC: HSG AUTHORITY OF THE CITY OF ASHEVILLE.	P.O. BOX 1898, ASHEVILLE, NC 28802	103	615,392
NJ: MIDDLETOWN HOUSING AUTHORITY	2 OAKDALE DRIVE PLAZA, MIDDLETOWN, NJ 07748.	31	337,356
NY: HA OF SYRACUSE	516 BURT STREET, SYRACUSE, NY 13202	26	157,335
NY: THE CITY OF NEW YORK	DEPT OF HSG PRESERVATION & DEV 501, NEW YORK, NY 10038.	403	5,034,462
OH: MEDINA MHA	850 WALTER ROAD, MEDINA, OH 44256	43	220,673
WA: HOUS AUTH OF THE CITY OF VANCOUVER ..	2500 MAIN STREET, #200, VANCOUVER, WA 98660.	59	392,041
Total for Pre-Payment Vouchers	.....	1,398	17,842,419

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2016—Continued

Housing agency	Address	Units	Award
	Rent Supplement—RAD		
MA: BROOKLINE HOUSING AUTHORITY	90 LONGWOOD AVE., BROOKLINE, MA 02146	29	377,583
ME: PORTLAND HSG AUTHORITY	14 BAXTER BOULEVARD, PORTLAND, ME 04101	100	740,850
Total for Rent Supplement—RAD		129	1,118,433
	Termination/Opt-out Vouchers		
CA: COUNTY OF CONTRA COSTA HSG AUTH	3133 ESTUDILLO ST., P.O. BOX 2759, MARTINEZ, CA 94553.	11	132,367
CO: CITY OF ENGLEWOOD HOUSING AUTHORITY	3460 SOUTH SHERMAN ST. #101, ENGLEWOOD, CO 80110.	28	204,127
CT: HARTFORD HOUSING AUTHORITY	160 OVERLOOK TERRACE, HARTFORD, CT 06106	37	316,226
CT: HSG AUTH OF CITY OF NEW HAVEN	360 ORANGE STREET, NEW HAVEN, CT 06511	266	3,534,824
FL: CITY OF MIAMI, DEPT. OF COMMUN DEVE	444 SW. 2ND AVENUE, 2ND FLOOR, MIAMI, FL 33130.	28	353,942
IA: CHARLES CITY HOUS AND REDEVE	501 CEDAR TERRCE SOUTH, CHARLES CITY, IA 50616.	10	37,918
IA: SPIRIT LAKE LOW RENT HSG AGENCY	710 LAKE ST, SPIRIT LAKE, IA 51360	11	25,629
IA: DUBUQUE DEPT OF HUMAN RIGHTS	350 W. 6TH STREET—SUITE 312, DUBUQUE, IA 52001.	9	43,483
IL: CHICAGO HOUSING AUTHORITY	60 EAST VAN BUREN ST., 11TH FLOOR, CHICAGO, IL 60605.	25	263,940
IL: HSG AUTHORITY FOR LASALLE COUNTY	P.O. BOX 782, 526 EAST NORRIS DRIVE, OTTAWA, IL 61350.	14	72,351
IL: MENARD COUNTY HOUSING AUTHORITY	101 W. SHERIDAN ROAD, PETERSBURG, IL 62675	6	30,070
IN: HA KOKOMO	219 E. TAYLOR ST., P.O. BOX 1207, KOKOMO, IN 46903.	11	49,127
IN: INDIANAPOLIS HOUSING AGENCY	1919 N. MERIDIAN STREET, INDIANAPOLIS, IN 46202.	40	198,878
KS: WICHITA HOUSING AUTHORITY	332 N. RIVERVIEW, WICHITA, KS 67203	49	250,523
KY: LOUISVILLE HOUSING AUTHORITY	420 SOUTH EIGHTH STREET, LOUISVILLE, KY 40203.	175	1,323,269
KY: MAYFIELD HOUSING AUTHORITY	312 BROOKSIDE DRIVE, P.O. BOX 474, MAYFIELD, KY 42066.	14	57,068
LA: TALLULAH (CITY OF) PHA	204 NORTH CEDAR STREET, TALLULAH, LA 71282	5	20,453
ME: MAINE STATE HSG AUTHORITY	353 WATER STREET, AUGUSTA, ME 04330	34	214,256
MI: MICHIGAN STATE HSG. DEV. AUTH	P.O. BOX 30044, LANSING, MI 48909	39	238,320
MN: CAMBRIDGE ECON DEVE AUTHORITY	121 SOUTH FERN STREET, CAMBRIDGE, MN 55008.	18	98,939
MO: HOUS AUTH OF KANSAS CITY, MISSOURI	920 MAIN STREET, SUITE 701, KANSAS CITY, MO 64106.	6	40,362
NC: GREENSBORO HOUSING AUTHORITY	P.O. BOX 21287, GREENSBORO, NC 27420	148	776,947
ND: STUTSMAN COUNTY HOUSING AUTHORITY	300 2ND ST NE.—200, JAMESTOWN, ND 58401	18	65,236
ND: HOUS AUTH OF THE COUNTY OF RANSOM	P.O. BOX 5, ASHLEY, ND 58413	11	30,825
ND: STARK COUNTY HOUSING AUTHORITY	1149 WEST VILLARD, P.O. BOX 107, DICKINSON, ND 58602.	12	54,671
ND: RICHLAND COUNTY HOUSING AUTHORITY	230 8TH AVENUE WEST, WEST FARGO, ND 58078	11	31,503
ND: COOPERSTOWN HOUS AND REDE	P.O. BOX 208, COOPERSTOWN, ND 58425	6	17,477
ND: DICKEY/SARGENT HOUSING AUTHORITY	P.O. BOX 624, 309 NORTH 2ND, ELLENDALE, ND 58436.	2	5,150
ND: MCHENRY/PIERCE COUNTY HOUS AUTH	C/O MINOT HOUSING AUTHO, 108 BURDICK EXPRESSWAY, MINOT, ND 58701.	33	155,905
NE: OMAHA HOUSING AUTHORITY	1805 HARNEY STREET, OMAHA, NE 68102	24	135,595
NJ: NEW JERSEY DEPART OF COMM AFFAIRS	101 SOUTH BROAD STREET, P.O. BOX 051, TRENTON, NJ 08625.	23	227,361
NY: THE CITY OF NEW YORK	DEPT OF HSG PRES & DEV, 100 GOLD STREET, ROOM 501, NEW YORK, NY 10038.	9	106,885
NY: VILLAGE OF MANLIUS	C/O CHRISTOPHER COMMUNITY, 990 JAMES STREET, SYRACUSE, NY 13203.	11	44,187
NY: NYS HSG TRUST FUND CORPORATION	38–40 STATE STREET, ALBANY, NY 12207	56	541,336
OH: CINCINNATI METROPOLITAN HSG. AUTH	16 WEST CENTRAL PARKWAY, CINCINNATI, OH 45210.	73	439,849
OH: LUCAS MHA	P.O. BOX 477, 435 NEBRASKA AVENUE, TOLEDO, OH 43697.	40	202,101
OH: LORAIN MHA	1600 KANSAS AVENUE, LORAIN, OH 44052	18	109,387
PA: ALLENTOWN HOUSING AUTHORITY	1339 ALLEN STREET, ALLENTOWN, PA 18102	0	60,039
SD: ABERDEEN HOUSING & REDE COMMI	2324 3RD AVE. SE., ABERDEEN, SD 57401	14	35,335
SD: LAWRENCE COUNTY HOUSING AUTHORITY	1220 CEDAR STREET, #113, STURGIS, SD 57785	5	22,163
SD: VERMILLION HOUSING & REDEVELOPMENT	P.O. BOX 362, 14 WEST MAIN STREET, VERMILLION, SD 57069.	37	222,449

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2016—Continued

Housing agency	Address	Units	Award
TN: MEMPHIS HOUSING AUTHORITY	P.O. BOX 3664, MEMPHIS, TN 38103	359	2,309,174
TN: TENNESSEE HOUSING DEV AGENCY	502 DEADERICK STREET, 3RD FLOOR, NASHVILLE, TN 37243.	15	79,630
VA: RICHMOND REDEVELOPMENT & H/A	901 CHAMBERLAYNE PARKWAY, P.O. BOX 26887, RICHMOND, VA 23261.	132	1,031,437
WA: HA OF THE CITY OF BREMERTON	600 PARK AVENUE, BREMERTON, WA 98337	30	220,381
WA: HOUS AUTH OF THE CITY OF TACOMA	902 SOUTH "L" STREET, SUITE 2C, TACOMA, WA 98405.	48	427,018
WA: HOUS AUTH OF THE CITY OF YAKIMA	810 N 6TH AVE., YAKIMA, WA 98902	32	136,551
Total for Termination/Opt-out Vouchers		2,003	14,994,664
Total for Housing TP		5,098	48,949,103
CPD TPV			
SRO—Replacement			
CO: FORT COLLINS HSG AUTH	1715 W. MOUNTAIN AVE., FORT COLLINS, CO 80521.	12	97,598
OH: CUYAHOGA MHA	8120 KINSMAN ROAD, CLEVELAND, OH 44104	3	18,674
VQ: VIRGIN ISLANDS HOUSING AUTHORITY	P.O. BOX 7668, ST. THOMAS, VI 00801	7	60,273
WA: SEATTLE HOUSING AUTHORITY	120 SIXTH AVENUE NORTH, P.O. BOX 19028, SEATTLE, WA 98109.	74	497,333
Total for SRO—Replacement		96	673,878
Total for CPD TPV		96	673,878
Grand Total		9,606	86,970,667

[FR Doc. 2017–07390 Filed 4–11–17; 8:45 am]
BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[133D5670LC DS10100000 DLCAP0000.000000 WBS DX.10120]

Land Buy-Back Program for Tribal Nations Under Cobell Settlement

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: The Land Buy-Back Program for Tribal Nations will host its annual Listening Session on April 25, 2017, at the Tulalip Resort Casino's hotel in Tulalip, Washington. As described below, the Program hopes to receive feedback from tribes and individuals on critical issues related to Program implementation, future efforts to reduce land fractionation, and its 2016 Status Report.

DATES: The Listening Session will take place from 1 p.m. to 5 p.m. on April 25, 2017, at the Tulalip Resort Casino's hotel in Tulalip, WA.

ADDRESSES: The Listening Session will be held at the Tulalip Resort Casino's hotel, 10200 Quil Ceda Blvd., Tulalip, WA 98271. The 2016 Status Report on the Program is available at *https://www.doi.gov/sites/doi.gov/files/uploads/2016_buy-back_program_final_0.pdf.* Submit written feedback on the Program by email to *buybackprogram@ios.doi.gov* or by mail to U.S. Department of the Interior Land Buy-Back Program for Tribal Nations, 1849 C Street NW., MS–3543, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Tribal staff can contact Michael Estes at (202) 642–0912 or at *buybackprogram@ios.doi.gov* with questions regarding Program implementation. Landowners should contact the Trust Beneficiary Call Center at 1–888–678–6836 with questions or to express their interest in Program participation. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1–800–877–8339 to contact the above individual during normal business hours. The Service is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

I. Background

The Land Buy-Back Program for Tribal Nations (Buy-Back Program) is the Department of the Interior's (Department) collaborative effort with Indian Country to realize the historic opportunity afforded by the *Cobell* Settlement—a $1.9 billion Trust Land Consolidation Fund—to compensate individuals who willingly choose to sell fractional land interests for fair market value. Consolidated interests are immediately restored to tribal trust ownership for uses benefiting the reservation community and tribal members.

Since the Program began making offers in December 2013, more than $1.1 billion has been paid to landowners, over 680,000 fractional interests have been consolidated (representing a 23 percent reduction), and the equivalent of nearly 2.1 million acres of land have been transferred to tribal governments. Tribal ownership is now greater than 50 percent in more than 13,500 tracts of land. The Program recently released its annual Status Report, which highlights the steps taken to date to consolidate fractional interests: *(https://www.doi.gov/sites/doi.gov/files/uploads/2016_buy-back_program_final_0.pdf).*

The Buy-Back Program's implementation schedule currently includes 105 locations through mid-2021, which reflects more than 96 percent of all landowners with fractional interests and more than 98 percent of both the purchasable fractional interests and equivalent acres

in Program-eligible areas: (*https://www.doi.gov/buybackprogram/program-implementation-schedule*).

Even with the Program's significant progress to date—and the results expected through its congressional funding authorization in 2022—the resources created by the *Cobell* Settlement will not be sufficient to purchase all fractional interests across Indian Country. Sustained Departmental, congressional, and tribal attention will be necessary to address fractionation and maximize the value of the land base for the benefit of tribal communities.

II. Listening Session Agenda

The participation and engagement of tribal nations and landowners have been critical to the success of the Buy-Back Program, and the significant results to date stem directly from that collaboration. The purpose of the upcoming Listening Session is to gather input from Indian Country on Program implementation, and to discuss steps to continue to address fractionation and the challenges it poses for tribal sovereignty and effective land use. The Listening Session agenda is as follows:

9:00 a.m.–11:00 a.m.—Landowner Outreach Event (Subject matter experts will conduct an informational session to include appraisals, acquisitions, and financial education)
9:00 a.m.–1:00 p.m.—Resource Tables open (Staff available to provide information about the Program, register willing sellers, and answer landowner questions)
1:00 p.m.—Listening Session begins; Opening Remarks; Program Presentation
1:50 p.m.—Comment Period—Tribal Leaders; Comment Period—Individual Landowners & General Public
3:30 p.m.—Presentation on Future of Consolidation Work
3:50 p.m.—Comment Period—Tribal Leaders; Comment Period—Individual Landowners & General Public
5:00 p.m.—Listening Session ends; Resource Tables re-open
5:30 p.m.—Resource Tables close

III. Seeking Tribal and Individual Input

Tribal input has been critical to making necessary enhancements to the Buy-Back Program. Feedback received from tribes and individuals has led directly to many of the measures incorporated since the creation of the Program. This includes feedback received from tribal leaders who most recently testified during the Senate Committee on Indian Affairs' oversight hearing in December 2016 regarding Program implementation (*https://www.doi.gov/sites/doi.gov/files/uploads/dep_sec_testimony_before_scia_2016.pdf*).

The Program intends to make progress in a number of areas over the coming year (further explored in the ''Next Steps'' section of the 2016 Status Report). Tribes, landowners and others may provide written feedback on the Buy-Back Program. While the Program welcomes ongoing feedback, comments received by May 31, 2017, will be most helpful. While feedback is welcome related to any aspect of the Program, the following areas are of particular interest:

1. *Locations Where Implementations May Occur.* Based on tribal feedback, the Program has used various criteria to determine the best sequence of implementation, including: Severity of fractionation (a location's number of fractionated tracts, interests, and acres); degree of ownership overlap between locations or geographic proximity; diversity of geographic locations to maximize efficiency, resources, and learning opportunities; appraisal complexity; overall interest of the tribe as demonstrated through the fiscal year (FY) 2014 open solicitation and FY 2016 Planning Initiative periods; number of owners who have demonstrated an interest in selling fractional interests; and cost and time efficiency.

The Buy-Back Program's implementation schedule includes 105 locations through mid-2021. However, the Program continually evaluates its resources and progress and will determine whether the schedule should be updated, to include adding locations not currently scheduled, removing locations on the existing schedule, and/or returning to locations where purchase offers have already been sent. This evaluation will consider the potential for unused funds reserved for implementation costs and whether and how such funds could be used to further address fractionation. The Program will actively monitor sales and actual or anticipated costs of implementation at less fractionated or more complicated locations (*e.g.,* those that involve restricted fee interests, unique laws—such as the Five Tribes in Eastern Oklahoma, and site-specific appraisals). The Program seeks feedback on what factors should be taken into consideration as it plans for future implementation with any remaining resources it may have.

2. *Off-Reservation Tracts* (*e.g.,* Public Domain). Under the Settlement, fractional interests acquired by the Program will be held in trust for the tribe with jurisdiction over the land. However, tribal jurisdiction over off-reservation allotments may be unclear or even disputed. In its 2014 Status Report and **Federal Register** Notices dated November 24, 2014, and March 3, 2015, the Program requested feedback on whether and if so, how, the Program should incorporate off-reservation tracts, including any suggested standards or processes that could be applied. Tribal feedback encouraged the Program to consider acquisition of off-reservation interests. The Program's 2016 Status Report states that the Program would consider inclusion of off-reservation tracts if tribal jurisdiction exists, acquisition meets the Program's implementation factors, and resources allow.

As contemplated in its 2016 Status Report, the Program seeks further input on implementation of this policy. First, given the Program's limited resources, the Program requests input on the relative priority of dedicating financial resources to off-reservation tracts when there is a significant amount of fractionated land located within reservation boundaries. Prioritizing the Program's limited resources toward addressing on-reservation fractional interests may better facilitate more efficient administration of the individual Indian trust and the longstanding ''policy of the United States to encourage and assist the consolidation of land ownership . . . in a manner consistent with the policy of maintaining the trust status of allotted lands. . . .'' (25 U.S.C. 2216(a)). Second, the Program also requests input on the approach the Program will use for determining if tribal jurisdiction exists, assuming that resources are available to pursue off-reservation lands and consistent with Program priorities. In order to determine whether there is tribal jurisdiction, the Program proposes to consider various factors relative to the off-reservation tract(s) at issue, such as:

a. Treaties, statutes, executive orders, patents, or other legal instruments or laws applicable to the tract;

b. Whether the tract is held in trust or restricted status;

c. Whether the tribe seeking to participate in the Program has an ownership interest in the tract and how the interest was acquired;

d. Whether another tribe or tribes own an interest in the tract and how the interest was acquired;

e. Tribal membership of the individuals who own fractional interests in the tract;

f. Types of governmental services provided to the tract and by whom (tribe, federal, state, county, or other government);

g. Whether a local BIA office serves or performs activities relative to the tract;

h. Whether the tract is located within an original or other reservation boundary;

i. Whether the tract is adjacent to a reservation boundary;

j. The distance of the tract from a reservation boundary if not within or adjacent to a reservation boundary;

k. Whether tribal jurisdiction is recognized by other tribes, counties, and/or states; and;

l. Whether there are competing claims of jurisdiction over the tract involving other tribes, including past or current litigation.

The above factors are intended to be applied on a case-by-case basis in an uncomplicated fashion, recognizing the unique goals and parameters of the *Cobell* Settlement Agreement and the Claims Resolution Act of 2010.

3. *Looking Beyond 2022.* The Program anticipates that more than 4 million equivalent purchasable fractionated acres may still exist after it fully expends the Consolidation Fund, which is expected to occur by November 24, 2022 (the date by which the Settlement dictates that any remaining funds be returned to the U.S. Department of the Treasury). Even with the Program's significant progress to date—and the results expected through 2022—fractionation will continue to be an extremely complicated, ongoing problem in the long term. The Department will continue to work with Indian Country to explore options for land consolidation and requests tribal input and ideas on potential solutions and options for addressing long-term fractionation.

IV. Additional Resources

The Land Buy-Back Program for Tribal Nations' 2016 Status Report and additional information about the Buy-Back Program is available at: *http://www.doi.gov/buybackprogram.* In addition, landowners can contact the Trust Beneficiary Call Center at 888–678–6836 or visit their local Office of the Special Trustee for American Indians (OST) to ask questions about their land or purchase offers, and learn about financial planning resources. More information and detailed frequently asked questions are available at *https://www.doi.gov/buybackprogram/FAQ* to help individuals make informed decisions about their land.

Authority

This notice is published pursuant to the Claims Resolution Act of 2010, Public Law 111–291, 124 Stat. 3064 (2010) and the *Cobell* Settlement Agreement, *Cobell* v. *Salazar,* No. 1:96CV01285–JR (D. DC Dec. 7, 2009).

John H. McClanahan,

Director, Land Buy-Back Program for Tribal Nations.

[FR Doc. 2017–07417 Filed 4–11–17; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCON06000–L16100000–DR0000–17X]

Notice of Public Meeting for the Dominguez-Escalante National Conservation Area Advisory Council, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Dominguez-Escalante National Conservation Area (NCA) Advisory Council will meet as indicated below.

DATES: The meeting will be held May 3, 2017, from 3:00 p.m. to 6:00 p.m. Public comments regarding matters on the agenda will be held at 4:15 p.m. and 5:30 p.m.

Any adjustments to this meeting schedule will be advertised on the Dominguez-Escalante NCA RMP Web site: *http://1.usa.gov/1qKkMVi.*

ADDRESSES: The meeting will be held at the Bill Heddles Recreation Center, 530 Gunnison River Drive, Delta, CO 81416.

FOR FURTHER INFORMATION CONTACT: Collin Ewing, Advisory Council Designated Federal Official, 2815 H Road, Grand Junction, CO 81506. Phone: (970) 244–3049. Email: *cewing@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 1–800–877–8339 to contact the above individual during normal business hours. The Service is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The ten-member Council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the Resource Management Plan (RMP) process for the Dominguez-Escalante NCA and Dominguez Canyon Wilderness.

Topics of discussion during the meeting will include presentations from BLM staff on implementation of the approved RMP, the process for development of new trails, and public comments.

The meeting is open to the public, and the agenda allocates time, as identified above, for public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited at the discretion of the chair. The public may also present written comments to the Council at the meeting.

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.

Gregory P. Shoop,

BLM Colorado Associate State Director.

[FR Doc. 2017–07372 Filed 4–11–17; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO220000.L10200000.PK0000]

Renewal of Approved Information Collection; OMB Control No. 1004–0041

AGENCY: Bureau of Land Management, Interior.

ACTION: 60-Day notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act, the Bureau of Land Management (BLM) invites public comments on, and plans to request approval to continue, the collection of information from applicants for grazing permits and leases, and from holders of grazing permits and leases. The Office of Management and Budget (OMB) has assigned control number 1004–0041 to this information collection.

DATES: Please submit comments on the proposed information collection by June 12, 2017.

ADDRESSES: Comments may be submitted by mail, fax, or electronic mail.

Mail: U.S. Department of the Interior, Bureau of Land Management, 1849 C

Street NW., Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

Fax: To Jean Sonneman at 202–245–0050.

Electronic mail: jesonnem@blm.gov.

Please indicate ''Attn: 1004–0041'' regardless of the form of your comments.

FOR FURTHER INFORMATION CONTACT: Kimberly Hackett, at 202–912–7216. Persons who use a telecommunication device for the deaf may call the Federal Relay Service at 1–800–877–8339, to leave a message for Ms. Hackett.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act, 44 U.S.C. 3501–3521, require that interested members of the public and affected agencies be given an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d) and 1320.12(a)). This notice identifies an information collection that the BLM plans to submit to OMB for approval. The Paperwork Reduction Act provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

The BLM will request a 3-year term of approval for this information collection activity. Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany our submission of the information collection requests to OMB.

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. The following information is provided for the information collection:

Title: Authorizing Grazing Use (43 CFR subparts 4110 and 4130).

Forms:

- Form 4130–1, Grazing Schedule—Grazing Application;
- Form 4130–1a, Grazing Preference Transfer Application and Preference Application (Base Property Preference Attachment and Assignment);
- Form 4130–1b, Grazing Application Supplemental Information;
- Form 4130–3a, Automated Grazing Application;
- Form 4130–4, Application for Exchange-of-Use Grazing Agreement; and
- Form 4130–5, Actual Grazing Use Report.

OMB Control Number: 1004–0041.

Abstract: The BLM is required by the Taylor Grazing Act (43 U.S.C. 315—315r) and Subchapter IV of the Federal Land Policy and Management Act (43 U.S.C. 1751–1753) to manage domestic livestock grazing on public lands consistent with land use plans, the principles of multiple use and sustained yield, and other relevant factors. Compliance with these statutory provisions necessitates collection of information on matters such as permittee and lessee qualifications for a grazing permit or lease, base property used in conjunction with public lands, and the actual use of public lands for domestic livestock grazing.

Frequency of Collection: The BLM collects the information on Forms 4130–1, 4130–1a, 4130–1b, and 4130–4 on occasion. The BLM collects the information on Forms 4130–3a and 4130–5 annually. Responses are required in order to obtain or retain a benefit.

Estimated Number and Description of Respondents: Any U.S. citizen or validly licensed business may apply for a BLM grazing permit or lease. The BLM administers nearly 18,000 permits and leases for grazing domestic livestock, at least part of the year on public lands. Most permits and leases are in effect for 10 years and are renewable if the BLM determines that the terms and conditions of the expiring permit or lease are being met.

Estimated Reporting and Recordkeeping ''Hour'' Burden: 33,610 responses and 7,703 hours annually.

Estimated Annual Non-Hour Costs: $8,000.

Estimates of the burdens are itemized below:

Type of response A.	Number of responses B.	Time per response (minutes) C.	Total hours D. (Column B × Column C)
Grazing Schedule—Grazing Application 43 CFR 4130.1–1, Form 4130–1	3,000	15	750
Grazing Preference Application and Preference Transfer Application (Base Property Preference Attachment and Assignment, 43 CFR 4110.1(c), 4110.2–1(c), 4110.2–3, and 4130.8–3, Form 4130–1a and related nonform information	800	35	467
Grazing Application Supplemental Information, 43 CFR 4110.1 and 4130.7 Form 4130–1b	800	30	400
Automated Grazing Application, 43 CFR 4130.4 Form 4130–3a	14,000	10	2,333
Application for Exchange-of-Use Grazing Agreement, (43 CFR 4130.6–1), Form 4130–4	10	18	3
Actual Grazing Use Report, 43 CFR 4130.3–2(d) Form 4130–5	15,000	15	3,750
Totals	33,610		7,703

Authorities

The authorities for this action are the Taylor Grazing Act (43 U.S.C. 315–315r), Subchapter IV of the Federal Land Policy and Management Act (43 U.S.C. 1751–1753), and the Paperwork Reduction Act (44 U.S.C. 3501–3521).

Jean Sonneman,

Information Collection Clearance Officer, Bureau of Land Management.

[FR Doc. 2017–07369 Filed 4–11–17; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[17X LLWO600000.L18200000.XP0000]

2017 National Call for Nominations for Resource Advisory Councils

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to request public nominations for the Bureau of Land Management (BLM) Resource Advisory Councils (RAC) that have members whose terms are scheduled to expire. RACs provide advice and recommendations to the BLM on land use planning and management of the National System of Public Lands within their geographic areas.

DATES: All nominations must be received no later than May 30, 2017.

ADDRESSES: Nominations and completed applications for RACs should be sent to the appropriate BLM offices listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Twinkle Thompson, BLM Communications, 1849 C Street NW., Room 5645, Washington, DC 20240, 202–208–7301.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the BLM. Section 309 of FLPMA (43 U.S.C. 1739) directs the Secretary to establish 10- to 15-member citizen-based advisory councils that are consistent with the Federal Advisory Committee Act (FACA). As required by FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. The rules governing RACs are found at 43 CFR subpart 1784 and include the following three membership categories:

Category One—Holders of Federal grazing permits and representatives of organizations associated with energy and mineral development, the timber industry, transportation or rights-of-way, developed outdoor recreation, off-highway vehicle use, and commercial recreation;

Category Two—Representatives of nationally or regionally recognized environmental organizations, archaeological and historic organizations, dispersed recreation activities, and wild horse and burro organizations; and

Category Three—Representatives of State, county, or local elected office, employees of a State agency responsible for management of natural resources, representatives of Indian tribes within or adjacent to the area for which the council is organized, representatives of academia who are employed in natural sciences, and the public-at-large.

Individuals may nominate themselves or others. Nominees must be residents of the State in which the RAC has jurisdiction. The BLM will evaluate nominees based on their education, training, experience, and knowledge of the geographic area of the RAC. Nominees should demonstrate a commitment to collaborative resource decision-making.

The following must accompany all nominations:

—Letters of reference from represented interests or organizations;

—A completed Resource Advisory Council application; and

—Any other information that addresses the nominee's qualifications.

Simultaneous with this notice, BLM State offices will issue press releases providing additional information for submitting nominations, with specifics about the number and categories of member positions available for each RAC in the state.

