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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9192; Directorate Identifier 2016–NM–038–AD; Amendment 39–18845; AD 2017–07–07]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A330–200, A330–300, A340–200, and A340–300 series airplanes. This AD was prompted by a report of cracking at fastener holes located at a certain frame on the lower shell panel junction. This AD requires repetitive inspections of certain fastener holes, and related investigative and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 25, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 25, 2017.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com*; Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9192.

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–2016–9192; 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A330–200, A330–300, A340–200, and A340–300 series airplanes. The NPRM published in the **Federal Register** on October 25, 2016 (81 FR 73357) (''the NPRM''). The NPRM was prompted by a report of cracking at fastener holes located at a certain frame on the lower shell panel junction. The NPRM proposed to require repetitive inspections of certain fastener holes, and related investigative and corrective actions if necessary. We are issuing this AD to detect and correct cracking at frame 40 on the lower shell panel junction; such cracking could lead to reduced structural integrity of the fuselage.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0136, dated June 13, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A330, A340–200, and A340–300 series airplanes. The MCAI states:

> During A330/A340 aeroplanes full scale fatigue test specimen in the FR40-to-fuselage skin panel junction, fatigue damage has been found. Corrective actions consisted of the following actions:
>
> —In-service installation of an internal reinforcing strap on related junction required by DGAC [Direction Générale de l'Aviation Civile (DGAC)] France AD 1999–448–126(B) and [DGAC France] AD 2001–070(B),
>
> —retrofit improvement of internal reinforcing strap fatigue life through recommended Airbus Service Bulletin (SB) A330–53–3145, and
>
> —new design in production through Airbus modification 44360.
>
> The aeroplanes listed in the Applicability section of this [EASA] AD are all aeroplanes post-mod 44360 and pre-mod 55792 (fuselage reinforcement at FR40 in production).
>
> Recently, during embodiment of a FR40 web repair on an A330 aeroplane and during FR40 keel beam fitting replacement on an A340 aeroplane, the internal strap was removed and rototest inspection was performed on several holes.
>
> Cracks were found on both left-hand (LH) and right-hand (RH) sides on internal strap, or butt strap, or keel beam fitting, or forward fitting FR40 flange.
>
> This condition, if not detected and corrected, could lead to crack propagation, possibly resulting in reduced structural integrity of the fuselage.
>
> For the reasons described above, this [EASA] AD requires repetitive rototest inspections of 10 fastener holes located at FR40 lower shell panel junction on both LH and RH sides, and, depending on findings, accomplishment of the applicable corrective actions [which include oversizing, installing fasteners and repair; and accomplishment of applicable related investigative actions, which include a rototest inspection for cracking after oversizing].

The compliance time ranges between 20,000 flight cycles or 65,400 flight hours and 20,800 flight cycles or 68,300 flight hours, depending on airplane utilization and configuration. The repetitive inspection interval ranges between 14,000 flight cycles or 95,200 flight hours and 24,600 flight cycles or 98,700 flight hours, depending on airplane configuration. 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–2016–9192.

Comments

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

Request To Refer to Revised Service Information

Delta Airlines (DAL) requested that we revise paragraphs (g), (g)(1), and (g)(2) of the proposed AD to refer to Airbus Service Bulletin A330–53–3215, Revision 02, dated November 23, 2016. DAL also asked that credit be given in paragraph (h)(1) of the proposed AD for previously accomplished actions using Airbus Service Bulletin A330–53–3215, Revision 01, dated April 17, 2014. DAL stated that if the Accomplishment Instructions of Airbus Service Bulletin A330–53–3215, Revision 01, dated April 17, 2014, are used, operators may incorrectly reference kit part numbers in their instructions and would then need to submit a request for approval of an alternative method of compliance for the replaced part.

We agree with the commenter's request to refer to Airbus Service Bulletin A330–53–3215, Revision 02, dated November 23, 2016. Airbus Service Bulletin A340–53–4215, Revision 02, dated November 23, 2016, has also been issued. No additional work is required by Airbus Service Bulletins A330–53–3215, Revision 02; and A340–53–4215, Revision 02, both dated November 23, 2016; the revised service information merely corrects typographical errors and contains minor editorial changes.

We have revised the Related Service Information under 1 CFR part 51 section of this final rule and paragraphs (g), (g)(1), and (g)(2) of this AD to refer to Airbus Service Bulletin A330–53–3215, Revision 02, dated November 23, 2016; and Airbus Service Bulletin A340–53–4215, Revision 02, dated November 23, 2016. We have also revised paragraph (h)(1) of this AD to provide credit for actions accomplished prior to the effective date of this AD using Airbus Service Bulletin A330–53–3215, Revision 01, dated April 17, 2014; and Airbus Service Bulletin A340–53–4215, Revision 01, dated April 17, 2014.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Service Bulletin A330–53–3215, Revision 02, dated November 23, 2016; and Airbus Service Bulletin A340–53–4215, Revision 02, dated November 23, 2016. The service information describes procedures for repetitive rototest inspections of certain fastener holes, and related investigative and corrective actions if necessary. These documents are distinct since they apply to different airplane models. 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 41 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	41 work-hours × $85 per hour = $3,485 per inspection cycle.	$0	$3,485	$142,885 per inspection cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair	46 work-hours × $85 per hour = $3,910	$4,186	$8,096

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):

2017–07–07 Airbus: Amendment 39–18845; Docket No. FAA–2016–9192; Directorate Identifier 2016–NM–038–AD.

(a) Effective Date

This AD is effective May 25, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes, certificated in any category, identified in paragraphs (c)(1) and (c)(2) of this AD, having serial numbers 0176 through 0915 inclusive.

(1) Airbus Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(2) Airbus Model A340–211, –212, –213, –311, –312, and –313 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by a report of cracking at fastener holes located at frame (FR) 40 on the lower shell panel junction. We are issuing this AD to detect and correct cracking at FR40 on the lower shell panel junction; such cracking could lead to reduced structural integrity of the fuselage.

(f) Compliance

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

(g) Repetitive Inspections and Related Investigative and Corrective Actions

Within the compliance times defined in table 1 to the introductory text of paragraph (g) of this AD, and, thereafter, at intervals not to exceed the compliance times defined in Airbus Service Bulletin A330–53–3215, Revision 02, dated November 23, 2016; or Airbus Service Bulletin A340–53–4215, Revision 02, dated November 23, 2016; as applicable, depending on airplane utilization and configuration: Accomplish a special detailed inspection of fastener holes located at FR40 lower shell panel junction on both left-hand (LH) and right-side (RH) sides, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–53–3215, Revision 02, dated November 23, 2016; or Airbus Service Bulletin A340–53–4215, Revision 02, dated November 23, 2016; as applicable.

TABLE 1 TO THE INTRODUCTORY TEXT OF PARAGRAPH (g) OF THIS AD—*Compliance Time for Initial Inspection*

	Compliance time (whichever occurs later, A or B)
A	Before exceeding the compliance time ''threshold'' defined in table 1 of Airbus Service Bulletin A330–53–3215, Revision 02, dated November 23, 2016; or Airbus Service Bulletin A340–53–4215, Revision 02, dated November 23, 2016; as applicable, depending on airplane utilization and configuration and to be counted from airplane first flight
B	For Model A330 airplanes: Within 2,400 flight cycles or 24 months, whichever occurs first after the effective date of this AD For Model A340 airplanes: Within 1,300 flight cycles or 24 months, whichever occurs first after the effective date of this AD

(1) If, during any inspection required by the introductory text of paragraph (g) of this AD, any crack is detected, before further flight, accomplish all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–53–3215, Revision 02, dated November 23, 2016; or Airbus Service Bulletin A340–53–4215, Revision 02, dated November 23, 2016; as applicable, except where Airbus Service Bulletin A330–53–3215, Revision 02, dated November 23, 2016; or Airbus Service Bulletin A340–53–4215, Revision 02, dated November 23, 2016, specifies to contact Airbus for repair instructions, and specifies that action as ''RC'' (Required for Compliance), this AD requires repair before further flight using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

(2) If, during any inspection required by the introductory text of paragraph (g) of this AD, the hole diameter is not within tolerance of the transition fit as nominal, or first oversize, or second oversize, or next nominal, as applicable, and Airbus Service Bulletin A330–53–3215, Revision 02, dated November 23, 2016; or Airbus Service Bulletin A340–53–4215, Revision 02, dated November 23, 2016, specifies to contact Airbus for repair instructions, and specifies that action as ''RC'' (Required for Compliance), before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA.

(3) Accomplishment of corrective actions, as required by paragraph (g)(1) of this AD, does not constitute terminating action for the repetitive inspections required by the introductory text of paragraph (g) of this AD.

(4) Accomplishment of a repair on an airplane, as required by paragraph (g)(2) of this AD, does not constitute terminating action for the repetitive inspections required by the introductory text of paragraph (g) of this AD for that airplane, unless the method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA indicates otherwise.

(h) Credit for Previous Actions

(1) This paragraph provides credit for inspections required by the introductory text of paragraph (g) of this AD and the related investigative and corrective actions required by paragraph (g)(1) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A330–53–3215, dated June 21, 2013; or Revision 01, dated April 17, 2014; or Airbus Service Bulletin A340–53–4215, dated June 21, 2013; or Revision 01, dated April 17, 2014; as applicable.

(2) This paragraph provides credit for the inspections and corrective actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Airbus Technical Disposition (TD) Reference LR57D11023360, Issue B, dated July 12, 2011.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate

principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(3) *Required for Compliance (RC):* Except as required by paragraphs (g)(1) and (g)(2) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0136, dated June 13, 2014, 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–2016–9192.

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

(k) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A330–53–3215, Revision 02, dated November 23, 2016.

(ii) Airbus Service Bulletin A340–53–4215, Revision 02, dated November 23, 2016.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com*; Internet *http://www.airbus.com.*

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

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

Issued in Renton, Washington, on March 28, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–06712 Filed 4–19–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9286; Airspace Docket No. 16–ANM–13]

Establishment of Class E Airspace, Denver, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E en route airspace extending upward from 1,200 feet above the surface to accommodate instrument flight rules (IFR) aircraft under control of the Denver Air Route Traffic Control Center (ARTCC), Denver, CO. Establishment of this airspace area is necessary to ensure controlled airspace exists in those areas where the Federal airway structure is inadequate.

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

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E en route airspace at Denver Air Route Traffic Control Center, Denver, CO to ensure controlled airspace exists in those areas where the Federal airway structure is inadequate.

History

On November 16, 2016, the FAA published in the **Federal Register** (81 FR 80620) Docket FAA–2016–9286 a notice of proposed rulemaking to establish Class E en route airspace extending upward from 1,200 feet above the surface at Denver, CO. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6006 of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E en route airspace extending upward from 1,200 feet above the surface at Denver, CO, within the area controlled by the Denver Air Route Traffic Control Center, Denver, CO. This airspace is established to support en route IFR operations where the airway structure is inadequate.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6006 En Route Domestic Airspace Areas.

* * * * *

ANM CO E6 Denver, CO [New]

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 44°57′30″ N., long. 103°10′00″ W.; to lat. 44°42′00″ N., long. 101°29′00″ W.; to lat. 43°42′30″ N., long. 101°24′30″ W.; to lat. 43°17′20″ N., long. 100°06′00″ W.; to lat. 42°00′00″ N., long. 099°01′00″ W.; to lat. 39°59′00″ N., long.099°03′30″ W.; to lat. 39°28′00″ N., long. 098°48′00″ W.; to lat. 37°30′00″ N., long. 102°33′00″ W.; to lat. 36°43′00″ N., long. 105°00′00″ W.; to lat. 36°43′00″ N., long. 106°05′00″ W.; to lat. 36°12′00″ N., long. 107°28′00″ W.; to lat. 36°02′00″ N., long. 108°13′00″ W.; to lat. 35°42′00″ N., long. 110°14′00″ W.; to lat. 35°46′00″ N., long. 111°50′30″ W.; to lat. 36°25′15″ N., long. 111°30′15″ W.; to lat. 36°44′00″ N., long. 111°36′30″ W.; to lat. 37°24′45″ N., long. 111°52′45″ W.; to lat. 37°50′00″ N., long. 110°53′00″ W.; to lat. 38°07′45″ N., long. 110°09′25″ W.; to lat. 38°12′00″ N., long. 109°59′00″ W.; to lat. 38°56′00″ N., long. 109°59′00″ W.; to lat. 39°13′00″ N., long. 109°59′00″ W.; to lat. 39°35′00″ N., long. 110°18′00″ W.; to lat. 40°00′00″ N., long. 109°10′00″ W.; to lat. 40°51′00″ N., long. 109°06′00″ W.; to lat. 41°22′00″ N., long. 108°16′30″ W.; to lat. 41°36′30″ N., long. 108°00′00″ W.; to lat. 42°25′00″ N., long. 107°03′00″ W.; to lat. 43°53′00″ N., long. 107°17′00″ W.; to lat. 44°19′00″ N., long. 106°16′00″ W.; to lat. 45°14′15″ N., long. 106°00′00″ W.; to lat. 45°07′00″ N., long. 104°15′00″ W.; thence to the point of beginning.

Issued in Seattle, Washington, on April 7, 2017.

Sam S.L. Shrimpton,

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

[FR Doc. 2017–07788 Filed 4–19–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9264; Airspace Docket No. 16–AWP–1]

Establishment, Modification and Revocation of Air Traffic Service (ATS) Routes; Western United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies three jet routes and four VHF Omnidirectional Range (VOR) Federal airways; removes two VOR Federal Airway routes, and establishes four and modifies three low altitude Area Navigation (RNAV) routes (T-routes) in the western United States. The FAA is taking this action due to the scheduled decommissioning of the Manteca, CA, and Maxwell, CA, VOR facilities, which provide navigation guidance for portions of the affected routes. This action enhances the safety and management of aircraft along these routes within the National Airspace System (NAS). The VOR Federal airway, V–244, published in the notice of proposed rulemaking, requires more coordination and is not being finalized in this action.

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

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

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

FOR FURTHER INFORMATION CONTACT: Kenneth Ready, Airspace Policy Group,

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the air traffic service route structure in the western United States to maintain the efficient flow of air traffic.

History

On January 5, 2017, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) (82 FR 1279); Docket No. FAA–2016–9264, to amend three jet routes (J–58, J–80, J–94) and four VOR Federal airways (V–87, V–113, V–195, V–244); remove two VOR Federal airways (V–109, V–585); and establish four (T–298, T–329, T–331, and T–333) and modify four (T–257, T–259, T–261, T–263) RNAV T-routes in the western United States. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Availability and Summary of Documents for Incorporation by Reference

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

Differences From the NPRM

The NPRM proposed to establish VOR Federal airway, V–244. Due to additional coordination required for low altitude routes, V–244 requires additional review and will be finalized at a later date.

The Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 to amend jet routes J–58, J–80, J–94, and VOR Federal airways V–87, V–113, V–195; remove VOR Federal airways V–109, V–585; establish RNAV T-routes T–298, T–329, T–331, and T–333; and modify RNAV T-routes T–257, T–259, T–261, T–263 in the western United States due to the scheduled decommissioning of the Manteca and Maxwell VOR facilities. The routes are outlined below.

J–58: J–58 currently extends between Oakland, CA (OAK) and Harvey, LA (HRV). The FAA removes the segment of the route west of Coaldale, NV (OAL) from Oakland to Coaldale via Manteca. The unaffected portion of the existing route will remain as charted.

J–80: J–80 currently extends between Oakland, CA (OAK) and Bellaire, OH (AIR). The FAA removes the segment of the route west of Coaldale, NV (OAL) from Oakland to Coaldale via Manteca. The unaffected portion of the existing route will remain as charted.

J–94: J–94 currently extends between Oakland, CA (OAK) and Flint, MI (FNT). The FAA removes the segment of the route west of Mustang, NV (FMG) from Oakland to Mustang. The unaffected portion of the existing route will remain as charted.

V–87: V–87 currently extends between Panoche, CA (PXN) and Red Bluff, CA (RBL). The FAA amends the route by ending the route at Scaggs Island, CA (SGD), eliminating the segment north of Scaggs Island, CA (SGD) to Red Bluff, CA. The unaffected portion of the existing route will remain as charted.

V–109: V–109 currently extends from Panoche, CA to Oakland CA. The FAA removes this route.

V–113: V–113 currently extends between Morro Bay, CA (MQO) and Lewistown, MT (LWT). The FAA removes the Manteca, CA segment between Panoche, CA (PXN) and Linden, CA (LIN). The unaffected portions of the existing route will remain as charted in the two remaining segments.

V–195: V–195 currently extends between Manteca, CA (ECA) and Fortuna, CA, (FOT). The FAA removes the part of the route east of Oakland, CA (OAK) from Manteca to Oakland. The unaffected portion of the existing route will remain as charted.

V–585: V–585 currently extends from Clovis, CA to Sacramento, CA. The FAA removes this route.

T–257: T–257 currently extends between Big Sur, CA (BSR) to Point Reyes, CA (PYE). The FAA amends the route from Ventura, CA (VTU) to Tatoosh, WA (TOU).