Before including any address, phone number, email address, or other personal identifying information in the application, nominees should be aware this information may be made publicly available at any time. While the nominee can ask to withhold the personal identifying information from public review, BLM cannot guarantee that it will be able to do so.

Nominations and completed applications for RACs should be sent to the appropriate BLM offices listed below:

Arizona

Arizona RAC

Amber Cargile, BLM Arizona State Office, One North Central Avenue, Suite 800, Phoenix, AZ 85004, 602–417–9448.

California

California Desert District Advisory Council

Steve Razo, BLM California Desert District, 22835 Calle San Juan De Los Lagos, Moreno Valley, CA 92553, 951–697–5217.

Northern California RAC

Jeff Fontana, BLM Northern California District, 2550 Riverside Drive, Susanville, CA 96130, 530–252–5332.

Colorado

Rocky Mountain RAC

Amber Iannella, BLM Royal Gorge Field Office, 3028 East Main Street, Cañon City, CO 81212, 480–622–1912.

Northwest RAC

David Boyd, BLM Northwest District Office, 2300 River Frontage Road, Silt, CO 81652, 970–876–9008.

Southwest RAC

Shannon Borders, BLM Southwest District Office, 2465 South Townsend Avenue, Montrose, CO 81401, 970–240–5399.

Idaho

Boise District RAC

Michael Williamson, BLM Boise District Office, 3948 South Development Avenue, Boise, ID 83705, 208–384–3393.

Coeur d'Alene District RAC

Suzanne Endsley, BLM Coeur d'Alene District Office, 3815 Schreiber Way, Coeur d'Alene, ID 83815, 208–769–5004.

Idaho Falls District RAC

Sarah Wheeler, BLM Idaho Falls District Office, 1405 Hollipark Drive, Idaho Falls, ID 83401, 208–524–7550.

Twin Falls District RAC

Heather Tiel-Nelson, BLM Twin Falls District Office, 2878 Addison Avenue East, Twin Falls, ID 83301, 208–736–2352.

Montana and Dakotas

Central Montana RAC

Jonathan Moor, BLM Lewistown Field Office, 920 Northeast Main Street, Lewistown, MT 59457, 406–538–1943.

Dakotas RAC

Mark Jacobsen, BLM Eastern Montana/Dakotas District, 111 Garryowen Road, Miles City, MT 59301, 406–233–2800.

Eastern Montana RAC

Mark Jacobsen, BLM Eastern Montana/Dakotas District, 111 Garryowen Road, Miles City, MT 59301, 406–233–2800.

Western Montana RAC

David Abrams, BLM Butte Field Office, 106 North Parkmont, Butte, MT 59701, 406–533–7617.

New Mexico

Albuquerque District RAC

Jack River, BLM Rio Puerco Field Office, 100 Sun Avenue Northeast, Pan American Building, Suite 330, Albuquerque, NM 87109, 505–761–8755.

Farmington District RAC

Zachary Stone, BLM Farmington District Office, 6251 College Boulevard, Farmington, NM 87402, 505–564–7677.

Las Cruces District RAC

Deborah Stevens, BLM Las Cruces District Office, 1800 Marquess Street, Las Cruces, NM 88005, 575–525–4421.

Pecos District RAC

Glen Garnand, BLM Pecos District Office, 2909 West Second Street, Roswell, NM 88201, 575–627–0209.

Nevada

Mojave-Southern Great Basin RAC; Northeastern Great Basin RAC; Sierra Front Northwestern Great Basin RAC

Chris Rose, BLM Nevada State Office, 1340 Financial Boulevard, Reno, NV 89502, 775–861–6480.

Oregon/Washington

Coastal Oregon RAC

Megan Harper, BLM Coos Bay District Office, 1300 Airport Lane, North Bend, OR 97459, 541–751–4353.

Eastern Washington RAC

Jeff Clark, BLM Spokane District Office, 1103 North Fancher Road, Spokane, WA 99212, 509–536–1297.

John Day-Snake RAC

Lisa Clark, BLM Prineville District Office, 3050 NE 3rd Street, Prineville, OR 97754, 541–416–6864.

Northwest Oregon RAC

Jennifer Velez, BLM Northwest District Office, 1717 Fabry Road SE., Salem, OR 97306.

San Juan Islands National Monument Advisory Committee

Marcia deChadenedes, BLM San Juan Island National Monument Office, P.O. Box 3, 37 Washburn Avenue, Lopez Island, Washington 98261, 360–468–3051.

Southeast Oregon RAC

Larisa Bogardus, BLM Lakeview District Office, 3050 NE. 3rd Street, Prineville, OR 97754, 541–947–6237.

Steens Mountain Advisory Council

Tara Thissell, BLM Burns District Office, 28910 Highway 20 West, Hine, OR 97738, 541–573–4519.

Utah

Utah RAC

Lola Bird, BLM Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, UT 84101, 801–539–4033.

Grand Staircase-Escalante National Monument Advisory Committee

Larry Crutchfield, BLM Grand Staircase-Escalante National Monument Office, 669 South Highway 89 A, Kanab, UT 84741, 435–644–1209.

Wyoming

Wyoming RAC

Kristen Lenhardt, BLM Wyoming State Office, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, WY 82003, 307–775–6015.

(Authority: 43 CFR 1784.4–1)

Jerome E. Perez,

Acting Deputy Director.

[FR Doc. 2017–07371 Filed 4–11–17; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–23111; 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 11, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by April 27, 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 11, 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:

GEORGIA

Pike County

New Hebron Baptist Church, 570 New Hebron Church Rd., Concord, SG100000906

IDAHO

Latah County

Adams, Abram A., House, 191 State St., Juliaetta, SG100000908

Valley County

Payette Lakes Club

1585 Warren Wagon Rd., McCall, SG100000905

IOWA

Keokuk County

Ramsey Building, 204 E. Broadway Ave., Keota, SG100000909

MISSOURI

Phelps County

Headquarters, Rolla Division of the Bureau of Mines, 1300 Bishop Ave., Rolla, SG100000910

St. Louis Independent city

Du-Good Chemical Laboratory Building, 1215–23 S. Jefferson Ave., St. Louis (Independent City), SG100000911

Leacock Sporting Goods Company Building, 921 Locust St., St. Louis (Independent City), SG100000912

MONTANA

Lewis and Clark County

Crump—Howard House, (African-American Heritage Places in Helena, Montana MPS), 1003 9th Ave., Helena, MP100000914

Dorsey Grocery and Residence, (African-American Heritage Places in Helena, Montana MPS), 401 N. Hoback St., Helena, MP100000915

Stillwater County

Pelton, Charles and Gladys, House, 303 W. Rosebud Rd., Fishtail, SG100000916

WISCONSIN

Jefferson County

Fort Atkinson Club, 211 S. Water St., Fort Atkinson, SG100000923

La Crosse County

Roosevelt School, 1307 Hayes St., La Crosse, SG100000924

WYOMING

Sublette County

Cora Townsite, 5 Noble Rd., Cora, SG100000925

An additional documentation has been received for the following resource(s):

VIRGINIA

Charles City County

Greenway, On VA 5, Charles City, AD69000336

Clarke County

Fairfield, E of jct. of Rtes. 340 and 610, Berryville vicinity, AD70000787

Fluvanna County

Pleasant Grove, Thomas Jefferson Pkwy, VA 53, Palmyra vicinity, AD04000843

Smyth County

Marion Historic District, Roughly along Main, Cherry, Strother, Lee, North College and College Sts., Marion, AD00000888

Marion Historic District (Boundary Increase), W. Cherry, E. Main, N. Main, Maple, N. Chestnut, Broad & N. Commerce Sts., Marion, AD11000487

Wythe County

Wytheville Historic District, Roughly bounded by Monroe, Eleventh, Jefferson and Twelfth Sts. and W. Railroad Ave., Wytheville, AD94001179

Authority: 60.13 of 36 CFR part 60.

Dated: March 17, 2017.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2017–07366 Filed 4–11–17; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1046]

Certain Non-Volatile Memory Devices and Products Containing Same; Institution of Investigation

AGENCY: International Trade Commission (ITC).

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 7, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Macronix International Co., Ltd. of Taiwan and Macronix America, Inc. of Milpitas, California. Supplements to the Complaint were filed on March 16, 2017. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain non-volatile memory devices and products containing same by reason of infringement of certain claims of U.S. Patent No. 6,552,360 (''the '360 patent''); U.S. Patent No. 6,788,602 (''the '602 patent''); and U.S. Patent No. 8,035,417 (''the '417 patent''). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 6, 2017, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain non-volatile memory devices and products containing same by reason of infringement of one or more of claims 1–8 of the '360 patent; claims 1–12 and 16 of the '602 patent; and claims 1–7, 11–16, and 18 of the '417 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Macronix International Co., Ltd., No. 16, Li-Hsin Road, Science Park, Hsin-chu, Taiwan

Macronix America, Inc., 680 North McCarthy Boulevard, Suite 200, Milpitas, CA 95035

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Toshiba Corporation, Shibaura 1-Chome Minato-ku, Tokyo 105–8001, Japan

Toshiba America, Inc., 1251 Avenue of the Americas Suite 4110, New York, NY 10020

Toshiba America Electronic Components, Inc., 9740 Irvine Boulevard Suite D700, Irvine, CA 92618

Toshiba America Information Systems, Inc., Digital Products Division, 9740 Irvine Boulevard, Irvine, CA 92618

Toshiba Information Equipment (Philippines), Inc., 103 East Main Avenue Ext., Special Export Processing Zone, Laguna Technopark, Binan, Laguna, Philippines 4024

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: April 6, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–07319 Filed 4–11–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1047]

Certain Semiconductor Devices and Consumer Audiovisual Products Containing the Same Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 7, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Broadcom Corporation of Irvine, California. A letter supplementing the complaint was filed on March 22, 2017. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor devices and consumer audiovisual products containing the same by reason of infringement of certain claims of U.S. Patent No. 8,284,844 (''the '844 patent''); U.S. Patent No. 7,590,059 (''the '059 patent''); U.S. Patent No. 8,068,171 (''the '171 patent''); U.S. Patent No. 7,310,104 (''the '104 patent''); and U.S. Patent No. 7,342,967 (''the '967 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR. 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 6, 2017, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain semiconductor devices and consumer audiovisual products containing the same by reason of infringement of one or more of claims 1–14 of the '844 patent; claims 11–30 of the '059 patent; claims 1–5 and 7 of the '171 patent; claims 1, 10, 11, 16, 17 and 22 of the '104 patent; and claims 1–4 of the '967 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Broadcom Corporation, 5300 California Avenue, Irvine, CA 92617

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

MediaTek Inc., No. 1, Dusing 1st Road, Hsinchu Science Park, Hsinchu City 30078, Taiwan

MediaTek USA Inc., 2840 Junction Avenue, San Jose, CA 95134

MStar Semiconductor Inc., 4F–1, No. 26, Tai-Yuan Street, ChuPei Hsinchu Hsien 302, Taiwan

Sigma Designs, Inc., 47467 Fremont Boulevard, Fremont, CA 94538

LG Electronics Inc., Twin Tower 128, Seoul 150–721, Republic of Korea

LG Electronics U.S.A., Inc., 1000 Sylvan Avenue, Englewood Cliffs, NJ 07632

Funai Electric Company, Ltd., 7–7–1 Nakagaito, Daito City, Osaka 574–0013, Japan

Funai Corporation, Inc., 201 Route 17 North, Suite 903, Rutherford, NJ 07070

P&F USA, Inc., 2555 Marconi Drive, Suite 300, Alpharetta, GA 30005

Vizio, Inc., 39 Tesla, Irvine, CA 92618

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR. 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of

time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: April 6, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–07322 Filed 4–11–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–977]

Certain Arrowheads With Deploying Blades and Components Thereof and Packaging Therefor; Final Commission Determination of Violation; Issuance of a General Exclusion Order and a Cease and Desist Order; and Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has terminated the above-captioned investigation with a finding of violation of section 337, and has issued a general exclusion order directed against infringing arrowheads with deploying blades and components thereof and packaging therefor, and a cease and desist order directed against respondent Shenzhen Zowaysoon Trading Company Ltd. (''Zowaysoon Trading'') of Shenzhen, China. The Commission has terminated the investigation.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 22, 2015, based on a complaint filed on behalf of FeraDyne Outdoors LLC and Out RAGE LLC, both of Cartersville, Georgia. 80 FR 79612–13. The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain arrowheads with deploying blades and components thereof and packaging therefor by reason of infringement of certain claims of U.S. Patent Nos. RE44,144 (''the '144 patent''); 6,517,454 (''the '454 patent''); 8,758,176 (''the '176 patent''); 8,986,141 (''the '141 patent''); 9,068,806 (''the '806 patent''); 7,771,298 (''the '298 patent''); D710,962 (''the D'962 patent''); D711,489 (''the D'489 patent''); and of U.S. Trademark Registration No. 4,812,058 (''the RAGE mark''). The complaint further alleged the existence of a domestic industry. The Commission's notice of investigation named the following nine respondents: Zowaysoon Trading; Linyi Junxing Sports Equipment Co., Ltd. (''Junxing Sports'') of Shandong, China; Ningbo Forever Best Import & Export Co., Ltd. (''Forever Best'') of Jiangsu, China; Ningbo Linkboy Outdoor Sports Co., Ltd. (''Linkboy Outdoor'') of Zhejiang, China; Xiamen Xinhongyou Industrial Trade Co. Ltd. (''Xinhongyou Industrial'') and Xiamen Zhongxinyuan Industry & Trade Ltd. (''Zhongxinyuan Industry''), both of Fujian, China; and Zhengzhou IRQ Trading Limited Company (''IRQ Trading'') and Zhengzhou Paiao Trade Co., Ltd. (''Paiao Trade''), both of Henan, China. The Office of Unfair Import Investigations (''OUII'') is also a party to the investigation.

On April 28, 2016, complainants filed a motion for summary determination of a violation of section 337 pursuant to section 337(g)(2) and Commission Rule 210.16(c)(2) to support its request for entry of a general exclusion order with respect to all asserted intellectual property. OUII filed a response in support of the motion.

On May 10, 2016, the Commission issued notice of its determination not to review the ALJ's ID (Order No. 6) finding the following seven respondents in default: Junxing Sports, Forever Best, Linkboy Outdoor, Zowaysoon Trading, Zhongxinyuan Industry, IRQ Trading, and Paiao Trade. On June 23, 2016, the Commission issued notice of its determination not to review the ALJ's ID (Order No. 8) finding Xinhongyou Industrial in default. On June 28, 2016, the Commission issued notice of its determination not to review the ALJ's ID (Order No. 9) terminating the investigation as to (1) Faith Sports based on withdrawal of the complaint as to Faith Sports; and (2) claims 2–3, 5, and 8 of the '545 patent; claims 5 and 10 of the '298 patent; claim 3 of the '176 patent; claim 8 of the '141 patent; and claim 3 of the '806 patent based on withdrawal of these patent claims against all named respondents.

The ALJ issued the subject ID on August 22, 2016, granting complainants' motion for summary determination. The ALJ found that all eight defaulting respondents met the importation requirement and that complainants satisfied the domestic industry requirement. *See* 19 U.S.C. 1337(a)(1)(B), (a)(2). The ID finds that a violation of section 337 has occurred based on its finding that each of the defaulting respondents' accused products infringe one or more of the asserted claims of the patents at issue and infringe the trademark at issue as established by substantial, reliable, and probative evidence in accordance with Commission Rule 210.16(c)(2). No petitions for review of the ID were filed. The ID also contained the ALJ's recommended determination on remedy and bonding. The ALJ recommended issuance of a general exclusion order with respect to the asserted intellectual property, but did not recommend issuance of cease and desist orders directed against the defaulting respondents.

On October 6, 2016, the Commission issued notice of its determination to review in part the ALJ's ID. On review, the Commission (1) corrected typographical errors on pages 14, 18, and 24 of the ID; (2) modified page 8 of the ID; and (3) determined to take no position on the ID's finding that complainants satisfy the economic prong of the domestic industry

requirement under section 337(a)(3)(C) with respect to all asserted patents and the asserted trademark. *See* 81 FR 70702–04 (Oct. 13, 2016). The Commission determined not to review the remainder of the ID. The Commission also requested written submissions on the issues of remedy, the public interest, and bonding from the parties and interested non-parties including specific questions directed to the parties regarding any request for cease and desist orders directed against one or more defaulting respondents. *Id.* On October 20 and 27, 2016, respectively, complainants and OUII each filed a brief and a reply brief regarding remedy, the public interest, and bonding.

The Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is both: (1) A general exclusion order prohibiting the unlicensed entry of arrowheads with deploying blades and components thereof and packaging therefor that infringe one or more of: Claims 38, 42, 48, 68, and 75 of the '144 patent; claim 1 of the '454 patent; claim 1 the '176 patent; claim 1 the '141 patent; claim 1 of the '806 patent; claim 1 of the '298 patent; the D'962 patent; the D'489 patent; and the RAGE mark; and (2) a cease and desist order prohibiting Zowaysoon Trading from conducting any of the following activities in the United States: Importing, selling, marketing (including via the internet or electronic mail), advertising (including via the internet or electronic mail), distributing, offering for sale (including via the internet or electronic mail), transferring (except for exportation), and soliciting U.S. agents or distributors for, arrowheads with deploying blades and components thereof and packaging therefor that infringe one or more of claims 38, 42, 48, 68, and 75 of the '144 patent; claim 1 of the '454 patent; claim 1 of the '298 patent; and the RAGE mark. Chairman Schmidtlein and Commissioner Kieff disagree with the Commission's decision not to issue cease and desist orders against all of the defaulting respondents under section 337(g)(1), and Chairman Schmidtlein has filed a dissenting opinion explaining her views.

The Commission further determined that the public interest factors enumerated in sections 337(d)(1) and (g)(1) (19 U.S.C. 1337(d)(1), (g)(1)) do not preclude issuance of the general exclusion order or the cease and desist order. Finally, the Commission determined that there shall be a bond in the amount of 100 percent of the entered value of the covered products to permit temporary importation during the period of Presidential review (19 U.S.C. 1337(j)). The Commission's orders and opinion were delivered to the President and to the United States Trade Representative on the day of their issuance. The Commission has terminated the investigation.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: April 6, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–07321 Filed 4–11–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1048]

Certain Intravascular Administration Sets and Components Thereof Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 13, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Curlin Medical Inc. of East Aurora, New York; ZEVEX, Inc. of Salt Lake City, Utah; and Moog Inc. of East Aurora, New York. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain intravascular administration sets and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,164,921 (''the '921 patent'') and U.S. Patent No. 6,371,732 (''the '732 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 6, 2017, Ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain intravascular administration sets and components thereof by reason of infringement of one or more of claims 1–3 of the '732 patent and claims 1–34 of the '921 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Curlin Medical Inc., Seneca and Jamison Road, East Aurora, NY 14052.

ZEVEX, Inc., 4314 Zevex Park Lane, Salt Lake City, UT 84123.

Moog Inc., 400 Jamison Road, East Aurora, NY 14052.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Yangzhou WeiDeLi Trade Co., Ltd., No.

287, Yangzijiang M. Rd., Yangzhou, China 225009.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: April 7, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–07375 Filed 4–11–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1330 (Final)]

Dioctyl Terephthalate (DOTP) From Korea; Correction; Scheduling of the Final Phase of an Antidumping Duty Investigation

AGENCY: United States International Trade Commission.

ACTION: Corrected notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping investigation No. 731–TA–1330 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of dioctyl terephthalate (DOTP) from Korea, provided for in subheading 2917.39.20 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce to be sold at less-than-fair-value.

DATES: Effective February 3, 2017.

FOR FURTHER INFORMATION CONTACT: Porscha Stiger (202–205–3241), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—The final phase of this investigation [1] is being scheduled, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), as a result of an affirmative preliminary determination by the Department of Commerce that imports of dioctyl terephthalate (DOTP) from Korea are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigation was requested in a petition filed on June 30, 2016, by Eastman Chemical Company, Kingsport, Tennessee.

For further information concerning the conduct of this phase of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigation and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigation need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of this investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigation. A party granted access to BPI in the preliminary phase of the investigation need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of this investigation will be placed in the nonpublic record on May 18, 2017, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

[1] For purposes of this investigation, the Department of Commerce has defined the subject merchandise as dioctyl terephthalate (''DOTP''), regardless of form. DOTP that has been blended with other products is included within this scope when such blends include constituent parts that have not been chemically reacted with each other to produce a different product. For such blends, only the DOTP component of the mixture is covered by the scope of this investigation. DOTP that is otherwise subject to this investigation is not excluded when commingled with DOTP from sources not subject to this investigation. Commingled refers to the mixing of subject and nonsubject DOTP. Only the subject component of such commingled products is covered by the scope of the investigation. DOTP has the general chemical formulation $C_6H_4(C_8H_{17}COO)_2$ and a chemical name of ''bis (2-ethylhexyl) terephthalate'' and has a Chemical Abstract Service (''CAS'') registry number of 6422–86–2. Regardless of the label, all DOTP is covered by this investigation. Subject merchandise is currently classified under subheading 2917.39.2000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Subject merchandise may also enter under subheadings 2917.39.7000 or 3812.20.1000 of the HTSUS. While the CAS registry number and HTSUS classification are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Hearing.—The Commission will hold a hearing in connection with the final phase of this investigation beginning at 9:30 a.m. on June 13, 2017, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before June 7, 2017. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on June 9, 2017, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is May 25, 2017. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is June 20, 2017. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation, including statements of support or opposition to the petition, on or before June 20, 2017. On July 14, 2017, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before July 18, 2017, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's Web site at *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: April 7, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–07394 Filed 4–11–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–561 and 731–TA–1317–1318, 1321–1325, and 1327 (Final)]

Carbon and Alloy Steel Cut-to-Length Plate From Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan: Supplemental Schedule for the Subject Investigations.

AGENCY: International Trade Commission.

ACTION: Notice.

DATES: This notice is effective as of April 4, 2017.

FOR FURTHER INFORMATION CONTACT: Carolyn Carlson (202–205–3002), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: Effective September 16, 2016, the Commission established a general schedule for the conduct of the final phase of its investigations on carbon and alloy steel cut-to-length plate from twelve countries.[1] The Department of Commerce's preliminary determinations for imports from the eight countries identified above were published on September 14, 2016 and November 14, 2016.[2] The Department of Commerce's amended preliminary determinations on imports of carbon and alloy steel cut-to-length plate from France and Germany were published on November 29, 2016 and December 2, 2016.[3] The Department of Commerce's corrected amended

[1] *Carbon and Alloy Steel Cut-to-Length Plate From Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey; Scheduling of the Final Phase of Countervailing and Antidumping Duty Investigations,* 81 FR 70440, October 12, 2016.

[2] *Certain Carbon and Alloy Steel Cut-to-Length Plate From the Republic of Korea: Preliminary Negative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty* Determination, 81 FR 63168, September 14, 2016; Certain *Carbon and Alloy Steel Cut-To-Length Plate From Austria: Preliminary Determination of Sales at Less Than Fair Value and Postponement of the Final Determination,* 81 FR 79416, November 14, 2016; *Certain Carbon and Alloy Steel Cut-To-Length Plate From Belgium: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 81 FR 79431, November 14, 2016; *Certain Carbon and Alloy Steel Cut-To-Length Plate From France: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 81 FR 79437, November 14, 2016; *Certain Carbon and Alloy Steel Cut-To-Length Plate From the Federal Republic of Germany: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 81 FR 79446, November 14, 2016; *Certain Carbon and Alloy Steel Cut-To-Length Plate From Italy: Preliminary Determination of Sales at Less Than Fair Value, Affirmative Determination of Critical Circumstances, and Postponement of Final Determination,* 81 FR 79423, November 14, 2016; *Certain Carbon and Alloy Steel Cut-To-Length Plate From Japan: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 81 FR 79427, November 14, 2016; *Certain Carbon and Alloy Steel Cut-To-Length Plate From the Republic of Korea: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 81 FR 79441, November 14, 2016; *Certain Carbon and Alloy Steel Cut-To-Length Plate From Taiwan: Preliminary Determination of Sales at Less Than Fair Value,* 81 FR 79420, November 14, 2016.

[3] *Certain Carbon and Alloy Steel Cut-To-Length Plate From the Federal Republic of Germany: Amended Preliminary Determination of Sales at Less Than Fair Value,* 81 FR 85930, November 29, 2016; *Certain Carbon and Alloy Steel Cut-to-Length Plate From France: Amended Preliminary Determination of Sales at Less Than Fair Value,* 81 FR 87019, December 2, 2016.

preliminary determination on imports of carbon and alloy steel cut-to-length plate from France was published on December 15, 2016.[4] The Department of Commerce's final determinations for imports from the eight countries identified above were published on April 4, 2017.[5] The Commission, therefore, is issuing a supplemental schedule for its investigations on imports of carbon and alloy steel cut-to-length plate from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan.

The Commission's supplemental schedule is as follows: The deadline for filing supplemental party comments on Commerce's final determinations is April 12, 2017; the staff report in the final phase of these investigations will be placed in the nonpublic record on April 24, 2017; and a public version will be issued thereafter.

Supplemental party comments may address only Commerce's final determinations regarding imports from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan. These supplemental final comments may not contain new factual information and may not exceed five (5) pages in length.

For further information concerning these investigations see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: April 6, 2017

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–07292 Filed 4–11–17; 8:45 am]

BILLING CODE 7020–02–P

[4] *Certain Carbon and Alloy Steel Cut-to-Length Plate From France: Correction to the Amended Preliminary Determination of Sales at Less Than Fair Value,* 81 FR 90780, December 15, 2016.

[5] *Certain Carbon and Alloy Steel Cut-To-Length Plate From the Republic of Korea: Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination,* 82 FR 16341, April 4, 2017; *Certain Carbon and Alloy Steel Cut-To-Length Plate From Austria: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances,* 82 FR 16366, April 4, 2017; *Certain Carbon and Alloy Steel Cut-To-Length Plate From Belgium: Final Determination of Sales at Less Than Fair Value and Final Determination of Critical Circumstances, in Part,* 82 FR 16378, April 4, 2017; *Certain Carbon and Alloy Steel Cut-to-Length Plate From France: Final Determination of Sales at Less Than Fair Value,* 82 FR 16363, April 4, 2017; *Certain Carbon and Alloy Steel Cut-to-Length Plate From the Federal Republic of Germany: Final Determination of Sales at Less Than Fair Value,* 82 FR 16360, April 4, 2017; *Certain Carbon and Alloy Steel Cut-to-Length Plate From Italy: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances,* 82 FR 16345, April 4, 2017; *Certain Carbon and Alloy Steel Cut-to-Length Plate From Japan: Final Determination of Sales at Less Than Fair Value,* 82 FR 16349, April 4, 2017; *Certain Carbon and Alloy Steel Cut-To-Length Plate From the Republic of Korea: Final Determination of Sales at Less Than Fair Value and Final Negative Critical Circumstances Determination,* 82 FR 16369, April 4, 2017; *Certain Carbon and Alloy Steel Cut-To-Length Plate From Taiwan: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances,* 82 FR 16372, April 4, 2017.

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Advanced Media Workflow Association, Inc.

Notice is hereby given that, on March 24, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Advanced Media Workflow Association, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Sohonet, Los Angeles, CA; and Tektronix, Inc., Beaverton, OR, have been added as parties to this venture.

Also, Audio Visual Preservation Services, New York, NY; Masstech Innovations, Inc., Markham, Ontario, CANADA; and Karl Schubert (individual member), Huntsville, TX, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Advanced Media Workflow Association, Inc. intends to file additional written notifications disclosing all changes in membership.

On March 28, 2000, Advanced Media Workflow Association, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 29, 2000 (65 FR 40127).

The last notification was filed with the Department on December 22, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 31, 2017 (82 FR 8845).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–07389 Filed 4–11–17; 8:45 am]

BILLING CODE 4410–11–P

U.S. DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—ASTM International Standards

Notice is hereby given that, on February 24, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), ASTM International (''ASTM'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ASTM has provided an updated list of current, ongoing ASTM standards activities originating between December 2016 and February 2017 designated as Work Items. A complete listing of ASTM Work Items, along with a brief description of each, is available at *http://www.astm.org.*

On September 15, 2004, ASTM filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 10, 2004 (69 FR 65226).