T–259: T–259 currently extends between San Jose, CA (SJC) to Sacramento, CA (SAC). The FAA amends the route from Lake Hughes, CA (LHS) to Ely, NV (ELY).

T–261: T–261 currently extends between Woodside, CA (OSI) and the ALTAM waypoint. The FAA amends the route from Santa Catalina, CA (SXC) to JSTEN waypoint.

T–263: T–263 currently extends between the SUNOL waypoint and Scaggs Island, CA (SGD). The FAA amends the route to begin at Fillmore, CA (FIM) to ELWHA waypoint.

T–298: The FAA establishes T–298 between Oakland, CA (OAK) and Crazy Woman, WY (CZI).

T–329: The FAA establishes T–329 between Morro Bay, CA (MQO) and NACKI, CA waypoint.

T–331: The FAA establishes T–331 between NTELL, CA waypoint and FONIA, ND FIX.

T–333: The FAA establishes T–333 between KLIDE, CA fix and TIPRE, CA waypoint.

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

Jet routes are published in paragraph 2004, VOR Federal airways are published in paragraph 6010(a), United States Area Navigation Routes (T-Routes) are published in paragraph 6011, respectively, of FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Jet routes, VOR Federal airways and United States Area Navigation Routes (T-Routes) listed in this document will be subsequently published in the Order.

Regulatory Notices and Analyses

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

number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 2004 Jet Routes.

J–58 [Amended]

From Coaldale, NV; Wilson Creek, NV; Milford, UT; Rattlesnake, NM; Fort Union, NM; Panhandle, TX; Wichita Falls, TX; Ranger, TX; Alexandria, LA; to Harvey, LA.

* * * * *

J–80 [Amended]

From Coaldale, NV; Wilson Creek, NV; Milford, UT; Grand Junction, CO; Red Table, CO; Falcon, CO; Goodland, KS; Hill City, KS; Kansas City, MO; Spinner, IL; Brickyard, IN; to Bellaire, OH.

* * * * *

J–94 [Amended]

From Mustang, NV; Lovelock, NV; Battle Mountain, NV; Lucin, UT; Rock Springs, WY; Scottsbluff, NE; O'Neill, NE; Fort Dodge, IA; Dubuque, IA; Northbrook, IL; Pullman, MI; to Flint, MI.

* * * * *

Paragraph 6010 Domestic VOR Federal Airways.

V–87 [Amended]

From Panoche, CA; INT Panoche 245° and Salinas, CA, 100° radials; Salinas; INT Salinas 310° and Woodside, CA, 158° radials; Woodside; San Francisco, CA; INT San Francisco 359° and Scaggs Island, CA, 182° radials; to Scaggs Island, CA.

* * * * *

V–109 [Removed]

* * * * *

V–113 [Amended]

From Morro Bay, CA; Paso Robles, CA; Priest, CA; to Panoche, CA. From Linden, CA; INT Linden 046° and Mustang, NV, 208° radials; Mustang; 42 miles, 24 miles, 115 MSL, 95 MSL, Sod House, NV; 67 miles, 95 MSL, 85 MSL, Rome, OR; 61 miles, 85 MSL, Boise, ID; Salmon, ID; Coppertown, MT; Helena, MT; to Lewistown, MT.

* * * * *

V–195 [Amended]

From Oakland, CA; INT Oakland 004° and Williams, CA, 191° radials; Williams; INT Williams 002° and Red Bluff, CA, 158° radials; Red Bluff; to Fortuna, CA.

* * * * *

V–585 [Removed]

* * * * *

Paragraph 6011 United States Area Navigation Routes.

T–257 Ventura, CA (VTU) to Tatoosh, WA (TOU) [Amended]

Ventura, CA (VTU)	VOR/DME	(Lat. 34°06′54.21″ N., long. 119°02′58.17″ W.)
San Marcus, CA (RZS)	VORTAC	(Lat. 34°30′34.32″ N., long. 119°46′15.57″ W.)
Morro Bay, CA (MQO)	VORTAC	(Lat. 35°15′08.12″ N., long. 120°45′34.44″ W.)
BLANC, CA	FIX	(Lat. 35°37′53.19″ N., long. 121°21′23.04″ W.)
CAATE, CA	WP	(Lat. 36°46′32.29″ N., long. 122°04′09.57″ W.)
CHAWZ, CA	WP	(Lat. 37°06′48.59″ N., long. 122°21′09.58″ W.)
PORTE, CA	FIX	(Lat. 37°29′23.23″ N., long. 122°28′28.48″ W.)
THHEO, CA	WP	(Lat. 37°44′54.55″ N., long. 122°36′54.79″ W.)
JAMIN, CA	WP	(Lat. 37°51′16.99″ N., long. 122°40′12.05″ W.)
Point Reyes, CA (PYE)	VORTAC	(Lat. 38°04′47.12″ N., long. 122°52′04.18″ W.)
FREES, CA	FIX	(Lat. 38°23′38.47″ N., long. 122°55′33.24″ W.)
NACKI, CA	WP	(Lat. 38°43′47.73″ N., long. 123°05′52.93″ W.)
Mendocino, CA (ENI)	VORTAC	(Lat. 39°03′11.58″ N., long. 123°16′27.58″ W.)
FLUEN, CA	FIX	(Lat. 39°32′47.92″ N., long. 123°33′42.75″ W.)
PLYAT, CA	FIX	(Lat. 40°20′20.90″ N., long. 123°41′35.88″ W.)
CCHUK, CA	WP	(Lat. 40°31′42.18″ N., long. 124°04′16.08″ W.)
SCUPY, CA	WP	(Lat. 40°55′23.94″ N., long. 124°18′09.85″ W.)
OLJEK, CA	FIX	(Lat. 41°28′30.66″ N., long. 124°14′20.68″ W.)
CIGCA, CA	WP	(Lat. 41°36′39.60″ N., long. 124°17′27.58″ W.)
FURNS, CA	WP	(Lat. 41°55′15.86″ N., long. 124°26′09.40″ W.)
MITUE, OR	FIX	(Lat. 43°18′49.00″ N., long. 124°30′22.74″ W.)
JANAS, OR	FIX	(Lat. 44°17′33.63″ N., long. 124°05′14.25″ W.)
Newport, OR (ONP)	VORTAC	(Lat. 44°34′31.26″ N., long. 124°03′38.14″ W.)
CUTEL, OR	FIX	(Lat. 44°54′27.50″ N., long. 124°01′25.30″ W.)
ILWAC, WA	FIX	(Lat. 46°19′46.62″ N., long. 124°10′49.49″ W.)
ZEDAT, WA	FIX	(Lat. 46°35′50.64″ N., long. 124°10′01.14″ W.)
WAVLU, WA	FIX	(Lat. 46°50′00.90″ N., long. 124°06′35.70″ W.)
Hoquiam, WA (HQM)	VORTAC	(Lat. 46°56′49.35″ N., long. 124°08′57.37″ W.)
COPLS, WA	WP	(Lat. 47°06′46.78″ N., long. 124°07′40.80″ W.)
WAPTO, WA	FIX	(Lat. 47°28′19.54″ N., long. 124°13′50.38″ W.)
OZETT, WA	WP	(Lat. 48°03′07.00″ N., long. 124°35′54.42″ W.)

Tatoosh, WA (TOU)	VORTAC	(Lat. 48°17′59.64″ N., long. 124°37′37.36″ W.)

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T–259 Lake Hughes, CA (LHS) to Ely, NV (ELY) [Amended]

Lake Hughes, CA (LHS)	VORTAC	(Lat. 34°40′58.70″ N., long. 118°34′36.98″ W.)
Shafter, CA (EHF)	VORTAC	(Lat. 35°29′04.40″ N., long. 119°05′50.27″ W.)
Avenal, CA (AVE)	VOR/DME	(Lat. 35°38′49.11″ N., long. 119°58′42.98″ W.)
MBARI, CA	WP	(Lat. 36°01′37.09″ N., long. 120°34′38.27″ W.)
LKHRN, CA	WP	(Lat. 36°05′59.82″ N., long. 120°45′22.53″ W.)
Salinas, CA (SNS)	VORTAC	(Lat. 36°39′49.81″ N., long. 121°36′11.47″ W.)
CAATE, CA	WP	(Lat. 36°46′32.29″ N., long. 122°04′09.57″ W.)
SANTY, CA	FIX	(Lat. 36°58′45.26″ N., long. 122°04′23.07″ W.)
SAPID, CA	FIX	(Lat. 37°11′28.73″ N., long. 122°10′47.00″ W.)
CRTER, CA	WP	(Lat. 37°27′09.35″ N., long. 121°50′28.62″ W.)
MOVDD, CA	FIX	(Lat. 37°39′40.88″ N., long. 121°26′53.53″ W.)
OXJEF, CA	WP	(Lat. 37°46′11.40″ N., long. 121°02′03.31″ W.)
SAAGO, CA	WP	(Lat. 37°51′19.01″ N., long. 120°05′09.54″ W.)
BNAKI, CA	WP	(Lat. 37°53′25.61″ N., long. 119°40′02.43″ W.)
WEXIM, CA	WP	(Lat. 37°59′12.54″ N., long. 119°14′15.57″ W.)
NIKOL, CA	FIX	(Lat. 37°58′02.88″ N., long. 118°40′57.19″ W.)
DAYMN, NV	WP	(Lat. 38°59′19.00″ N., long. 115°51′00.00″ W.)
Ely, NV (ELY)	VOR/DME	(Lat. 39°17′53.25″ N., long. 114°50′53.90″ W.)

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T–261 Santa Catalina, CA (SXC), to JSTEN, WA [Amended]

Santa Catalina, CA (SXC)	VORTAC	(Lat. 33°22′30.20″ N., long. 118°25′11.68″ W.)
Gaviota, CA (GVO)	VORTAC	(Lat. 34°31′52.75″ N., long. 120°05′27.92″ W.)
Morro Bay, CA (MQO)	VORTAC	(Lat. 35°15′08.12″ N., long. 120°45′34.44″ W.)
CLMNS, CA	FIX	(Lat. 35°24′45.26″ N., long. 121°09′45.91″ W.)
HRRNG, CA	WP	(Lat. 35°37′39.24″ N., long. 121°25′19.36″ W.)
HMPBK, CA	WP	(Lat. 36°03′16.11″ N., long. 121°45′05.32″ W.)
WOZZZ, CA	WP	(Lat. 36°13′59.12″ N., long. 121°48′24.46″ W.)
Salinas, CA (SNS)	VORTAC	(Lat. 36°39′49.81″ N., long. 121°36′11.47″ W.)
WINDY, CA	FIX	(Lat. 37°17′36.96″ N., long. 121°11′00.75″ W.)
MOVDD, CA	FIX	(Lat. 37°39′40.88″ N., long. 121°26′53.53″ W.)
GIFME, CA	WP	(Lat. 38°12′02.39″ N., long. 121°35′11.42″ W.)
GRIDD, CA	FIX	(Lat. 39°19′38.69″ N., long. 121°50′07.50″ W.)
GONGS, CA	FIX	(Lat. 39°44′36.22″ N., long. 122°03′01.33″ W.)
HOMAN, CA	FIX	(Lat. 40°24′17.88″ N., long. 122°07′44.68″ W.)
GARSA, CA	FIX	(Lat. 40°42′05.61″ N., long. 122°01′26.87″ W.)
CCAPS, CA	WP	(Lat. 41°28′40.20″ N., long. 121°48′51.96″ W.)
MUREX, CA	FIX	(Lat. 41°52′11.03″ N., long. 121°44′02.93″ W.)
MIXUP, OR	FIX	(Lat. 42°31′07.79″ N., long. 121°59′49.66″ W.)
Deschutes, OR (DSD)	VORTAC	(Lat. 44°15′09.95″ N., long. 121°18′12.69″ W.)
CUPRI, OR	FIX	(Lat. 44°37′03.76″ N., long. 121°15′13.89″ W.)
SUPOC, OR	WP	(Lat. 44°54′05.94″ N., long. 120°58′53.25″ W.)
KUKTE, OR	FIX	(Lat. 45°19′55.95″ N., long. 121°09′17.29″ W.)
SUNSN, WA	WP	(Lat. 45°57′09.59″ N., long. 120°38′38.03″ W.)
MUDLE, WA	FIX	(Lat. 46°23′38.69″ N., long. 120°34′53.38″ W.)
Yakima, WA (YKM)	VORTAC	(Lat. 46°34′12.87″ N., long. 120°26′40.69″ W.)
SELAH, WA	FIX	(Lat. 46°42′03.01″ N., long. 120°32′59.48″ W.)
GEBTE, WA	FIX	(Lat. 46°51′39.01″ N., long. 120°30′17.18″ W.)
QUINT, WA	FIX	(Lat. 47°12′50.29″ N., long. 119°54′31.59″ W.)
PAWYO, WA	WP	(Lat. 48°10′04.08″ N., long. 119°29′30.00″ W.)
HVARD, WA	WP	(Lat. 48°17′32.75″ N., long. 119°30′16.09″ W.)
SOFFE, WA	WP	(Lat. 48°41′41.31″ N., long. 119°29′21.93″ W.)
JSTEN, WA	WP	(Lat. 48°57′50.34″ N., long. 119°26′15.47″ W.)

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T–263 Fillmore, CA (FIM) to ELWHA, WA [Amended]

Fillmore, CA (FIM)	VORTAC	(Lat. 34°21′24.10″ N., long. 118°52′52.65″ W.)
Avenal, CA (AVE)	VOR/DME	(Lat. 35°38′49.11″ N., long. 119°58′42.98″ W.)
Panoche, CA (PXN)	VORTAC	(Lat. 36°42′55.65″ N., long. 120°46′43.26″ W.)
WINDY, CA	FIX	(Lat. 37°17′36.96″ N., long. 121°11′00.75″ W.)
MOVDD, CA	FIX	(Lat. 37°39′40.88″ N., long. 121°26′53.53″ W.)
RBLEW, CA	WP	(Lat. 37°53′49.80″ N., long. 121°30′30.31″ W.)
PITTS, CA	FIX	(Lat. 38°02′59.59″ N., long. 121°53′28.90″ W.)
Scaggs Island, CA (SGD)	VORTAC	(Lat. 38°10′45.70″ N., long. 122°22′23.35″ W.)
POPES, CA	FIX	(Lat. 38°29′09.41″ N., long. 122°20′45.16″ W.)
DIBLE, CA	FIX	(Lat. 40°13′22.13″ N., long. 122°17′43.51″ W.)
KENDL, CA	FIX	(Lat. 40°27′20.50″ N., long. 122°23′04.50″ W.)
FOLDS, CA	FIX	(Lat. 40°44′16.56″ N., long. 122°30′10.69″ W.)
HOMEG, CA	WP	(Lat. 41°20′09.00″ N., long. 122°51′05.00″ W.)
ZUNAS, CA	FIX	(Lat. 41°51′34.17″ N., long. 122°50′54.37″ W.)
TALEM, OR	FIX	(Lat. 42°08′49.70″ N., long. 122°52′41.50″ W.)
OREGN, OR	WP	(Lat. 42°50′22.63″ N., long. 123°31′55.53″ W.)
EROWY, OR	WP	(Lat. 43°03′20.67″ N., long. 123°30′02.52″ W.)
NOTTI, OR	FIX	(Lat. 44°03′23.13″ N., long. 123°27′29.76″ W.)
Corvallis, OR (CVO)	VOR/DME	(Lat. 44°29′58.45″ N., long. 123°17′37.21″ W.)
ARTTY, OR	FIX	(Lat. 45°00′00.00″ N., long. 123°04′28.96″ W.)
Newberg, OR (UBG)	VOR/DME	(Lat. 45°21′11.62″ N., long. 122°58′41.37″ W.)
LOATH, OR	FIX	(Lat. 46°00′41.95″ N., long. 123°03′39.04″ W.)
WINLO, WA	FIX	(Lat. 46°27′27.26″ N., long. 123°06′03.90″ W.)
ULESS, WA	FIX	(Lat. 47°07′54.58″ N., long. 123°28′12.15″ W.)
ARRIE, WA	FIX	(Lat. 47°52′47.61″ N., long. 123°28′33.00″ W.)

ELWHA, WA	WP	(Lat. 48°08′55.11″ N., long. 123°40′15.06″ W.)

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T–298 Oakland, CA (OAK) to Crazy Woman, WY (CZI) [New]

Oakland, CA (OAK)	VORTAC	(Lat. 37°43′33.32″ N., long. 122°13′24.91″ W.)
ALTAM, CA	FIX	(Lat. 37°48′43.82″ N., long. 121°44′49.54″ W.)
ORANG, CA	FIX	(Lat. 37°59′00.43″ N., long. 121°15′50.95″ W.)
ELKHN, CA	WP	(Lat. 38°09′24.47″ N., long. 120°22′23.46″ W.)
NIKOL, CA	FIX	(Lat. 37°58′02.88″ N., long. 118°40′57.19″ W.)
Coaldale, NV (OAL)	VORTAC	(Lat. 38°00′11.74″ N., long. 117°46′13.61″ W.)
KATTS, NV	WP	(Lat. 38°20′00.00″ N., long. 116°20′00.00″ W.)
KITTN, NV	WP	(Lat. 38°19′44.23″ N., long. 114°57′41.27″ W.)
Wilson Creek, NV (ILC)	VORTAC	(Lat. 38°15′00.69″ N., long. 114°23′39.22″ W.)
Milford, UT, (MLF)	VORTAC	(Lat. 38°21′37.28″ N., long. 113°00′47.64″ W.)
DETAN, UT	FIX	(Lat. 38°22′22.30″ N., long. 112°37′46.69″ W.)
EBOVE, UT	WP	(Lat. 39°02′44.32″ N., long. 111°46′24.18″ W.)
Carbon, UT (PUC)	VOR/DME	(Lat. 39°36′11.49″ N., long. 110°45′12.70″ W.)
Myton, UT (MTU)	VOR/DME	(Lat. 40°08′56.74″ N., long. 110°07′37.30″ W.)
Rock Springs, WY (OCS)	VOR/DME	(Lat. 41°35′24.76″ N., long. 109°00′55.18″ W.)
DORTN, WY	WP	(Lat. 43°02′36.63″ N., long. 107°13′03.27″ W.)
Crazy Woman, WY (CZI)	VOR/DME	(Lat. 43°59′59.02″ N., long. 106°26′08.63″ W.)

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T–329 Morro Bay, CA (MQO) to NACKI, CA [New]

Morro Bay, CA (MQO)	VORTAC	(Lat. 35°15′08.12″ N., long. 120°45′34.44″ W.)
Paso Robles, CA (PRB)	VORTAC	(Lat. 35°40′20.87″ N., long. 120°37′37.59″ W.)
LKHRN, CA	WP	(Lat. 36°05′59.82″ N., long. 120°45′22.53″ W.)
Panoche, CA (PXN)	VORTAC	(Lat. 36°42′55.65″ N., long. 120°46′43.26″ W.)
MKNNA, CA	WP	(Lat. 37°04′23.41″ N., long. 120°50′22.26″ W.)
OXJEF, CA	WP	(Lat. 37°46′11.40″ N., long. 121°02′03.31″ W.)
TIPRE, CA	WP	(Lat. 38°12′21.00″ N., long. 121°02′09.00″ W.)
HNNRY, CA	WP	(Lat. 38°23′27.61″ N., long. 121°37′43.50″ W.)
ROWWN, CA	WP	(Lat. 38°24′55.86″ N., long. 121°47′00.05″ W.)
RAGGS, CA	FIX	(Lat. 38°28′34.94″ N., long. 122°09′24.65″ W.)
POPES, CA	FIX	(Lat. 38°29′09.41″ N., long. 122°20′45.16″ W.)
NACKI, CA	WP	(Lat. 38°43′47.73″ N., long. 123°05′52.93″ W.)

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T–331 NTELL, CA to FONIA, ND [New]

NTELL, CA	WP	(Lat. 36°53′58.99″ N., long. 119°53′22.21″ W.)
KARNN, CA	FIX	(Lat. 37°09′03.79″ N., long. 121°16′45.22″ W.)
VINCO, CA	FIX	(Lat. 37°22′35.11″ N., long. 121°42′59.52″ W.)
NORCL, CA	WP	(Lat. 37°31′02.66″ N., long. 121°43′10.60″ W.)
MOVDD, CA	FIX	(Lat. 37°39′40.88″ N., long. 121°26′53.53″ W.)
EVETT, CA	WP	(Lat. 38°00′36.11″ N., long. 121°07′48.14″ W.)
TIPRE, CA	WP	(Lat. 38°12′21.00″ N., long. 121°02′09.00″ W.)
ESSOH, CA	WP	(Lat. 38°43′11.37″ N., long. 120°38′10.87″ W.)
Squaw Valley, CA (SWR)	VOR/DME	(Lat. 39°10′49.16″ N., long. 120°16′10.60″ W.)
TRUCK, CA	FIX	(Lat. 39°26′15.67″ N., long. 120°09′42.48″ W.)
Mustang, NV (FMG)	VORTAC	(Lat. 39°31′52.55″ N., long. 119°39′21.86″ W.)
HIXUP, NV	WP	(Lat. 39°58′08.32″ N., long. 118°51′52.25″ W.)
Lovelock, NV (LLC)	VORTAC	(Lat. 40°07′30.95″ N., long. 118°34′39.34″ W.)
CUTVA, NV	FIX	(Lat. 40°23′27.16″ N., long. 117°35′59.79″ W.)
Battle Mountain, NV (BAM)	VORTAC	(Lat. 40°34′08.69″ N., long. 116°55′20.12″ W.)
PARZZ, NV	WP	(Lat. 41°36′14.64″ N., long. 115°02′09.69″ W.)
TULIE, ID	WP	(Lat. 42°37′58.49″ N., long. 113°06′44.54″ W.)
AMFAL, ID	WP	(Lat. 42°45′56.67″ N., long. 112°50′04.64″ W.)
Pocatello, ID (PIH)	VOR/DME	(Lat. 42°52′13.38″ N., long. 112°39′08.05″ W.)
VIPUC, ID	WP	(Lat. 43°21′09.64″ N., long. 112°14′44.08″ W.)
Idaho Falls, ID (IDA)	VOR/DME	(Lat. 43°31′08.42″ N., long. 112°03′50.10″ W.)
SABAT, ID	FIX	(Lat. 44°00′59.71″ N., long. 111°39′55.04″ W.)
WAHNZ, ID	WP	(Lat. 44°17′15.61″ N., long. 111°13′32.75″ W.)
SPECT, MT	WP	(Lat. 45°20′00.37″ N., long. 109°27′47.95″ W.)
Billings, MT (BIL)	VORTAC	(Lat. 45°48′30.81″ N., long. 108°37′28.73″ W.)
TRUED, MT	WP	(Lat. 46°08′27.38″ N., long. 107°54′36.55″ W.)
EXADE, MT	FIX	(Lat. 47°35′56.78″ N., long. 104°32′40.61″ W.)
JEKOK, MT	WP	(Lat. 47°59′31.05″ N., long. 103°27′17.51″ W.)
FONIA, ND	FIX	(Lat. 48°15′35.07″ N., long. 103°10′37.54″ W.)

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T–333 KLIDE, CA to TIPRE, CA [New]

KLIDE, CA	FIX	(Lat. 37°09′51.03″ N., long. 121°42′46.98″ W.)
BORED, CA	FIX	(Lat. 37°18′34.16″ N., long. 121°27′48.06″ W.)
SMONE, CA	WP	(Lat. 37°32′10.45″ N., long. 121°21′30.65″ W.)
TIPRE, CA	WP	(Lat. 38°12′21.00″ N., long. 121°02′09.00″ W.)

Issued in Washington, DC, on April 12, 2017.

Gemechu Gelgelu,

Acting Manager, Airspace Policy Group.

[FR Doc. 2017–07784 Filed 4–19–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2017–0077]

RIN 1625–AA08

Special Local Regulation; Tred Avon River, Between Bellevue, MD and Oxford, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing special local regulations for certain waters of the Tred Avon River. This action is necessary to provide for the safety of life on the navigable waters located between Bellevue, MD and Oxford, MD, during a swim event on June 10, 2017. 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 the Coast Guard Patrol Commander.

DATES: This rule is effective from 8:30 a.m. on June 10, 2017, until 11:30 a.m. on June 11, 2017. This rule will be enforced from 8:30 a.m. until 11:30 a.m. on June 10, 2017, and if necessary, due to inclement weather, from 8:30 a.m. until 11:30 a.m. on June 11, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0077 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 January 23, 2017, Charcot-Marie-Tooth Association of Trappe, MD notified the Coast Guard that it will be conducting the swim portion of the Oxford Biathlon from 9:30 a.m. until 10:30 a.m. on June 10, 2017. The event will be conducted on a designated 1,300-meter course that starts at the ferry dock at Bellevue, MD and finishes at the Tred Avon Yacht Club at Oxford, MD. On February 27, 2017, the Coast Guard published a notice of proposed rulemaking (NPRM) titled ''Special Local Regulation; Tred Avon River, between Bellevue, MD and Oxford, MD'' in the **Federal Register** (82 FR 11867). In the NPRM, we stated the purpose of the rulemaking and invited comments on the proposed regulatory action related to this swim event. During the comment period that ended March 29, 2017, we received 1 comment. No public meeting was requested, and none was held.

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 swim event on June 10, 2017, will be a safety concern for anyone intending to participate in this event or for vessels that operate within specified waters of the Tred Avon River between Bellevue, MD and Oxford, MD. The purpose of this rule is to protect event participants, spectators and transiting vessels on certain waters of the Tred Avon River before, during, and after the scheduled event.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received 1 comment on our NPRM published on February 27, 2017. There are no changes in the regulatory text of this rule from what was proposed in the NPRM.

The commenter, an individual, stated support for the regulated area, that it's necessary because the concentration of swimmers in this case increases the likelihood of a boating accident. Additionally, the consequences would be a slight inconvenience for a small number of recreational boaters and nothing involving significant economic trade on the waterway.

The Coast Guard agrees that this waterway restriction is necessary, however, should remain limited in scope and duration. The Coast Guard carefully considered its actions to enhance safety to event participants while minimizing restrictions on mariners on the Tred Avon River. For this event, enough notice has been provided for persons to schedule, coordinate and adjust their voyages, and the Coast Guard will only enforce the regulated area during the enforcement period.

This rule establishes special local regulations from 8:30 a.m. until 11:30 a.m. on June 10, 2017, and if necessary, due to inclement weather, from 8:30 a.m. until 11:30 a.m. on June 11, 2017. The regulated area will include all navigable waters of the Tred Avon River, from shoreline to shoreline, within an area bounded on the east by a line drawn from latitude 38°42′25″ N., longitude 076°10′45″ W., thence south to latitude 38°41′37″ N., longitude 076°10′26″ W., and bounded on the west by a line drawn from latitude 38°41′58″ N., longitude 076°11′04″ W., thence south to latitude 38°41′25″ N., longitude 076°10′49″ W., thence east to latitude 38°41′25″ N., longitude 076°10′30″ W., located at Oxford, MD. The duration of the regulated area is intended to ensure the safety of event participants and vessels within the specified navigable waters before, during, and after the event, currently scheduled to begin at 9:30 a.m. and last until 10:30 a.m. No vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP Maryland-National Capital Region or the designated Coast Guard Patrol Commander, except for Oxford Biathlon participants.

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 Tred Avon River for three 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 vessel operators to request permission to enter the regulated area for the purpose of safely transit the regulated area if deemed safe to do so by the COTP or designated Coast Guard Patrol Commander.

B. Impact on Small Entities

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under 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 may negatively impact the safety of waterway users and shore side activities within the event area. This category of marine event water activities includes but is not limited to sail boat regattas, boat parades, power boat racing, swimming events, crew racing, canoe and sail board racing. Normally such actions are categorically excluded from further review under paragraph 34(h) of Figure 2–1 of Commandant Instruction M16475.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 § 100.501T05–0077 to read as follows:

§ 100.501T05–0077 Special Local Regulation; Tred Avon River, between Bellevue, MD and Oxford, MD.

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

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

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

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

(b) *Regulated area.* The following location is a regulated area: All navigable waters of the Tred Avon River, from shoreline to shoreline, within an area bounded on the east by a line drawn from latitude 38°42′25″ N., longitude 076°10′45″ W., thence south to latitude 38°41′37″ N., longitude 076°10′26″ W., and bounded on the west by a line drawn from latitude 38°41′58″ N., longitude 076°11′04″ W., thence south to latitude 38°41′25″ N., longitude 076°10′49″ W., thence east to latitude 38°41′25″ N., longitude 076°10′30″ W., located at Oxford, MD. All coordinates reference Datum NAD 1983.

(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 shall depart the regulated area.

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

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

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

(d) *Enforcement period.* This section will be enforced from 8:30 a.m. until 11:30 a.m. on June 10, 2017, and if necessary, due to inclement weather, from 8:30 a.m. until 11:30 a.m. on June 11, 2017.

Dated: April 13, 2017.

Michael W. Batchelder,

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

[FR Doc. 2017–07957 Filed 4–19–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0227]

RIN 1625–AA00

Safety Zone; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone—Rockets for Schools Rocket Launch

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone on the Sheboygan Harbor, near the Sheboygan South Pier in Sheboygan, WI for the Rockets for Schools Rocket Launch on May 13, 2017. This action is necessary and intended to ensure safety of life on navigable waters immediately prior to, during, and after the rocket launch. During the aforementioned period, the Coast Guard will enforce restrictions upon, and control movement of, vessels in the safety zone. No person or vessel may enter the safety zone while it is being enforced without permission of the Captain of the Port Lake Michigan or a designated representative.

DATES: The regulations in 33 CFR 165.929 will be enforced for safety zone (c)(3), Table 165.929, from 8:45 a.m. until 4:15 p.m. on May 13, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email MST1 Kaleena D. Carpino, marine event coordinator, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747–7148, email *D09-SMB-SECLakeMichigan-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Rockets for School Rocket Launch safety zone listed as item (c)(3) in Table 165.929 of 33 CFR 165.929. Section 165.929 lists many annual events requiring safety zones in the Captain of the Port Lake Michigan zone. This safety zone will encompass all waters of the Sheboygan Harbor within the arc of a circle with a 1500-yard radius from a center point launch position at 43°44.914′ N., 087°41.869′ W. (NAD 83). As specified in 33 CFR 165.929, all vessels must obtain permission from the Captain of the Port Lake Michigan or a designated representative to enter, move within, or exit the safety zone when it is enforced. Vessels and persons granted permission to enter the safety zone must obey all lawful orders or directions of the

Captain of the Port Lake Michigan or a designated representative.

This document is issued under authority of 33 CFR 165.929, Safety Zones; Annual events requiring safety zones in the Captain of the Port Lake Michigan zone, and 5 U.S.C. 552(a). In addition to this publication in the **Federal Register**, the Coast Guard plans to provide the maritime community with advance notification for the enforcement of this zone via Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port Lake Michigan or a representative may be contacted via Channel 16, VHF–FM.

Dated: April 12, 2017.

A.B. Cocanour,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. 2017–07982 Filed 4–19–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Part 36

RIN 1801–AA16

[Docket ID ED–2016–OGC–0051]

Adjustment of Civil Monetary Penalties for Inflation

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Department of Education (Department) issues these final regulations to adjust the Department's civil monetary penalties (CMPs) for inflation. An initial ''catch-up'' adjustment was required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), which amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Inflation Adjustment Act). These final regulations provide the 2017 annual inflation adjustments to the initial ''catch-up'' adjustments we made on August 1, 2016, through an interim final rule (IFR).

DATES: These regulations are effective April 20, 2017. The adjusted CMPs established by these regulations are applicable only to civil penalties assessed after April 20, 2017 whose associated violations occurred after November 2, 2015. For a description of the CMPs applicable under other circumstances, see the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Levon Schlichter, U.S. Department of Education, Office of the General Counsel, 400 Maryland Avenue SW., Room 6E235, Washington, DC 20202–2241. Telephone: (202) 453–6387 or by email: *levon.schlichter@ed.gov.*

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

Individuals with disabilities can obtain this document in an accessible format (*e.g.,* Braille, large print, audiotape, or compact disc) on request to the contact person listed in this section.

SUPPLEMENTARY INFORMATION:

Background:

The Inflation Adjustment Act (28 U.S.C. 2461 note) provides for the regular evaluation of CMPs to ensure that they continue to maintain their deterrent value. The Inflation Adjustment Act required that each agency issue regulations to adjust its CMPs beginning in 1996 and at least every four years thereafter. The Department published its most recent cost adjustment to each CMP in the **Federal Register** on October 2, 2012 (77 FR 60047), and those adjustments became effective on the date of publication.

The 2015 Act (section 701 of Pub. L. 114–74) amended the Inflation Adjustment Act to improve the effectiveness of CMPs and to maintain their deterrent effect.

The 2015 Act requires agencies to: (1) Adjust the level of CMPs with an initial ''catch-up'' adjustment through an IFR; and (2) make subsequent annual adjustments for inflation. Catch-up adjustments are based on the percentage change between the Consumer Price Index for all Urban Consumers (CPI–U) for the month of October in the year the penalty was last adjusted by a statute other than the Inflation Adjustment Act, and the October 2015 CPI–U. Annual inflation adjustments are based on the percentage change between the October CPI–U preceding the date of each statutory adjustment, and the prior year's October CPI–U.[1]

The Department published an IFR with the initial ''catch-up'' penalty adjustment amounts on August 1, 2016 (81 FR 50321). These adjustments are currently in effect and apply to all CMPs covered by the Inflation Adjustment Act. We did not receive any public comments on this IFR.