The last notification was filed with the Department on December 6, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 11, 2017 (82 FR 3361).

Patricia A. Brink,

Director of Civil Enforcement Antitrust Division.

[FR Doc. 2017–07388 Filed 4–11–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Meeting of the NDCAC Executive Advisory Board

AGENCY: Justice Department.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce the meeting of the Department of Justice's National Domestic Communications Assistance Center's (NDCAC) Executive Advisory Board (EAB). The meeting is being called to address the items identified in the Agenda detailed below. The NDCAC EAB is a federal advisory committee established pursuant to the Federal Advisory Committee Act (FACA).

DATES: The NDCAC EAB meeting is open to the public, subject to the registration requirements detailed below. The EAB will meet in open session from 12:00 p.m. until 4:00 p.m. on May 17, 2017.

ADDRESSES: The meeting will take place at 5000 Seminary Rd, Alexandria, VA 22311. Entry into the meeting room will begin at 11:00 a.m.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Ms. Alice Bardney-Boose, Designated Federal Officer, National Domestic Communications Assistance Center, Department of Justice, by email at *NDCAC@ic.fbi.gov* or by phone at (540) 361–4600.

SUPPLEMENTARY INFORMATION: Agenda: The meeting will be called to order at 12:00 p.m. by EAB Chairman Peter Modafferi. All EAB members will be introduced and EAB Chairman Modafferi will provide remarks. The EAB will receive a presentation and hold a discussion on the National Domestic Communications Assistance Center; review a draft report to the Attorney General; receive a status report from its Administrative sub-committee; and discuss the establishment of additional sub-committee(s). Note: agenda items are subject to change.

The purpose of the EAB is to provide advice and recommendations to the Attorney General or designee, and to the Director of the NDCAC that promote public safety and national security by advancing the NDCAC's core functions: Law enforcement coordination with respect to technical capabilities and solutions, technology sharing, industry relations, and implementation of the Communications Assistance for Law Enforcement Act (CALEA). The EAB consists of 15 voting members from Federal, State, local and tribal law enforcement agencies. Additionally, there are two non-voting members as follows: a federally-employed attorney assigned full time to the NDCAC to serve as a legal advisor to the EAB, and the DOJ Chief Privacy Officer or designee to ensure that privacy and civil rights and civil liberties issues are fully considered in the EAB's recommendations. The EAB is composed of eight State, local, and/or tribal representatives and seven federal representatives.

Written Comments: Any member of the public may submit written comments with the EAB. Written comments must be provided to Ms. Alice Bardney-Boose, DFO, at least seven (7) days in advance of the meeting so that the comments may be made available to EAB members for their consideration prior to the meeting. Written comments must be submitted to *NDCAC@ic.fbi.gov* on or before May 10, 2017. In accordance with the FACA, all comments shall be made available for public inspection. Commenters are not required to submit personally identifiable information (such as name, address, etc.). Nevertheless, if commenters submit personally identifiable information as part of the comments, but do not want it made available for public inspection, the phrase ''Personally Identifiable Information'' must be included in the first paragraph of the comment. Commenters must place all personally identifiable information not to be made available for public inspection in the first paragraph and identify what information is to be redacted. Privacy Act Statement: Comments are being collected pursuant to the FACA. Any personally identifiable information included voluntarily within comments, without a request for redaction, will be used for the limited purpose of making all documents available to the public pursuant to FACA requirements.

Registration: Individuals and entities who wish to attend the public meeting are required to pre-register for the meeting on-line by clicking the registration link found at: *http://ndcac-eab.eventbee.com.* Registrations will be accepted on a space available basis. Attendees must bring registration confirmation (*i.e.,* email confirmation) to be admitted to the meeting. Privacy Act Statement: The information requested on the registration form and required at the meeting is being collected and used pursuant to the FACA for the limited purpose of ensuring accurate records of all persons present at the meeting, which records may be made publicly available. Providing information for registration purposes is voluntary; however, failure to provide the required information for registration purposes will prevent you from attending the meeting.

Online registration for the meeting must be completed on or before 5:00 p.m. (EST) May 3, 2017. Anyone requiring special accommodations should notify Ms. Bardney-Boose at least seven (7) days in advance of the meeting or indicate your requirements on the online registration form.

Alice Bardney-Boose,

Designated Federal Officer, National Domestic Communication Assistance Center, Executive Advisory Board.

[FR Doc. 2017–07393 Filed 4–11–17; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0097]

Proposed Extension of Information Collection; Rock Burst Control Plan

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 the Rock Burst Control Plan.

DATES: All comments must be received on or before June 12, 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–2017–0009.
- *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 101(a), 30 U.S.C. 811(a), allows MSHA to promulgate standards that would require operators to make and retain records from which MSHA would then be allowed to collect information. Section 103(h), 30 U.S.C. 813(h), of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 801 *et seq.,* authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners.

Title 30 CFR 57.3461 requires operators of underground metal and nonmetal mines to develop and implement a rock burst control plan within 90 days after a rock burst has been experienced. Plans are required to include: Mining and operating procedures designed to reduce the occurrence of rock bursts; monitoring procedures where detection methods are used; and other measures to minimize exposure of persons to areas prone to rock bursts. Plans are also required to be updated as conditions warrant and are to be made available to MSHA inspectors and to miners or their representatives. The standard does not require that all underground metal and nonmetal mines develop these preventative measures, but it does require that all mines with a rock burst history develop and implement a rock burst control plan.

When rock bursts occur in an underground mine, they pose a serious threat to the safety of miners in the area affected by the burst. These bursts may reasonably be expected to result in the entrapment of miners, death, and serious physical harm. Recent mining technology has disclosed scientific methods of monitoring rock stresses which will allow for the prediction of an oncoming burst. These predictions can be used by the mine operator to move miners to safer locations and to establish areas which need relief drilling.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to the Rock Burst Control Plan. 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 CONTACT** section of this notice.

III. Current Actions

This request for collection of information contains provisions for the Rock Burst Control Plan. 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: 1219–0097.

Affected Public: Business or other for-profit.

Number of Respondents: 1.

Frequency: On occasion.

Number of Responses: 1.

Annual Burden Hours: 12 hours.

Annual Respondent or Recordkeeper Cost: $0.

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. 2017–07293 Filed 4–11–17; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0049]

Proposed Extension of Information Collection; Hoist Operators' Physical Fitness

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 Hoist Operators' Physical Fitness.

DATES: All comments must be received on or before June 12, 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–2017–0010.
- *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

Sections 101(a) and 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 811(a) and 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Title 30 CFR 56.19057 and 57.19057 require the examination and certification of hoist operators' fitness by a qualified, licensed physician, within twelve months preceding hoisting duties. The safety of all metal and nonmetal miners riding hoist conveyances is largely dependent upon the attentiveness and physical capabilities of the hoist operator. Improper movements, overspeed, and overtravel of a hoisting conveyance can result in serious physical harm or death to all passengers.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Hoist Operators' Physical Fitness. 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 Hoist Operators' Physical Fitness. 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: 1219–0049.

Affected Public: Business or other for-profit.

Number of Respondents: 115.

Frequency: On occasion.

Number of Responses: 575.

Annual Burden Hours: 19 hours.

Annual Respondent or Recordkeeper Cost: $182,275.

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. 2017–07294 Filed 4–11–17; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Written comments on this notice must be received by May 12, 2017 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Comments should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 17th Street NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send email to *splimpto@nsf.gov.* Copies of the submission(s) may be obtained by calling 703–292–7556. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION: 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 assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (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.

It is not permissible for NSF to 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.

Title of Collection: 2017 Survey of Doctorate Recipients.

OMB Approval Number: 3145–0020.

Expiration Date of Approval: August 31, 2018.

Summary of Collection. The Survey of Doctorate Recipients (SDR) has been conducted biennially since 1973. The 2017 SDR will consist of a sample of individuals less than 76 years of age who have earned a research doctoral degree in a science, engineering, or health field (SEH) from a U.S. institution. The purpose of this panel survey is to collect data that will be used to provide national estimates on the doctoral science and engineering workforce and changes in their employment, education, and demographic characteristics. The SDR is sponsored by the National Center for Science and Engineering Statistics (NCSES) within the NSF and by the National Institutes of Health. Data will

be obtained by web, mail, and computer-assisted telephone interviews beginning in June 2017. Information from the SDR are used in assessing the quality and supply of the nation's SEH personnel resources for educational institutions, private industry, and professional organizations, as well as federal, state, and local governments. A public release file of collected data, designed to protect respondent confidentiality, will be made available to researchers, reporters, and other interested persons on the Internet.

The National Science Foundation Act of 1950, as subsequently amended, includes a statutory charge to ''. . . provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources, and to provide a source of information for policy formulation by other agencies of the Federal Government.'' The SDR is designed to comply with these mandates by providing information on the supply and utilization of the nation's doctoral level scientists and engineers.

The survey data will be collected in conformance with the Confidential Information Protection and Statistical Efficiency Act of 2002 and the Federal Cybersecurity Enhancement Act of 2015. The individual's response to the survey is voluntary. NSF will ensure that all information collected will be kept strictly confidential and will be used only for statistical purposes.

Use of the Information: NSF uses the information from the SDR to prepare congressionally-mandated reports such as *Women, Minorities and Persons with Disabilities in Science and Engineering* and *Science and Engineering Indicators.* These two reports are made available, in full, on the Internet. However, summary *Digests* of facts and figures from these lengthy reports are made available both in print and on the Internet. Although NSF publishes statistics from the SDR in many reports, a set of statistical tables is produced online by NCSES in the biennial publication of SDR Data Tables.

Expected Respondents: The NCSES within NSF enhanced and expanded the sample for the 2015 cycle of the SDR to measure employment outcomes according to the eligible SEH fine fields of degree, as captured in the Survey of Earned Doctorates. Providing reliable estimates of the survey population by fine fields required refreshing the 2013 survey sample of approximately 47,000 in 2013 with a larger sample of 120,000 in 2015. With the expanded 2015 SDR sample, NCSES can produce reliable estimates of SEH fine fields by demographic characteristics, such as gender, ethnicity, and race. The 2017 SDR will maintain the 2015 expanded sample and add about 11,000 doctorates from the most recent 2014 and 2015 academic years for a total of 124,580 cases. NSF expects the overall response rate to be 75 percent.

Estimate of Burden: The amount of time to complete the questionnaire may vary depending on an individual's circumstances; however, on average it takes approximately 25 minutes. Thus, NSF estimates that the total annual burden for the 2017 SDR will be 38,932 hours (that is, 124,580 respondents at 75% response rate for 25 minutes).

Comment: On 19 September 2016, NSF published in the **Federal Register** (81 FR 2016–64206) a 60-day notice of its intent to request renewal of this information collection authority from OMB. In that notice, NSF solicited public comments for 60 days ending 18 November 2016. One public comment was received, in support of renewing the SDR and ''releasing the survey data in a more timely and predictable manner.'' NCSES acknowledged receipt and thanked the person for their comment. Relative to the first notice, there are two substantive changes: (1) The first notice stated, ''The 2017 SDR will maintain the 2015 expanded sample along with a new sample of about 10,000 doctorates . . . and will not exceed 123,000 individuals in total with U.S. earned doctorates in SEH fields.'' After additional analysis of the sample frame of the final eligible sample from the 2015 survey and the new doctoral recipients from 2014 and 2015 academic years, the 2017 sample size is revised to 124,580 cases effectively increasing the estimated respondent burden by 494 hours. (2) The survey launch date is now planned for June 2017 rather than February 2017 to allow for additional analysis and survey design planning.

Dated: April 4, 2017.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2017–07312 Filed 4–11–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, April 25, 2017.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

STATUS: The one item is open to the public.

MATTERS TO BE CONSIDERED:

56539 Aircraft Accident Report—Collision with Terrain, Promech Air, Inc., de Havilland DHC-3, N270PA, Ketchikan, Alaska, June 25, 2015.

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

The press and public may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

Individuals requesting specific accommodations should contact Rochelle McCallister at (202) 314–6305 or by email at *Rochelle.McCallister@ntsb.gov* by Wednesday, April 19, 2017.

The public may view the meeting via a live or archived webcast by accessing a link under ''News & Events'' on the NTSB home page at *www.ntsb.gov.*

Schedule updates, including weather-related cancellations, are also available at *www.ntsb.gov.*

FOR MORE INFORMATION CONTACT: Candi Bing at (202) 314–6403 or by email at *bingc@ntsb.gov.*

FOR MEDIA INFORMATION CONTACT: Keith Holloway at (202) 314–6100 or by email at *keith.holloway@ntsb.gov.*

Dated: Friday, April 7, 2017.

LaSean R. McCray,

Assistant Federal Register Liaison Officer.

[FR Doc. 2017–07434 Filed 4–10–17; 11:15 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Thermal-Hydraulic Phenomena; Notice of Meeting

The ACRS Subcommittee on T–H Phenomena will hold a meeting on April 18, 2017, at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, April 18, 2017—1:30 p.m. Until 5:00 p.m.

The Subcommittee will review recent improvements to the MELCOR code. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written

comments should notify the Designated Federal Official (DFO), Hossein Nourbakhsh (Telephone 301–415–5622 or Email: *Hossein.Nourbakhsh@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016, (81 FR 71543).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, 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 these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: April 5, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–07379 Filed 4–11–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on APR1400; Notice of Meeting

The ACRS Subcommittee on APR1400 will hold a meeting on April 19–20, 2017, at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Wednesday, April 19, 2017—8:30 a.m. Until 5:00 p.m.; Thursday, April 20, 2017—8:30 a.m. Until 5:00 p.m.

The Subcommittee will review the APR1400 Design Control Document and Safety Evaluation Report with Open Items, Chapter 17, ''Quality Assurance and Reliability Assurance'' and Chapter 19, ''Probabilistic Risk Assessment and Severe Accident Evaluation.'' The Subcommittee will hear presentations by and hold discussions with the NRC staff and Korea Hydro & Nuclear Power Company regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christopher Brown (Telephone 301–415–7111 or Email: *Christopher.Brown@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016, (81 FR 71543).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, 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 these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: April 5, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–07381 Filed 4–11–17; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF SPECIAL COUNSEL

OSC Annual Survey

AGENCY: Office of Special Counsel.

ACTION: Notice for public comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and implementing regulations, the U.S. Office of Special Counsel (OSC), is requesting approval from the Office of Management and Budget (OMB) for use of a previously approved information collection (survey). OSC is required by statute to annually conduct the survey and publish the results in OSC's annual report. The OSC Annual Survey consists of four electronic questionnaires. The prior OMB approval for the survey expired November 30, 2016. OSC is requesting emergency approval for the survey, and we are not making any changes to the previously approved survey.

DATES: Written comments should be received on or before June 12, 2017. However, pursuant to regulations, OSC is requesting OMB's emergency approval by April 17, 2017. Therefore, comments are best assured of having full effect if received by OMB within 5 days of this notice's publication in the **Federal Register**.

ADDRESSES: You may submit written comments by mail to: Office of Information and Regulatory Affairs,

Office of Management and Budget, Attention: Desk Officer for OSC, New Executive Office Building, Room 10235, Washington, DC 20503; or by email via: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Kenneth Hendricks, Clerk of the U.S. Office of Special Counsel, by telephone at (202) 254–3600, or by email at *khendricks@osc.gov.*

SUPPLEMENTARY INFORMATION: Current and former Federal employees, employee representatives, other Federal agencies, state and local government employees, and the general public are invited to comment on: (a) Whether the proposed collection of information is necessary for the proper performance of OSC functions, including whether the information will have practical utility; (b) the accuracy of OSC's estimate of the burden of the proposed collections of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

OSC is an independent agency responsible for among other things, (1) investigation of allegations of prohibited personnel practices defined by law at 5 U.S.C. 2302(b), protection of whistleblowers, and certain other illegal employment practices under titles 5 and 38 of the U.S. Code, affecting current or former Federal employees or applicants for employment, and covered state and local government employees; and (2) the interpretation and enforcement of Hatch Act provisions on political activity in chapters 15 and 73 of title 5 of the U.S. Code. OSC is required to conduct an annual survey of individuals who seek its assistance. Section 13 of Public Law 103–424 (1994), codified at 5 U.S.C. 1212 note, states, in part: ''[T]he survey shall—(1) determine if the individual seeking assistance was fully apprised of their rights; (2) determine whether the individual was successful either at the Office of Special Counsel or the Merit Systems Protection Board; and (3) determine if the individual, whether successful or not, was satisfied with the treatment received from the Office of Special Counsel.'' The same section also requires OSC to publish the survey's results in OSC's annual report to Congress. Copies of prior years' annual reports are available on OSC's Web site, at *https://osc.gov/Pages/Resources-ReportsAndInfo.aspx* or by calling OSC at (202) 254–3600. The prior OSC Annual Survey, OMB Control Number 3255–0003, expired on November 30, 2016. OSC is requesting emergency approval and reinstatement without change of this previously approved collection of information. As with the prior approved survey, this survey will be hosted by Survey Monkey (*https://www.surveymonkey.com*).

The survey questionnaires are available for review on line at *https://osc.gov/Resources/Survey%20Samples%202017.pdf* or by calling OSC at (202) 254–3600.

Type of Information Collection Request: Reinstatement without change of a previously approved collection of information that expired on November 30, 2016.

Affected public: Filers (or their representatives) seeking OSC services through: (1) Complaints alleging prohibited personnel practice or Hatch Act violations; or (2) disclosures of information alleging violation of law, rule, or regulation.

Respondent's Obligation: Voluntary.

Estimated Annual Number of Survey Form Respondents: 500.

Frequency of Survey form use: Annual.

Estimated Average Amount of Time for a Person to Respond to survey: 12 minutes.

Estimated Annual Survey Burden: 100 hours.

OSC will use the questionnaires to survey filers, whose matters OSC closed or otherwise resolved during the prior fiscal year, on their experience at OSC. Specifically, the survey asks questions relating to whether the respondent was: (1) Apprised of his or her rights; (2) successful at the OSC or at the Merit Systems Protection Board; and (3) satisfied with the treatment received at the OSC.

Dated: April 6, 2017.

Bruce Gipe,

Chief Operating Officer.

[FR Doc. 2017–07281 Filed 4–11–17; 8:45 am]

BILLING CODE 7405–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–0213

Extension:

Rule 22d–1, OMB Control No. 3235–0310, SEC File No. 270–275

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''Paperwork Reduction Act'') (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 22d–1 under the Investment Company Act of 1940 (the ''1940 Act'') (17 CFR 270.22d–1) provides registered investment companies that issue redeemable securities (''funds'') an exemption from section 22(d) of the 1940 Act (15 U.S.C. 80a–22(d)) to the extent necessary to permit scheduled variations in or elimination of the sales load on fund securities for particular classes of investors or transactions, provided certain conditions are met. The rule imposes an annual burden per series of a fund of approximately 15 minutes, so that the total annual burden for the approximately 4,509 series of funds that might rely on the rule is estimated to be 1127.25 hours.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is based on communications with industry representatives, and is not derived from a comprehensive or even a representative survey or study. Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden(s) of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 6, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–07300 Filed 4–11–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80384; File No. SR–PEARL–2017–16]

Self-Regulatory Organizations: MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAX PEARL Rules 504 and 516

April 6, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 3, 2017, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rules 504 and 516.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 516, Order Types, to make changes to paragraph (j) related to Post-Only Order[3] handling on the Exchange to simplify order entry and enhance liquidity available at the open. Additionally, the Exchange proposes to amend Exchange Rule 504, Trading Halts, to remove Interpretations and Policies .05.

Currently, by definition, Post-Only Orders on MIAX PEARL do not participate in the Opening Process,[4] and Post-Only Orders received before the Opening Process, during a trading halt, or after the market close, are rejected.[5] Additionally, Post-Only Orders that remain on the Book[6] after a trading halt under Rule 504 are cancelled.[7] Post-Only Orders are designed to be liquidity providing orders, as a Post-Only Order by definition is one that will not remove liquidity from the Book.[8]

The Exchange now proposes to amend certain aspects of its handling of Post-Only Orders to allow them to participate in the Opening Process and to also allow Post-Only Orders to be received by the Exchange prior to the commencement of the Opening Process or during a trading halt, and to remain on the Book after a trading halt, where they may participate in the next Opening Process.[9]

The Exchange proposes to amend Exchange Rule 516 (j) to allow Post-Only Orders to participate in the Opening Process by ignoring the Post-Only instruction on the order during this period. This will allow Post-Only Orders to participate in the Opening Process by removing the prior restriction that a Post-Only Order not remove liquidity from the Book. As proposed, during the Opening Process, Post-Only Orders will be accepted and provide additional liquidity as orders are matched for execution based on price-time priority.[10] The Exchange believes that removing the prohibition against Post-Only Orders participating in the Opening Process will serve as a catalyst for Members[11] to submit orders during the opening and improve the liquidity available during the Exchange's Opening Process which may also improve prices at the opening.

The Exchange has two classes of Members, Market Makers[12] and Electronic Exchange Members.[13] Market Makers are the primary users of Post-Only Orders on the Exchange as discussed in more detail below. Currently, in order to provide liquidity during the Opening Process, Market Makers must use regular orders, as orders marked Post-Only will be rejected. After the Opening Process has concluded, Market Makers switch over to marking orders as Post-Only Orders. Market Makers use Post-Only Orders to provide two-sided quotes to meet their quoting obligations as described in more detail below. The Exchange believes that its proposal to accept Post-Only Orders before the Opening Process will simplify the operation of the Exchange and reduce complexity for Members that submit orders during the Opening Process and that switch to submitting Post-Only Orders during regular trading. Permitting Post-Only Orders to participate in the Opening will simplify the operational complexity for Market Makers that wish to provide liquidity during the Opening Process and thereby improve prices at the open.[14]

Market Makers have a heightened obligation on the Exchange to maintain a two-sided market, pursuant to Rule 605(d)(1), in those option series in which the Market Maker has registered to trade.[15] Exchange Rule 605, Market Maker Quotations, details various requirements associated with a Market

[3] *See* Exchange Rule 516(j).

[4] *See* Exchange Rule 503(a)(2) and Rule 516(j).

[5] *See* Exchange Rule 516(j).

[6] The term ''Book'' means the electronic order book of buy and sell orders and quotes maintained by the System. *See* Exchange Rule 100.

[7] *See* Exchange Rule 504.05.

[8] *See* Exchange Rule 516(j).

[9] The Exchange notes that a single Opening Process is used for Openings and Re-Openings on the Exchange. *See* Exchange Rule 503(a)(1).

[10] *See* Exchange Rule 503(b)(2)(ii).

[11] The term ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of the MIAX PEARL Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[12] The term ''Market Maker'' or ''MM'' means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of MIAX PEARL Rules. *See* Exchange Rule 100.

[13] The term ''Electronic Exchange Member'' or ''EEM'' means the holder of a Trading Permit who is a Member representing as agent Public Customer Orders or Non-Customer Orders on the Exchange and those non-Market Maker Members conducting proprietary trading. Electronic Exchange Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[14] The Exchange notes that the proposal may primarily benefit Market Makers as they are the largest users of Post-Only Orders. However, Post-Only Orders are available for all Members and the Exchange does not believe that the proposal raises any concerns for EEMs as the change will benefit any Member that uses Post-Only Orders.

[15] *See* Exchange Rule 604(a)(1).

Maker's quotes, such as ''Size Associated with Quotes'', ''Firm Quotes'', and ''Continuous Quotes''.[16] A quote on the Exchange is defined as, ''. . . a bid or offer entered by a Market Maker as a firm order that updates the Market Maker's previous bid or offer, if any . . . .'' [17] The Exchange's definition of a quote further provides that, ''[w]hen the term order is used in these Rules and a bid or offer is entered by the Market Maker in the option series to which such Market Maker is registered, such order shall, as applicable, constitute a quote or quotation for purposes of these Rules.'' [18] Market Makers self-assign the series for which they choose to act as a Market Maker and may register daily for these series.[19] A Market Maker could easily have an obligation to provide continuous quotes for a large number of series. Eliminating the need for Market Makers to switch from sending regular orders during the Opening Process to Post-Only Orders after the Opening Process is complete will allow Market Makers to more efficiently provide liquidity during the Opening Process and seamlessly transition to regular trading.

Additionally, the Exchange proposes to amend Rule 516(j) to state that Post-Only Orders are valid during the Opening Process and that Post-Only Orders received before the Opening Process or during a trading halt may participate in the next Opening Process. The Exchange notes that Post-Only Orders received after the market close will continue to be rejected.

At the completion of the Opening Process, the Exchange re-introduces orders that did not execute or that were priced through the Opening Price.[20] The Exchange now proposes to also re-introduce Post-Only Orders that participated in the Opening Process but were not executed. The Post-Only instruction on such re-introduced Post-Only Orders will be recognized and the orders will be treated in the same manner as Post-Only Orders received during a regular trading session, wherein such orders may not remove liquidity, in accordance with the existing rule.

Finally, Exchange Rule 504.05 currently provides that Post-Only Orders that are on the Book will be cancelled when trading in an option on a security has been halted pursuant to Rule 504. The Exchange now proposes to eliminate this paragraph in its entirety. As discussed above, the Exchange is proposing to amend its handling of Post-Only Orders and will include them in the Opening Process, therefore it is not necessary to remove Post-Only Orders from the Book when an option has been halted pursuant to Rule 504, as they may participate in the next Opening Process.

2. Statutory Basis

MIAX PEARL believes that its proposed rule change is consistent with Section 6(b) of the Act [21] in general, and furthers the objectives of Section 6(b)(5) of the Act [22] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change will simplify its market structure, minimize unnecessary complexity, and encourage liquidity during the Opening Process. The Exchange believes this change will make the transition from the opening to regular trading more efficient and thus promote just and equitable principles of trade and serve to protect investors and the public interest.

Additionally, the proposed rule change is consistent with the current rules of another options exchange.[23]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that the proposed rule changes will impose any burden on intra-market competition as the Rules apply equally to all Exchange Members.

The Exchange does not believe that the proposed rule change will impose any burden on inter-market competition as the proposal is designed to simplify the complexity of order entry at the open, and could result in more competitive order flow to the Exchange at the open.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act [24] and Rule 19b–4(f)(6) [25] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–PEARL–2017–16 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–PEARL–2017–16. This file number should be included on the

[16] *See* Exchange Rule 605.

[17] *See* Exchange Rule 100.

[18] *See* Exchange Rule 100.

[19] *See* Exchange Rule 602.

[20] *See* Exchange Rule 503(b)(2)(iii).

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] *See* Nasdaq Options Rules, Chapter VI, Section 1(e)(11).

[24] 15 U.S.C. 78s(b)(3)(A).

[25] 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.

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–PEARL–2017–16 and should be submitted on or before May 3, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–07304 Filed 4–11–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Rule 13e–3 (Schedule 13E–3), OMB Control No. 3235–0007, SEC File No. 270–1

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 13e–3 (17 CFR 240.13e–3) and Schedule 13E–3 (17 CFR 240.13e–100)—Rule 13e–3 prescribes the filing, disclosure and dissemination requirements in connection with a going private transaction by an issuer or an affiliate. Schedule 13E–3 provides shareholders and the marketplace with material information concerning a going private transaction. The information collected permits verification of compliance with securities laws requirements and ensures the public availability and dissemination of the collected information. We estimate that Schedule 13E–3 is filed by approximately 77 issuers annually and it takes approximately 137.42 hours per response. We estimate that 25% of the 137.42 hours per response (34.36 hours) is prepared by the filer for a total annual reporting burden of 2,646 hours (34.36 hours per response × 77 responses).

Written 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 the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 6, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–07299 Filed 4–11–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 701, [OMB Control No. 3235–0522, SEC File No. 270–306].