A CMP is defined in the Inflation Adjustment Act as any penalty, fine, or other sanction that is (1) for a specific monetary amount as provided by Federal law, or has a maximum amount provided for by Federal law; (2) assessed or enforced by an agency pursuant to Federal law; and (3) assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

The formula for the amount of a CMP inflation adjustment is prescribed by law, as explained in OMB Memorandum M–16–06 (February 24, 2016), and is not subject to the exercise of discretion by the Secretary of Education (Secretary). Under the 2015 Act, the Department was required to use, as the baseline for adjusting the CMPs in the IFR, the CMP amounts as they were most recently established or adjusted under a provision of law other than the Inflation Adjustment Act. In accordance with the 2015 Act, we did not use the amounts set out in 34 CFR part 36 in 2012 in the formula used in the IFR to adjust for inflation because those CMP amounts were updated pursuant to the Inflation Adjustment Act.[2] Instead, the baselines we used in the IFR were the amounts set out most recently in each of the statutes that provide for civil penalties. Using these statutory CMPs, we determined which year those amounts were originally enacted by Congress (or the year the statutory amounts were last amended by the statute that established the penalty) and used the annual inflation adjustment multiplier corresponding to that year from Table A in OMB Memorandum M–16–06. We then rounded the number to the nearest dollar and checked, as required by the Inflation Adjustment Act, to see if that adjusted amount exceeded 150 percent of the CMP amount that was established under 34 CFR part 36, and in effect on November 2, 2015. If any of the amounts exceeded 150 percent, we were required to use the lesser amount (the 150 percent amount). All of the adjusted amounts were less than 150 percent so we did not have to replace any of the amounts we calculated using the multiplier from Table A of OMB Memorandum M–16–06 with the lesser amount.

In these final regulations, we adjust each CMP amount provided in the IFR by a factor of 1.01636, as directed by OMB Memorandum M–17–11.

Effective Dates:

The precise penalty amount that will apply to violations occurring before

[1] If a statute that created a penalty is amended to change the penalty amount, the Department does not adjust the penalty in the year following the adjustment.

[2] As originally enacted, the Inflation Adjustment Act limited the first increased adjustment, which we made through regulation, to a maximum of 10 percent. This 10 percent limitation affected the increase we last made in the 2012 rulemaking. In the 2015 Act, Congress determined that limiting the first adjustments to 10 percent reduced the effectiveness of the penalties, so the 2015 Act requires us to use the statutory amounts as our baseline.

April 20, 2017, the effective date of this final rule, depends on when the violation occurred and also when we assessed the penalty for the violation. For all violations occurring on or before November 2, 2015, the applicable penalty amount is the amount set forth in 34 CFR 36.2 prior to August 1, 2016 (the IFR publication date). For violations occurring after November 2, 2015, in general, there are three potential amounts that could apply: (1) The amount as set forth in 34 CFR 36.2 before August 1, 2016;[3] (2) the amount set forth in 34 CFR 36.2 after publication of the IFR on August 1, 2016; or (3) the amount set forth in 34 CFR 36.2 through this final rule. The following chart shows which amount applies based on the assessment date for violations after November 2, 2015:

Date of Assessment	Assessment after April 20, 2017 (final rule publication date).	Assessment between August 1, 2016 (IFR publication date) and April 20, 2017 (final rule publication date).	Assessment prior to August 1, 2016 (IFR publication date).
Applicable Rule	This final rule	2016 IFR	34 CFR 36.2 as it existed before August 1, 2016.

The Department's Civil Monetary Penalties

The following analysis calculates new CMPs for penalty statutes in the order in which they appear in 34 CFR 36.2. The 2015 Act provides that any increase to an agency's CMPs applies only to CMPs that are assessed after the effective date of the adjustments, including those whose associated violation predated such increase. These regulations are effective April 20, 2017. Therefore, the adjustments to the Department's CMPs made by these final regulations apply only to violations that are assessed after April 20, 2017.

Statute: 20 U.S.C. 1015(c)(5).

Current Regulations: The CMP for 20 U.S.C. 1015(c)(5) (Section 131(c)(5) of the Higher Education Act of 1965, as amended (HEA)), as last set out in statute in 1998 (Pub. L. 105–244, title I, § 101(a), Oct. 7, 1998, 112 Stat. 1602), is a fine of up to $25,000 for failure by an institution of higher education (IHE) to provide information on the cost of higher education to the Commissioner of Education Statistics. In the IFR, we increased this amount to $36,256.

New Regulations: The new penalty for this section is $36,849.

Reason: Using the multiplier of 1.01636 from OMB Memorandum M–17–11, the new penalty is calculated as follows: $36,256 × 1.01636 = $36,849.15, which makes the adjusted penalty $36,849, when rounded to the nearest dollar.

Statute: 20 U.S.C. 1022d(a)(3).

Current Regulations: The CMP for 20 U.S.C. 1022d(a)(3) (Section 205(a)(3) of the HEA), as last set out in statute in 2008 (Pub. L. 110–315, title II, § 201(2), Aug. 14, 2008, 122 Stat. 3147), provides for a fine of up to $27,500 for failure by an IHE to provide information to the State and the public regarding its teacher-preparation programs. In the IFR, we increased this amount to $30,200.

New Regulations: The new penalty for this section is $30,694.

Reason: Using the multiplier of 1.01636 from OMB Memorandum M–17–11, the new penalty is calculated as follows: $30,200 × 1.01636 = $30,694.07, which makes the adjusted penalty $30,694, when rounded to the nearest dollar.

Statute: 20 U.S.C. 1082(g).

Current Regulations: The CMP for 20 U.S.C. 1082(g) (Section 432(g) of the HEA), as last set out in statute in 1986 (Pub. L. 99–498, title IV, § 402(a), Oct. 17, 1986, 100 Stat. 1401), provides for a fine of up to $25,000 for violations by lenders and guaranty agencies of Title IV of the HEA, which authorizes the Federal Family Education Loan Program. In the IFR, we increased this amount to $53,907.

New Regulations: The new penalty for this section is $54,789.

Reason: Using the multiplier of 1.01636 from OMB Memorandum M–17–11, the new penalty is calculated as follows: $53,907 × 1.01636 = $54,788.92, which makes the adjusted penalty $54,789, when rounded to the nearest dollar.

Statute: 20 U.S.C. 1094(c)(3)(B).

Current Regulations: The CMP for 20 U.S.C. 1094(c)(3)(B) (Section 487(c)(3)(B) of the HEA), as set out in statute in 1986 (Pub. L. 99–498, title IV, § 407(a), Oct. 17, 1986, 100 Stat. 1488), provides for a fine of up to $25,000 for an IHE's violation of Title IV of the HEA or its implementing regulations. Title IV authorizes various programs of student financial assistance. In the IFR, we increased this amount to $53,907.

New Regulations: The new penalty for this section is $54,789.

Reason: Using the multiplier of 1.01636 from OMB Memorandum M–17–11, the new penalty is calculated as follows: $53,907 × 1.01636 = $54,788.92, which makes the adjusted penalty $54,789, when rounded to the nearest dollar.

Statute: 20 U.S.C. 1228c(c)(2)(E).

Current Regulations: The CMP for 20 U.S.C. 1228c(c)(2)(E) (Section 429 of the General Education Provisions Act), as set out in statute in 1994 (Pub. L. 103–382, title II, § 238, Oct. 20, 1994, 108 Stat. 3918), provides for a fine of up to $1,000 for an educational organization's failure to disclose certain information to minor students and their parents. In the IFR, we increased this amount to $1,591.

New Regulations: The new penalty for this section is $1,617.

Reason: Using the multiplier of 1.01636 from OMB Memorandum M–17–11, the new penalty is calculated as follows: $1,591 × 1.01636 = $1,617.03, which makes the adjusted penalty $1,617, when rounded to the nearest dollar.

Statute: 31 U.S.C. 1352(c)(1) and (c)(2)(A).

Current Regulations: The CMPs for 31 U.S.C. 1352(c)(1) and (c)(2)(A), as set out in statute in 1989, provide for a fine of $10,000 to $100,000 for recipients of Government grants, contracts, etc. that improperly lobby Congress or the Executive Branch with respect to the award of Government grants and contracts. In the IFR, we increased these amounts to $18,936 to $189,361.

New Regulations: The new penalties for these sections are $19,246 to $192,459.

Reason: Using the multiplier of 1.01636 from OMB Memorandum M–17–11, the new minimum penalty is calculated as follows: $18,936 × 1.01636 = $19,245.79, which makes the adjusted penalty $19,246, when rounded to the nearest dollar. The new maximum penalty is calculated as follows: $189,361.00 × 1.01636 = $192,458.95,

[3] There may be an unusual circumstance where the amount set forth in the prior regulations was superseded by a statute before August 1, 2016, in which case the statutory amount would apply. However, we have been unable to identify an instance where a statutory amendment superseded the regulatory amount in this timeframe.

which makes the adjusted penalty $192,459, when rounded to the nearest dollar.

Statute: 31 U.S.C. 3802(a)(1) and (a)(2).

Current Regulations: The CMPs for 31 U.S.C. 3802(a)(1) and (a)(2), as set out in statute in 1986 (Pub. L. 99–509, title VI, § 6103(a), Oct. 21, 1986, 100 Stat. 1937), provide for a fine of up to $5,000 for false claims and statements made to the Government. In the IFR, we increased this amount to $10,781.

New Regulations: The new penalty for this section is $10,957.

Reason: Using the multiplier of 1.01636 from OMB Memorandum M–17–11, the new penalty is calculated as follows: $10,781 × 1.01636 = $10,957.38, which makes the adjusted penalty $10,957, when rounded to the nearest dollar.

Executive Orders 12866, 13563, and 13771

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a significant regulatory action as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities in a material way (also referred to as ''economically significant'' regulations);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

Based on the number and amount of penalties imposed under the CMPs amended in these final regulations, we have determined that this regulatory action will have none of the economic impacts described under the Executive order. These final regulations are required by statute, the adjusted CMPs are not at the Secretary's discretion, and, accordingly, these final regulations do not have any of the policy impacts described under the Executive order. Because these final regulations are not a significant regulatory action, they are not subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account, among other things, and to the extent practicable, the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or providing information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these final regulations as required by statute. The Secretary has no discretion to consider alternative approaches as delineated in the Executive order. Based on this analysis and the reasons stated in the preamble, the Department believes that these final regulations are consistent with the principles in Executive Order 13563.

Under Executive Order 13771, if the Department proposes for notice and comment or otherwise promulgates a new regulation that is a significant regulatory action under Executive Order 12866, it must identify two existing regulations for elimination. For Fiscal Year 2017, any new incremental costs associated with the new regulation must be fully offset by the elimination of existing costs through the repeal of at least two regulations. These final regulations are not a significant regulatory action. Therefore, the requirements of Executive Order 13771 do not apply.

Waiver of Rulemaking and Delayed Effective Date

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed regulations. However, the APA provides that an agency is not required to conduct notice-and-comment rulemaking when the agency, for good cause, finds that notice and public comment thereon are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(B)). There is good cause to waive rulemaking here as unnecessary.

Rulemaking is ''unnecessary'' in those situations in which ''the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.'' *Utility Solid Waste Activities Group* v. *EPA,* 236 F.3d 749, 755 (D.C. Cir. 2001), *quoting* U.S. Department of Justice, *Attorney General's Manual on the Administrative Procedure Act* 31 (1947) and *South Carolina* v. *Block,* 558 F. Supp. 1004, 1016 (D.S.C. 1983).

These regulations merely implement the statutory mandate to adjust CMPs for inflation. The regulations reflect administrative computations performed by the Department as prescribed by the statute, and the Secretary has no discretion in determining the new penalties.

The APA also generally requires that regulations be published at least 30 days before their effective date, unless the agency has good cause to implement its regulations sooner (5 U.S.C. 553(d)(3)). Again, because these final regulations merely implement non-discretionary administrative computations, there is good cause to make them effective on the day they are published.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. The formula for the amount of the inflation adjustments is prescribed by statute and is not subject to the Secretary's discretion. These CMPs are infrequently imposed by the Secretary, and the

regulations do not involve any special considerations that might affect the imposition of CMPs on small entities.

Paperwork Reduction Act of 1995

These regulations do not contain any information collection requirements.

Intergovernmental Review

This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Assessment of Educational Impact

Based on our own review, we have determined that these regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

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

List of Subjects in 34 CFR Part 36

Claims, Fraud, Penalties.

Dated: April 17, 2017.

Betsy DeVos,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary amends part 36 of title 34 of the Code of Federal Regulations as follows:

PART 36—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

■ 1. The authority citation for part 36 continues to read as follows:

Authority: 20 U.S.C. 1221e–3 and 3474; 28 U.S.C. 2461 note, as amended by § 701 of Pub. Law 114–74, unless otherwise noted.

■ 2. Section 36.2 is amended by revising Table I to read as follows:

§ 36.2 Penalty adjustment.

* * * * *

TABLE I, SECTION 36.2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

Statute	Description	New maximum (and minimum, if applicable) penalty amount
20 U.S.C. 1015(c)(5) (Section 131(c)(5) of the Higher Education Act of 1965 (HEA)).	Provides for a fine, as set by Congress in 1998, of up to $25,000 for failure by an institution of higher education (IHE) to provide information on the cost of higher education to the Commissioner of Education Statistics.	$36,849
20 U.S.C. 1022d(a)(3) (Section 205(a)(3) of the HEA)	Provides for a fine, as set by Congress in 2008, of up to $27,500 for failure by an IHE to provide information to the State and the public regarding its teacher-preparation programs.	30,694
20 U.S.C. 1082(g) (Section 432(g) of the HEA)	Provides for a civil penalty, as set by Congress in 1986, of up to $25,000 for violations by lenders and guaranty agencies of Title IV of the HEA, which authorizes the Federal Family Education Loan Program.	54,789
20 U.S.C. 1094(c)(3)(B) (Section 487(c)(3)(B) of the HEA).	Provides for a civil penalty, as set by Congress in 1986, of up to $25,000 for an IHE's violation of Title IV of the HEA, which authorizes various programs of student financial assistance.	54,789
20 U.S.C. 1228c(c)(2)(E) (Section 429 of the General Education Provisions Act).	Provides for a civil penalty, as set by Congress in 1994, of up to $1,000 for an educational organization's failure to disclose certain information to minor students and their parents.	1,617
31 U.S.C. 1352(c)(1) and (c)(2)(A)	Provides for a civil penalty, as set by Congress in 1989, of $10,000 to $100,000 for recipients of Government grants, contracts, etc. that improperly lobby Congress or the Executive Branch with respect to the award of Government grants and contracts.	19,246 to 192,459
31 U.S.C. 3802(a)(1) and (a)(2)	Provides for a civil penalty, as set by Congress in 1986, of up to $5,000 for false claims and statements made to the Government.	10,957

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[FR Doc. 2017–08034 Filed 4–19–17; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Parts 301, 350 and 351

[Docket No. 16–CRB–0015–RM]

Procedural Regulations for the Copyright Royalty Board: Organization, General Administrative Provisions

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Royalty Judges are amending and augmenting procedural regulations governing the filing and delivery of documents to allow for electronic filing of documents.

DATES: Effective April 20, 2017.

FOR FURTHER INFORMATION CONTACT: Kimberly Whittle, Attorney Advisor, by telephone at (202) 707–7658 or email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

On November 23, 2016, the Copyright Royalty Judges (Judges) published a proposed rule in the **Federal Register** seeking comments on proposed amendments relating to an automated system, designated ''eCRB.'' The rules address electronic filing of documents and related matters such as the form and content of documents that are filed with the Judges.[1] The Judges received comments from the following interested parties: The Commercial Television Claimants (CTV); [2] Independent Producers Group and Multigroup Claimants (IPG); Joint Sports Claimants (JSC); [3] the Music Community Participants (Music Community); [4] the Performing Rights Organizations (Music PROs); [5] the Program Suppliers; [6] and the Settling Devotional Claimants (SDC).[7] All interested parties supported the Judges' decision to implement an electronic filing system and to adopt rules concerning the use of that system, though most recommended some changes to the proposed rules.

II. Comments on Proposed Rules and Judges' Findings

The Judges address the comments on a section-by-section basis. The Judges will adopt without change those sections that no interested party commented on.[8]

Section 350.3(a)(1): Format—Caption and Description

The Music Community recommended that the proposed rule be modified so that filers would not be required to put a footer on the first page of a filed document, noting that the first page includes a caption that conveys the same information that would be in the footer. Comments of the Music Community Participants (Music Community Comments) at 9. The Judges find this recommendation to be reasonable and will adopt it in the final rule.

Commenter Music PROs recommended that the requirement for a footer be eliminated from the rules. In the view of the Music PROs, eCRB should be designed to add a footer automatically. Comments of Performing Rights Organizations (Music PRO Comments) at 2–3.

eCRB will add a stamp to the first page of each filed document that includes, *inter alia,* the date and time the document was filed. It will not add a footer to each page, however. While the Judges may revisit this design choice in a future revision of the system, filers will be required to add footers to their documents for the time being. The Judges note that the burden of adding footers to documents created in a word processing program is minimal. However, the Music PROs' concern is well-taken that adding footers to some document exhibits (*e.g.,* exhibits that are reproductions of paper documents) might not be technologically feasible. The Judges will adopt language limiting the application of the requirement for including footers on exhibits to the extent it is technologically feasible to do so using software available to the general public.