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 701 (17 CFR 230.701) under the Securities Act of 1933 (''Securities Act'') (15 U.S.C. 77a *et seq.*) provides an exemption for certain issuers from the registration requirements of the Securities Act for limited offerings and sales of securities issued under compensatory benefit plans or contracts. The purpose of Rule 701 is to ensure that a basic level of information is available to employees and others when substantial amounts of securities are issued in compensatory arrangements. We estimate that approximately 300 companies annually rely on the Rule 701 exemption and that it takes 2 hours to prepare each response. We estimate that 25% of the 2 hours per response (0.5 hours) is prepared by the company for a total annual reporting burden of 150 hours (0.5 hours per response × 300 responses).

Written 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 imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information

[26] 17 CFR 200.30–3(a)(12).

unless it displays a currently valid control number.

Please direct your written comment to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 6, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–07302 Filed 4–11–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Regulations 14D and 14E (Schedule 14D–9), OMB Control No. 3235–0102, SEC File No. 270–114

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Regulation 14D (17 CFR 240.14d–1—240.14d–11) and Regulation 14E (17 CFR 240.14e–1—240.14e–8) and related Schedule 14D–9 (17 CFR 240.14d–101) require information important to security holders in deciding how to respond to tender offers. Schedule 14D–9 takes approximately 260.56 hours per response to prepare and is filed by approximately 169 companies annually. We estimate that 25% of the 260.56 hours per response (65.14 hours) is prepared by the company for an annual reporting burden of 11,009 hours (65.14 hours per response × 169 responses).

Written 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 the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 6, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–07303 Filed 4–11–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Rule 15c2–11, SEC File No. 270–196, OMB Control No. 3235–0202

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 15c2–11, (17 CFR 240.15c2–11), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 15c2–11 under the Securities Exchange Act regulates the initiation or resumption of quotations in a quotation medium by a broker-dealer for over-the-counter (''OTC'') securities. The Rule was designed primarily to prevent certain manipulative and fraudulent trading schemes that had arisen in connection with the distribution and trading of unregistered securities issued by shell companies or other companies having outstanding but infrequently traded securities. Subject to certain exceptions, the Rule prohibits broker-dealers from publishing a quotation for a security, or submitting a quotation for publication, in a quotation medium unless they have reviewed specified information concerning the security and the issuer.

Based on information provided by Financial Industry Regulatory Authority, Inc. (''FINRA''), in the 2016 calendar year, FINRA received approximately 461 applications from broker-dealers to initiate or resume publication of quotations of covered OTC securities on the OTC Bulletin Board and/or OTC Link or other quotation mediums. We estimate that (i) 195 of the covered OTC securities were issued by reporting issuers, while the other 266 were issued by non-reporting issuers, and (ii) it will take a broker-dealer about 4 hours to review, record and retain the information pertaining to a reporting issuer, and about 8 hours to review, record and retain the information pertaining to a non-reporting issuer.

We therefore estimate that broker-dealers who initiate or resume publication of quotations for covered OTC securities of reporting issuers will require 780 hours (195 × 4) to review, record and retain the information required by the Rule. We estimate that broker-dealers who initiate or resume publication of quotations for covered OTC securities of non-reporting issuers will require 2128 hours (266 × 8) to review, record and retain the information required by the Rule. Thus, we estimate the total annual burden hours for broker-dealers to initiate or resume publication of quotations of covered OTC securities to be 2908 hours (780 + 2128). The Commission believes that compliance costs for these 2,908 hours would be borne by internal staff working at a rate of $57 per hour.[1]

Subject to certain exceptions, the Rule prohibits broker-dealers from publishing a quotation for a security, or submitting a quotation for publication, in a quotation medium unless they have reviewed specified information concerning the security and the issuer. The broker-dealer must also make the information reasonably available upon request to any person expressing an interest in a proposed transaction in the security with such broker or dealer. The collection of information that is submitted to FINRA for review and

[1] $57 per hour figure for a General Clerk is from SIFMA's Office Salaries in the Securities Industry 2013, modified by Commission staff to account for an 1800-hourwork-year and inflation, and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

approval is currently not available to the public from FINRA.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 6, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–07297 Filed 4–11–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80386; File No. SR–CBOE–2017–025]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the SPXPM Pilot Program

April 6, 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 28, 2017, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I 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 proposes to extend the operation of its SPXPM pilot program through May 3, 2018. The text of the proposed rule change is provided below.

(additions are italicized; deletions are [bracketed])

* * * * *

Chicago Board Options Exchange, Incorporated

Rules

* * * * *

Rule 24.9. Terms of Index Option Contracts

No change.

. . . Interpretations and Policies:

.01–.13 No change.

.14 The below provisions will remain in effect until a date specified by the Exchange in a Regulatory Circular, which date shall be no later than July 31, 2017:

In addition to A.M.-settled Standard & Poor's 500 Stock Index options approved for trading on the Exchange pursuant to Rule 24.9, the Exchange may also list options on the S&P 500 Index whose exercise settlement value is derived from closing prices on the last trading day prior to expiration (''SPXPM''). The Exchange may also list options on the Mini-SPX Index (''XSP'') whose exercise settlement value is derived from closing prices on the last trading day prior to expiration (''P.M.-settled''). SPXPM options and P.M.-settled XSP options will be listed for trading for a pilot period ending May 3, 201[7]*8.*

On the date specified by the Exchange in a Regulatory Circular, which date shall be no later than July 31, 2017, the following provisions shall be in effect:

In addition to A.M.-settled Standard & Poor's 500 Stock Index options approved for trading on the Exchange pursuant to Rule 24.9, the Exchange may also list options on the S&P 500 Index whose exercise settlement value is derived from closing prices on the last trading day prior to expiration (P.M.-settled third Friday-of-the-month SPX options series). The Exchange may also list options on the Mini-SPX Index (''XSP'') whose exercise settlement value is derived from closing prices on the last trading day prior to expiration (''P.M.-settled''). P.M.-settled third Friday-of-the-month SPX options series and P.M.-settled XSP options will be listed for trading for a pilot period ending May 3, 201[7]*8.*

* * * * *

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 Statutory Basis for, the Proposed Rule Change

1. Purpose

On February 8, 2013, the Exchange received approval of a rule change that established a Pilot Program that allows the Exchange to list options on the S&P 500 Index whose exercise settlement value is derived from closing prices on the last trading day prior to expiration (''SPXPM'').[5] On July 31, 2013, the Exchange received approval of a rule change that amended the Pilot Program to allow the Exchange to list options on the Mini-SPX Index (''XSP'') whose exercise settlement value is derived

[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).

[5] *See* Securities Exchange Act Release No. 68888 (February 8, 2013), 78 FR 10668 (February 14, 2013) (SR–CBOE–2012–120) (the ''SPXPM Approval Order''). Pursuant to Securities Exchange Act Release No. 80060 (February 17, 2017), 82 FR 11673 (February 24, 2017) (SR–CBOE–2016–091), the Exchange will move third-Friday P.M.-settled options into the Hybrid 3.0 S&P 500 Index options class and as a result, the trading symbol for P.M.-settled S&P 500 Index options that have standard third Friday-of-the-month expirations will change from ''SPXPM'' to ''SPXW.'' This change will go into effect on a date no later than July 31, 2017 and will be announced in a Regulatory Circular by the Exchange.

from closing prices on the last trading day prior to expiration (''P.M.-settled'') [6] (together, SPXPM and P.M.-settled XSP to be referred to herein as the ''Pilot Products'').[7] In January 2014, the Exchange filed a proposed rule change that extended the end date of the pilot period from February 8, 2014 to November 3, 2014.[8] Additionally, in October 2014, the Exchange filed a proposed rule change that extended the end date of the pilot period from November 3, 2014 to May 3, 2016.[9] The Exchange then filed a proposed rule change that extended the end date of the pilot period from May 3, 2016 to May 3, 2017.[10] The Exchange hereby proposes to further extend the end date of the pilot period to May 3, 2018.

During the course of the Pilot Program and in support of the extensions of the Pilot Program, the Exchange submits to the Securities and Exchange Commission (the ''Commission'') reports regarding the Pilot Program that detail the Exchange's experience with the Pilot Program, pursuant to the SPXPM Approval Order and the P.M.-settled XSP Approval Order. To date, the Exchange has submitted three annual Pilot Program reports to the Commission, as well as various periodic interim reports, as required by the Commission while the Pilot Program is in effect. The annual reports contain an analysis of volume, open interest, and trading patterns. The analysis examines trading in Pilot Products as well as trading in the securities that comprise the underlying index. Additionally, for series that exceed certain minimum open interest parameters, the annual reports provide analysis of index price volatility and share trading activity. The periodic interim reports contain some, but not all, of the information contained in the annual reports. In providing the annual and periodic interim reports (the ''pilot reports'') to the Commission, the Exchange has requested confidential treatment of the pilot reports under the Freedom of Information Act (''FOIA'').[11] The confidentiality of the pilot reports is subject to the provisions of FOIA.

The pilot reports both contain the following volume and open interest data:

(1) Monthly volume aggregated for all trades;

(2) monthly volume aggregated by expiration date;

(3) monthly volume for each individual series;

(4) month-end open interest aggregated for all series;

(5) month-end open interest for all series aggregated by expiration date; and

(6) month-end open interest for each individual series.

The annual reports also contain the information noted in Items (1) through (6) above for Expiration Friday, A.M.-settled, S&P 500 index options traded on CBOE, as well as the following analysis of trading patterns in the Pilot Products options series in the Pilot Program:

(1) A time series analysis of open interest; and

(2) an analysis of the distribution of trade sizes.

Finally, for series that exceed certain minimum parameters, the annual reports contain the following analysis related to index price changes and underlying share trading volume at the close on Expiration Fridays:

(1) A comparison of index price changes at the close of trading on a given Expiration Friday with comparable price changes from a control sample. The data includes a calculation of percentage price changes for various time intervals and compare that information to the respective control sample. Raw percentage price change data as well as percentage price change data normalized for prevailing market volatility, as measured by the CBOE Volatility Index (VIX), is provided; and

(2) a calculation of share volume for a sample set of the component securities representing an upper limit on share trading that could be attributable to expiring in-the-money series. The data includes a comparison of the calculated share volume for securities in the sample set to the average daily trading volumes of those securities over a sample period.

The minimum open interest parameters, control sample, time intervals, method for randomly selecting the component securities, and sample periods are determined by the Exchange and the Commission. In proposing to extend the Pilot Program, the Exchange will continue to abide by the reporting requirements described herein, as well as in the SPXPM Approval Order and the P.M.-settled XSP Approval Order.[12] Additionally, all such pilot reports provided by the Exchange will continue to include a request for confidential treatment under FOIA.[13]

The Exchange proposes the extension of the Pilot Program in order to continue to give the Commission more time to consider the impact of the Pilot Program. To this point, CBOE believes that the Pilot Program has been well-received by its Trading Permit Holders and the investing public, and the Exchange would like to continue to provide investors with the ability to trade SPXPM and P.M.-settled XSP options. All terms regarding the trading of the Pilot Products shall continue to operate as described in the SPXPM Approval Order and the P.M.-settled XSP Approval Order. The Exchange merely proposes herein to extend the term of the Pilot Program to May 3, 2018.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') [sic] and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [15] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with

[6] *See* Securities Exchange Act Release No. 70087 (July 31, 2013), 78 FR 47809 (August 6, 2013) (SR–CBOE–2013–055) (the ''P.M.-settled XSP Approval Order'').

[7] For more information on the Pilot Products or the Pilot Program, *see* the SPXPM Approval Order and the P.M.-settled XSP Approval Order.

[8] *See* Securities Exchange Act Release No. 71424 (January 28, 2014), 79 FR 6249 (February 3, 2014) (SR–CBOE–2014–004).

[9] *See* Securities Exchange Act Release No. 73338 (October 10, 2014), 79 FR 62502 (October 17, 2014) (SR–CBOE–2014–076).

[10] *See* Securities Exchange Act Release No. 77573 (April 8, 2016), 81 FR 22148 (April 14, 2016) (SR–CBOE–2016–036).

[11] 5 U.S.C. 552.

[12] Pursuant to Securities Exchange Act Release No. 75914 (September 14, 2015), 80 FR 56522 (September 18, 2015) (SR–CBOE–2015–079), the Exchange added SPXPM and P.M.-settled XSP options to the list of products approved for trading during Extended Trading Hours (''ETH''). The Exchange will also include the applicable information regarding SPXPM and P.M.-settled XSP options that trade during ETH in its annual and interim reports.

[13] *See supra* note 6 [sic] and surrounding discussion. If the Exchange seeks permanent approval of the pilot program, the Exchange recognizes that certain information in the pilot reports may need to be made available on a public basis.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

the Section 6(b)(5)[16] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed extension of the Pilot Program will continue to provide greater opportunities for investors. Further, the Exchange believes that it has not experienced any adverse effects or meaningful regulatory concerns from the operation of the Pilot Program. As such, the Exchange believes that the extension of the Pilot Program does not raise any unique or prohibitive regulatory concerns. Also, the Exchange believes that such trading has not, and will not, adversely impact fair and orderly markets on Expiration Fridays for the underlying stocks comprising the S&P 500 index. The extension of the Pilot Program will continue to provide investors with the opportunity to trade the desirable products of SPXPM and P.M.-settled XSP, while also providing the Commission further opportunity to observe such trading of the Pilot Products.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the continuation of the Pilot Program will impose any unnecessary or inappropriate burden on intramarket competition because it will continue to apply equally to all CBOE market participants, and the Pilot Products will be available to all CBOE market participants. The Exchange believes there is sufficient investor interest and demand in the Pilot Program to warrant its extension. The Exchange believes that, for the period that the Pilot Program has been in operation, it has provided investors with desirable products with which to trade. Furthermore, the Exchange believes that it has not experienced any adverse market effects or regulatory concerns with respect to the Pilot Program. The Exchange further does not believe that the proposed extension of the Pilot Program will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because it only applies to trading on CBOE. To the extent that the continued trading of the Pilot Products may make CBOE a more attractive marketplace to market participants at other exchanges, such market participants may elect to become CBOE market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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) of the Act [17] and Rule 19b–4(f)(6) [18] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2017–025 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2017–025.This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2017–025 and should be submitted on or before May 3, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–07306 Filed 4–11–17; 8:45 am]

BILLING CODE 8011–01–P

[16] *Id.*

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80387; File No. SR–CBOE–2017–026]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Renew Nonstandard Expirations Pilot Program

April 6, 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 29, 2017, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

''Commission'') the proposed rule change as described in Items I, II, and III 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 renew an existing pilot program until May 3, 2018. The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *

Chicago Board Options Exchange, Incorporated Rules

* * * * *

Rule 24.9. Terms of Index Option Contracts

(a)–(d) No change.

(e) Nonstandard Expirations Pilot Program

(1)–(2) No change.

(3) Duration of Nonstandard Expirations Pilot Program. The Nonstandard Expirations Pilot Program shall be through May 3, 201[7]*8*.

(4) No change.

. . . Interpretations and Policies

.01–.14 No change.

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On September 14, 2010, the Commission approved a CBOE proposal to establish a pilot program under which the Exchange is permitted to list P.M.-settled options on broad-based indexes to expire on (a) any Friday of the month, other than the third Friday-of-the-month, and (b) the last trading day of the month.[5] On January 14, 2016, the Commission approved a CBOE proposal to expand the pilot program to allow P.M.-settled options on broad-based indexes to expire on any Wednesday of month, other than those that coincide with an EOM.[6] On August 10, 2016, the Commission approved a CBOE proposal to expand the pilot program to allow P.M.-settled options on broad-based indexes to expire on any Monday of month, other than those that coincide with an EOM.[7] Under the terms of the Nonstandard Expirations Pilot Program (''Program''), Weekly Expirations and EOMs are permitted on any broad-based index that is eligible for regular options trading. Weekly Expirations and EOMs are cash-settled and have European-style exercise. The proposal became effective on a pilot basis for a period of fourteen months that commenced on the next full month after approval was received to establish the Program [8] and was subsequently extended.[9] The Program is scheduled to expire on May 3, 2017. The Exchange believes that the Program has been successful and well received by its Trading Permit Holders and the investing public during that the time that it has been in operation. The Exchange hereby proposes to extend the Program until May 3, 2018. This proposal does not request any other changes to the Program.

Pursuant to the order approving the establishment of the Program, two months prior to the conclusion of the pilot period, CBOE is required to submit an annual report to the Commission, which addresses the following areas: Analysis of Volume & Open Interest, Monthly Analysis of Weekly Expirations & EOM Trading Patterns and Provisional Analysis of Index Price Volatility. The Exchange has submitted, under separate cover, the annual report in connection with the present proposed rule change. Confidential treatment under the Freedom of Information Act is requested regarding the annual report.

If, in the future, the Exchange proposes an additional extension of the Program, or should the Exchange propose to make the Program permanent (which the Exchange currently intends to do), the Exchange will submit an annual report (addressing the same areas referenced above and consistent with the order approving the establishment of the Program) to the Commission at least two months prior to the expiration date of the Program. The annual report will be provided to the Commission on a confidential basis. Any positions established under the Program will not be impacted by the expiration of the Program.

The Exchange believes there is sufficient investor interest and demand in the Program to warrant its extension. The Exchange believes that the Program has provided investors with additional means of managing their risk exposures and carrying out their investment objectives. Furthermore, the Exchange has not experienced any adverse market effects with respect to the Program.

The Exchange believes that the proposed extension of the Program will not have an adverse impact on capacity.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[10] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [11] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release 62911 (September 14, 2010), 75 FR 57539 (September 21, 2010) (order approving SR–CBOE–2009–075).

[6] *See* Securities Exchange Act Release 76909 (January 14, 2016), 81 FR 3512 (January 21, 2016) (order approving SR–CBOE–2015–106).

[7] *See* Securities Exchange Act Release 78531 (August 10, 2016), 81 FR 54643 (August 16, 2016) (order approving SR–CBOE–2016–046).

[8] *Id* [sic].

[9] *See* Securities Exchange Act Release 65741 (November 14, 2011), 76 FR 72016 (November 21, 2011) (immediately effective rule change extending the Program through February 14, 2013). *See also* Securities Exchange Act Release 68933 (February 14, 2013), 78 FR 12374 (February 22, 2013) (immediately effective rule change extending the Program through April 14, 2014); 71836 (April 1, 2014), 79 FR 19139 (April 7, 2014) (immediately effective rule change extending the Program through November 3, 2014); 73422 (October 24, 2014), 79 FR 64640 (October 30, 2014) (immediately effective rule change extending the Program through May 3, 2016); and 76909 (January 14, 2016), 81 FR 3512 (January 21, 2016) (extending the Program through May 3, 2017).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [12] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the Program has been successful to date and states that it has not encountered any problems with the Program. The proposed rule change allows for an extension of the Program for the benefit of market participants. Additionally, the Exchange believes that there is demand for the expirations offered under the Program and believes that that Weekly Expirations and EOMs will continue to provide the investing public and other market participants increased opportunities to better manage their risk exposure.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that, by extending the expiration of the Program, the proposed rule change will allow for further analysis of the Program and a determination of how the Program shall be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

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:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. 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) of the Act [13] and Rule 19b–4(f)(6) [14] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2017–026 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–CBOE–2017–026. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2017–026 and should be submitted on or before May 3, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–07307 Filed 4–11–17; 8:45 am]

BILLING CODE 8011–01–P

[12] *Id.*

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80385; File No. SR–CBOE–2017–014]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving Proposed Rule Change Related to Rule 24.9(e)

April 6, 2017.

I. Introduction

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the operation of its nonstandard expirations pilot program on February 13, 2017. The proposed rule change was published for comment in the **Federal Register** on February 21, 2017.[3] No comment letters were received in response to this proposal. This order approves the proposed rule changes.

II. Description of the Proposed Rule Change

The proposed rule change amended the nonstandard expirations pilot

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80037 (Feb. 14, 2017), 82 FR 11290 (SR–CBOE–2017–014) (''Notice'').

program set forth in CBOE Rule 24.9(e) (the ''Pilot Program'') to permit the Exchange to list weekly and monthly expirations non-consecutively.

In its filing, the Exchange explained that the Pilot Program initially permitted CBOE to list P.M.-settled ''end-of-week'' options on broad-based indexes that expire on any Friday of the month, other than the third Friday of the month (''EOWs''), and ''end of month'' options that expire on the last trading day of the month (''EOMs'').[4] The Pilot Program was later expanded to allow CBOE to list P.M.-settled options on broad-based indexes that expire on any Wednesday of the month (''WEDs'') and any Monday of the month (''MONs'').[5] The Pilot Program permits the Exchange to list, for any given class, the maximum number of expirations permitted by CBOE Rule 24.9(a)(2) for standard options on the same broad-based index.[6] For example, the Exchange stated that MONs, WEDs, EOWs and EOMS in the S&P 500 Index options class (''SPX'') may each have up to twelve expirations under the Pilot Program (*i.e.,* a total of 48 expirations),[7] although the Exchange represented that it does not currently choose to list all such expirations.[8] Rather, the Exchange explained that it introduces expirations as customer demand dictates and typically lists four MONs, six WEDs, and seven EOWs in SPX options at a time.[9]

The Exchange noted, however, that MONs, WEDs, and EOWs (collectively, ''Weekly Expirations'') currently must be listed for consecutive Monday, Wednesday, or Friday expirations, as applicable.[10] Similarly, EOM expirations currently must be listed for consecutive month-end dates.[11] The Exchange indicated that it had received repeated customer interest to list Weekly Expirations and EOMs that expire in the mid-term—as opposed to the short-term expirations set forth in the Exchange's current listing schedule [12]—in order to provide a potential financial hedge for impactful economic events.[13] The Exchange therefore proposed to amend its Pilot Program to eliminate the consecutive expiration restriction for the listing of Weekly Expirations and EOMs.[14]

While CBOE could currently add more consecutive expirations to its listing schedule in order to provide some amount of mid-term coverage, the Exchange represented that customer demand is for expirations near a certain future economically impactful event (*e.g.,* a national election)—not for every expiration between the current date and that particular event.[15] For that reason, the Exchange believed the marketplace would be better served by allowing CBOE to list Weekly Expirations or EOMs non-consecutively, instead of listing all Weekly Expirations or EOMs consecutively in order to reach a certain date.[16] The Exchange indicated that this approach would allow CBOE to list fewer expirations because it could exclude those with less customer demand, which it believed would limit potential burdens on liquidity providers to quote in the relevant option classes.[17] The Exchange also asserted that non-consecutive expirations would expand the hedging tools available to market participants, allowing them to tailor their investment or hedging needs more effectively.[18]

The Exchange highlighted the limited scope of the proposed rule change. It pointed out that CBOE currently only lists nonstandard expirations in three classes: S&P 500 Index options under symbol SPXW, CBOE Mini S&P 500 Index options under symbol XSP, and Russell 2000 Index options under symbol RUTW.[19] Furthermore, the Exchange noted that CBOE only lists MONs and WEDs in SPXW; EOWs in SPXW, RUTW, and XSP; and EOMs in SPXW and RUTW.[20] The Exchange therefore believed the proposed rule change would not affect most options classes.[21] Moreover, the Exchange anticipated that the proposed rule change would have a limited effect on the three classes that are listed under the Pilot Program. The Exchange expressed its belief that the vast majority of expirations would continue to be listed consecutively because the majority of trading interest is in the short-term weeks.[22] The Exchange also explained that even non-consecutively listed expirations would eventually fall in line with CBOE's regular listing schedule as consecutive weekly or monthly expirations are added.[23]

The Exchange further noted that the proposed rule change would not affect the number of expirations permitted under the Pilot Program, as it would still limit the maximum number of expirations that may be listed for each Weekly Expiration and EOMs in a given class to the maximum number of expirations permitted by CBOE Rule 24.9(a)(2) for standard options on the same broad-based index.[24] Similarly, the Exchange clarified that the proposed rule change would not affect the maximum duration (*i.e.,* the maximum time from listing to expiration) of Weekly Expirations or EOMs, and it proposed to specify in CBOE Rule 24.9(e)(1) and (2) that the expiration date of a non-consecutive expiration may not be beyond what would be considered the last expiration date if the maximum number of expirations were listed consecutively.[25] By way of example, the Exchange explained that listing all twelve WEDs consecutively in SPXW would result in the twelfth WED expiration occurring 11 weeks from the nearest-term expiration.[26] Assuming that the nearest-term WED expiration occurred on February 8, 2017, the Exchange stated that the twelfth expiration would occur on April 26, 2017.[27] It then explained that, under the proposed rule, a non-consecutively listed WED could not have an expiration date later than April 26, 2017 in that example.[28] Thus, the only difference identified by the Exchange between the current rule and the proposed rule is that the current rule would require CBOE to list all twelve expirations in order to list the April 26, 2017 expiration; under the proposed rule,

[4] *See* Notice, *supra* note 3, at 11290; *see also* Securities Exchange Act Release No. 62911 (Sept. 14, 2010), 75 FR 57539 (Sept. 21, 2010) (SR–CBOE–2009–075) (order approving the establishment of the nonstandard expirations pilot program).

[5] *See* Notice, *supra* note 3, at 11290–91. *See also* Securities Exchange Act Release No. 76909 (Jan. 14, 2016), 81 FR 3512 (Jan. 21, 2016) (SR–CBOE–2015–106) (order approving the inclusion of WEDs in the Pilot Program); Securities Exchange Act Release No. 78531 (Aug. 10, 2016), 81 FR 54643 (Aug. 16, 2016) (SR–CBOE–2016–046) (order approving the inclusion of MONs in the Pilot Program).

[6] *See* Notice, *supra* note 3, at 11291; CBOE Rule 24.9(e)(1)–(2).

[7] *See* Notice, *supra* note 3, at 11291; *see also* CBOE Rule 24.9(a)(2) (specifying that the Exchange may list up to twelve standard monthly expirations at any one time for any class—like SPX—that the Exchange uses to calculate a volatility index).

[8] *See* Notice, *supra* note 3, at 11291.

[9] *See id.*

[10] *See id.; see also* CBOE Rule 24.9(e)(1).

[11] *See* Notice, *supra* note 3, at 11291; *see also* CBOE Rule 24.9(e)(2).

[12] *See supra* note 9 and accompanying text. The Exchange pointed out that it separately provides long-term expirations through its Long-Term Index Option Series program (''LEAPS''). *See* Notice, *supra* note 3, at 11291; CBOE Rule 24.9(b)(1) (providing that LEAPS may expire twelve to 180 months from the date of issuance).

[13] *See* Notice, *supra* note 3, at 11291.

[14] *See id.*

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] *Id.*

[19] *Id.*

[20] *Id.*

[21] *Id.*

[22] *Id.*

[23] *Id.*

[24] *Id.; see* CBOE Rule 24.9(e)(1)–(2).

[25] *See* Notice, *supra* note 3, at 11291–92.

[26] The Exchange noted that its example assumes that there are no EOMs that coincide with the WEDs in SPXW, in which case CBOE would list an EOM instead of a WED. *See id.*

[27] *See* Notice, *supra* note 3, at 11292.