Section 350.3(a)(2): Format—Page Layout

The Music PROs object to this provision's requirement that exhibits or attachments to documents reflect the docket number of the proceeding and that the pages are numbered appropriately, opining that ''[m]ost if not all electronic filing systems automatically create a legend on each page of a filed document. . . .'' Music PRO Comments at 3. eCRB will not create a legend on each page of a filed document. Consequently, the Judges will retain the requirement in the final rule. As discussed above, however, the Judges recognize that in certain instances (*e.g.,* when attachments or exhibits are reproductions of paper documents) there may be technological impediments to adding footers to an attachment or exhibit.[9] The Judges will,

[1] *See* 81 FR 84526.

[2] CTV does not identify its constituent members in its comments. In a Petition to Participate filed in a recent cable distribution proceeding, CTV is identified as ''U.S. commercial television broadcast stations'' represented by the National Association of Broadcasters, through its counsel (the same counsel that prepared the CTV Comments). *See Joint Petition to Participate of the National Association of Broadcasters* at 1, Docket No. 14–CB–0010–CD (2013). The Judges assume that ''CTV'' denominates the same or a similar group of entities in this rulemaking. It would have assisted the Judges and provided a more complete record if the CTV Comments had identified CTV and its interest in this rulemaking.

[3] The JSC is comprised of Office of the Commissioner of Baseball, National Football League, National Basketball Association, Women's National Basketball Association, National Hockey League, and the National Collegiate Athletic Association. The JSC did not comment on any specific provisions, merely noting that they ''have no objection or suggested revisions to the proposed rules.'' Comments of the Joint Sports Claimants at 1.

[4] The Music Community Participants consist of SoundExchange, Inc., the Recording Industry Association of America, Inc., the American Association of Independent Music, the American Federation of Musicians of the United States and Canada, The Screen Actors Guild—American Federation of Television and Radio Artists, and the National Music Publishers' Association.

[5] The Music PROs consist of Broadcast Music, Inc., the American Society of Composers, Authors and Publishers, and SESAC, Inc.

[6] The Program Suppliers are comprised of The Motion Picture Association of America, Inc., its member companies and ''other producers and/or syndicators of syndicated movies, series, specials, and non-team sports broadcast by television stations.'' Program Suppliers Comments at 1.

[7] The Settling Devotional Claimants are comprised of: Amazing Facts, Inc., American Religious Town Hall Meeting, Inc., Catholic Communications Corporation, Christian Television Network, Inc., The Christian Broadcasting Network, Inc., Coral Ridge Ministries Media, Inc., Cornerstone Television, Inc., Cottonwood Christian Center, Crenshaw Christian Center, Crystal Cathedral Ministries, Inc., Family Worship Center Church, Inc. (D/B/A Jimmy Swaggart Ministries), Free Chapel Worship Center, Inc., In Touch Ministries, Inc., It Is Written, Inc., John Hagee Ministries, Inc. (aka Global Evangelism Television), Joyce Meyer Ministries, Inc. (F/K/A Life In The Word, Inc.), Kerry Shook Ministries (aka Fellowship of the Woodlands), Lakewood Church (aka Joel Osteen Ministries), Liberty Broadcasting Network, Inc., Living Word Christian Center, Living Church of God (International), Inc., Messianic Vision, Inc., New Psalmist Baptist Church, Oral Roberts Evangelistic Association, Inc., Philadelphia Church of God, Inc., RBC Ministries, Rhema Bible Church (aka Kenneth Hagin Ministries), Ron Phillips Ministries, St. Ann's Media, The Potter's House Of Dallas, Inc. (d/b/a T.D. Jakes Ministries), Word of God Fellowship, Inc., d/b/a Daystar Television Network, Billy Graham Evangelistic Association, and Zola Levitt Ministries. SDC Comments at 1 n.1.

[8] The Judges received no comments on proposed sections 301.2, 350.1, 350.2, 350.3(a)(3), 350.3(b)(1), 350.3(b)(4), 350.3(b)(7), 350.5(b), 350.5(d), 350.5(e), 350.5(f), 350.5(g), 350.6(d), 350.6(e), 350.7(a), 350.7(b), and 350.8.

[9] The Judges note that Adobe Acrobat software permits users to add headers and footers to scanned

Continued

therefore, modify the final rule to limit the application of the requirement for including footers on attachments or exhibits to the extent it is technologically feasible to do so using readily available software.

The Music Community raised a similar concern about adding footers to ''exhibits in non-traditional formats'' such as non-PDF files, and recommended that the Judges adopt an exception. Music Community Comments at 9. The Judges acknowledge this concern, and believe that it is addressed by the modification to this provision that the Music PROs proposed and the Judges adopted.

It has also come to the Judges' attention that the phrase ''clear black image'' in this section may cause confusion in light of the requirement in section 350.3(b)(5) to scan exhibits in color. The Judges have modified the provision to clarify that, as with electronic copies of exhibits, any document that uses color to convey information or enhance readability must be reproduced in color.

Section 350.3(b)(2): File Type for Electronic Filings

As proposed, section 350.3(b)(2) requires all pleadings and documents to be filed in Portable Document Format (PDF), with the exception of proposed orders. The proposed rule also permits filers to provide certain documents in their native electronic formats.

The Music Community noted that it is unclear whether the second two sentences of this section are intended to be exceptions from the requirement for PDF files, or to permit filers to provide native files in addition to PDF versions of those files. *See id.* at 10. They pointed out that, for audio and video files, conversion to PDF is impossible. *See id.* In addition, the Music Community expressed concern that the proposed language would prohibit filers from providing the Copyright Royalty Board with the full range of electronic materials that could potentially be provided as exhibits in future filings. *See id.* They recommend revising the proposed section ''to extend it to the full range of file types that cannot usefully be provided in PDF format and to state clearly that such files do not need to be delivered in PDF format.'' *Id.*

The Judges' intent in drafting the proposed provision was to require filers to convert to the PDF file format any document that can be converted legibly, and to give filers the option of also providing those documents in their native format if doing so would assist the Judges. The Judges also intended to exclude from the requirement for PDF files those files (such as audio and audiovisual files) that cannot be converted to PDF.

The Judges agree with Music Community that the proposed provision requires clarification as to when filing documents in their native form is to be in lieu of, or in addition to filing a PDF file. The Judges have modified the final rule accordingly.[10]

In addition, the Judges recognize that it would be helpful to filers if the provision gave guidance as to which specific file formats the system is able to accept. However, this is likely to change over time as technology progresses. Consequently, apart from PDF and Word format, the regulations will not specify particular file types, and will refer to ''audio,'' ''video,'' and similar generic file formats. While the system will accept a wide variety of file formats as exhibits to pleadings or as hearing exhibits, the Judges caution that they might not have software to render and view all file types.

The Program Suppliers noted that the rule should provide guidance to filers as to the maximum file size that the eCRB system can accept. *See* Program Suppliers Comments at 2. The Judges agree with this comment and, after consulting with the system developers, have modified section 350.3(b)(2) to include a maximum allowable file size. The Judges note, however, that this provision does not override any applicable page or word limit. Nor is this a guarantee that filers will be able to upload files at or near the maximum allowable file size, given the multitude of factors that may affect a transmission across the Internet before it is received by eCRB.

The Program Suppliers also noted that proposed section 350.3(b)(2) does not ''provide guidance as to whether exhibits and attachments must be submitted as filings separate from the principal document.'' *Id.* The eCRB system will be able to accept multiple files (*e.g.,* a motion and exhibits) in a single filing. As the system is currently under development, the Judges can provide no further detail at this time. The eCRB documentation will provide further details about the filing process, and the Judges will supplement that information, either with informal guidance posted on the CRB Web site, or additional regulations, as the need arises.

Section 350.3(b)(3): Proposed Orders

Proposed section 350.3(b)(3) requires parties filing or responding to motions to provide a proposed order as a Word document. The Settling Devotional Claimants (SDC) suggest that, as to a party responding to a motion, the requirement be limited to cases where the responding party is seeking alternative relief, rather than merely seeking denial of the motion. Comments of the Settling Devotional Claimants (SDC Comments) at 2. IPG recommend that the requirement for a proposed order be dispensed with entirely. Comments of Independent Producers Group and Multigroup Claimants (IPG Comments) at 1. IPG argues that ''more often than not it is impossible to anticipate what the adjudicating entity will want the final order to say with specificity.'' *Id.*

The Judges find a party's proposed order to be a useful starting point for drafting an order, even in circumstances in which the Judges' resolution of the motion is not precisely what the moving party or the responding party anticipated. Consequently, the Judges will retain the requirement for a moving party to file a proposed order in the final rule. The Judges agree with the SDC that there is little utility in a proposed order that merely denies the relief sought by the moving party. The Judges have modified this provision to require responding parties to file a proposed order when they seek alternative relief, and have relocated the requirement to section 350.4.

Section 350.3(b)(5): Scanned Exhibits

Proposed section 305.3(b)(5) seeks to ensure that scanned exhibits are as useful as possible to the Judges by requiring that (1) they are scanned at an appropriate resolution; (2) they are rendered searchable; and (3) any exhibits that use color to convey information are scanned in color. The Music PROs expressed concern that rendering scanned exhibits searchable is not always technically feasible. *See* PRO Comments at 3. Noting the difficulties that a filer might encounter when, for example, an original contains text that is too small or too blurred to be ''read'' by optical character recognition (OCR) software, the Music PROs find that ''an unqualified requirement that all scanned documents be 'searchable' poses a technical challenge and places parties at risk of violating the rules if a given document cannot readily be made searchable.'' *Id.* at 3–4. The Music PROs

PDF documents, and permits users to shrink the document to avoid overwriting the document's text and graphics.

[10] As a result of this change, section 350.3(b)(4) through (8) have been redesignated as section 350.3(b)(5) through (9). The narrative will continue to refer to the paragraph numbers in the proposed rule in order to correspond to the paragraph numbers in the comments.

recommend limiting the requirement ''to the extent technologically feasible through software programs available to the general public.'' *Id.* No other commenter commented on this provision.

The Judges find that the Music PROs' concern is unfounded. The Judges recognize that OCR software is not perfect, and that it might do a poor job of extracting text from certain documents. The draft provision does not require perfection; it does, however, require that filers use OCR functionality that is available to them to render searchable any text that it is capable of rendering. OCR functionality is broadly available, either as stand-alone applications, built into commercially-available software for creating and editing PDF files, or embedded into scanner/copier hardware. Nevertheless, it has been the Judges' experience that parties frequently submit scanned documents without processing them through OCR software, shifting the burden onto the Judges and their staff to process the documents into a usable form. The proposed provision is intended to end this practice. The Judges will adopt the provision as drafted.

Section 350.3(b)(6): Bookmarks

The Music PROs objected to this provision's requirement that electronic documents include bookmarks as an ''unwarranted'' burden. *Id.* at 4. They recommend that the proposed rule be eliminated or limited to documents exceeding 20 pages in length. No other commenter objected to this provision.

As with the other provisions of proposed section 350.3(b), proposed section 350.3(b)(6) seeks to ensure that documents submitted to the CRB in electronic form are at least as useful as their paper equivalents. It was proposed to address problems that the Judges frequently have encountered in the past. Electronic documents that contain no bookmarks are more difficult to navigate—particularly when accessed on a mobile device from the bench. The Judges find the Music PROs objection concerning ''burden'' to be outweighed by the Judges' need for useful electronic documents. The Judges will adopt the proposed rule as drafted.

Section 350.3(b)(8): Signature

The Music Community expressed concern that this proposed rule, together with proposed sections 350.5(d) and (e), is undesirable from the perspective of information security. *See* Music Community Comments at 10–11. These three provisions address the issue of how counsel must sign documents they submit using eCRB. Section 350.3(b)(8) eliminates the need for a manual (*i.e.,* ''wet'') signature on an electronically-filed document. Instead, the document must bear a signature line identifying the person responsible for signing the document, and that name must match the name of the person whose eCRB account is used to file the document. Section 350.5(e) specifies that logging onto an eCRB account and submitting a document constitutes the signature of the account holder (*i.e.,* the person to whom the eCRB login password was assigned) and imposes on the account holder the ethical obligations associated with his or her signature. Section 350.5(d) states the general rule that only the account holder may log in to his or her account. It creates an exception, however, that permits an attorney to authorize another employee or agent of the attorney's law firm to use his or her password to log in and file documents. That provision further states that the account holder remains responsible for any documents filed using that account.

The Music Community correctly discerned that the purpose of the exception in section 350.5(d) is to accommodate the practice in some firms of requiring the responsible partner to sign litigation documents, while delegating the task of carrying out the electronic filing to others within the firm. *See id.* While the Music Community supports this accommodation, they ''believe it would be preferable to issue eCRB passwords liberally to persons associated with a firm appearing in a proceeding, and allow filings to be uploaded by an eCRB user other than the signing attorney, so long as the signer and uploader are part of the same firm.'' *Id.* at 11.

Sections 350.3(b)(8), 350.5(d) and 350.5(e) seek to address two aspects of the issue of signatures on electronic documents: Ready identification of the responsible party, and a manifestation of the responsible party's consent to filing the document. The Music Community's recommendation addresses the first aspect, but not the second. Their proposal would identify the responsible party on the signature line of the document. But an entirely different person would manifest his or her consent to the filing by using a separate account and password.

The Judges find that the provision as proposed strikes an appropriate balance among information security needs, the Judges' requirement for a manifestation of assent by the responsible party, and the flexibility that law firms desire. With one exception, the Judges will adopt these provisions as proposed.

In the course of developing the eCRB system it has come to the Judges' attention that, by placing a ''filed'' stamp on the first page of a filed document, the system will alter the document and thus invalidate any verifiable digital signature. Consequently, the Judges have deleted the final sentence of proposed section 350.3(b)(8), which would have permitted parties to sign documents with a verifiable electronic signature if they had the capability of doing so.

Section 350.3(c): Length of Submissions

The SDC, IPG, the Music PROs, and the Program Suppliers all commented on the Judges' proposal to impose page limits on parties filing motions, responses, and replies. IPG opposed the proposal, arguing that ''strict page limits present a problem when dealing with certain levels of complexity'' and ''can prejudice a party with a valid, but complex, point to make . . . .'' IPG Comments at 1. No other commenter opposed the imposition of page limits, and the SDC supported them in principle. *See* SDC Comments at 2. Particularly in light of the fact that the proposed regulation expressly states that a party can seek an enlargement of the page limitations by motion, the Judges do not find the imposition of page limits to be an unwarranted burden. The Judges find that the imposition of reasonable page limits is desirable from the standpoint of administrative efficiency and will adopt them in the final rule.

The SDC, the Music PROs and the Program Suppliers each seek clarification of the language of section 305.3(c). The SDC state that the proposed rule ''creates and ambiguity if the motion is more than 20 pages and but less than 5,000 words or vice versa,'' and recommend that the Judges revise the rule to eliminate the ambiguity. *Id.* The Music PROs state that the phrase ''exclusive of exhibits, proof of delivery, and the like'' is ambiguous. Music PROs Comments at 4. The Music PROs and the Program suppliers both recommended that the Judges state with greater particularity the material that does not count against the page limit. *See id.;* Program Suppliers Comments at 3. The Judges find these recommendations to be reasonable and will adopt them in the final rule.

The Program Suppliers also recommended that ''the Judges modify the proposed rule so that if a page limit extension is granted as to a motion or opposition, that same page limit expansion will automatically apply to any responsive pleadings . . . .'' *Id.* The Judges find the Program Suppliers'

recommendation to be fair and reasonable and will adopt it in the final rule.

Finally, the Program Suppliers argued that the Judges should expand the proposed page limits if they adopt a mandatory form for motions as proposed in section 350.4. *See* Program Suppliers Comments at 3. The Judges note that the proposed page limits are longer than most of the pleadings that the Judges currently receive. Also, as discussed below, the Judges have decided not to adopt a mandatory form for motions and responsive pleadings at this time. Moreover, the proposed provision expressly permits parties to seek an enlargement of the page limitations. The Judges find that their proposed page limits are sufficiently generous and that the Program Suppliers' recommendation is unnecessary. The Judges will not adopt it.

Section 350.4: Form of Motion and Responsive Pleadings

The SDC, IPG, the Music Community, the Music PROs, and the Program suppliers commented on this provision. Apart from the Program Suppliers, all who commented on this provision opposed it.

The SDC observed that ''the format requirement appears more appropriate for appellate level briefs'' and opined that, in some cases, ''the required format would enlarge documents without making it any clearer.'' SDC Comments at 2. The SDC recommended that the Judges retain the portion of section 350.4 that sets forth the required content, but strike the language ''and conform to the following format.'' *Id.* at 3.

IPG viewed the requirement for mandatory subsections in pleadings as ''unnecessary'' because ''the parties have historically demonstrated an ability to adequately address each of these topics in past briefings.'' IPG Comments at 1. Like the SDC, IPG opined that the proposed mandatory format would increase the length of submissions. *See id.*

The Music Community expressed confusion about whether the proposal was intended to apply to motions and replies (it was) and whether it was intended to require separate sections in filings to address the matters identified in the various subsections of section 350.4 (it was). Music Community Comments at 12. The Music Community offered the Judges the following tidbit of advice: ''To obtain documents written as they want, the Judges may wish to make their intentions in these regards clearer.'' *Id.* Substantively, the Music Community argued that ''the proposed rule indicate[s] a format and level of formality that seems appropriate for certain documents . . . but not others'' and recommended that the Judges ''provide guidance for the preparation of documents that is outside the rules or drafted in less mandatory terms . . . .'' *Id.* at 12–13.