[28] *Id.*

CBOE could list the April 26, 2017 expiration without listing any or only some of the other WEDs expirations.[29]

Finally, the Exchange assured the Commission that its annual Pilot Program report will include any Weekly Expirations and EOMs, regardless of whether the expirations are listed consecutively or non-consecutively.[30]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of Section 6 of the Act [31] and rules and regulations thereunder applicable to a national securities exchange.[32] In particular, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act, which requires, among other things, that a national securities exchange have rules designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest.[33]

As an initial matter, the Commission notes that the proposed rule change does not expand the scope of P.M. settlement under the Pilot Program; the Exchange has confirmed that the maximum number of expirations permitted and the maximum duration of Weekly Expirations and EOMs under the Pilot Program would remain the same. The Exchange further explained that its proposal to eliminate the requirement to list Weekly Expirations and EOMs consecutively is consistent with Section 6(b)(5) of the Act for a number of reasons. First, the proposal helps protect investors and the public interest because it will expand the ability of investors to hedge risks against market movements that may arise from future economic events.[34] Similarly, the Exchange noted the proposal will create greater trading and hedging opportunities and flexibility and will provide customers with the ability to more closely tailor their investment objectives.[35] Finally, the Exchange noted that this proposal will allow the Exchange to provide these enhanced hedging opportunities in manner that also limits the potential burden on liquidity providers quoting the affected classes, which helps remove impediments to and perfect the mechanism of a free and open market and a national market system.[36]

The Commission notes that CBOE will continue to provide the Commission with the Annual Report analyzing volume and open interest of EOMs and Weekly Expirations (including any non-consecutively listed expirations), which will also contain information and analysis of EOMs and Weekly Expiration trading patterns and index price volatility and share trading activity for series that exceed minimum parameters. This information should be useful to the Commission as it evaluates whether allowing P.M. settlement for EOMs and Weekly Expirations has resulted in increased market and price volatility in the underlying component stocks, particularly at expiration. This information should help the Commission and CBOE assess the impact on the markets and determine whether changes to the Pilot Program are necessary or appropriate. Furthermore, the Exchange's ongoing analysis of the Pilot Program should help it monitor any potential risks from large P.M.-settled positions and take appropriate action if warranted.

For the foregoing reasons, the Commission finds that the proposed rule changes are consistent with the requirements of Section 6 of the Act including Section 6(b)(5) and rules and regulations thereunder applicable to a national securities exchange.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[37] that the proposed rule change (SR–CBOE–2017–014) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[38]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–07305 Filed 4–11–17; 8:45 am]

BILLING CODE 8011–01–P

[29] *Id.*

[30] *Id.*

[31] 15 U.S.C. 78f(b).

[32] 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).

[33] 15 U.S.C. 78f(b)(5).

[34] *See* Notice, *supra* note 3, at 11292.

[35] *Id.*

[36] *Id.*

[37] 15 U.S.C. 78s(b)(2).

[38] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Form F–4 OMB Control No. 3235–0325, SEC File No. 270–288

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form F–4 (17 CFR 239.34) is used by foreign issuers to register securities in business combinations, reorganizations and exchange offers pursuant to the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). The information collected is intended to ensure that the information required to be filed by the Commission permits verification of compliance with securities law requirements and assures the public availability of such information. Form F–4 takes approximately 1,457 hours per response and is filed by approximately 39 respondents. We estimate that 25% of the 1,457 hours per response (364.25 hours) is prepared by the registrant for a total annual reporting burden of 14,206 hours (364.25 hours per response × 39 responses).

Written comments are invited on: (a) Whether this 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 imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 6, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–07298 Filed 4–11–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80393; File No. SR–BX–2017–018]

Self-Regulatory Organizations; NASDAQ BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Implementation Date of Its Functionality Relating to Orders With Midpoint Pegging

April 6, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 31, 2017, NASDAQ BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the implementation date of its functionality relating to Orders with Midpoint Pegging.

There is no rule text for this proposed rule change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

BX is filing this proposal to extend the implementation date of its functionality relating to Orders with Midpoint Pegging. The functionality relating to Orders with Midpoint Pegging was approved by the SEC on November 10, 2016.[3]

BX proposed to amend Rule 4703 (Order Attributes) to change Orders with Midpoint Pegging so that, if the Inside Bid and Inside Offer are crossed, any existing Order with Midpoint Pegging would be cancelled and any new Order with Midpoint Pegging would be rejected.[4]

BX initially proposed to implement the new Midpoint Pegging functionality on November 21, 2016.[5] However, BX decided to delay the implementation of this new functionality to provide additional time for systems testing to no later than March 31, 2017.[6]

BX has now determined to delay the implementation of the functionality relating to Orders with Midpoint Pegging to no later than May 31, 2017 to allow additional time for systems testing. BX will announce the new implementation date by an Equity Trader Alert, which shall be issued prior to the implementation date.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The purpose of this proposal is to inform the SEC and market participants of the new implementation date for the Midpoint Pegging functionality. This functionality was previously proposed in a rule filing that was submitted to the SEC, and this proposal does not change the substance of this functionality. BX is delaying the implementation date of this functionality to provide for further systems testing prior to implementing this functionality.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. As noted above, the purpose of this proposal is to extend the implementation date for the Midpoint Pegging functionality so that BX may perform additional systems testing prior to implementing this functionality.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6) thereunder.[9]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[10] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[11] 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 Exchange previously announced that it would implement the functionality relating to Orders with Midpoint Pegging no later than March

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 79290 (November 10, 2016), 81 FR 81184 (November 17, 2016) (SR–BX–2016–046).

[4] *See* Securities Exchange Act Release No. 79290 (November 10, 2016), 81 FR 81184 (November 17, 2016) (SR–BX–2016–046).

[5] *See* Equity Trader Alert #2016–291.

[6] *See* Securities Exchange Act Release No. 80046 (February 15, 2017), 82 FR 11385 (February 22, 2017) (SR–BX–2017–008).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

31, 2017.[12] The Exchange now proposes to delay the implementation date to no later than May 31, 2017. Waiver of the 30-day operative delay would allow the Exchange to immediately extend the implementation date and provide additional time for systems testing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2017–018 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–BX–2017–018. 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–BX–2017–018 and should be submitted on or before May 3, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–07309 Filed 4–11–17; 8:45 am]

BILLING CODE 8011–01–P

[12] *See supra* note 6.

[13] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80388; File No. 4–709]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Order Approving and Declaring Effective a Proposed Plan for the Allocation of Regulatory Responsibilities Between the Financial Industry Regulatory Authority, Inc. and BOX Options Exchange LLC

April 6, 2017.

On March 3, 2017, BOX Options Exchange LLC (''BOX'') and the Financial Industry Regulatory Authority, Inc. (''FINRA'') (collectively, the ''Parties'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') a plan for the allocation of regulatory responsibilities, dated March 2, 2017 (''17d–2 Plan'' or the ''Plan''). The Plan was published for comment on March 21, 2017.[1] The Commission received no comments on the Plan. This order approves and declares effective the Plan.

[1] *See* Securities Exchange Act Release No. 80240 (March 14, 2017), 82 FR 14560.

I. Introduction

Section 19(g)(1) of the Securities Exchange Act of 1934 (''Act''),[2] among other things, requires every self-regulatory organization (''SRO'') registered as either a national securities exchange or national securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d) or Section 19(g)(2) of the Act.[3] Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO (''Common Members''). Such regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act[4] was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.[5] With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d–1 and Rule 17d–2 under the Act.[6] Rule 17d–1 authorizes the Commission to name a single SRO as the designated examining authority (''DEA'') to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.[7] When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with the applicable financial responsibility rules. On its face, Rule 17d–1 deals only with an SRO's obligations to enforce member compliance with financial responsibility requirements. Rule 17d–1 does not relieve an SRO from its

[2] 15 U.S.C. 78s(g)(1).

[3] 15 U.S.C. 78q(d) and 15 U.S.C. 78s(g)(2), respectively.

[4] 15 U.S.C. 78q(d)(1).

[5] *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session 32 (1975).

[6] 17 CFR 240.17d–1 and 17 CFR 240.17d–2, respectively.

[7] *See* Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18808 (May 7, 1976).

obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices and trading activities and practices.

To address regulatory duplication in these and other areas, the Commission adopted Rule 17d–2 under the Act.[8] Rule 17d–2 permits SROs to propose joint plans for the allocation of regulatory responsibilities with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for appropriate notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors; to foster cooperation and coordination among the SROs; to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system; and is in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. Proposed Plan

The proposed 17d–2 Plan is intended to reduce regulatory duplication for firms that are common members of both BOX and FINRA.[9] Pursuant to the proposed 17d–2 Plan, FINRA would assume certain examination and enforcement responsibilities for common members with respect to certain applicable laws, rules, and regulations.

The text of the Plan delineates the proposed regulatory responsibilities with respect to the Parties. Included in the proposed Plan is an exhibit (the ''BOX Options Exchange LLC Rules Certification for 17d–2 Agreement with FINRA,'' referred to herein as the ''Certification'') that lists every BOX rule for which FINRA would bear responsibility under the Plan for overseeing and enforcing with respect to BOX members that are also members of FINRA and the associated persons therewith (''Dual Members'').

Specifically, under the 17d–2 Plan, FINRA would assume examination and enforcement responsibility relating to compliance by Dual Members with the rules of BOX that are substantially similar to the applicable rules of FINRA[10] delineated in the Certification (''Common Rules''). In the event that a Dual Member is the subject of an investigation relating to a transaction on BOX, the plan acknowledges that BOX may, in its discretion, exercise concurrent jurisdiction and responsibility for such matter.[11]

Under the Plan, BOX would retain full responsibility for surveillance, examination, investigation, and enforcement with respect to trading activities or practices involving BOX's own marketplace, including, without limitation, registration pursuant to its applicable rules of associated persons (*i.e.,* registration rules that are not Common Rules); its duties as a DEA pursuant to Rule 17d–1 under the Act; and any BOX rules that are not Common Rules.[12]

III. Discussion

The Commission finds that the proposed Plan is consistent with the factors set forth in Section 17(d) of the Act[13] and Rule 17d–2(c) thereunder[14] in that the proposed Plan is necessary or appropriate in the public interest and for the protection of investors, fosters cooperation and coordination among SROs, and removes impediments to and fosters the development of the national market system. In particular, the Commission believes that the proposed Plan should reduce unnecessary regulatory duplication by allocating to FINRA certain examination and enforcement responsibilities for Dual Members that would otherwise be performed by BOX and FINRA. Accordingly, the proposed Plan promotes efficiency by reducing costs to Dual Members. Furthermore, because BOX and FINRA will coordinate their regulatory functions in accordance with the Plan, the Plan should promote investor protection.

The Commission notes that, under the Plan, BOX and FINRA have allocated regulatory responsibility for those BOX rules, set forth in the Certification, that are substantially similar to the applicable FINRA rules in that examination for compliance with such provisions and rules would not require FINRA to develop one or more new examination standards, modules, procedures, or criteria in order to analyze the application of the rule, or a Dual Member's activity, conduct, or output in relation to such rule. The Common Rules covered by the Plan are specifically listed in the Certification, as may be amended by the Parties from time to time.

According to the Plan, BOX will review the Certification, at least annually, or more frequently if required by changes in either the rules of BOX or FINRA, and, if necessary, submit to FINRA an updated list of Common Rules to add BOX rules not included on the then-current list of Common Rules that are substantially similar to FINRA rules; delete BOX rules included in the then-current list of Common Rules that are no longer substantially similar to FINRA rules; and confirm that the remaining rules on the list of Common Rules continue to be BOX rules that are substantially similar to FINRA rules.[15] FINRA will then confirm in writing whether the rules listed in any updated list are Common Rules as defined in the Plan. Under the Plan, BOX will also provide FINRA with a current list of Dual Members and shall update the list no less frequently than once each quarter.[16] The Commission believes that these provisions are designed to provide for continuing communication between the Parties to ensure the continued accuracy of the scope of the proposed allocation of regulatory responsibility.

The Commission is hereby declaring effective a Plan that, among other things, allocates regulatory responsibility to FINRA for the oversight and enforcement of all BOX rules that are substantially similar to the rules of FINRA for Dual Members of BOX and FINRA. Therefore, modifications to the Certification need not be filed with the Commission as an amendment to the Plan, provided that the Parties are only adding to, deleting from, or confirming changes to BOX rules in the Certification in conformance with the definition of Common Rules provided in the Plan. However, should the Parties decide to add a BOX rule to the Certification that is not substantially similar to a FINRA rule; delete a BOX rule from the Certification that is substantially similar to a FINRA rule; or leave on the Certification a BOX rule that is no longer substantially similar to a FINRA rule, then such a change would constitute an amendment to the Plan,

[8] *See* Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (November 8, 1976).

[9] The proposed 17d–2 Plan refers to these common members as ''Dual Members.'' *See* Paragraph 1(c) of the proposed 17d–2 Plan.

[10] *See* paragraph 1(b) of the proposed 17d–2 Plan (defining Common Rules). *See also* paragraph 1(f) of the proposed 17d–2 Plan (defining Regulatory Responsibilities). Paragraph 2 of the Plan provides that annually, or more frequently as required by changes in either BOX rules or FINRA rules, the parties shall review and update, if necessary, the list of Common Rules. Further, paragraph 3 of the Plan provides that BOX shall furnish FINRA with a list of Dual Members, and shall update the list no less frequently than once each calendar quarter.

[11] *See* paragraph 6 of the proposed 17d–2 Plan.

[12] *See* paragraph 2 of the proposed 17d–2 Plan.

[13] 15 U.S.C. 78q(d).

[14] 17 CFR 240.17d–2(c).

[15] *See* paragraph 2 of the Plan.

[16] *See* paragraph 3 of the Plan.

which must be filed with the Commission pursuant to Rule 17d–2 under the Act.[17]

IV. Conclusion

This Order gives effect to the Plan filed with the Commission in File No. 4–709. The Parties shall notify all members affected by the Plan of their rights and obligations under the Plan.

It is therefore ordered, pursuant to Section 17(d) of the Act, that the Plan in File No. 4–709, between FINRA and BOX, filed pursuant to Rule 17d–2 under the Act, is approved and declared effective.

It is further ordered, that BOX is relieved of those responsibilities allocated to FINRA under the Plan in File No. 4–709.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–07311 Filed 4–11–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Rule 425, [OMB Control No. 3235–0521, SEC File No. 270–462]

Notice is hereby given, that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 425 (17 CFR 230.425) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) requires the filing of certain prospectuses and communications under Rule 135 (17 CFR 230.135) and Rule 165 (17 CFR 230.165) in connection with business combination transactions. The purpose of the rule is to permit more oral and written communications with shareholders about tender offers, mergers and other business combination transactions on a more timely basis, so long as the written communications are filed on the date of first use. Approximately 7,160 issuers file communications under Rule 425 at an estimated 0.25 hours per response for a total of 1,790 annual burden hours (0.25 hours per response × 7,160 responses).

Written 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 the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*.

Dated: April 6, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–07301 Filed 4–11–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80391; File No. SR–NASDAQ–2017–034]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Implementation Date of Its Functionality Relating to Midpoint Peg Post-Only Orders and Orders With Midpoint Pegging

April 6, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 31, 2017, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the implementation date of its functionality relating to Midpoint Peg Post-Only Orders and Orders with Midpoint Pegging.

There is no rule text for this proposed rule change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is filing this proposal to extend the implementation date of its functionality relating to Midpoint Peg

[17] The Commission also notes that the addition to or deletion from the Certification of any federal securities laws, rules, and regulations for which FINRA would bear responsibility under the Plan for examining, and enforcing compliance by, Dual Members, also would constitute an amendment to the Plan.

[18] 17 CFR 200.30–3(a)(34).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Post-Only Orders and Orders with Midpoint Pegging. The functionality relating to Midpoint Peg Post-Only Orders and Orders with Midpoint Pegging was approved by the SEC on November 10, 2016.[3]

Nasdaq proposed to amend Rule 4702 (Order Types) to change its Midpoint Peg Post-Only Order, so that, if the NBBO is crossed, any existing Midpoint Peg Post-Only Order would be cancelled and any new Midpoint Peg Post-Only Order would be rejected. Similarly, Nasdaq proposed to amend Rule 4703 (Order Attributes) so that, if the Inside Bid and Inside Offer are crossed, any existing Order with Midpoint Pegging would be cancelled and any new Order with Midpoint Pegging would be rejected.[4]

Nasdaq initially proposed to implement this new functionality on November 21, 2016.[5] However, Nasdaq decided to delay the implementation of this new functionality to provide additional time for systems testing to no later than March 31, 2017.[6]

Nasdaq has now determined to delay the implementation of the functionality relating to Midpoint Peg Post-Only Orders and Orders with Midpoint Pegging to no later than May 31, 2017 to allow additional time for systems testing. Nasdaq will announce the new implementation date by an Equity Trader Alert, which shall be issued prior to the implementation date.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The purpose of this proposal is to inform the SEC and market participants of the new implementation date for the functionality relating to Midpoint Peg Post-Only Orders and Orders with Midpoint Pegging. This functionality was previously proposed in a rule filing that was submitted to the SEC, and this proposal does not change the substance of this functionality. Nasdaq is delaying the implementation date of this functionality to provide for further systems testing prior to implementing this functionality.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. As noted above, the purpose of this proposal is to extend the implementation date for the functionality relating to Midpoint Peg Post-Only Orders and Orders with Midpoint Pegging so that Nasdaq may perform additional systems testing prior to implementing this functionality.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[9]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[10] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[11] 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 Exchange previously announced that it would implement the functionality relating to Midpoint Peg Post-Only Orders and Orders with Midpoint Pegging no later than March 31, 2017.[12] The Exchange now proposes to delay the implementation date to no later than May 31, 2017. Waiver of the 30-day operative delay would allow the Exchange to immediately extend the implementation date and provide additional time for systems testing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2017–034 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–NASDAQ–2017–034. 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

[3] *See* Securities Exchange Act Release No. 79290 (November 10, 2016), 81 FR 81184 (November 17, 2016) (SR–NASDAQ–2016–111).

[4] *See* Securities Exchange Act Release No. 79290 (November 10, 2016), 81 FR 81184 (November 17, 2016) (SR–NASDAQ–2016–111).

[5] *See* Equity Trader Alert #2016–291.

[6] *See* Securities Exchange Act Release No. 80045 (February 15, 2017), 82 FR 11389 (February 22, 2017) (SR–NASDAQ–2017–013).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] *See supra* note 6.

[13] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2017–034 and should be submitted on or before May 3, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–07308 Filed 4–11–17; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15102 and #15103]

Alaska Disaster #AK–00036

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Alaska dated 04/04/2017.

Incident: Royal Suite Lodge Apartment Complex Fire.

Incident Period: 02/15/2017.

Effective Date: 04/04/2017.

Physical Loan Application Deadline Date: 06/05/2017.

Economic Injury (Eidl) Loan Application Deadline Date: 01/04/2018.

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: Municipality of Anchorage

Contiguous Counties:

Alaska, Chugach REAA, Kenai Peninsula Borough, Matanuska-Susitna Borough

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 15102 5 and for economic injury is 15103 0.

The State which received an EIDL Declaration # is ALASKA

Catalog of Federal Domestic Assistance Number 59008)

Dated: April 4, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–07295 Filed 4–11–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9959]

E.O. 13224 Designation of Abu Anas al-Ghandour, aka Ahmed Ghandour, aka Ahmad Ghandour, aka Ahmad Naji al-Ghandur, aka Abu-Anas, as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the person known as Abu Anas al-Ghandour, also known as Ahmed Ghandour, also known as Ahmad Ghandour, also known as Ahmad Naji al-Ghandur, also known as Abu-Anas, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017–07405 Filed 4–11–17; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 9957]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Keir Collection of Art of the Islamic World'' Exhibitions

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that certain objects to be included in multiple exhibitions of the Keir Collection of Art of the Islamic World, imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Dallas Museum of Art,

[14] 17 CFR 200.30–3(a)(12).

Dallas, Texas, and at possible additional exhibitions or venues yet to be determined, from on or about April 7, 2017, until on or about April 7, 2022, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

For further information, including a list of the objects covered under this notice, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–07335 Filed 4–11–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9956]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Rei Kawakubo/Comme des Garçons: Art of the In Between'' Exhibition

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that certain objects to be included in the exhibition ''Rei Kawakubo/Comme des Garçons: Art of the In Between,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, New York, from on or about May 4, 2017, until on or about September 4, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–07336 Filed 4–11–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9958]

Notice of Public Meeting

The Department of State will conduct an open meeting at 10:00 a.m. on Monday, April 17th, 2017, in Room 2E16–06, United States Coast Guard Headquarters, 2703 Martin Luther King, Jr. Ave. SE., Washington, DC 20593–7213. The primary purpose of the meeting is to prepare for the 104th session of the International Maritime Organization's (IMO) Legal Committee to be held at the IMO Headquarters, United Kingdom, April 26–28, 2017.

The agenda items to be considered include:

—Facilitation of the entry into force and harmonized interpretation of the 2010 HNS Protocol
—Fair treatment of seafarers in the event of a maritime accident
—Advice and guidance in connection with the implementation of IMO instruments
—Piracy
—Any other business

Members of the public may attend this meeting up to the seating capacity of the room. Upon request to the meeting coordinator, members of the public may also participate via teleconference, up to the capacity of the teleconference phone line. To access the teleconference line, participants should call (202) 475–4000 and use Participant Code: 887 809 72. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, Ms. Bronwyn Douglass, by email at *Bronwyn.douglass@uscg.mil,* by phone at (202) 372–3793, or in writing at 2703 Martin Luther King Jr. Ave. SE., Stop 7509, Washington, DC 20593–7509 not later than April 14, 2017. Requests made after April 14, 2017 might not be able to be accommodated, and same day requests will not be accommodated due to the building's security process.

Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to Coast Guard Headquarters. Coast Guard Headquarters is accessible by taxi, public transportation, and privately owned conveyance (upon request). Additional information regarding this and other IMO public meetings may be found at: *www.uscg.mil/imo.*

Jonathan W. Burby,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2017–07340 Filed 4–11–17; 8:45 am]

BILLING CODE 4710–09–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36108]

Indiana Business Railroad, Inc., d.b.a Union City Terminal Railroad—Lease and Operation Exemption—in Obion County, Tenn

Indiana Business Railroad, Inc. (IBR), d.b.a Union City Terminal Railroad, a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from Illinois Central Railroad Company (IC),[1] and to operate approximately 7.8 miles of rail line known as IC's Union City Spur between milepost 442.2 at or near Rives and milepost 450.0 at or near Union City in Obion County, Tenn.

IBR states that the proposed lease and operation agreement are not subject to interchange commitments.

The transaction may be consummated on or after April 26, 2017, the effective date of the exemption (30 days after the verified notice of exemption was filed).

IBR certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and that the projected annual revenue would not exceed $5 million.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than April 19, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD

[1] IC is a wholly owned subsidiary of the Canadian National Railway Company.

36108, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, #1666, Chicago, IL 60604.

According to IBR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our Web site at ''*WWW.STB.GOV.*''

Decided: April 7, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Rena Laws-Byrum,

Clearance Clerk.

[FR Doc. 2017–07409 Filed 4–11–17; 8:45 am]

BILLING CODE 4915–01–P

TENNESSEE VALLEY AUTHORITY

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Tennessee Valley Authority.

ACTION: 30-Day notice of submission of information collection approval and request for comments.

SUMMARY: This is a renewal request for approval of the EnergyRight® Program information collection (OMB No. 3316–0019). The information collection described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995. The Tennessee Valley Authority is soliciting public comments on this renewal of an existing information collection as provided by 5 CFR 1320.8(d)(1).

ADDRESSES: Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Senior Privacy Program Manager: Christopher A. Marsalis, Tennessee Valley Authority, 400 W. Summit Hill Dr. (WT 5D), Knoxville, Tennessee 37902–1401; telephone (865) 632–2467 or by email at *camarsalis@tva.gov;* or to Joy L. Lloyd, Tennessee Valley Authority, 400 W. Summit Hill Dr. (WT 5A), Knoxville, Tennessee 37902–1401; telephone (865) 632–8370 or by email at *jllloyd@tva.gov;* or to the Agency Clearance Officer: Philip D. Propes, Tennessee Valley Authority, 1101 Market Street (MP 3), Chattanooga, Tennessee 37402–2801; telephone (423) 751–8593 or email at *pdpropes@tva.gov.*

DATES: Comments should be sent to the Agency Clearance Officer, and the OMB Office of Information & Regulatory Affairs, Attention: Desk Officer for Tennessee Valley Authority, Washington, DC 20503, or email: *oira_submission@omb.eop.gov,* no later than May 12, 2017.

SUPPLEMENTARY INFORMATION:

Type of Request: Reauthorization, Regular submission.

Title of Information Collection: EnergyRight® Program.

Frequency of Use: On Occasion.

Type of Affected Public: Individuals or households.

Small Businesses or Organizations Affected: No.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 33,000.

Estimated Total Annual Burden Hours: 10,020.

Estimated Average Burden Hours per Response: .3.

Need For and Use of Information: This information is used by distributors of TVA power to assist in identifying and financing energy improvements for their electrical energy customers.

Philip D. Propes,

Director, TVA Cybersecurity.

[FR Doc. 2017–07296 Filed 4–11–17; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of Purpose, Need, and Alternatives Working Paper for the Proposed Airfield Safety Enhancement Project and Real Property Transactions, Tucson International Airport, Tucson, Pima County, Arizona

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Availability of Purpose, Need, and Alternatives Working Paper.

SUMMARY: The Federal Aviation Administration (FAA) has prepared the Purpose, Need, and Alternatives Working Paper for the Proposed Airfield Safety Enhancement Project (ASEP) including real property transactions at Tucson International Airport (TUS), Pima County, Arizona.

The FAA initiated preparation of an Environmental Impact Statement (EIS) in response to a proposal by the Tucson Airport Authority (TAA). The FAA is issuing this notice to advise the public that the Purpose, Need, and Alternatives Working Paper will be made available for public comment as part of a continued effort to engage the public in the scoping process for this project. FAA is seeking comments on the Working Paper.

The FAA is the lead Federal agency for preparation of the EIS and will do so in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*) and Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–15080).

The preparation of the EIS will follow FAA regulations and policies for implementing NEPA published in FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures,* and FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions.* The U.S. Air Force (USAF) and the National Guard Bureau (NGB) are cooperating agencies under 40 CFR 1501.6.

This Purpose, Need, and Alternatives Working Paper provides background information on TUS, a description of the Proposed Action, and the Purpose and Need to which the FAA, USAF, and NGB are responding in evaluating the Proposed Action and various reasonable alternatives to the Proposed Action. In whole or in summary, the Purpose, Need, and Alternatives Working Paper will become part of the EIS. The FAA is *not* making a decision regarding the Proposed Action in this Working Paper.

FOR FURTHER INFORMATION CONTACT: David B. Kessler, M.A., AICP, Regional Environmental Protection Specialist, AWP–610.1, Airports Division, Federal Aviation Administration, Western-Pacific Region. Mailing address: 15000, Aviation Boulevard, Lawndale, California 90261. Telephone: 310–725–3615.

SUPPLEMENTARY INFORMATION: The FAA as Lead Agency, along with the USAF and the NGB, as Cooperating Agencies, are preparing a Draft EIS for the proposed ASEP including real property transactions at TUS. The TAA is the owner and operator of TUS and has depicted the Proposed Action on the Airport Layout Plan (ALP) for TUS. Pursuant to 49 U.S.C. 47107(a)(16), the FAA must decide whether to approve the proposed project as depicted on the ALP. FAA approval of the ALP is a Federal action that must comply with NEPA requirements.

The proposed project includes construction of a new center parallel and connecting taxiway system; a replacement Runway 11R/29L (proposed to be 11,000 feet long by 150

feet wide); acquisition of land for the runway object-free area, taxiway object-free area, runway safety area, and the runway protection zone from Air Force Plant 44 (AFP 44). The Proposed Action includes relocation of navigational aids and development and/or modification of associated arrival and departure procedures for the relocated runway. The Proposed Action also includes demolition of 12 Earth Covered Magazines (ECMs) on AFP 44 and their replacement elsewhere on AFP 44. The Proposed Action also includes both connected and similar land transfer actions from TAA ultimately to the USAF for land at AFP–44, and another parcel of airport land, on behalf of the NGB, for construction of a Munitions Storage Area to include EMCs and an access road, for the 162nd Wing at the Arizona Air National Guard Base.

Copies of the Working Paper are available for public review at the following locations during normal business hours:

U.S. Department of Transportation, Federal Aviation Administration, Western-Pacific Region, Office of the Airports Division, Room 3012. Physical address: 15000 Aviation Boulevard, Hawthorne, California 90261

U.S. Department of Transportation, Federal Aviation Administration, Phoenix Airports District Office, 3800 North Central Avenue, Suite 1025, 10th Floor, Phoenix, Arizona 85012.

The document is also available for public review at the following libraries and other locations and at *http://www.airportprojects.net/tus-eis.*

Tucson International Airport Administrative Offices, 7005 South Plumer Avenue, Tucson, Arizona 85756

Joel D. Valdez Main Library, 101 North Stone Avenue, Tucson, Arizona 85701

Murphy-Wilmot Library, 530 North Wilmot Road, Tucson, Arizona 85711

Dusenberry-River Library, 5605 East River Road, Suite 105, Tucson, Arizona 85750

Mission Public Library, 3770 South Mission Road, Tucson, Arizona 85713

El Pueblo Library, 101 West Irvington Road, Tucson, Arizona 85706

Valencia Library, 202 West Valencia Road, Tucson, Arizona 85706

El Rio Library, 1390 W Speedway Blvd., Tucson, AZ 85745

Santa Rosa Library, 1075 S 10th Ave, Tucson, AZ 85701

Quincie Douglas library, 1585 East 36th Street, Tucson, Arizona 85713

Eckstrom-Columbus Library, 4350 East 22nd Street, Tucson, AZ 85711

Sam Lena-South Tucson Library, 1607 South 6th Avenue, Tucson, AZ 85713

Himmel Park Library, Himmel Park, 1035 North Treat Avenue, Tucson, AZ 85716

Martha Cooper Library, 1377 North Catalina Avenue, Tucson, Arizona 85712

Woods Memorial Library, 3455 North 1st Avenue, Tucson, Arizona 85719

University of Arizona Main Library, 1510 East University Boulevard, Tucson, Arizona 85721

The Purpose, Need, and Alternatives Working Paper will be available for public comment for 30 days. Written comments on the Working Paper should be submitted to the address above under the heading ''For Further Information Contact'' and must be received no later than 5:00 p.m. Pacific Daylight Time, May 15, 2017.

By including your name, address and telephone number, email or other personal identifying information in your comment, be advised 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 from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Issued in Hawthorne, California on March 31, 2017.

Mark A. McClardy,

Director, Office of Airports, Western—Pacific Region, AWP–600.

[FR Doc. 2017–07377 Filed 4–11–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–2016–0025]

Surface Transportation Project Delivery Program; TxDOT Audit Report #3

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: The Surface Transportation Project Delivery Program allows a State to assume FHWA's environmental responsibilities for review, consultation, and compliance for Federal-aid highway projects. When a State assumes these Federal responsibilities, the State becomes solely responsible and liable for carrying out the responsibilities it has assumed, in lieu of FHWA. Prior to the Fixing America's Surface Transportation (FAST) Act of 2015, the program required semiannual audits during each of the first 2 years of State participation to ensure compliance by each State participating in the program. This notice finalizes the findings of the third audit report for the Texas Department of Transportation's (TxDOT) participation in accordance to these pre-FAST Act requirements.

FOR FURTHER INFORMATION CONTACT: Dr. Owen Lindauer, Office of Project Development and Environmental Review, (202) 366–2655, *Owen.Lindauer@dot.gov,* or Mr. Jomar Maldonado, Office of the Chief Counsel, (202) 366–1373, *Jomar.Maldonado@dot.gov,* Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this notice may be downloaded from the specific docket page at *www.regulations.gov.*

Background

The Surface Transportation Project Delivery Program (or NEPA Assignment Program) allows a State to assume FHWA's environmental responsibilities for review, consultation, and compliance for Federal-aid highway projects (23 U.S.C. 327). When a State assumes these Federal responsibilities, the State becomes solely responsible and liable for carrying out the responsibilities it has assumed, in lieu of FHWA. The TxDOT published its application for assumption under the National Environmental Policy Act (NEPA) Assignment Program on March 14, 2014, at Texas Register 39(11): 1992, and made it available for public comment for 30 days. After considering public comments, TxDOT submitted its application to FHWA on May 29, 2014. The application served as the basis for developing the Memorandum of Understanding (MOU) that identifies the responsibilities and obligations TxDOT would assume. The FHWA published a notice of the draft of the MOU in the **Federal Register** on October 10, 2014, at 79 FR 61370 with a 30-day comment period to solicit the views of the public and Federal agencies. After the close of the comment period FHWA and TxDOT considered comments and proceeded to execute the MOU. Since December 16, 2014, TxDOT has assumed FHWA's responsibilities under NEPA, and the responsibilities for the NEPA-related Federal environmental laws.

Prior to December 4, 2015, 23 U.S.C. 327(g) required the Secretary to conduct

semiannual audits during each of the first 2 years of State participation, and annual audits during each subsequent year of State participation to ensure compliance by each State participating in the program. The results of each audit were required to be presented in the form of an audit report and be made available for public comment. On December 4, 2015, the President signed into law the FAST Act (Pub. L. 114–94, 129 Stat. 1312 (2015)). Section 1308 of the FAST Act amended the audit provisions by limiting the number of audits to one audit each year during the first 4 years of a State's participation. This third audit represents the annual review of TxDOT's performance in the 2nd year of the State's participation. A draft version of this report was published in the **Federal Register** on November 26, 2016, at 81 FR 85303 and was available for public review and comment. The FHWA received two responses; one was from TxDOT and the other was from the American Road and Transportation Builders Association. Only the TxDOT response contained substantive comments.

The first TxDOT comment stated that it disagreed with the draft report's characterization of issues related to the degree or consistency with which TxDOT has followed guidance, policies, and internal TxDOT procedures as ''non-compliance'' observations, as these issues do not involve any violation of a statute or rule. Further, TxDOT stated that it would consider adherence to regulation and rule as meeting the compliance standard while adherence to guidance or policy is a second tier threshold that, while important, does not merit a non-compliance characterization if/when it is not met. The TxDOT disagrees with these types of issues being characterized as ''non-compliance'' along with alleged violations of statutes and rules. The FHWA responds that TxDOT has applied an incorrect standard of review to this audit. The MOU subpart 11.1.1 states that the standard is to review ''TxDOT's discharge of the responsibilities it has assumed under this MOU.'' As such, the review is not limited only to possible violations of statute or rule. Further, TxDOT has subjected itself to following the guidance and policy of FHWA and other Federal agencies pursuant to MOU subpart 5.1.1. The FHWA has made no change in the way that non-compliance observations are characterized in finalizing the report.

Another TxDOT comment questions the basis of Non-Compliance Observation #1 regarding compliance with Section 7 of the Endangered Species Act (ESA). The TxDOT alleges that the audit team questioned the TxDOT biologist's judgement regarding its decisions on four projects. The TxDOT disagrees with FHWA's characterization that the report did not evaluate or second guess those decisions. The FHWA responds that the non-compliance observation was based on a number of actions documented for specific projects that did not comply either with U.S. Fish and Wildlife Service (USFWS) guidance, or that TxDOT toolkit procedures did not comply with the ESA requirements and USFWS policy in circumstances where an endangered species or its habitat is present. The FHWA will revise the text in Non-Compliance Observation #1 for further clarity.

The TxDOT commented that under Successful Practices and Other Observations, the draft audit report states ''[t]hroughout the following subsections, the team lists nine remaining observations that FHWA recommends TxDOT consider in order to make improvements.'' The TxDOT has only identified six numbered observations present in the draft report. The FHWA appreciates TxDOT's identification of this error, and the final report will reflect the six numbered observations.

The TxDOT's next comment is that the statement: ''The ECOS [Environmental Compliance Oversight System] is a tool for storage and management of information records, as well as for disclosure within TxDOT District Offices, between Districts and ENV [TxDOT's Environmental Affairs Division], and between TxDOT and the public,'' is incorrect. The TxDOT indicated that ECOS was never envisioned to be a tool for the public's use. The FHWA recognizes that while ECOS may be the means by which TxDOT identifies and procures information requested by the public, ECOS itself was not intended to be the tool available to the public to allow the public, on their own, to access project specific information. The sentence identified by TxDOT will be revised to remove mention of the public.

The next TxDOT comment raises three issues about Non-Compliance Observation #1: (1) That the report has not clearly identified which, if any, ''ESA requirements'' are the basis for the observation; (2) there is nothing in the ESA rules about determining if ''impact is possible''; and (3) there is no requirement to ''provide documentation explaining how the project impacts will have no effect,'' as neither Section 7 itself nor USFWS's regulations require the preparation of any level of documentation when a Federal agency determines that it is not necessary to consult under Section 7. Regarding item (1), FHWA responds that it has provided TxDOT with specific instances identified in the file reviews where ESA requirements were not met, including use of improper species lists and not defining a project's action area for species. Regarding item (2), FHWA responds that Congress intended to ''give the benefit of the doubt to the species'' (H.R. Conf. Rep. 96–697, 96 Cong., 1st sess. 1979). It follows that regarding Section 7 compliance, anytime impacts are possible, the agency may not ignore that possibility. Finally, regarding item (3), FHWA's expectation for documented compliance is established in the MOU [subpart 10.2.1(A)(i)]. The draft report points out that TxDOT's Section 7 compliance procedures promote the utilization of professional judgment but allow for a project record to logically contradict the compliance decision based on that judgment. The Non-Compliance Observation #1 discussion was revised to include: (1) Mention of critical habitat, and (2) the justification for consideration of possible impacts to a species or their habitat.

The next TxDOT comment clarifies that TxDOT follows only one noise policy that was approved by FHWA in 2011. The comment states that FHWA's observations are the result of incorrect actions by individual project sponsors and are not the result of a new noise policy. The TxDOT developed in 2016 an Environmental Handbook for Traffic Noise that did not replace the approved 2011 Guidelines for Analysis and Abatement of Highway Traffic Noise. The FHWA appreciates TxDOT's identification of this error, and the final report will remove mention of a second noise policy and focus the observation on incorrect actions identified in project files.

Authority: Section 1313 of Public Law 112–141; Section 6005 of Public Law 109–59; 23 U.S.C. 327; 49 CFR 1.48.

Walter C. Waidelich, Jr.,

Acting Deputy Administrator, Federal Highway Administration.

Surface Transportation Project Delivery Program

FHWA Audit #3 of the Texas Department of Transportation

December 17, 2015, to June 16, 2016

Executive Summary

This report summarizes the findings of the Federal Highway Administration's (FHWA) third audit review (Audit #3) to assess the

performance by the Texas Department of Transportation (TxDOT) regarding its assumption of responsibilities and obligations, as assigned by FHWA, under a memorandum of understanding (MOU) which took effect on December 16, 2014. From that date, TxDOT assumed FHWA National Environmental Policy Act (NEPA) responsibilities assigned for the environmental review and compliance, and for other environmental laws related to NEPA for highway projects in Texas (NEPA Assignment Program). The status of FHWA's observations from the second audit review (Audit #2), including any TxDOT self-imposed corrective actions, is detailed at the end of this report.

The FHWA Audit #3 team (team) was formed in February 2016 and met regularly to prepare for the on-site portion of the audit. Prior to the on-site visit, the team: (1) performed reviews of project files in TxDOT's Environmental Compliance Oversight System (ECOS), (2) examined TxDOT's responses to FHWA's information requests, and (3) developed interview questions. The on-site portion of this audit, comprised of TxDOT and other agency interviews, was conducted on April 11–15, 2016.

The TxDOT continues to develop, revise, and implement procedures and processes required to carry out the NEPA Assignment Program. Overall, the team found continued evidence that TxDOT is committed to establishing a successful program. This report summarizes the team's assessment of the current status of several aspects of the NEPA Assignment Program, including numerous successful practices and six observations that represent opportunities for TxDOT to improve its program. The team identified four non-compliance observations that TxDOT will need to address as corrective actions, if not already addressed, in FHWA's next review or audit.

The TxDOT has continued to make progress toward meeting the responsibilities it has assumed in accordance with the MOU. Through this report, FHWA is notifying TxDOT of several non-compliance observations that require TxDOT to take corrective action. By taking corrective action and considering changes based on the observations in this report, TxDOT should continue to move the NEPA Assignment Program forward successfully.

Background

The Surface Transportation Project Delivery Program allows a State to assume FHWA's environmental responsibilities for review, consultation, and compliance for highway projects. This Program is codified at 23 U.S.C. 327. When a State assumes these Federal responsibilities for NEPA project decisionmaking, the State becomes solely responsible and liable for carrying out these obligations in lieu of and without further approval by FHWA.

The State of Texas was assigned the responsibility for making project NEPA approvals and the responsibility for making other related environmental decisions for highway projects on December 16, 2014. In enacting Texas Transportation Code, § 201.6035, the State has waived its sovereign immunity under the 11th Amendment of the U.S. Constitution and consents to defend any actions brought by its citizens for NEPA decisions it has made in Federal court.

The FHWA responsibilities assigned to TxDOT are specified in the MOU. These responsibilities include: compliance with the Endangered Species Act (ESA), Section 7 consultations with the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration National Marine Fisheries Service, and Section 106 consultations with the Texas Historical Commission (THC) regarding impacts to historic properties. Other responsibilities may not be assigned and remain with FHWA. They include: (1) responsibility for project-level conformity determinations under the Clean Air Act and (2) the responsibility for government-to-government consultation with federally recognized Indian tribes. Based on 23 U.S.C. 327(a)(2)(D), any responsibility not explicitly assigned in the MOU is retained by FHWA.

The TxDOT's MOU specifies that FHWA is required to conduct six audit reviews. These audits are part of FHWA's oversight responsibility for the NEPA Assignment Program. The reviews are to assess a State's compliance with the provisions of the MOU as well as all applicable Federal laws and policies. They also are used to evaluate a State's progress toward achieving its performance measures as specified in the MOU; to evaluate the success of the NEPA Assignment Program; and to inform the administration of the findings regarding the NEPA Assignment Program. In December 2015, statutory changes in Section 1308 of the Fixing America's Surface Transportation (FAST) Act, reduced the frequency of these audit reviews to one audit per year during the first 4 years of State participation in the program.

Scope and Methodology

The overall scope of this audit review is defined both in statute (23 U.S.C. 327) and the MOU (Part 11). An audit generally is defined as an official and careful examination and verification of accounts and records, especially of financial accounts, by an independent unbiased body. With regard to accounts or financial records, audits may follow a prescribed process or methodology, and be conducted by ''auditors'' who have special training in those processes or methods. The FHWA considers this review to meet the definition of an audit because it is an unbiased, independent, official, and careful examination and verification of records and information about TxDOT's assumption of environmental responsibilities. Principal members of the team that conducted this audit have completed special training in audit processes and methods.

The diverse composition of the team, the process of developing the review report, and publishing it in the **Federal Register** help maintain an unbiased review and establish the audit as an official action taken by FHWA. The team for Audit #3 included NEPA subject-matter experts from the FHWA Texas Division Office, as well as FHWA offices in Washington, DC, Atlanta, GA, and Tallahassee, FL. In addition to the NEPA experts, the team included FHWA planners, engineers, and air quality specialists from the Texas Division office.

Audits, as stated in the MOU (Parts 11.1.1 and 11.1.5), are the primary mechanism used by FHWA to oversee TxDOT's compliance with the MOU and ensure compliance with applicable Federal laws and policies, evaluate TxDOT's progress toward achieving the performance measures identified in the MOU (Part 10.2), and collect information needed for the Secretary's annual report to Congress. These audits also must be designed and conducted to evaluate TxDOT's technical competency and organizational capacity, adequacy of the financial resources committed by TxDOT to administer the responsibilities assumed, quality assurance/quality control process, attainment of performance measures, compliance with the MOU requirements, and compliance with applicable laws and policies in administering the responsibilities assumed. The four performance measures identified in the MOU are: (1) compliance with NEPA and other Federal environmental statutes and regulations, (2) quality control and quality assurance for NEPA decisions,

(3) relationships with agencies and the general public, and (4) increased efficiency, timeliness, and completion of the NEPA process.

The scope and focus of this audit included reviewing the processes and procedures (*i.e.,* toolkits) used by TxDOT to reach and document its independent project decisions. The team conducted a careful examination of highway project files in TxDOT's ECOS and verified information on the TxDOT NEPA Assignment Program through inspection of other records and through interviews of TxDOT and other staff. The team gathered information that served as the basis for this audit from three primary sources: (1) TxDOT's response to a pre-audit #3 information request, (2) a review of both a judgmental and random sample of project files in ECOS with approval dates subsequent to the execution of the MOU, and (3) interviews with TxDOT, the USFWS, U.S. Environmental Protection Agency (USEPA), and THC staff. The TxDOT provided information in response to FHWA pre-audit questions and requests for documents. That material covered the following six topics: program management, documentation and records management, quality assurance/quality control, legal sufficiency review, performance measurement, and training. The team subdivided into working groups that focused on considering TxDOT's performance according to each of the six topics.

The intent of the review was to check that TxDOT has the proper procedures in place to implement the responsibilities assumed through the MOU, ensure that the staff is aware of those procedures, and that staff implements the procedures appropriately to achieve compliance with NEPA and other assigned responsibilities. The review did not evaluate the substance of project-specific decisions or second guess those decisions, as such decisions are the sole responsibility of TxDOT. The team focused on whether the procedures TxDOT followed complied with Federal statutes, regulation, policy, procedure, process, guidance, and guidelines.

The team defined the timeframe for highway project environmental approvals subject to this third audit to be between July 1, 2015, and January 29, 2016. The third audit intended to: (1) evaluate whether TxDOT's NEPA decisionmaking and other actions comply with all the responsibilities it assumed in the MOU, and (2) determine the current status of observations in the Audit #2 report, as well as required corrective actions (see summary at end of this report). The population of environmental approvals included 1489 projects based on certified lists of NEPA approvals reported monthly by TxDOT. The NEPA approvals included 1423 categorical exclusion determinations (CE), approvals to circulate Environmental Assessments (EA), findings of no significant impacts (FONSI), re-evaluations of EAs, Section 4(f) decisions, approvals of a draft environmental impact statement (EIS), and records of decision (ROD). The team drew a sample with a 95 percent confidence interval with a 10 percent margin of error. This sample included 93 randomly selected CE projects and all 66 approvals that were not CEs. The team reviewed 159 project files in this review.

The interviews conducted by the team focused on TxDOT's leadership and staff at the Environmental Affairs Division (ENV) Headquarters in Austin and staff in 10 of TxDOT's Districts. The team divided into three groups to complete the face-to-face interviews of District staff in El Paso and Odessa; Pharr and Yoakum; and San Angelo, Abilene, and Brownwood. Staff from the Wichita Falls, Atlanta, and Lufkin Districts completed interviews via remote tele-conference. The team continued to use the same review form and interview questions for Districts as used in Audits #1 and 2. With these last 10 interviews completed, staff from all 25 TxDOT Districts were interviewed as part of FHWA's audits.

Overall Audit Opinion

The TxDOT continues to make progress in the implementation of its program that assumes FHWA's NEPA project-level decision authority and other environmental responsibilities. The team acknowledges TxDOT's effort to refine, and when necessary, establish internal policies and procedures. The team found ample evidence of TxDOT's continuing efforts to train staff in clarifying the roles and responsibilities of TxDOT staff, and in educating staff in an effort to assure compliance with all of the assigned responsibilities.

The team identified several non-compliant observations in this review that TxDOT will need to address through corrective actions. These observations come from a review of TxDOT procedures, project file documentation, and interview information. This report also identifies several notable good practices that we recommend be expanded upon.

Non-Compliance Observations

AUDIT #3

Non-compliance observations are instances where the team found the TxDOT was out of compliance or deficient with regard to a Federal regulation, statute, guidance, policy, the terms of the MOU, or TxDOT's procedures for compliance with the NEPA process. Such observations may also include instances where TxDOT has failed to maintain technical competency, adequate personnel, and/or financial resources to carry out the assumed responsibilities. Other non-compliance observations could suggest a persistent failure to adequately consult, coordinate, or take into account the concerns of other Federal, State, tribal, or local agencies with oversight, consultation, or coordination responsibilities. The FHWA expects TxDOT to develop and implement corrective actions to address all non-compliance observations. As part of information gathered for this audit, TxDOT has informed the team they are still implementing some recommendations made by FHWA on Audit #2 to address non-compliance. The FHWA will conduct follow up reviews of non-compliance observations.

The MOU (Part 3.1.1) states that ''[p]ursuant to 23 U.S.C. 327(a)(2)(A), on the Effective Date, FHWA assigns, and TxDOT assumes, subject to the terms and conditions set forth in 23 U.S.C. 327 and this MOU, all of the U.S. Department of Transportation (DOT) Secretary's responsibilities for compliance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* with respect to the highway projects specified under subpart 3.3. This includes statutory provisions, regulations, policies, and guidance related to the implementation of NEPA for Federal highway projects such as 23 U.S.C. 139, 40 CFR 1500–1508, DOT Order 5610.1C, and 23 CFR 771 as applicable.'' Also, the performance measure in MOU Part 10.2.1(A) for compliance with NEPA and other Federal environmental statutes and regulations commits TxDOT to maintaining documented compliance with requirements of all applicable statutes and regulations, as well as procedures and processes set forth in the MOU. The following four non-compliance observations were found by the team based on review of TxDOT ENV toolkit/handbook procedures, documentation in project files, and other sources.

Audit #3 Non-Compliance Observation #1: Section 7 Consultation

The TxDOT has assumed the responsibilities for compliance with the ESA of 1973 (16 U.S.C. 1531–1544) and developed a procedure, as part of the TxDOT environmental toolkit, for staff to make ESA effect determinations. Through project file reviews, the team found that TxDOT's toolkit procedures do not comply with the ESA requirements and USFWS policy [1] in circumstances where an endangered species, its habitat or critical habitat may be present. Pursuant to MOU part 3.1.1 (see above), TxDOT's procedures must also be consistent with FHWA guidance and the USFWS & NMFS 1998 Endangered Species Consultation Handbook. Specifically, when a species or its habitat or critical habitat may be present within a project's action area and an effect is possible, the project file needs to show consultation with USFWS (for a may affect determination) or include documentation explaining how the project will have no effect on the species and its habitat or critical habitat. The TxDOT needs to take action to revise its ESA guidance and procedures when an endangered species or its habitat may be present to make those procedures consistent with Federal policy and guidance. The team acknowledges that TxDOT staff have met with FHWA and USFWS staff to discuss how the revised procedures would result in more a consistent set of determinations.

In four of the five project files reviewed, where an endangered species its habitat or critical habitat was potentially present, TxDOT's procedure allowed for ESA determinations of ''no effect'' to be made based upon a biologist's professional judgment without supporting analysis and documentation including a reasoned assessment of the best available data. For some, the analysis and documentation included in the project files supported a ''may affect'' determination and informal consultation with USFWS. In fulfilling ESA section 7(a)(2) responsibilities, Congress intended the ''benefit of the doubt'' be given to the species (H.R. Conf. Rep. 96–697, 96 Cong., 1st sess. 1979). The team has informed TxDOT of this deficiency and TxDOT has indicated it has reviewed similarly made ESA determinations to check for errors. The TxDOT is collaborating with FHWA and the USFWS to revise its' ESA handbook and standard operating procedures.

Audit #3 Non-Compliance Observation #2: Noise Policy

Non-compliance observation #2 results from 11 project files where the template letter fails to inform about the non-eligibility for Federal-aid participation in Type II traffic noise abatement projects as required by 23 CFR 772.17(a)(3). Three of those same projects did not follow TxDOT's noise wall policy previously approved by FHWA. The FHWA complies with its noise regulations (23 CFR 772) by reviewing and approving each State's noise guidance and then relying on the State to follow those procedures. For Texas, its noise guidelines (Guidelines for Analysis and Abatement of Roadway Traffic Noise, 2011) represents the noise policy reviewed and approved by FHWA that serves as the basis for compliance with 23 CFR 772. In 2016, TxDOT updated its noise handbook according to the 2011 noise policy guidelines that we learned from staff interviews lead to some confusion. The team found inconsistencies and incorrect information in the ECOS project file of record such as: notification to locals with jurisdiction occurring before a NEPA decision was made; the date of public knowledge improperly occurring before the NEPA decision; and holding a noise workshop before the public hearing.

Audit #3 Non-Compliance Observation #3: Public Involvement

Non-compliance observation #3 is based upon evidence in files for four projects reviewed that TxDOT did not follow its public involvement procedure and handbook requirements.[2] The FHWA's regulation at 23 CFR 771.111(h)(1) requires that each State have FHWA approved public involvement procedures to implement the public involvement/public hearing requirements in law and regulation. The review team found that TxDOT inconsistently applied its public involvement procedures. Although TxDOT has detailed public involvement procedures in place, TxDOT staff sometimes fails to follow those procedures. In one project file, TxDOT did not hold a public hearing for a project on new alignment as required in the State's procedures.[3] Another project file lacked documentation of public involvement required by the TxDOT procedures.[4]

In addition, the team reviewed a project file showing that TxDOT issued a FONSI for an action described in 23 CFR 771.115(a) without evidence of a required additional public notification. The FHWA's regulation at 23 CFR 771.119(h) requires a second public notification to occur 30 days prior to issuing a FONSI. The team reviewed the TxDOT public involvement handbook and found no mention of the Federal requirement for a second public notification under these circumstances. The TxDOT modified its public involvement procedures and FHWA reviewed and approved those procedures pursuant to 23 CFR 771.111(h). The TxDOT needs to take corrective action to comply with the regulatory requirements for public involvement consistent with the revised public involvement policy that has been reviewed and approved by FHWA.

Audit #3 Non-Compliance Observation #4: Section 4(f)

Non-compliance observation #4 results from the review of one project file that lacked the required documentation for compliance with Section 4(f) as specified in 23 CFR 774.7 and TxDOT's Environmental Handbook/ U.S. Department of Transportation Act: Section 4(f); 810.01 GUI Version 1 dated May 2015. The project file lacked the date and identity of the individual who made a de minimis impact determination. The TxDOT did not follow established Section 4(f) toolkit procedures. The TxDOT should ensure that all required Section 4(f) documentation is complete and included in a project's file.

Successful Practices and Other Observations

This section summarizes the team's observations about issues or practices that TxDOT may consider as areas to improve. It also summarizes practices that the team believes are successful, so that TxDOT can consider continuing or expanding those programs in the future. Further information on these observations and successful practices is contained in the following subsections that address these six topic areas: program management; documentation and records management; quality assurance/quality control; legal sufficiency; performance management; and training.

Throughout the following subsections, the team lists six remaining observations that FHWA recommends

[1] USFWS & NMFS 1998 Endangered Species Consultation Handbook, Standard Operating Procedure for Accessing USFWS Ecological Services for Technical Assistance and Section 7 Consultations; 300.01 SOP Version 2, September 2015.

[2] TxDOT's Environmental Handbook/Public Involvement; 760.01 GUI Version 2, August 2015.

[3] *See id.,* Part 5.1.

[4] *See id.,* Part 11.

TxDOT consider in order to make improvements. The FHWA's suggested implementation methods of action include: corrective action, targeted training, revising procedures, continued self-assessment, or some other means. The team acknowledges that, by sharing the preliminary draft audit report with TxDOT, TxDOT has begun the process of implementing actions to address these observations to improve its program prior to the publication of this report.

1. Program Management

Successful Practices and Observations

Over the course of interviewing all 25 Districts over the past 18 months, the team noted that District staff welcomed the opportunity to be responsible for making CE approvals. Additionally, TxDOT District staff members and management have said in interviews that they are more diligent with their documentation because they know that these approvals will be internally assessed and the District held accountable by the TxDOT ENV Self-Assessment Branch (SAB). District staff indicated in interviews that the SAB detailed reviews are highly valued because they can learn from their mistakes and improve. Accountability, in part, is driving an enhanced desire for TxDOT staff to correctly document environmental compliance.