The Music PROs also expressed confusion as to ''whether this section requires that all filings must always include these specific five sections within a pleading, as opposed to, for example, merely requiring the inclusion of the content specified.'' Music PROs Comments at 5. They opine that ''the content and ordering of these sections is, in some respects, inconsistent with the format typical of motions and responsive briefs in filings made in proceedings before the Judges'' and could ''impair the clear presentation of motions and responsive pleadings.'' *Id.* at 4–5. The Music PROs recommend that the provision either be deleted in its entirety, or altered by deleting the words ''and conform to the following format,'' eliminating the language regarding a statement of issues and evidence relied upon, and reorganizing the provision. *See id.* at 5.

The Program Suppliers ''[did] not oppose the imposition of a set of required contents and structural formats for pleadings,'' but noted that the requirements could ''overly complicate simple pleadings and would very likely lengthen pleadings (particularly short ones).'' Program Suppliers Comments at 4. The Program Suppliers recommended that the format specifications should apply only to pleadings longer than 10 pages or 2500 words, that several of the proposed sections be consolidated under the heading ''Argument,'' and that the page limitations be enlarged to 25 pages or 6,250 words for motions and responses, and 15 pages or 3750 words for replies. *See id.* at 4–5.

The Judges proposed section 350.4 to improve the quality and organization of the pleadings that parties submit to the Judges. Submission of pleadings that lack essential elements, or are organized in a way that makes it difficult for the Judges to discern those elements, is not a universal problem, but does occur all too frequently.

The Judges acknowledge the concerns that the commenters have raised, and that this provision requires further consideration and refinement. Rather than delay the remainder of the proposed regulations while working through these concerns, the Judges withdraw the proposed language for the time being, and will adopt a more general requirement that pleadings ''must, at a minimum, state concisely the specific relief the party seeks from the . . . Judges, and the legal, factual, and evidentiary basis for granting that relief (or denying the relief sought by the moving party).'' As noted above, the Judges have also relocated to this provision the requirement to accompany a motion with a proposed order.

Section 350.5(a): Documents To Be Filed by Electronic Means

The Music Community, while generally supportive of the proposed requirement that all documents filed by attorneys be filed through eCRB, expressed concern that ''it is occasionally necessary to file documents with the Judges that do not related to an active proceeding with an established docket number.'' Music Community Comments at 13. The Music Community recommended that, in those cases, eCRB should be designed to permit filings without an active docket number, or the rules should permit a paper filing. *See id.*

The eCRB system will permit filing of documents without an active docket number when the filer is seeking to initiate a new proceeding. The filer will select a proceeding type from a list (*e.g.,* ''Distribution Proceeding-Cable TV,'' or ''Rulemaking'') and will select ''Add New'' from the list of existing docket numbers. The CRB will assign a docket number as part of its internal business process.

The eCRB system will also permit a filer to fill in a comment field when filing a document. This will provide filers with the opportunity to convey pertinent information to the CRB, including whether a document for which the selected docket number is ''Add New'' should in fact be associated with a an existing, inactive docket number.

With that explanation, the Judges find that the Music Community's proposed alternative of permitting paper filings is unnecessary and they will not adopt it.

The Judges have, however, modified the language of section 350.5(a)(1) to have the transition period end September 30, 2017, rather than six-months after the as yet undetermined date of initial deployment of eCRB. The Judges find that having the transition period end on a date certain will avoid any possible confusion over when the transition rules cease to apply.

Section 350.5(c)(1): Obtaining an Electronic Filing Password for Attorneys

The Music Community raised concerns with the portion of this proposed section that requires all attorneys to complete eCRB training.

See id. at 14. Specifically, the Music Community noted that the training requirement ''puts a premium on having such training readily available, including for counsel outside the Washington, DC area . . . .'' Id. They recommend that the Judges make training available to attorneys online. *See id.*

The Judges agree that online training would be an effective solution that would be available to attorneys throughout the country. Unfortunately, online training will not be available at the time eCRB becomes operational. The Judges will, however, make documentation including ''frequently asked questions'' available on their Web site. In light of the unavailability of online training at the time eCRB becomes operational, the Judges will delete the training requirement from the final rule.

Section 350.5(c)(2): Obtaining an Electronic Filing Password for Pro Se Participants

The Music Community did not object to this proposed section which gives the Judges discretion to provide or deny *pro se* participants access to eCRB. Music Community Comments at 14. The Music Community urges the Judges, however, ''to grant such access liberally,'' noting that ''non-use of eCRB . . . would burden participants who are represented by counsel, as well as the Judges and their staff . . . .'' *Id.*

As the Music community has pointed out, there are competing concerns at play regarding access by pro se participants to eCRB. On one hand, *pro se* participants' level of technological knowledge and access to technology resources varies widely.[11] The Judges must avoid a situation where a *pro se* participant opts to use eCRB without being fully-aware of the responsibilities that entails or capable of meeting them. On the other, the Judges and all parties will benefit if eCRB is utilized to the fullest. The Judges will bear these considerations in mind when exercising their discretion under this provision, which they will adopt unchanged in the final rule.

Section 350.5(c)(3): Obtaining an Electronic Filing Password for Claims Filers

Commenter Commercial Television Claimants (CTV) noted that proposed section 350.5(c)(3) states that ''claimants 'desiring to file a claim with the Copyright Royalty Board for copyright royalties may obtain an eCRB password for the limited purpose of filing claims' '' and states that ''CTV reserves its right to submit comments when the Judges propose full rules relating to electronic filing of July claims, including whether claimants should be required to obtain passwords for filing claims. CTV requests that the Judges do not issue any rules relating to the filing of July claims until a full set of proposed rules is noticed for comment.'' Commercial Television Claimants Comments on Electronic Filing of Documents (CTV Comments) at 1–2. No other party commented on this provision.

CTV had an opportunity to raise a substantive objection to proposed section 350.5(c)(3) but opted instead to ask the Judges to defer consideration of the proposal until a later rulemaking. Nevertheless, because the next window for filing claims is not until July, section 350.5(c)(3) need not go into effect before the eCRB system becomes operational. The Judges will accede to CTV's request and defer consideration of section 350.5(c)(3) until after the comment period for proposed regulations regarding filing of claims under 17 U.S.C. 111, 119 and 1007.

Section 350.5(h): Accuracy of Docket Entry

The Music PROs were the only party to comment on this proposed section, which states that eCRB filers are responsible for ensuring the accuracy of docket entries. The Music PROs sought clarification ''as to whether or how the filer has the ability to control or cause revisions to the docket if errors are found'' and the applicable time frame for doing so. Music PROs Comments at 6.

eCRB will generate docket entries based on the information that the filer enters when filing the document. The purpose of this proposed rule is to inform filers that the accuracy of the docket is critically dependent on the information that the filer enters. eCRB will not permit filers to change docket entries once a document has been filed; rather, this will be an administrative function available only to CRB staff. As with any circumstance in which a party desires the Judges to take a particular action, if the filer wishes the Judges to correct an inaccuracy in the docket, the filer should file a motion to that effect. The Judges will not impose a time limit on filing such a motion.

With that explanation, the Judges will adopt proposed section 350.5(h) without change.

Section 350.5(i): Documents Subject to a Protective Order

CTV, the Music Community and the Music PROs commented on this proposed section which states that filers are responsible for identifying restricted documents as such to the eCRB system.

CTV proposed an amendment to require that parties filing restricted documents to file a redacted public version of the document at the same time. CTV Comments at 2. This is already a standard requirement of the protective orders that the Judges issue in proceedings. *See, e.g., Protective Order* at 3 (section IV.C) Docket No. 16–CRB–003–PR (2018–2022) (''When a Participant refers to Restricted materials in any filings with the Judges, the Participant shall file the Restricted materials under seal and file concurrently suitably redacted papers for inclusion in the Judges' public record.''). This practice has worked well in the past, and the Judges find no need to alter it. Consequently, the Judges find CTV's proposal to be unnecessary and will not adopt it.

The Music Community recommended that the provision be stated in mandatory terms, rather than in terms of assigning responsibility as currently proposed. Music Community Comments at 15–16. The willingness of parties to participate in CRB proceedings is critically dependent on their confidence that doing so will not result in unauthorized public disclosure of their confidential business information. The Music Community's recommendation would provide additional assurance to participants that restricted information will be protected appropriately. The Judges thus find this change to be appropriate and will adopt it.

The Music PROs expressed concern that the proposal does not state ''how such restricted documents should be 'identified' by the filer. For example, the proposed language does not state whether the filing itself should be marked or designated in some manner, and if so, how.'' Music PROs Comments at 6. They recommended that the Judges revise this section to clarify these matters. *Id.*

Filers will designate documents as ''restricted'' to eCRB by clicking a check box at the time of filing. Requirements concerning the marking of the documents themselves presently are, and will continue to be determined by the terms of the applicable protective order which, according to the draft regulation, remain full applicable. The Judges do not find it necessary or appropriate to codify the details of the eCRB user interface in the regulations.

[11] For example, one participant until recently has filed only handwritten submissions.

The Judges will not adopt the Music PROs' recommendation.

Section 350.5(j): Exceptions to Requirement of Electronic Filing

The Program Suppliers were the only party to comment on this proposed section, which would exempt certain materials from the requirement for filing electronically. The Program Suppliers sought clarification of what constitutes ''oversized'' for purposes of the regulation (*e.g.,* whether a digital file that exceeds the maximum allowable file size would qualify as ''oversized'') and what the due date would be for a paper submission permitted or required under this provision. Program Suppliers Comments at 5.

This provision was primarily intended to provide an alternative means of filing materials that are difficult or impossible to reproduce usably as a PDF file.[12] Examples of exempt materials might include spreadsheets with too many columns to fit legibly on a page, documents with small or indistinct type, or three-dimensional objects. The Judges drafted the provision with sufficient flexibility to apply to a broad number of unanticipated circumstances in which electronic filing would be impossible, impractical, or excessively burdensome. The Judges find that it would be a disservice to filers to make this provision more rigid by making it more specific, and remind filers that, if necessary, they can seek guidance from the Judges by motion.

As noted, the Judges have accepted the Program Suppliers' recommendation to include maximum allowable file sizes as part of section 350.3(b)(2). While section 350.5(j) could permit parties to use an alternative means of filing oversized or unmanageable materials, the Judges discourage the practice. It would be preferable for parties to reduce the size of their filings, or divide them into multiple, smaller files.

Proposed section 350.7(a)(5) makes clear when a document that is not filed through eCRB is considered to be timely filed. The separate requirement under section 350.5(j) to file electronically a notice of filing is subject to the rule governing timeliness of electronic filings generally, *i.e.,* section 350.7(a)(5)(i). The Judges find that the proposed regulations require no clarification.

Finally, the Program Suppliers note that proposed section 350.5(j)(1) includes an erroneous cross reference to section 350.5(a)(2). Program Suppliers Comments at 6. The correct cross reference is to section 350.6(a)(2). The Judges will include the correct cross reference in the final rule.

Section 350.5(k): Privacy Requirements

The Music Community found the protections for personal information contained in this proposed section to be inadequate, and recommended that they be strengthened. Music Community Comments at 16. Specifically, in addition to some minor changes to the wording of the existing proposal, the Music Community recommended that the Judges include the following additional paragraph:

> *Protection of personally identifiable information.* If any information identified in paragraph (k)(1) of this section must be included in a filed document, the filing party must treat it as confidential information subject to the applicable protective order. Parties may treat as confidential information subject to the applicable protective order other personal information that is not material to the proceeding.

Id.

The Judges find the Program Suppliers' recommendation provides prudent, additional protection in those exceedingly rare instances when parties find it necessary to include personally identifiable information in their filings. The Judges will adopt the Program Suppliers' recommendation and will include it as section 350.5(k)(2).

Section 350.5(l)(3): Technical Difficulties

The Music Community and the Program Suppliers commented on this proposed section which establishes a procedure for filers to follow in the event of technical difficulties that prevent them completing electronic filing, and states that those difficulties may constitute ''good cause'' justifying an extension of the filing deadline or ''excusable neglect'' for excusing a late filing. As with many of the other proposed rules, the Judges modelled this provision closely on the Local Rules for the U.S. District Court for the District of Columbia. *See* LCvR 5.4(g)(3) (D. D.C. Apr. 2016).

The Music Community, referring to severe technical problems that the U.S. Copyright Office experienced in 2015, asserted that the ''[e]ven if hosting arrangements for eCRB may be different . . . system issues have to be viewed as a realistic possibility'' [13] and argued that ''it is cold comfort to know that the system issue 'may' constitute good cause for a late filing.'' Music Community Comments at 17–18. The Music Community also asserted that ''it is unfair for the Judges' rules to require filing through eCRB and provide no alternative when a systems issue would cause a party to miss a statutory deadline that the Judges cannot extend.'' *Id.* at 18. They propose two changes to the proposed section. First, for nonstatutory filing deadlines they would *require* the Judges to consider technical problems to be a good cause for an extension or delay. *See id.* Second, when technical problems would cause a party to miss a statutory deadline, they propose that ''either the notification required by Section 350.5(l)(3) should be considered the time of filing, or the Judges should accept filing by means of electronic mail.'' *Id.*

The Judges find that the existing language giving the Judges discretion to accept filings that are late due to a technical problem with eCRB to be an adequate and appropriate means of dealing with any potential failures of technology. It would be both imprudent and unnecessary for the Judges to adopt a rule that categorically makes any technical glitch that contributes to a party's failure to meet a deadline an automatic basis for extension. The Judges thus reject the Music Community's first proposal.

The Judges find that the Music Community has raised a valid concern regarding technological issues that could prevent a party from meeting a statutory (*i.e.,* non-extendible) deadline. However, the Judges find their proposed solution of deeming a filing to be made when the party gives the notification required by section 350.5(l)(3) to be problematic. It is not clear to the Judges that a filing that is made after a statutory deadline can be deemed by regulation to have been made earlier. By contrast, the Judges find the Music Community's suggestion that the Judges accept email filings in those circumstances to be a practical and appropriate solution. The Judges will include language in the final rule that permits electronic mail filing with the Judges and (to the extent

[12] In many instances the filer could file the document through eCRB in an alternative electronic format under section 350.3(b)(4), which would be the preferred course of action.

[13] Hosting arrangements will be different. eCRB will not be hosted on Library of Congress servers. Instead eCRB will be a cloud-based system hosted by Amazon Web Services. It is hoped that hosting eCRB entirely in the AWS government-only cloud will address the reliability, scalability, and security concerns that the Music Community and others have expressed and that the Judges share. Nevertheless, the Judges acknowledge that technical problems are always a possibility, *see, e.g., Disruption in Amazon's Cloud Service Ripples Through Internet,* N.Y. Times (Feb. 28, 2017, 7:24 p.m. E.S.T.), *https://www.nytimes.com/reuters/2017/02/28/technology/28reuters-amazon-com-aws-outages.html* (visited Mar. 1, 2017), which is why the Judges proposed section 350.5(*l*)(3).

required) electronic mail delivery to other parties in the event a technical problem prevents filing through eCRB by a statutory deadline. In addition, the Judges will revise the provision to permit filers to file by electronic mail when a technical problem prevents them from filing through eCRB by a *non-statutory* deadline as well. In either event, the Judges may require the filer to refile the document through eCRB once the technical problem is resolved, but the filing date of the document will be the date that it was sent to the CRB by electronic mail.

The Program Suppliers comment sought clarification whether after-hours technical support will be available, and sought a ''default rule . . . for what a party is to do with a filing that it intends to file'' after hours on the eve of a filing deadline. Program Suppliers Comments at 6. Customer support will be available during standard business hours. The modifications to the proposed provision described in the preceding paragraph constitute the ''default rule'' that the Program Suppliers requested.

Section 350.6(f): Deadlines for Responses and Replies

Proposed section 350.6(f) preserves the existing deadlines for filing of responses and replies of five business days from filing of the motion and four days from filing of the response, respectively. The SDC, IPG, and the Program Suppliers all recommend enlarging that time period. The SDC recommends ten days for responses and seven days for replies. SDC Comments at 3. IPG recommends ten days for response and five days for replies. IPG Comments at 1. The Program Suppliers recommend ''a reasonable enlargement of the response and reply deadlines provided that such an enlargement is not likely to result in any hindrance of or delay to the timely distribution of cable and/or satellite royalties.'' Program Suppliers Comments at 7.

The Judges recognize that, from the parties' perspective, the existing deadlines are tight and, in some instances, unnecessarily so. The Judges find that a modest increase in the response time for responses and replies is appropriate, with the understanding that the Judges may shorten the response time by order as necessary. In this rulemaking, the Judges extend motion response times to ten days for responses and five days for replies.