The team recognizes enhanced communication among individuals in the project development process as a successful practice. Information gained from interviews and materials provided by TxDOT demonstrate improved communication amongst Districts and between Districts and ENV. Staff interviewed in Rural Districts indicated that in the past they received less attention from ENV than Metropolitan Districts. The team noted that ''NEPA Chats'' (regular conference calls led by ENV, providing a platform for Districts to discuss complex NEPA implementation issues) have helped remove any perceived disparity. Urban and Rural Districts feel more included and a part of the conversation. The team noted that Rural District staff developed their own networks to keep each other informed. District environmental and planning staff told the team that they take initiative and break down internal District silos between planning, design, construction, and maintenance. This includes providing internal self-initiated training across disciplines so everyone in the District Office is aware of TxDOT procedures to ensure that staff follows NEPA-related processes and either keeps projects on-schedule or ensures that there are no surprises if projected schedules slip. Finally, the ENV Division Director initiated a new approach to effective ENV-District staff communication. The Director established an informal three-member advisory board with rotating representatives from each of the Metropolitan, Urban, and Rural Districts. This board meets with the Director to identify and discuss issues and concerns that should be addressed by ENV. This exchange and feedback loop should prove informative, enable the success of the NEPA Assignment Program, and allow for any needed changes or adaptations based on District input.

The team noted that the Air Quality reviewers at TxDOT ENV work extremely well with FHWA in processing this unassigned component of the program. The ENV reviewers are empowered to perform their own Quality Assurance/Quality Control (QA/QC) review of District-produced material before it is sent to FHWA for approval. Retaining and using highly skilled, technical expertise in-house at ENV promotes an efficient and consistent interpretation of Federal regulations and a successful procedure-driven process. This ensures compliance from the outset and should be seen as a model to be duplicated in other areas.

Audit #3 Observation #1

The team identified one project file that showed that the NEPA review was incomplete despite the project appearing on a list of projects certifying that all environmental requirements had been completed pursuant to the MOU (See Part 8.2.6.). Projects that TxDOT reports as certified may be processed to receive Federal-aid funding from FHWA. Through follow up conversations with TxDOT, the team learned that reporting this project was an error that has since been rectified. The team urges TxDOT to include a quality control review step as part of its process to ensure that only projects that have satisfied all environmental requirements are certified and reported to FHWA.

2. Documentation and Records Management

The team relied on information in ECOS, TxDOT's official file of record, to evaluate project documentation and records management practices. Many TxDOT toolkit and handbook procedures mention the requirement to store official documentation in ECOS. The ECOS is also a tool for storage and management of information records, as well as for disclosure within TxDOT District Offices. The ECOS is the means by which TxDOT identifies and procures information required to be disclosed to and requested by the public. The TxDOT staff noted that ECOS is both adaptable and flexible. The TxDOT must maintain and update the ECOS operating protocols (for consistency of use and document/data location) and educate its users on updates in a timely manner.

Successful Practices and Observations

A number of best practices demonstrated by TxDOT were evident as a result of the documentation and records management review.

The team learned through interviews that many TxDOT staff members routinely use and are becoming increasingly comfortable with the (still optional) scope development tool. Some staff indicated that they also utilized the scope development tool to develop their own checklists to ensure that all environmental requirements have been met prior to making a NEPA approval.

The team noted from interviews of USFWS and ENV subject matter staff that Biological Assessment (BA) and Biological Opinion (BO) documentation is more detailed and provides for supportable conclusions. Specifically, the team learned that information in the BA was formatted so that it could be incorporated directly into a BO, which results in faster completion of ESA compliance and thus reduced review timeframes.

Audit #3 Observation #2

The team continued to find instances in which individual project files contained inconsistent and, in some cases, contradictory Environmental Permits Issues and Commitments (EPIC) information. The TxDOT procedures allow for documentation to be uploaded into the documentation tab as well as into an EPIC tab. The EPIC tab indicates ''No EPICs exist for this project'' as the default statement. The ENV management stated that an updated procedure allows for this discrepancy. The team urges TxDOT to develop a procedure where EPIC information may be consistently documented and found in ECOS.

1. Quality Assurance/Quality Control (QA/QC)

Successful Practices and Observations

The team observed several successful practices currently in place that align with TxDOT's QA/QC Control Procedures for Environmental Documents.

The team found evidence that TxDOT's approach to Quality Assurance by SAB is functioning well as a post-NEPA approval review. The team once again heard positive feedback in District staff interviews regarding the SAB, noting that the SAB's comments are very helpful and timely. According to TxDOT's self-assessment report, the SAB group reviewed 100 percent of all CE documents in January 2016 and reported the results to all Districts via webinars to ensure that all District personnel were up to date on proper procedures and a consistent message regarding corrective actions were relayed to all District environmental staff. The TxDOT also reports that there was a SAB effort to train District staff in public involvement procedures and to provide information on the new Section 106 programmatic agreement. During our interviews, we also learned that close out meetings have been held for EA projects to share lessons learned among District, ENV, and TxDOT subject matter expert environmental staff. As a result of this team effort, since Audit #1, we observed that Districts have welcomed the opportunity to be responsible for CE decisions that are delegated to their level. Additionally those Districts are more careful with their documentation and reviews because they know that the TxDOT ENV SAB will internally assess those decisions and hold them accountable.

2. Legal Sufficiency Review

Based on the interviews and review of documentation, the requirements for legal sufficiency under the MOU are being adequately fulfilled.

The level of legal expertise available for reviews appears to be sufficient, based on information gained from interviews. Currently there are three attorneys in TxDOT's General Counsel Division (GCD) (previously referred to as Office of General Counsel, OGC) with two of the attorneys having been hired in the last 6 months. One of the new attorneys has environmental law experience (primarily in water quality and water utilities issues) but no highway or NEPA experience. Both new attorneys have attended four NEPA training courses that ENV provided (via the FHWA Resource Center) and are scheduled to attend two more. One of the new attorneys was very complimentary of the quality of the training and its usefulness in guiding her reviews. The GCD also has contracts with three outside law firms on an ''as needed'' basis and an outside contract attorney who has provided legal assistance on environmental issues for a number of years to ENV.

The GCD assistance continues to be guided by ENVs Project Delivery Manual Sections 303.080 through 303.086. These sections provide guidance on conducting legal sufficiency review of FHWA-funded projects and publishing a Notice of Intent to prepare an EIS and a Notice of Availability in the **Federal Register**.

In February 2016, TxDOT received a notice of intent to sue by a Non-Governmental Organization for a Federal project for which they made the environmental decision. The TxDOT notified the FHWA Office of the Chief Counsel, as required by the MOU.

Based on a report provided by GCD, since April 2015, GCD had reviewed or been involved in legal review for six project actions. These included four 139(l) notices, an FEIS, and one Notice of Intent (NOI). The ENV project managers make requests for review of a document to the lead attorney, who then assigns that document for formal legal review. That lead attorney then assigns the document to one of the attorneys based on workload and complexity. Attorney comments are provided in the standard comment response matrix back to ENV. All comments must be satisfactorily addressed for GCD to complete its legal sufficiency review. The GCD does not issue conditional legal sufficiency determinations.

Successful Practice

Based on our discussions, GCD is very involved with the Districts and ENV throughout the NEPA project development process and legal issues. The team did note more open communication between all GCD, ENV, and District staff. All of the attorneys are regular participants in the monthly ENV NEPA Chats.

3. Performance Measurement

As TxDOT explained in its response to FHWA's pre-audit #3 information request, performance measurement (evaluating how well TxDOT is managing the program and determining the value delivered for customers and stakeholders) is a complex issue. The TxDOT devotes a high level of effort developing the metrics to measure performance. Despite the challenges of complexity and effort, TxDOT informed the team that it uses performance measurements to identify potential risk, review areas needing improvement, and recognize successful practices.

Successful Practices and Observations

The team acknowledges the utility of TxDOT's performance measures for quality control and quality assurance in its CE determinations. As explained in their self-assessment summary report and their response to FHWA's pre-audit #3 information request, TxDOT conducted an extensive analysis of whether project file errors were substantive or not substantive. The team generally found substantive errors to be non-compliant with respect to the validity of environmental decisions, whereas non-substantive errors were flaws in information that substantiated those decisions. The TxDOT's analysis of these errors demonstrates that non-substantive errors largely affect TxDOT efficiency in reporting and data analysis. The TxDOT's procedures result in the identification and correction of substantive errors. This careful consideration of performance regarding CE determination errors and corrective actions demonstrates how measurement and application of corrective actions improved overall performance. In addition, TxDOT is applying this information to design specific ECOS upgrades to eliminate several categories of errors.

The specific consideration of errors is just one example of what the team learned from interviewing TxDOT's ENV Director and assessing TxDOT leadership's review measures to monitor continuous improvement. The TxDOT's leadership, consultants, and District staff all noted an improvement and a higher consistency in the quality of environmental decisions and environmental documentation for CE determinations. The TxDOT identified issues that may require policy or program attention. These issues are memorialized in the self-assessment report's root cause analysis for substantive and non-substantive errors.

Audit #3 Observation #3

The team considered TxDOT's QA/QC target measure of 95 percent of project files determined to be complete and accurate and TxDOT's reported measure of 77.7 percent. While the target of any performance measure should be at or close to 100 percent, FHWA acknowledges that attaining this measure may be extremely difficult, especially given that the project class is an EA or EIS. The TxDOT has analyzed the range of errors and identified missing or incomplete information as a persistent problem. Given TxDOT's efforts to date and careful consideration of FHWA's observations on QA/QC, TxDOT may consider error rates and/or different measure(s) that demonstrate continuous improvement.

Audit #3 Observation #4

Timeliness measures reported by TxDOT in their recent self-assessment summary report identify time frames for completion of EA and EIS projects. Most of these projects were initiated prior to December 2014, when TxDOT was assigned FHWA's NEPA responsibilities. The average time to complete a FONSI before and after assignment dropped from 1060 days to 686 days (eliminating an outlier project that took 2590 days). While one expects projects initiated and completed under assignment to finish faster than any previous average time frame, even TxDOT recognizes that complex EAs require more time to reach a FONSI than projects with fewer impacts or complexities. The TxDOT's summary report contains too few data points to determine trends, and there is no control to differentiate between ''complex'' and ''simple'' EAs. The team urges TxDOT to consider a timeliness measure for CEs, recognizing the issues of consistency within and among CE actions listed in 23 CFR 771.117(c) and 23 CFR 771.117(d). Meaningful timeliness measures should accommodate the time TxDOT takes to initiate and complete environmental reviews, given that some reviews will take less time and entail fewer tasks or steps than others. The TxDOT could consider ways to ''control'' for project complexity, perhaps by stratifying their data or by measuring the timeliness to complete certain tasks (such as defining purpose and need, the range of alternatives, or the time to prepare an Draft EIS, Final EIS, or ROD).

4. Training Program

The TxDOT has specifically designed an environmental professional training program for its environmental professional staff and others. This program was updated for 2016 and the team learned about it through a four-page description and share point site information provided in TxDOT's response to FHWA's pre-audit #3 information request. This information was supplemented through interviews with TxDOT ENV staff responsible for the training program. This program, FHWA was told, must satisfy requirements in State law (Texas Administrative Code, or TAC, title 43, part 1, chapter 2, subchapter A, rule § 2.11) as well as requirements specified in Part 12 of the MOU. Texas law requires that TxDOT individuals be ''certified'' before they may make environmental decisions and must maintain ''certification'' to continue to make decisions. It follows then that TxDOT's training focus is TxDOT staff's initial certification and continuing certification. The MOU training requirements establish ongoing competency requirements for TxDOT's staff.

Successful Practices and Observations

The team recognizes the following successful training practices and observations. The team learned from an interview that TxDOT's new hire ''on-boarding'' process is extraordinarily responsive to delivering the ENV 207 training course. This course, which provides a general overview of environmental considerations in project development, also entails practical ECOS training in how to create a project, use the optional scope development tool, how to assign a task, and how to complete a form. In addition, an interviewee told the team that training updates to the ENV 207 course were continuous.

Another successful practice is to open up the full range of TxDOT's training classes to enrollment by local government and consultant staff, (after TxDOT staff has been provided an initial opportunity to enroll). And finally, TxDOT is archiving and providing easy access of recordings from all NEPA Chats/informal training including, notes, and handouts from those offerings/training.

Audit #3 Observation #5

The team learned through interviews that TxDOT oversight and tracking of environmental competency training/competency assurance is de-centralized. This means that individual TxDOT staff and supervisors are responsible for maintaining environmental ''certification'' under State law, as well as general competencies and capabilities to carry out MOU responsibilities (see MOU Part 4.2.2). The team was unable to assess the overall staff competency and exposure to training because information was spread across all 25 TxDOT Districts. These audit reviews require details demonstrating that TxDOT staff are capable, competent, qualified, and certified (from the perspective of TAC and the MOU) to perform these assigned responsibilities. Thus, TxDOT's ability to monitor the certification and competency status of their qualified staff is important. The TxDOT should consider at least an annual assessment that compiles all the environmental competency information from across all Districts and ENV.

Audit #3 Observation #6

The TxDOT acknowledged in its recent self-assessment summary report that many of the errors it detects in project files (both substantive and non-substantive) are tied to staff knowledge and use of the ECOS program. In many ways, TxDOT has demonstrated that updating ECOS is the most efficient way to head off errors and increase consistency in TxDOT's environmental review process. The team learned from interviews that the first wave of ECOS changes will coincide with new training. In addition to the other recommendations made by FHWA, TxDOT should engage its subject matter experts, the self-assessment team, as well as its overall policy and program staff in crafting and delivering this training to address the non-compliance observations noted above. In addition, TxDOT should take any lessons learned from the corrective actions taken as a result of this audit and incorporate them into future training.

Status of Non-Compliance Observations and Other Observations From Audit #2 (September 2015) and FHWA Responses to TxDOT's Audit #2 comments

Audit #2 Non-Compliance Observations

1. *CE determination prior to regulatory criteria being met*—The TxDOT indicated in its comment on the **Federal Register** notice of the draft Audit #2 report that it (1) circulated a memo to its staff regarding conditional clearances, (2) revised its standard operating procedures to remove the discussion of conditional clearances, and (3) completed informal training on this issue utilizing the NEPA Chats. The TxDOT's comment included discussion on the timing of NEPA approvals, but after FHWA discussed these comments with TxDOT, TxDOT chose to withdraw comments regarding the timing of NEPA approvals.

2. *NEPA Decision reporting*—The TxDOT reported to FHWA that it revised its method of monthly NEPA Approval certification reporting in an effort to eliminate errors. The recurrence of a reporting error in Audit #3 indicates that under current reporting procedures, it is still possible for TxDOT to erroneously certify projects that are still being processed as being complete. The FHWA relies upon TxDOT's independent NEPA decision to advance federally funded projects. If FHWA advances a project that has been improperly processed by TxDOT, this may jeopardize Federal-aid reimbursement or eligibility of Federal funds on that project.

3. *Project file records and missing information*—The TxDOT acknowledged the concern for

incomplete project files in its comments on Audit #2. The TxDOT states that it has reviewed the projects under this observation and has provided corrective actions in the form of (1) individual communications with staff affected, and (2) through NEPA Chats.

Audit #2 Observations

All observations are purely for TxDOT's consideration only and should not be deemed non-compliance observations unless otherwise noted.

1. *Relationships between TxDOT and other Federal Agency staff*—The TxDOT indicated in its comments on Audit #2 that it has conducted follow up meetings with U.S. Coast Guard staff. It also disagrees with the characterization that TxDOT's relationship with the Texas SHPO is ''strained.'' The FHWA has continued to include interviews with outside agency staff as part of this and future reviews/audits to seek information about relationships and to convey information back to TxDOT. The FHWA provides information for TxDOT to consider in maintaining and/or improving its working relationship with both Federal and State regulatory agencies. The FHWA interviews these agencies in order to (1) provide feedback about those relationships that TxDOT may not otherwise hear directly and (2) to review and assess TxDOT's procedures. The FHWA is also able to observe program-level interactions between TxDOT and other agencies and to convey observations back to TxDOT for consideration purposes.

2. *Legacy projects and TxDOT's ''no effect'' determinations for ESA*—The TxDOT stated in its comments on Audit #2 that it met with FHWA staff on this matter and has assessed existing procedures, rules, and policies related to ESA consultation and reviewed related training. The team found a deficiency in the TxDOT procedure on making ESA determinations as a result of Audit #3. Since the procedure for making ESA determinations is non-compliant, TxDOT will need to implement a corrective action, which will be considered as part of FHWA's next review or audit.

3. *Consistency in TxDOT's approach to defining 23 CFR 771.117(e)(4) for major traffic disruption*—This TxDOT response to the draft Audit #2 report downplays the need for an agreed upon standard or threshold on how to apply the constraint in 23 CFR 771.117(e)(4) regarding traffic disruption. The TxDOT indicated that the decision is made by ''professional judgment'' according to the criteria the CEQ has identified for a determination of significant impact (*i.e.,* context and intensity). However, TxDOT's approach does not fulfill FHWA policy on how to set the threshold for this constraint, stated in the preamble to the notice of the final rule (79 FR 60110, Oct. 6, 2014). Thus, TxDOT should, at the minimum, identify examples of instances of substantial traffic disruption and instances that do not arise to the level of substantial disruption.

4. *Addressing errors and corrections to NEPA decisions in ECOS*—This TxDOT comment on Audit #2 acknowledges that a specific CE determination was incorrect, attributable to a typographical error. Thus, TxDOT completed a new CE determination for that project. As part of the project file reviews for Audit #4, FHWA proposes to engage with TxDOT to have a shared set of expectations on the process or procedures that addresses various errors or omissions in TxDOT's NEPA decisionmaking at a program-level, both before and after TxDOT requests that FHWA approve Federal-aid. The integrity of data in ECOS is paramount to retaining an official file of record for Federal-aid projects. It is anticipated that ECOS upgrades will also help to fully address this issue with an improved quality control process improvement by TxDOT.

5. *Inadequate project description or project scope*—The TxDOT stated in its comments on Audit #2 that discussions of adequate project descriptions have been the subject of several NEPA Chats and will continue to be discussed as long as this issue persists. The FHWA and TxDOT collaborated to develop a shared set of expectations for project development that was presented at the September 2015 TxDOT Environmental Conference.

6. *EPIC documentation and decisionmaking*—The TxDOT indicated in its comment on the Audit #2 report that TxDOT ECOS procedures allow information to be loaded in two ways that can be confusing for reviewers. The TxDOT acknowledged this issue and stated that it has established an EPIC workgroup with the purpose of identifying a more consistent method to record and track EPICs. The results of this workgroup will be incorporated into a series of ECOS upgrades scheduled over the next 2 years.

7. *Multiple CE approval documents in ECOS*—The TxDOT stated in its comment on Audit #2 that the project file for this observation contained a typographical error that made the initial CE determination incorrect. The TxDOT then made a new CE determination. Having a shared set of expectations (see number 4, above) between TxDOT and FHWA on how to address errors and omissions should improve both the program and the review process.

8. *Multiple reevaluations of a NEPA approval*—The TxDOT indicated in its comment on Audit #2 that the multiple reevaluations resulted from a design-build project, where changes may occur often. The TxDOT prefers to respond to changes within a set time frame to keep the project moving especially on design-build projects. Reevaluations must look at the entire project. This situation will also be considered as part of the shared set of FHWA–TxDOT expectations on how to handle project changes.

9. *ECOS upgrades schedule too slow*—This TxDOT response to Audit #2 disagreed that the pace of ECOS upgrades might increase litigation risk. Based on information from Audit #3 interviews, this observation is tied to TxDOT's commitment of resources to assume responsibilities under the MOU (Part 4.2). This was presented as a continued observation from previous audits and is restated to draw TxDOT's attention to an identified problem. This observation is not a statement of non-compliance, although it could lead to a non-compliance observation in the future. As ECOS is the official file of record, FHWA is concerned that TxDOT has not improved ECOS quickly enough. The TxDOT should consider making database updates more timely and related procedures mandatory in relation to documentation storage within ECOS.

10. *Difficulty locating information in project files*—This TxDOT comment on Audit #2 states that it formed a workgroup in the summer of 2015 for the purpose of developing statewide guidance regarding filing and naming conventions in ECOS. The TxDOT Districts themselves had issues locating documentation within their own ECOS project files during site visits in Audit #2. The team continued to have difficulty (and ENV management and staff also confirmed the same difficulty) finding key project documentation for this audit, especially for large and complex projects. The FHWA looks forward to reviewing the recommendations of this workgroup and assessing any changes as part of a future review or audit.

11. *Evidence of recurring Non-Compliance Observations related to QA and QC application to individual projects*—This TxDOT comment on Audit #2 commits to making project specific comments in SAB feedback reports available for Audit #3. These reports were made available and the TxDOT self-assessment report included an extensive analysis of QC outcomes for CE project reviews. The QC is still

an issue prior to NEPA decisions being finalized for larger scale CEs as well as for EAs and EISs.

12. *Expectation for the timeframe necessary for a legal review*—This TxDOT comment on Audit #2 commits to revising the standard operating procedure to establish an expected review time for the TxDOT's OGC now GCD to conduct a legal sufficiency review. As recommended during Audit # 2, OGC has issued a procedure establishing legal review times for FEIS (30 days) and for NOI and 139(l) documents (3 days). If necessary, OGC can request additional time for the review.

13. *Measure for the TxDOT relationship with the public*—The TxDOT continued to report the number of complaints received year-to-year as its performance measure for its relationship with the public. None were received, and the measure reported was unchanged from the prior self-assessment summary report. The team learned from interviews that it is possible that the public may not distinguish between performance pre- and post- assignment. The team was told that TxDOT is still getting feedback from the public and agencies and plans to include the measures into a continuous improvement process. The TxDOT also noted, in its **Federal Register** comment on the draft Audit #2 report, that (1) assessing change in communication with the general public is inherently difficult, (2) NEPA assignment presents little external differentiation to the general public, and (3) finding success in measuring this variable has proven difficult.

14. *Implement ways to train local government staff*—The TxDOT's Environmental Professional Training Program is described in a four-page report provided to the team as part of TxDOT's pre-audit information request response. That report identifies a series of workshops and training events jointly held with THC staff. The team learned through interviews and the training program report that TxDOT has established an ENV training SharePoint site that is accessible to the public for local government staff to register for training at no cost.

Finalization of Report

The FHWA received two responses from the American Road & Transportation Builders Association (ARTBA) and TxDOT during the 30-day comment period for the draft report. The team has considered these comments in finalizing this audit report. The ARTBA's comments were supportive of the Surface Transportation Project Delivery Program and did not relate specifically to Audit #3. The TxDOT's comments provided information about non-compliance and general observations from the draft report that should be revised. The response also describes actions TxDOT has taken in response to the report's observations.

Several TxDOT comments have resulted in changes in this report. The number of observations in the draft report was incorrectly referred to in one instance as nine and has been corrected. The information storage and management role of ECOS was clarified by deleting mention of public use, but instead an internal tool TxDOT uses to disclose information to the public. Because of TxDOT comments on the draft report's discussion of ESA compliance, the discussion of Non-Compliance Observation #1 was revised to include: Mention of critical habitat, and the justification for consideration of possible effects to a species or their habitat. The TxDOT's response also clarified that it updated its handbook procedures for noise issues, but did not update the 2011 noise policy. The discussion of Non-Compliance #2 has removed mention of a TxDOT 2016 noise policy.

Since the completion of this report, staff from TxDOT and FHWA have established quarterly partnering sessions where observations and other issues relating to NEPA assignment are being discussed, clarified, and resolved.

[FR Doc. 2017–07345 Filed 4–11–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0032]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 43 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

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

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2017–0032 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
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FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 43 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Lucas L.R. Adams

Mr. Adams, 38, has had ITDM since 1987. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Adams understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Adams meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable proliferative diabetic retinopathy. He holds an operator's license from Nebraska.

Ronald E. Allen, Jr.

Mr. Allen, 62, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Allen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Allen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from California.

Kevin N. Blair

Mr. Blair, 58, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Blair understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Blair meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kansas.

Justin D. Bodily

Mr. Bodily, 34, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bodily understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bodily meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Idaho.

George C. Burbach

Mr. Burbach, 34, has had ITDM since 1988. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Burbach understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Burbach meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from California.

Paul T. Caputo

Mr. Caputo, 51, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Caputo understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Caputo meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Frederic J. Conti

Mr. Conti, 52, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Conti understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Conti meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Joshua L. Crider

Mr. Crider, 36, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Crider understands diabetes management and monitoring, has stable control of his diabetes using

insulin, and is able to drive a CMV safely. Mr. Crider meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Culley R. Despain

Mr. Despain, 53, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Despain understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Despain meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Missouri.

Mitchell F. Durkan

Mr. Durkan, 49, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Durkan understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Durkan meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Colorado.

Ray A. Espinoza

Mr. Espinoza, 49, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Espinoza understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Espinoza meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from California.

Christopher J. Fisher

Mr. Fisher, 38, has had ITDM since 2006. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Fisher understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fisher meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oregon.

Jacob L. Flatt

Mr. Flatt, 25, has had ITDM since 2011. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Flatt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Flatt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oklahoma.

Terry Fleharty

Mr. Fleharty, 71, has had ITDM since 2007. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Fleharty understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fleharty meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Mexico.

Kevin P. Fulcher

Mr. Fulcher, 61, has had ITDM since 2009. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Fulcher understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fulcher meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Massachusetts.

Michael F. Fulton

Mr. Fulton, 66, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Fulton understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fulton meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Arizona.

Ivan R. Grove

Mr. Grove, 58, has had ITDM since 2000. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the

past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Grove understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Grove meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Pennsylvania.

Nathanial M.I. Hicks

Mr. Hicks, 35, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hicks understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hicks meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Oregon.

Daniel J. Lacroix

Mr. Lacroix, 42, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lacroix understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lacroix meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

Kenneth S. LeColst

Mr. LeColst, 67, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. LeColst understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. LeColst meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

John G. Liebl

Mr. Liebl, 55, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Liebl understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Liebl meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

William E. McClain

Mr. McClain, 58, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. McClain understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McClain meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Kevon T. McCray

Mr. McCray, 27, has had ITDM since 2000. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. McCray understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McCray meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from North Carolina.

Rodney G. Moore

Mr. Moore, 68, has had ITDM since 2013. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Moore understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Moore meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Brian M. Morel

Mr. Morel, 57, has had ITDM since 1989. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Morel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Morel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from New Jersey.

Keith E. Newbauer

Mr. Newbauer, 61, has had ITDM since 1995. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Newbauer understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Newbauer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Indiana.

Herbert L. Redd

Mr. Redd, 66, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Redd understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Redd meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

Quentin M. Rembert

Mr. Rembert, 28, has had ITDM since 1998. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Rembert understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rembert meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Wisconsin.

Philip J. Richard

Mr. Richard, 54, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Richard understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Richard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Lars A. Sandaker

Mr. Sandaker, 46, has had ITDM since 2008. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Sandaker understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sandaker meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

John E. Sargent, Jr.

Mr. Sargent, 59, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Sargent understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sargent meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Massachusetts.

Kevin R. Sewell

Mr. Sewell, 24, has had ITDM since 2004. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Sewell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sewell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from North Carolina.

Donald J. Smith

Mr. Smith, 41, has had ITDM since 1998. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Smith understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smith meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Vermont.

Larry D. Smith

Mr. Smith, 64, has had ITDM since 2006. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Smith understands diabetes management and monitoring, has stable control of his diabetes using

insulin, and is able to drive a CMV safely. Mr. Smith meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Tennessee.

Warren A. Smith

Mr. Smith, 58, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Smith understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smith meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Jersey.

Daniel J. Spauling

Mr. Spauling, 58, has had ITDM since 2008. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Spauling understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Spauling meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Idaho.

Russell D. Swanson

Mr. Swanson, 63, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Swanson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Swanson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Dakota.

Scot D. Thompson

Mr. Thompson, 57, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Thompson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Thompson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

Wayne F. Todd

Mr. Todd, 56, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Todd understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Todd meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Nebraska.

Harold W. Trombly, III

Mr. Trombly, 40, has had ITDM since 1991. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Trombly understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Trombly meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

Steven L. Welker

Mr. Welker, 49, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Welker understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Welker meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Christopher U. Williams

Mr. Williams, 41, has had ITDM since 2008. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Williams understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Williams meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Louisiana.

Craig L. Woodard

Mr. Woodard, 53, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the

past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Woodard understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Woodard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C.. 31136 (e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

[1] Section 4129(a) refers to the 2003 notice as a ''final rule.'' However, the 2003 notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0032 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0032 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: March 30, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–07314 Filed 4–11–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0352]

Commercial Driver's License Standards: Recreation Vehicle Industry Association Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: FMCSA announces its decision to renew a 2015 exemption from the Federal commercial driver's license (CDL) requirements for drivers who deliver certain newly manufactured motorhomes and recreational vehicles (RVs) to dealers or trade shows before retail sale (driveaway operations). The Recreation Vehicle Industry Association (RVIA) requested that the exemption be renewed because compliance with the CDL requirements prevents its members from implementing more efficient operations due to a shortage of CDL drivers. The exemption renewal is for five years and covers employees of all U.S. driveaway companies, RV manufacturers, and RV dealers transporting RVs between manufacturing sites and dealer locations and for movements prior to first retail sale. Drivers engaged in driveaway deliveries of RVs with gross vehicle weight ratings of 26,001 pounds or more will not be required to have a CDL as long as the empty RVs have gross vehicle weights or gross combination weights that do not meet or exceed 26,001 pounds, and any RV trailers towed by other vehicles weigh 10,000 pounds or less. RV units that have a combined gross vehicle weight exceeding 26,000 pounds are not covered by the exemption.

DATES: This renewed exemption is effective April 6, 2017 and expires on April 6, 2022. Comments must be received on or before April 27, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2014–0352 using any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–

140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* 1–202–493–2251

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2014–0352), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2014–0352'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will review all comments received and determine whether the renewal of the exemption is consistent with the requirements of 49 U.S.C. 31315 and 31136(e). Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from the certain portions of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which the exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Application for Renewal Exemption

The RVIA's initial exemption application from the provisions of 49 CFR 383.91(a)(1)-(2) was submitted in 2014; a copy of the application is in the docket identified at the beginning of this notice. The 2014 application describes fully the nature of the RV deliveries by commercial motor vehicle (CMV) drivers. The exemption was originally granted on April 6, 2015 (80 FR 18493).

The RVIA requests renewal of an exemption from the requirement under 49 CFR 383.91(a)(1)-(2) to hold a CDL when transporting RVs with an actual vehicle weight not exceeding 26,000 pounds, or a combination of RV trailer/tow vehicle with the actual weight of the towed unit not exceeding 10,000 pounds and the gross combined weight not exceeding 26,000 pounds. In other words, RVIA requested that CDLs not be required for driveaway operations of single or combination vehicles with a gross vehicle weight *rating* at or above 26,001 pounds, as long as the actual weight of the vehicle or combination is below 26,001 pounds. RV units that have a ship weight and combined gross vehicle weight exceeding 26,000 pounds would not be covered by the exemption. RVIA contends that compliance with the CDL rule prevents its members from implementing more efficient operations due to a shortage of drivers who hold a CDL. RVIA asserts that FMCSA should look at the actual weight of the RV when it is manifested as empty and should not require a CDL during the short time the RV is not loaded, does not carry freight, and is transported from the factory where it is manufactured, or from a holding area, to a dealership site.

In its initial application, RVIA contended that a shortage of drivers with CDLs had a significant impact on the RV industry, which was just recovering from the 2008–2009 economic downturn. A large percentage of RV sales occur during the spring buying season. The jump in RV shipments trends stronger each month, increasing consistently from February through June. These excess units regularly accumulate in RV transporters' yards. It is in this period that there is insufficient commercial driver capacity for RV transportation. The seasonal commercial driver shortage creates delays in the delivery of product to consumers and potentially reduces the RV sales. Consumers who wish to purchase an RV may have to wait weeks or months to receive delivery of their purchase because there are not enough drivers with CDLs to transport the vehicles from the factory to the dealership, especially since each RV must be individually transported. While these delays are costly and inconvenient to the RV industry and consumers, the greater costs result in potential lost sales to consumers who are unwilling to wait for their purchase.

RVIA states that the exemption would apply to all individuals who are

employees of driveaway-towaway companies, RV manufacturers, and RV dealers. RVIA contends that, due to the class nature and the number of parties that would be affected by the exemption, it is not feasible or practicable to provide the names of individuals or transporters responsible for use or operation of these CMVs.

Method To Ensure an Equivalent or Greater Level of Safety

RVIA contends that if the exemption were granted, the level of safety associated with transportation of RVs from manufacturers to dealers would likely be equivalent to, or greater than, the level of safety obtained by complying with the CDL requirements for the following reasons:

- On average, drivers employed by RV manufacturers and dealers to deliver RVs have substantially more experience operating RVs than a typical driver operating an RV for recreational purposes. RVIA noted that owners of these RVs are not required to hold a CDL when operating them for non-business purposes.
- According to RVIA, an analysis using the FMCSA Safety Measurement System revealed that the majority of RV driveaway-towaway companies' accident frequency average is far less than the national benchmark average. Further details are provided in the RVIA exemption application, which is contained in the docket for this notice.
- Compared to drivers using RVs for recreational purposes, RV manufacturers and driveaway-towaway companies have substantially greater economic incentive to systematically train, monitor and evaluate their RV drivers with respect to safe operation of RVs because of the substantially greater number of miles they run, and the corresponding exposure to liability for any traffic accidents.
- As with any new motor vehicle, newly manufactured RVs are much less likely to present a safety concern due to mechanical failures.
- Travel distances between the manufacturing sites and dealer locations are on average much shorter than typical distances which RVs travel when in recreational use, and the highway presence of RVs transported from manufacturers to dealers is negligible even during the peak spring delivery season.

RVIA asserts that without the exemption, drivers making deliveries of new RVs with a gross vehicle weight rating (GVWR) exceeding 26,000 pounds, or a gross combination weight rating exceeding 26,000 inclusive of a towed vehicle with a GVWR of 10,001 pounds or higher, will remain subject to CDL requirements even though end-users of RVs purchasing them from dealers in the same States would not be subject to those requirements and regulations. This anomalous situation would continue to materially curb the growth of the RV industry without a countervailing safety or other benefit to the public. In particular, RV manufacturers and dealers would continue to experience a shortage of CDL operators during the busy spring season.

Terms and Conditions of the Exemption

Period of the Exemption

This exemption from the requirements of 49 CFR 383.91(a)(1)-(2) is effective April 6, 2017 through April 6, 2022, 11:59 p.m. local time, unless renewed.

Extent of the Exemption

The exemption is restricted to employees of driveaway-towaway companies, RV manufacturers, and RV dealers transporting RVs between the manufacturing site and dealer location and for movements prior to first retail sale. Drivers covered by the exemption will not be required to hold a CDL when transporting RVs with a gross vehicle weight not exceeding 26,000 pounds, or a combination of RV trailer/tow vehicle with the gross weight of the towed unit not exceeding 10,000 pounds and the gross combined weight not exceeding 26,000 pounds. These drivers must comply with all other applicable provisions of the Federal Motor Carrier Safety Regulations.

Preemption

In accordance with 49 U.S.C. 31315(d), during the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption.

Notification to FMCSA

Exempt motor carriers must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of its CMVs operating under the terms of this exemption. The notification must include the following information:

(a) Name of the exemption: ''RVIA''

(b) Name of the operating motor carrier,

(c) Date of the accident,

(d) City or town, and State, in which the accident occurred, or closest to the accident scene,

(e) Driver's name and license number,

(f) Vehicle number and State license number,

(g) Number of individuals suffering physical injury,

(h) Number of fatalities,

(i) The police-reported cause of the accident,

(j) Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations, and

(k) The driver's total driving time and total on-duty time period prior to the accident.

Reports filed under this provision shall be emailed to *MCPSD@DOT.GOV.*

Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record.

Interested parties or organizations possessing information that would otherwise show that any or all of these motor carriers are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any information submitted and, if safety is being compromised or if the continuation of the exemption is inconsistent with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA will immediately take steps to revoke the exemption of the company or companies and drivers in question.

Issued on: April 5, 2017.

Daphne Y. Jefferson,

Deputy Administrator.

[FR Doc. 2017–07315 Filed 4–11–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0014]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 21 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to

qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

DATES: Comments must be received on or before May 12, 2017. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2017–0014 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' FMCSA can renew exemptions at the end of each 2-year period. The 21 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Andrew R. Cook

Mr. Cook, 46, has a retinal detachment in his left eye due to a traumatic incident in 2001. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2016, his ophthalmologist stated, ''In my medical opinion based on the information that I have, Mr. Cook is a very experienced driver, and has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Cook reported that he has driven straight trucks for 11 years, accumulating 132,000 miles. He holds a Class B CDL from Vermont. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kevin M. Finn

Mr. Finn, 52, has had a cataract in his right eye since birth. The visual acuity in his right eye is hand motion, and in his left eye, 20/20. Following an examination in 2016, his ophthalmologist stated, ''Mr. Finn's current ocular status is stable and has likely been such for many years [sic] There [sic] is no acute pathology noted. He should have no difficulties with activities relating to driving a commercial vehicle since he has been driving for many years with his current status.'' Mr. Finn reported that he has driven straight trucks for 26 years, accumulating 33,800 miles. He holds a Class AM CDL from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

David R. Ford

Mr. Ford, 59, has had a retinal detachment in his right eye since 2013. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2017, his optometrist stated, ''With current rx [sic], and medical opinion patient is ok [sic] to drive a commercial vehicle.'' Mr. Ford reported that he has driven straight trucks for 32 years, accumulating 80,000 miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Douglas P. Fossum

Mr. Fossum, 61, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/100. Following an examination in 2016, his optometrist stated, ''It would be my opinion that Mr. Fossum has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Fossum reported that he has driven straight trucks for 40 years, accumulating 1 million miles, and tractor-trailer combinations for 33 years, accumulating 990,000 miles. He holds a Class A CDL from South Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Timothy M. Good

Mr. Good, 61, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''I hereby acknowledge that Mr. Timothy Good is indeed qualified and has ample sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Good reported that he has driven straight trucks for 3 years, accumulating 468,000 miles, and tractor-trailer combinations for 1 year, accumulating 104,000 miles. He holds a Class CA CDL from Michigan. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John R. Harper

Mr. Harper, 31, has had amblyopia in his left eye since birth. The visual acuity

in his right eye is 20/20, and in his left eye, 20/70. Following an examination in 2016, his optometrist stated, ''In my medical opinion, John Harper has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Harper reported that he has driven straight trucks for 9 years, accumulating 216,000 miles, and tractor-trailer combinations for 2 years, accumulating 24,000 miles. He holds a Class A CDL from Kansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

George H. Keppol, Jr.

Mr. Keppol, 60, has had a prosthetic left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2016, his optometrist stated, ''Mr. Keppol has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Keppol reported that he has driven tractor-trailer combinations for 25 years, accumulating 3.25 million miles. He holds a Class A CDL from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Curtis L. Lamb

Mr. Lamb, 57, has a corneal laceration in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/50, and in his left eye, 20/20. Following an examination in 2017, his optometrist stated, ''In my medical opinion, I do feel he has sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Lamb reported that he has driven straight trucks for 26 years, accumulating 2,600 miles, and tractor-trailer combinations for 26 years, accumulating 650 miles. He holds a Class A CDL from Kansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jeffery D. Lynch

Mr. Lynch, 59, has had a retinal detachment in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2016, his ophthalmologist stated, ''In my medical opinion the patient has sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Lynch reported that he has driven straight trucks for 40 years, accumulating 920,000 miles. He holds an operator's license from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kenton D. McCullough

Mr. McCullough, 37, has a macular scar in his left eye due to a traumatic incident in 2001. The visual acuity in his right eye is 20/15, and in his left eye, counting fingers. Following an examination in 2017, his optometrist stated, ''This letter is to certify that in my medical opinion this patient has sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. McCullough reported that he has driven straight trucks for 7 years, accumulating 525,000 miles, and tractor-trailer combinations for 10 years, accumulating 1 million miles. He holds a Class A CDL from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Charles W. Ohman

Mr. Ohman, 74, has an epiretinal membrane in his left eye due to cataract surgery in 2013. The visual acuity in his right eye is 20/25, and in his left eye, 20/70. Following an examination in 2016, his optometrist stated, ''I feel that Mr. Ohman has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Ohman reported that he has driven straight trucks for 10 years, accumulating 65,000 miles, and tractor-trailer combinations for 36 years, accumulating 5.04 million miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gary A. Parece

Mr. Parece, 52, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2017, his optometrist stated, ''Best Corrected [*sic*] to 20/20 OD and 20/50 OS should be adequate to operate a commercial vehicle [*sic*].'' Mr. Parece reported that he has driven straight trucks for 24 years, accumulating 144,000 miles. He holds a Class BM CDL from Massachusetts. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Everardo G. Plascencia

Mr. Plascencia, 51, has complete loss of vision in his left eye due to a traumatic incident 2003. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2016, his ophthalmologist stated, ''In my medical opinion as the patient's Ophthalmologist [*sic*], I believe he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Plascencia reported that he has driven straight trucks for 25 years, accumulating 400,000 miles, and tractor-trailer combinations for 25 years, accumulating 250,000 miles. He holds a Class B CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Eric D. Pohlmann

Mr. Pohlmann, 36, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2017, his ophthalmologist stated, ''In my opinion, he has sufficient vision to safely operate a commercial vehicle.'' Mr. Pohlmann reported that he has driven tractor-trailer combinations for 16 years, accumulating 560,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Johnny W. Ray

Mr. Ray, 50, has had amblyopia in his right eye since birth. The visual acuity in his right eye is counting fingers, and in his left eye, 20/25. Following an examination in 2017, his optometrist stated that Mr. Ray does have sufficient vision to perform the driving tasks required to operate a CMV. Mr. Ray reported that he has driven straight trucks for 25 years, accumulating 250,000 miles, and tractor-trailer combinations for 25 years, accumulating 250,000 miles. He holds an operator's license from Kentucky. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Steven D. Scharber

Mr. Scharber, 71, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/30. Following an examination in 2016, his optometrist stated, ''It is in my opinion that Steven can safely perform the driving tasks required to operate a commercial motor vehicle.'' Mr. Scharber reported that he has driven straight trucks for 55 years, accumulating 440,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Don Smith

Mr. Smith, 72, has glaucoma in his right eye due to a traumatic incident in 2013. The visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''In my professional opinion, this patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Smith reported that he has driven tractor-trailer combinations for 11 years, accumulating 946,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Renaldo J. Stannard

Mr. Stannard, 65, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''In my medical opinion, Renaldo J. Stannard has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Stannard reported that he has driven straight trucks for 24 years, accumulating 840,000 miles. He holds an operator's license from Washington, DC. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John T. Switzer

Mr. Switzer, 44, has had a prosthetic right eye since 1981 due to toxocara canis infection. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2016, his ophthalmologist stated, ''Since the patient [*sic*] one-eyed for 35 years and has driven commercial trucks for approximately 16 years without incident, I feel he is totally capable to continue to drive commercial trucks.'' Mr. Switzer reported that he has driven straight trucks for 16 years, accumulating 384,000 miles. He holds an operator's license from Mississippi. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Steven A. Thompson

Mr. Thompson, 40, has hypertropia in his left eye due to amblyopia since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2016, his optometrist stated, ''In my opinion he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Thompson reported that he has driven straight trucks for 6 years, accumulating 4,800 miles, and tractor-trailer combinations for 3 years, accumulating 1,500 miles. He holds a Class A CDL from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Edward A. Ziehlke

Mr. Ziehlke, 59, has had a central artery occlusion in his right eye since 2009. The visual acuity in his right eye is count fingers, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''I certify that in my medical opinion Mr. Ziehlke has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Ziehlke reported that he has driven straight trucks for 13 years, accumulating 650,000 miles, and tractor-trailer combinations for 2 years, accumulating 250,000 miles. He holds an operator's license from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

III. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and put the docket number FMCSA–2017–0014 in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and insert the docket number FMCSA–2017–0014 in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button and choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: March 30, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–07313 Filed 4–11–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of a Specially Designated National and Blocked Person Pursuant to the Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the name of one individual whose property and interests in property have been unblocked pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act).

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (SDN List) of the individual identified in this notice whose property and interests in property were blocked pursuant to the Kingpin Act, is effective on April 7, 2017.

FOR FURTHER INFORMATION CONTACT: Associate Director for Global Targeting, tel.: 202/622–2420, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, Assistant Director for Licensing, tel.: 202/622–2480, Office

of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available from OFAC's Web site (*www.treas.gov/ofac*).

Notice of OFAC Actions

On April 7, 2017, OFAC removed from the SDN List the individual listed below, whose property and interests in property were blocked pursuant to the Kingpin Act:

1. SALAZAR UMANA, Jose Adan (a.k.a. ''CHEPE DIABLO''), Metapan, Santa Ana, El Salvador; DOB 16 Jun 1948; POB Metapan, El Salvador; nationality El Salvador; citizen El Salvador; National ID No. 02071606480022 (El Salvador) (individual) [SDNTK]

Dated: April 7, 2017.

Andrea Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2017–07373 Filed 4–11–17; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Credit for Renewable Electricity Production and Refined Coal Production, and Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 2017

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Publication of inflation adjustment factor and reference prices for calendar year 2017.

SUMMARY: The 2017 inflation adjustment factor and reference prices are used in determining the availability of the credit for renewable electricity production and refined coal production under section 45. For calendar year 2017, the credit period for Indian coal production has expired.

DATES: The 2017 inflation adjustment factor and reference prices apply to calendar year 2017 sales of kilowatt hours of electricity produced in the United States or a possession thereof from qualified energy resources and to 2017 sales of refined coal produced in the United States or a possession thereof.

FOR FURTHER INFORMATION CONTACT: Jennifer A. Records, CC:PSI:6, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, (202) 317–6853 (not a toll-free number).

SUPPLEMENTARY INFORMATION: Inflation adjustment factor and reference prices for calendar year 2017 as required by sections 45(e)(2)(A) (26 U.S.C. 45(e)(2)(A)) and 45(e)(8)(C) (26 U.S.C. 45(e)(8)(C)) of the Internal Revenue Code.

Inflation Adjustment Factor: The inflation adjustment factor for calendar year 2017 for qualified energy resources and refined coal is 1.5792.

Reference Prices: The reference price for calendar year 2017 for facilities producing electricity from wind is 4.55 cents per kilowatt hour. The reference prices for fuel used as feedstock within the meaning of section 45(c)(7)(A) (relating to refined coal production) are $31.90 per ton for calendar year 2002 and $51.09 per ton for calendar year 2017. The reference prices for facilities producing electricity from closed-loop biomass, open-loop biomass, geothermal energy, small irrigation power, municipal solid waste, qualified hydropower production, and marine and hydrokinetic renewable energy have not been determined for calendar year 2017.

Phaseout Calculation: Because the 2017 reference price for electricity produced from wind (4.55 cents per kilowatt hour) does not exceed 8 cents multiplied by the inflation adjustment factor (1.5792), the phaseout of the credit provided in section 45(b)(1) does not apply to such electricity sold during calendar year 2017. Because the 2017 reference price of fuel used as feedstock for refined coal ($51.09) does not exceed $85.64 (which is the $31.90 reference price of such fuel in 2002 multiplied by the inflation adjustment factor (1.5792) and 1.7), the phaseout of the credit provided in section 45(e)(8)(B) does not apply to refined coal sold during calendar year 2017. Further, for electricity produced from closed-loop biomass, open-loop biomass, geothermal energy, small irrigation power, municipal solid waste, qualified hydropower production, and marine and hydrokinetic renewable energy, the phaseout of the credit provided in section 45(b)(1) does not apply to such electricity sold during calendar year 2017.

Credit Amount by Qualified Energy Resource and Facility and Refined Coal: As required by section 45(b)(2), the 1.5 cent amount in section 45(a)(1), and the $4.375 amount in section 45(e)(8)(A) are each adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount is rounded to the nearest multiple of 0.1 cent. In the case of electricity produced in open-loop biomass facilities, small irrigation power facilities, landfill gas facilities, trash facilities, qualified hydropower facilities, and marine and hydrokinetic renewable energy facilities, section 45(b)(4)(A) requires the amount in effect under section 45(a)(1) (before rounding to the nearest 0.1 cent) to be reduced by one-half. Under the calculation required by section 45(b)(2), the credit for renewable electricity production for calendar year 2017 under section 45(a) is 2.4 cents per kilowatt hour on the sale of electricity produced from the qualified energy resources of wind, closed-loop biomass, geothermal energy, and 1.2 cents per kilowatt hour on the sale of electricity produced in open-loop biomass facilities, small irrigation power facilities, landfill gas facilities, trash facilities, qualified hydropower facilities, and marine and hydrokinetic renewable energy facilities. Under the calculation required by section 45(b)(2), the credit for refined coal production for calendar year 2017 under section 45(e)(8)(A) is $6.909 per ton on the sale of qualified refined coal.

Christopher T. Kelley,

Acting Deputy Associate Chief Counsel (Passthroughs and Special Industries).

[FR Doc. 2017–07493 Filed 4–11–17; 8:45 am]

BILLING CODE 4830–01–P

VETERANS AFFAIRS DEPARTMENT

[OMB Control No. 2900–0222]

Agency Information Collection Activity: Proposed Information Collection, Claim for Standard Government Headstone or Marker and Claim for Government Medallion for Placement in a Private Cemetery

AGENCY: National Cemetery Administration (NCA), Department of Veterans Affairs (VA).

ACTION: Notice.

SUMMARY: The National Cemetery Administration (NCA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each revised collection, and to allow 60 days for

public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 12, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov*; or Willie Lewis of National Cemetery Administration (NCA) Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *Willie.Lewis@va.gov* Please refer to ''VA Form 40–1330, Claim for Standard Government Headstone or Marker, and VA Form 40–1330M, Claim for Government Medallion for Placement in a Private Cemetery.

OMB Control Number ''2900–.0222'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Willie Lewis at (202) 461–4242.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, NCA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of NCA's functions, including whether the information will have practical utility; (2) the accuracy of NCA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: VA Form 40–1330, Claim for Standard Government Headstone or Marker, and VA Form 40–1330M, Claim for Government Medallion for Placement in a Private Cemetery.

OMB Control Number: 2900–0222.

Type of Review: Reinstatement of a previously approved collection.

Abstract: The National Cemetery Administration (NCA) updated its current VA Form 40–1330 and VA Form 40–1330M. The original VA Form 40–1330 and 40–1330M is a request for a Government-furnished headstone or marker, or medallion, respectively. The updates to the form include the following:

- Change to the Applicant Definition, who can apply for a Government headstone, marker or medallion;
- Information about the Presidential Memorial Certificate (PMC) program and the option to receive a PMC in addition to the headstone, marker or medallion;
- Changes in eligibility for a medallion, consistent with section 301 of Public Law 114–315;
- Addition of language that clarifies that ''mandatory'' and ''optional'' inscription items are provided in English, and that ''additional'' inscription items may be provided in English or non-English text that consists of the Latin Alphabet or numbers;
- Addition of information on VA Form 40–1330 and VA Form 40–1330M related to whether the Veteran was previously determined by VA to be eligible for burial, and related to whether the request is initial or for a replacement headstone or marker;
- Addition of ''Iraq'' and ''Afghanistan'' as indicators of ''War Service,'' consistent with Public Law 114–315;
- Addition of Age at the Time of Death on VA Form 40–1330 and VA Form 40–1330M; and
- Addition of demographic information for statistical reporting purposes only on VA Form 40–1330 and VA Form 40–1330M.

Upon appropriate approval, the VA Web site will display the updated version of the VA Form 40–1330 and VA Form 1330M for public use.

Affected Public: Individual or Households.

Estimated Annual Burden: 88,643 Burden Hours.

Estimated Average Burden per Respondent: 15-Minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 166,135.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Enterprise Records Service, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–07398 Filed 4–11–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0342]

Agency Information Collection Under OMB Review: Application and Training Agreement for Apprenticeship and On-the-Job Training Programs

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

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

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0342'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov*. Please refer to ''OMB Control No. 2900–0342.''

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–3521.

Title: Application and Training Agreement for Apprenticeship and On-the-Job Training Programs, VA Form 22–8864; 22–8865.

OMB Control Number: 2900–0342.

Type of Review: Extension of a currently approved collection.

Abstract: VA Forms 22–8864 and 22–8865 are used to collect information from employers and trainees to ensure that training programs (Apprenticeship and On-the-Job Training) and agreements meet the statutory requirements for approval.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB

control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published Vol. 82, FR 16, Thursday, January 26, 2017, pages 8567–8568.

Affected Public: Individuals or household or small businesses/other small entities.

Estimated Annual Burden: 19,535 hours.

Estimated Average Burden per Respondent: 75 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 15,628.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Enterprise Records Service, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–07395 Filed 4–11–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0708]

Agency Information Collection Activity: Evidence for Transfer of Entitlement of Education Benefits, CFR 21.7080

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to transfer a servicemember's educational assistance benefits to his or her dependents.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 12, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0708'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–21.

Title: Evidence for Transfer of Entitlement of Education Benefits, CFR 21.7080.

OMB Control Number: 2900–0708.

Type of Review: Revision of an approved collection.

Abstract: Servicemembers on active duty may request to designate up to a maximum of 18 months of their educational assistance entitlement to their spouse, one or more of their children, or a combination of the spouse and children. VA will accept DoD Form 2366–1 as evidence that the servicemember was approved by the military to transfer entitlement. The servicemember must submit in writing to VA, the names of each dependent, the number of months of entitlement transferred to each dependent, and the period (beginning or ending date) for which the transfer will be effective for each designated dependent. VA will use the information shown on DoD Form 2366–1 to determine whether the dependent qualifies to receive education benefits under the transfer of entitlement provision of law.

Affected Public: Individuals or households.

Estimated Annual Burden: 11,311 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 135,735.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Enterprise Records Service, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–07400 Filed 4–11–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0116]

Agency Information Collection Activity: Notice to Department of Veterans Affairs of Veteran or Beneficiary Incarcerated in Penal Institution

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

VA Form 21–4193 is used to gather information from penal institutions about incarcerated VA beneficiaries. When beneficiaries are incarcerated in penal institutions in excess of 60 days after conviction, VA benefits are reduced or terminated. Without this collection of information, VA would be unable to accurately adjust the rates of incarcerated beneficiaries and overpayments would result.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 12, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0116'' in any

correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–21.

Title: (Notice to Department of Veterans Affairs of Veteran or Beneficiary Incarcerated in Penal Institution (VA Form 21–4193)).

OMB Control Number: 2900–0116.

Type of Review: Extension of an approved collection.

Abstract: VA Form 21–4193 is used to gather information from penal institutions about incarcerated VA beneficiaries. When beneficiaries are incarcerated in penal institutions in excess of 60 days after conviction, VA benefits are reduced or terminated. Without this collection of information, VA would be unable to accurately adjust the rates of incarcerated beneficiaries and overpayments would result.

Affected Public: Individuals or households.

Estimated Annual Burden: 416.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 1,664.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Enterprise Records Service, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–07397 Filed 4–11–17; 8:45 am]

BILLING CODE 8320–01–P

VETERANS AFFAIRS DEPARTMENT

[OMB Control No. 2900–0654]

Agency Information Collection Activity Under OMB Review: Annual Certification of Veteran Status and Veteran Relatives

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs (VA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

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

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0500'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0500'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Annual Certification of Veteran Status and Veteran relatives (VA Form 20–0344).

OMB Control Number: 2900–0654.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 20–0344 is completed by VBA employees, non-VBA employees in VBA space and Veteran Service Organization (VSO) employees who have access to benefit records. These individuals are required to provide personal identifying information for themselves and any veteran relatives, so VA is able to identify and properly protect these benefit records.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR 7918 on January 23, 2017.

Affected Public: Individuals or Households.

Estimated Annual Burden: 14,000 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 5,834.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Enterprise Records Service, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–07396 Filed 4–11–17; 8:45 am]

BILLING CODE 8320–01–P

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Federal Register

Vol. 82, No. 69

Wednesday, April 12, 2017

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FEDERAL REGISTER PAGES AND DATE, APRIL

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