Section 350.6(g): Participant List

CTV and the Program Suppliers both recommended that this provision be modified to clarify that the participant list will indicate whether a party receives documents through eCRB, or whether other parties must deliver documents to that party by other means. *See* CTV Comments at 3; Program Suppliers Comments at 7.

The participant list maintained in eCRB will indicate which parties do and do not receive filed documents through eCRB. In addition, at the time a document is filed, eCRB will inform the filer of the identity of any parties on the participant list to whom the filer must deliver the document outside the eCRB system. The Judges find CTV's proposed modification to section 350.6(g) to reflect the items of information maintained in the participant list to be reasonable and appropriate and will adopt it.

Section 350.6(h): Delivery Method and Proof of Delivery

The SDC noted that ''participants in royalty distribution proceedings have adopted an informal procedure to serve each party electronically on the same day that pleadings are filed.'' SDC Comments at 3. The SDC recommended that the rules allow email in lieu of paper delivery for documents filed outside of eCRB.

The Judges find that proposed section 350.6(h)(2) already permits parties to deliver documents to other parties ''by such other means as the parties may agree in writing among themselves.'' The Judges recognize, however, that the heading ''*Paper filings*'' at the beginning of this paragraph may be interpreted to preclude delivery by electronic mail. The Judges did not intend to preclude parties from agreeing among themselves to exchange documents by electronic mail. Consequently, the Judges will change the paragraph heading to read ''*Other filings.*''

The Music Community expressed concern that proposed section 350.6(h)(2) ''might be read as applying to discovery responses that are served on other participants'' and not filed with the CRB. Music Community Comments at 19–20. The Judges do not find that to be a reasonable interpretation of the language they proposed. Nevertheless, the Judges find the Music Community's proposed language to be reasonable, clear, concise, and in accordance with the Judges' intention. The Judges will modify section 350.6(h)(2) accordingly.

Section 351.1: Initiation of Proceedings

The Program Suppliers recommended that section 351.1 be amended to ''clarify whether, at the point of filing an initial Petition to Participate, any party needs to be served . . . .'' Program Suppliers Comments at 8. The only change that the Judges are proposing to this provision is to make reference to the ability of filers to make payment of the $150 filing fee through a portal provided by eCRB to the CRB's payment processor. Under current rules and practices, parties file Petitions to Participate with the CRB only. That will not change once the parties are able to file Petitions to Participate through eCRB. The Judges find that no further change to section 351.1 is needed.

General Comments

Some commenters offered general comments, unrelated to any of the specific proposed rules. For example, CTV proposed that attorneys representing participants, and approved *pro se* participants, be granted access to eCRB to retrieve all non-restricted pleadings and orders in all cases before the CRB. *See* CTV Comments at 3–4. Similarly, the Music Community and the Music PROs recommended that all non-restricted materials be made available to the general public through eCRB. *See* Music Community Comments at 5; Music PROs Comments at 2.

The Judges can confirm that eCRB is being designed to allow attorneys, *pro se* participants, and members of the general public to search for and retrieve non-restricted documents stored in the system. During the current, initial phase of the project, only documents filed from and after the date the system becomes operational will be stored in eCRB. The system is being designed to permit inputting of documents that were filed with the CRB prior to that date, but the task of uploading of those documents is not within the scope of the current phase of the project. The Judges plan to input those documents at some time in the future, subject to budgetary and personnel constraints. No commenter requested any specific regulatory language relating to this issue. The Judges, therefore, will not adopt any regulatory language at this time.

The Music Community professed confusion concerning the Judge's use of the term ''delivery'' in the proposed regulations, and recommended that the Judges revert to using the term ''service'' as in the existing regulations. *See* Music Community Comments at 19. The Judges substituted the term ''delivery'' for ''service'' in recognition of the fact that formal service of documents is not a requirement in CRB proceedings. Instead, participants are merely required to provide copies of filed documents to the other participants. The Judges use ''delivery'' in its sense of ''giving forth'' or ''dispatching;'' they do not intend to imply that a party is obliged to guaranty

receipt of the document. In light of that explanation, the Judges find no need to replace the words ''deliver'' and ''delivery'' where they appear in the proposed regulations.

The Music Community exhorted the Judges to include strong protection for confidential business information in eCRB, and to allow users to test those protections before the system becomes operational. *See id.* at 7–8. In addition, they recommended that the Judges impose a five-business-day waiting period between the filing of non-restricted documents with eCRB, and public availability of those documents through the system, in order to give parties an opportunity to intervene if one of them improperly fails to identify a document as ''restricted'' to the system. *See id.*

eCRB is being designed and implemented with security in mind, and will comply with applicable federal information security standards as well as the very rigorous standards required by the Library of Congress. After completion and before launch, the system will be subject to an assessment and authorization process conducted by an independent contractor of the Library of Congress (separate from the contractor that is building the system). The Judges find that it is neither necessary nor appropriate to allow prospective users to carry out their own security assessment on the system.

The CRB is an office of public record and the Judges take seriously their obligation to provide timely public access to the record of CRB proceedings. The Judges also recognize the importance of protecting confidential business information against unauthorized disclosure. In the past, these sometimes competing interests have been balanced through the operation of the protective orders that the Judges have adopted. Among other things, these protective orders specify the steps to be taken to mitigate any damage that might be caused when confidential information is not properly designated and treated as restricted. The Judges anticipate that future protective orders, as they may be revised from time to time, will continue to provide adequate means for addressing any inadvertent disclosures of information that should have been designated restricted. The Judges find that the Music Community's proposal to impose a mandatory waiting period before the disclosure of every non-restricted document is unnecessary, overbroad, and an unjustified infringement on the public's right of access to the record of CRB proceedings. The Judges will not adopt the Music Community's proposal.

Having considered all comments from interested parties, the Judges adopt as final rules the changes and additions to parts 301, 350, and 351 detailed in this Final Rule.

List of Subjects

37 CFR Part 301

Copyright, Organization and functions (government agencies).

37 CFR Part 350

Administrative practice and procedure, Copyright, Lawyers.

37 CFR Part 351

Administrative practice and procedure, Copyright.

Final Regulations

For the reasons set forth in the preamble, and under the authority of chapter 8, title 17, United States Code, the Copyright Royalty Judges amend parts 301, 350, and 351 of Title 37 of the Code of Federal Regulations as follows:

PART 301—ORGANIZATION

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 17 U.S.C. 801.

§ 301.2 [Amended]

■ 2. Revise § 301.2 to read as follows:

§ 301.2 Official addresses.

All claims, pleadings, and general correspondence intended for the Copyright Royalty Board and not submitted by electronic means through the electronic filing system (''eCRB'') must be addressed as follows:

(a) If sent by mail (including overnight delivery using United States Postal Service Express Mail), the envelope should be addressed to: Copyright Royalty Board, P.O. Box 70977, Southwest Station, Washington, DC 20024–0977.

(b) If hand-delivered by a private party, the envelope must be brought to the Copyright Office Public Information Office, Room LM–401 in the James Madison Memorial Building, and be addressed as follows: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, 101 Independence Avenue SE., Washington, DC 20559–6000.

(c) If hand-delivered by a commercial courier (excluding Federal Express, United Parcel Service and similar courier services), the envelope must be delivered to the Congressional Courier Acceptance Site (CCAS) located at Second and D Street NE., Washington, DC, addressed as follows: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, 101 Independence Avenue SE., Washington, DC 20559–6000.

(d) Subject to paragraph (f) of this section, if sent by electronic mail, to *crb@loc.gov.*

(e) Correspondence and filings for the Copyright Royalty Board may not be delivered by means of:

(1) Overnight delivery services such as Federal Express, United Parcel Service, etc.; or

(2) Fax.

(f) General correspondence for the Copyright Royalty Board may be sent by electronic mail. Claimants or Parties must not send any claims, pleadings, or other filings to the Copyright Royalty Board by electronic mail without specific, advance authorization of the Copyright Royalty Judges.

PART 350—GENERAL ADMINISTRATIVE PROVISIONS

■ 3. The authority citation for part 350 continues to read as follows:

Authority: 17 U.S.C. 803.

■ 4. Revise § 350.3 to read as follows:

§ 350.3 Documents: format and length.

(a) *Format*—(1) *Caption and description.* Parties filing pleadings and documents in a proceeding before the Copyright Royalty Judges must include on the first page of each filing a caption that identifies the proceeding by proceeding type and docket number, and a heading under the caption describing the nature of the document. In addition, to the extent technologically feasible using software available to the general public, Parties must include a footer on each page after the page bearing the caption that includes the name and posture of the filing party, *e.g.,* [Party's] Motion, [Party's] Response in Opposition, *etc.*

(2) *Page layout.* Parties must submit documents that are typed (double spaced) using a serif typeface (*e.g.,* Times New Roman) no smaller than 12 points for text or 10 points for footnotes and formatted for 8½ by 11 inch pages with no less than 1 inch margins. Parties must assure that, to the extent technologically feasible using software available to the general public, any exhibit or attachment to documents reflects the docket number of the proceeding in which it is filed and that all pages are numbered appropriately. Any party submitting a document to the Copyright Royalty Board in paper format must submit it unfolded and produced on opaque 8½ by 11 inch white paper using clear black text, and color to the extent the document uses

color to convey information or enhance readability.

(3) *Binding or securing.* Parties submitting any paper document to the Copyright Royalty Board must bind or secure the document in a manner that will prevent pages from becoming separated from the document. For example, acceptable forms of binding or securing include: Ring binders; spiral binding; comb binding; and for documents of fifty pages or fewer, a binder clip or single staple in the top left corner of the document. Rubber bands and paper clips are not acceptable means of securing a document.

(b) *Additional format requirements for electronic documents*—(1) *In general.* Parties filing documents electronically through eCRB must follow the requirements of paragraphs (a)(1) and (2) of this section and the additional requirements in paragraphs (b)(2) through (10) of this section.

(2) *Pleadings; file type.* Parties must file all pleadings, such as motions, responses, replies, briefs, notices, declarations of counsel, and memoranda, in Portable Document Format (PDF).

(3) *Proposed orders; file type.* Parties filing a proposed order as required by § 350.4 must prepare the proposed order as a separate Word document and submit it together with the main pleading.

(4) *Exhibits and attachments; file types.* Parties must convert electronically (not scan) to PDF format all exhibits or attachments that are in electronic form, with the exception of proposed orders and any exhibits or attachments in electronic form that cannot be converted into a usable PDF file (such as audio and video files, files that contain text or images that would not be sufficiently legible after conversion, or spreadsheets that contain too many columns to be displayed legibly on an 8½″ x 11″ page). Participants must provide electronic copies in their native electronic format of any exhibits or attachments that cannot be converted into a usable PDF file. In addition, participants may provide copies of other electronic files in their native format, in addition to PDF versions of those files, if doing so is likely to assist the Judges in perceiving the content of those files.

(5) *No scanned pleadings.* Parties must convert every filed document directly to PDF format (using ''print to pdf'' or ''save to pdf''), rather than submitting a scanned PDF image. The Copyright Royalty Board will NOT accept scanned documents, except in the case of specific exhibits or attachments that are available to the filing party only in paper form.

(6) *Scanned exhibits.* Parties must scan exhibits or other documents that are only available in paper form at no less than 300 dpi. All exhibits must be searchable. Parties must scan in color any exhibit that uses color to convey information or enhance readability.

(7) *Bookmarks.* Parties must include in all electronic documents appropriate electronic bookmarks to designate the tabs and/or tables of contents that would appear in a paper version of the same document.

(8) *Page rotation.* Parties must ensure that all pages in electronic documents are right side up, regardless of whether they are formatted for portrait or landscape printing.

(9) *Signature.* The signature line of an electronic pleading must contain ''/s/'' followed by the signer's typed name. The name on the signature line must match the name of the user logged into eCRB to file the document.

(10) *File size.* The eCRB system will not accept PDF or Word files that exceed 128 MB, or files in any other format that exceed 500 MB. Parties may divide excessively large files into multiple parts if necessary to conform to this limitation.

(c) *Length of submissions.* Whether filing in paper or electronically, parties must adhere to the following space limitations or such other space limitations as the Copyright Royalty Judges may direct by order. Any party seeking an enlargement of the applicable page limit must make the request by a motion to the Copyright Royalty Judges filed no fewer than three days prior to the applicable filing deadline. Any order granting an enlargement of the page limit for a motion or response shall be deemed to grant the same enlargement of the page limit for a response or reply, respectively.

(1) *Motions.* Motions must not exceed 20 pages and must not exceed 5000 words (exclusive of cover pages, tables of contents, tables of authorities, signature blocks, exhibits, and proof of delivery).

(2) *Responses.* Responses in support of or opposition to motions must not exceed 20 pages and must not exceed 5000 words (exclusive of cover pages, tables of contents, tables of authorities, signature blocks, exhibits, and proof of delivery).

(3) *Replies.* Replies in support of motions must not exceed 10 pages and must not exceed 2500 words (exclusive of cover pages, tables of contents, tables of authorities, signature blocks, exhibits, and proof of delivery).

§§ 350.4 through 350.6 [Redesignated]

■ 5. Redesignate §§ 350.4 through 350.6 as §§ 350.6 through 350.8, respectively.

■ 6. Add new §§ 350.4 and 350.5 to read as follows:

§ 350.4 Content of motion and responsive pleadings.

A motion, responsive pleading, or reply must, at a minimum, state concisely the specific relief the party seeks from the Copyright Royalty Judges, and the legal, factual, and evidentiary basis for granting that relief (or denying the relief sought by the moving party). A motion, or a responsive pleading that seeks alternative relief, must be accompanied by a proposed order.

§ 350.5 Electronic filing system (eCRB).

(a) *Documents to be filed by electronic means*—(1) *Transition period.* For the period commencing with the initial deployment of the Copyright Royalty Board's electronic filing and case management system (eCRB) and ending January 1, 2018, all parties having the technological capability must file all documents with the Copyright Royalty Board through eCRB in addition to filing paper documents in conformity with applicable Copyright Royalty Board rules. The Copyright Royalty Board must announce the date of the initial deployment of eCRB on the Copyright Royalty Board Web site (*www.loc.gov/crb*), as well as the conclusion of the dual-system transition period.

(2) *Subsequent to transition period.* Except as otherwise provided in this chapter, all attorneys must file documents with the Copyright Royalty Board through eCRB. *Pro se* parties may file documents with the Copyright Royalty Board through eCRB, subject to § 350.4(c)(2).

(b) *Official record.* The electronic version of a document filed through and stored in eCRB will be the official record of the Copyright Royalty Board.

(c) *Obtaining an electronic filing password*—(1) *Attorneys.* An attorney must obtain an eCRB password from the Copyright Royalty Board in order to file documents or to receive copies of orders and determinations of the Copyright Royalty Judges. The Copyright Royalty Board will issue an eCRB password after the attorney applicant completes the application form available on the CRB Web site.

(2) Pro se *parties.* A party not represented by an attorney (a *pro se* party) may obtain an eCRB password from the Copyright Royalty Board with permission from the Copyright Royalty Judges, in their discretion. To obtain permission, the *pro se* party must

submit an application on the form available on the CRB Web site, describing the party's access to the Internet and confirming the party's ability and capacity to file documents and receive electronically the filings of other parties on a regular basis. If the Copyright Royalty Judges grant permission, the *pro se* party must complete the eCRB training provided by the Copyright Royalty Board to all electronic filers before receiving an eCRB password. Once the Copyright Royalty Board has issued an eCRB password to a *pro se* party, that party must make all subsequent filings by electronic means through eCRB.

(d) *Use of an eCRB password.* An eCRB password may be used only by the person to whom it is assigned, or, in the case of an attorney, by that attorney or an authorized employee or agent of that attorney's law office or organization. The person to whom an eCRB password is assigned is responsible for any document filed using that password.

(e) *Signature.* The use of an eCRB password to login and submit documents creates an electronic record. The password operates and serves as the signature of the person to whom the password is assigned for all purposes under this chapter III.

(f) *Originals of sworn documents.* The electronic filing of a document that contains a sworn declaration, verification, certificate, statement, oath, or affidavit certifies that the original signed document is in the possession of the attorney or *pro se* party responsible for the filing and that it is available for review upon request by a party or by the Copyright Royalty Judges. The filer must file through eCRB a scanned copy of the signature page of the sworn document together with the document itself.

(g) *Consent to delivery by electronic means.* An attorney or *pro se* party who obtains an eCRB password consents to electronic delivery of all documents, subsequent to the petition to participate, that are filed by electronic means through eCRB. Counsel and *pro se* parties are responsible for monitoring their email accounts and, upon receipt of notice of an electronic filing, for retrieving the noticed filing. Parties and their counsel bear the responsibility to keep the contact information in their eCRB profiles current.

(h) *Accuracy of docket entry.* A person filing a document by electronic means is responsible for ensuring the accuracy of the official docket entry generated by the eCRB system, including proper identification of the proceeding, the filing party, and the description of the document. The Copyright Royalty Board will maintain on its Web site (*www.loc.gov/crb*) appropriate guidance regarding naming protocols for eCRB filers.

(i) *Documents subject to a protective order.* A person filing a document by electronic means must ensure, at the time of filing, that any documents subject to a protective order are identified to the eCRB system as ''restricted'' documents. This requirement is in addition to any requirements detailed in the applicable protective order. Failure to identify documents as ''restricted'' to the eCRB system may result in inadvertent publication of sensitive, protected material.

(j) *Exceptions to requirement of electronic filing*—(1) *Certain exhibits or attachments.* Parties may file in paper form any exhibits or attachments that are not in a format that readily permits electronic filing, such as oversized documents; or are illegible when scanned into electronic format. Parties filing paper documents or things pursuant to this paragraph must deliver legible or usable copies of the documents or things in accordance with § 350.6(a)(2) and must file electronically a notice of filing that includes a certificate of delivery.

(2) Pro se *parties.* A *pro se* party may file documents in paper form and must deliver and accept delivery of documents in paper form, unless the *pro se* party has obtained an eCRB password.

(k) *Privacy requirements.* (1) Unless otherwise instructed by the Copyright Royalty Judges, parties must exclude or redact from all electronically filed documents, whether designated ''restricted'' or not:

(i) *Social Security numbers.* If an individual's Social Security number must be included in a filed document for evidentiary reasons, the filer must use only the last four digits of that number.

(ii) *Names of minor children.* If a minor child must be mentioned in a document for evidentiary reasons, the filer must use only the initials of that child.

(iii) *Dates of birth.* If an individual's date of birth must be included in a pleading for evidentiary reasons, the filer must use only the year of birth.

(iv) *Financial account numbers.* If a financial account number must be included in a pleading for evidentiary reasons, the filer must use only the last four digits of the account identifier.

(2) *Protection of personally identifiable information.* If any information identified in paragraph (k)(1) of this section must be included in a filed document, the filing party must treat it as confidential information subject to the applicable protective order. In addition, parties may treat as confidential, and subject to the applicable protective order, other personal information that is not material to the proceeding.

(l) *Incorrectly filed documents.* (1) The Copyright Royalty Board may direct an eCRB filer to re-file a document that has been incorrectly filed, or to correct an erroneous or inaccurate docket entry.

(2) After the transition period, if an attorney or a *pro se* party who has been issued an eCRB password inadvertently presents a document for filing in paper form, the Copyright Royalty Board may direct the attorney or *pro se* party to file the document electronically. The document will be deemed filed on the date it was first presented for filing if, no later than the next business day after being so directed by the Copyright Royalty Board, the attorney or *pro se* participant files the document electronically. If the party fails to make the electronic filing on the next business day, the document will be deemed filed on the date of the electronic filing.

(m) *Technical difficulties.* (1) A filer encountering technical problems with an eCRB filing must immediately notify the Copyright Royalty Board of the problem either by email or by telephone, followed promptly by written confirmation.

(2) If a filer is unable due to technical problems to make a filing with eCRB by an applicable deadline, and makes the notification required by paragraph (m)(1) of this section, the filer shall use electronic mail to make the filing with the CRB and deliver the filing to the other parties to the proceeding. The filing shall be considered to have been made at the time it was filed by electronic mail. The Judges may direct the filer to refile the document through eCRB when the technical problem has been resolved, but the document shall retain its original filing date.

(3) The inability to complete an electronic filing because of technical problems arising in the eCRB system may constitute ''good cause'' (as used in § 350.6(b)(4)) for an order enlarging time or excusable neglect for the failure to act within the specified time, provided the filer complies with paragraph (m)(1) of this section. This section does not provide authority to extend statutory time limits.

■ 7. Revise newly redesignated §§ 350.6 and 350.7 to read as follows:

§ 350.6 Filing and delivery.

(a) *Filing of pleadings*—(1) *Electronic filing through eCRB.* Except as described in § 350.5(l)(2), any document filed by

electronic means through eCRB in accordance with § 350.5 constitutes filing for all purposes under this chapter, effective as of the date and time the document is received and timestamped by eCRB.

(2) *All other filings.* For all filings not submitted by electronic means through eCRB, the submitting party must deliver an original, five paper copies, and one electronic copy in Portable Document Format (PDF) on an optical data storage medium such as a CD or DVD, a flash memory device, or an external hard disk drive to the Copyright Royalty Board in accordance with the provisions described in § 301.2 of this chapter. In no case will the Copyright Royalty Board accept any document by facsimile transmission or electronic mail, except with prior express authorization of the Copyright Royalty Judges.

(b) *Exhibits.* Filers must include all exhibits with the pleadings they support. In the case of exhibits not submitted by electronic means through eCRB, whose bulk or whose cost of reproduction would unnecessarily encumber the record or burden the party, the Copyright Royalty Judges will consider a motion, made in advance of the filing, to reduce the number of required copies. *See* § 350.5(j).

(c) *English language translations.* Filers must accompany each submission that is in a language other than English with an English-language translation, duly verified under oath to be a true translation. Any other party to the proceeding may, in response, submit its own English-language translation, similarly verified, so long as the responding party's translation proves a substantive, relevant difference in the document.

(d) *Affidavits.* The testimony of each witness must be accompanied by an affidavit or a declaration made pursuant to 28 U.S.C. 1746 supporting the testimony. *See* § 350.5(f).

(e) *Subscription*—(1) *Parties represented by counsel.* Subject to § 350.5(e), all documents filed electronically by counsel must be signed by at least one attorney of record and must list the attorney's full name, mailing address, email address (if any), telephone number, and a state bar identification number. *See* § 350.5(e). Submissions signed by an attorney for a party need not be verified or accompanied by an affidavit. The signature of an attorney constitutes certification that the contents of the document are true and correct, to the best of the signer's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances and:

(i) The document is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(ii) The claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted by the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

(2) *Parties representing themselves.* The original of all paper documents filed by a party not represented by counsel must be signed by that party and list that party's full name, mailing address, email address (if any), and telephone number. The party's signature will constitute the party's certification that, to the best of his or her knowledge and belief, there is good ground to support the document, and that it has not been interposed for purposes of delay.

(f) *Responses and replies.* Responses in support of or opposition to motions must be filed within ten days of the filing of the motion. Replies to responses must be filed within five days of the filing of the response.

(g) *Participant list.* The Copyright Royalty Judges will compile and distribute to those parties who have filed a valid petition to participate the official participant list for each proceeding, including each participant's mailing address, email address, and whether the participant is using the eCRB system for filing and receipt of documents in the proceeding. For all paper filings, a party must deliver a copy of the document to counsel for all other parties identified in the participant list, or, if the party is unrepresented by counsel, to the party itself. Parties must notify the Copyright Royalty Judges and all parties of any change in the name or address at which they will accept delivery and must update their eCRB profiles accordingly.

(h) *Delivery method and proof of delivery*—(1) *Electronic filings through eCRB.* Electronic filing of any document through eCRB operates to effect delivery of the document to counsel or *pro se* participants who have obtained eCRB passwords, and the automatic notice of filing sent by eCRB to the filer constitutes proof of delivery. Counsel or parties who have not yet obtained eCRB passwords must deliver and receive delivery as provided in paragraph (h)(2). Parties making electronic filings are responsible for assuring delivery of all filed documents to parties that do not use the eCRB system.

(2) *Other filings.* During the course of a proceeding, each party must deliver all documents that they have filed other than through eCRB to the other parties or their counsel by means no slower than overnight express mail sent on the same day they file the documents, or by such other means as the parties may agree in writing among themselves. Parties must include a proof of delivery with any document delivered in accordance with this paragraph.

§ 350.7 Time.

(a) *Computation.* To compute the due date for filing and delivering any document or performing any other act directed by an order of the Copyright Royalty Judges or the rules of the Copyright Royalty Board:

(1) Exclude the day of the act, event, or default that begins the period.

(2) Exclude intermediate Saturdays, Sundays, and federal holidays when the period is less than 11 days, unless computation of the due date is stated in calendar days.

(3) Include the last day of the period, unless it is a Saturday, Sunday, federal holiday, or a day on which the weather or other conditions render the Copyright Royalty Board's office inaccessible.

(4) As used in this rule, ''federal holiday'' means the date designated for the observance of New Year's Day, Inauguration Day, Birthday of Martin Luther King, Jr., George Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day declared a federal holiday by the President or the Congress.

(5) Except as otherwise described in this Chapter or in an order by the Copyright Royalty Judges, the Copyright Royalty Board will consider documents to be timely filed only if:

(i) They are filed electronically through eCRB and time-stamped by 11:59:59 p.m. Eastern time on the due date;

(ii) They are sent by U.S. mail, are addressed in accordance with § 301.2(a) of this chapter, have sufficient postage, and bear a USPS postmark on or before the due date;

(iii) They are hand-delivered by private party to the Copyright Office Public Information Office in accordance with § 301.2(b) of this chapter and

received by 5:00 p.m. Eastern time on the due date; or

(iv) They are hand-delivered by commercial courier to the Congressional Courier Acceptance Site in accordance with § 301.2(c) of this chapter and received by 4:00 p.m. Eastern time on the due date.

(6) Any document sent by mail and dated only with a business postal meter will be considered filed on the date it is actually received by the Library of Congress.

(b) *Extensions.* A party seeking an extension must do so by written motion. Prior to filing such a motion, a party must attempt to obtain consent from the other parties to the proceeding. An extension motion must state:

(1) The date on which the action or submission is due;

(2) The length of the extension sought;

(3) The date on which the action or submission would be due if the extension were allowed;

(4) The reason or reasons why there is good cause for the delay;

(5) The justification for the amount of additional time being sought; and

(6) The attempts that have been made to obtain consent from the other parties to the proceeding and the position of the other parties on the motion.

PART 351—PROCEEDINGS

■ 8. The authority citation for part 351 continues to read as follows:

Authority: 17 U.S.C. 803.

■ 9. In § 351.1, revise paragraph (b)(4) to read as follows:

§ 351.1 Initiation of proceedings.

* * * * *

(b) * * *

(4) *Filing fee.* A petition to participate must be accompanied with a filing fee of $150 or the petition will be rejected. For petitions filed electronically through eCRB, payment must be made to the Copyright Royalty Board through the payment portal designated on eCRB. For petitions filed by other means, payment must be made to the Copyright Royalty Board by check or by money order. If a check is subsequently dishonored, the petition will be rejected. If the petitioner believes that the contested amount of that petitioner's claim will be $1,000 or less, the petitioner must so state in the petition to participate and should not include payment of the $150 filing fee. If it becomes apparent during the course of the proceedings that the contested amount of the claim is more than $1,000, the Copyright Royalty Judges will require payment of the filing fee at that time.

* * * * *

Dated: March 3, 2017.

Suzanne M. Barnett,

Chief Copyright Royalty Judge.

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2017–07928 Filed 4–19–17; 8:45 am]

BILLING CODE 1410–72–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0087; FRL–9959–54]

Deltamethrin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of deltamethrin in or on orange; citrus, dried pulp; citrus, oil. Bayer CropScience requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective April 20, 2017. Objections and requests for hearings must be received on or before June 19, 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–2016–0087, 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 L. 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 EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.* To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.''

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–2016–0087 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 19, 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–2016–0087, 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. Summary of Petitioned-For Tolerance

In the **Federal Register** of October 18, 2016 (81 FR 71668) (FRL–9952–19), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 5E8431) by Bayer CropScience, 2 T.W. Alexander Dr., Research Triangle Park, NC. The petition requested that 40 CFR 180.435 be amended by establishing tolerances for residues of the insecticide deltamethrin, (*S*)-cyano(3-phenoxyphenyl)methyl (1*R*,3*R*)-3-(2,2-dibromoethenyl)-2,2-dimethylcyclopropanecarboxylate, in or on orange, fruit at 0.3 parts per million (ppm); orange, dried pulp at 3 ppm; orange, oil at 50 ppm. That document referenced a summary of the petition prepared by Bayer CropScience, the registrant, 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 revised the commodity definitions and tolerances as follows: ''Orange fruit'' proposed at 0.3 ppm shall be ''Orange'' at 0.30 ppm; ''Orange Dried Pulp'' at 3 ppm shall be ''Citrus, dried pulp'' at 3.0 ppm; and ''Orange Oil'' at 50 ppm shall be ''Citrus, oil'' at 50 ppm. The reason for these changes is explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish 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 . . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), 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 deltamethrin including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with deltamethrin follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its 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.

Deltamethrin is classified as a Type II pyrethroid. Type II pyrethroids include an alpha-cyano moiety and induce a syndrome that includes pawing, burrowing, salivation, hypothermia, and coarse tremors leading to choreoathetosis. Neurotoxicity was observed throughout the database, and clinical signs characteristic of Type II pyrethroids, such as increased salivation, altered mobility/gait, and tremors, were the most common effects observed. Other observed neurotoxic effects included increased sensitivity to external stimuli, abnormal vocalization, and decreased fore- and hind-limb grip strength.

Chronic exposure does not result in accumulation or increased potency as a result of deltamethrin's rapid absorption, metabolism, and elimination. No observed adverse effect levels (NOAELs) for the acute and chronic studies are similar, and the acute endpoint is protective of the endpoints from repeat-dose studies. Only single-day risk assessments need to be conducted for purposes of endpoint selection and exposure assessment.

There were no indications of fetal toxicity in any of the guideline studies. Evidence of increased juvenile qualitative sensitivity was observed in the developmental neurotoxicity and 2-generation reproduction studies. However, the observations of increased sensitivity were at doses that were considered to be relatively high (*i.e.,* near lethal doses), whereas at doses near the point of departure, no effects on parental animals or offspring were observed in either the developmental neurotoxicity (DNT) or 2-generation reproduction study and, therefore, there is no susceptibility at these doses.

Deltamethrin is classified as ''not likely to be carcinogenic to humans.'' There was no evidence of carcinogenicity in either the rat or mouse long-term dietary studies up to the highest dose tested, nor was there any mutagenic activity in bacteria or cultured mammalian cells.

Specific information on the studies received and the nature of the adverse effects caused by deltamethrin as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document Deltamethrin: Human Health Risk Assessment for the Proposed Use of Deltamethrin on Oranges Without a U.S. Registration at page 24 in docket ID number EPA–HQ–OPP–2016–0087.

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://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

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

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

Exposure scenario	Point of departure	Uncertainty/FQPA safety factors	RfD, PAD, level of concern for risk assessment	Study and toxicological effects
Acute Dietary (≥6 years old)	Wolansky $BMDL_{1SD}$ = 1.49 mg/kg.	UF_A = 10X ..... UF_H = 10X FQPA SF = 1X	Acute RfD = 0.015 mg/kg. aPAD = 0.015 mg/kg/day	Wolansky BMD_{1SD} = 2.48 mg/kg based on decreased motor activity.
Acute Dietary (<6 years old)	Wolansky $BMDL_{1SD}$ = 1.49 mg/kg.	UF_A = 10X ..... UF_H = 10X FQPA SF = 3X	Acute RfD = 0.015 mg/kg. aPAD = 0.005 mg/kg/day	Wolansky BMD_{1SD} = 2.48 mg/kg based on decreased motor activity.
Chronic dietary (All populations).	A chronic endpoint is not necessary since increased toxicity is not observed with repeated dosing. The acute endpoint and doses are protective of longer-term exposure and risk.			
Incidental Oral (Short-term)	Wolansky $BMDL_{1SD}$ = 1.49 mg/kg.	UF_A = 10X ..... UF_H = 10X FQPA SF = 3X	Residential LOC for MOE = 300.	Wolansky BMD_{1SD} = 2.48 mg/kg based on decreased motor activity.
Dermal (short-term; all populations).	A dermal assessment was not conducted based on the lack of effects in a 21-day dermal study and low potential for dermal absorption for deltamethrin.			
* Inhalation (Short-term; ≥6 years old).	Wolansky $BMDL_{1SD}$ = 1.49 mg/kg.	UF_A = 10X ..... UF_H = 10X FQPA SF = 1X	Residential LOC for MOE = 100.	Wolansky BMD_{1SD} = 2.48 mg/kg based on decreased motor activity.
* Inhalation (Short-term; <6 years old).	Wolansky $BMDL_{1SD}$ = 1.49 mg/kg.	UF_A = 10X ..... UF_H = 10X FQPA SF = 3X	Residential LOC for MOE = 300.	Wolansky BMD_{1SD} = 2.48 mg/kg based on decreased motor activity.
Cancer (oral, dermal, inhalation).	Classification: ''Not likely to be Carcinogenic to Humans'' based on the absence of treatment related tumors in two adequate rodent carcinogenicity studies.			

Point of Departure (POD) = A data point or an estimated point that is derived from observed dose-response data and used to mark the beginning of extrapolation to determine risk associated with lower environmentally relevant human exposures. NOAEL = no observed adverse effect level. LOAEL = lowest observed adverse effect level. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). FQPA SF = FQPA Safety Factor. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. MOE = margin of exposure. LOC = level of concern. * Inhalation absorption is assumed to be equivalent to oral absorption. BMD_{1SD} = The central estimate of the dose that results in decreased motor activity compared to control animals based upon a 1 standard deviation using Benchmark Dose Analysis. $BMDL_{1SD}$ = The 95% lower confidence limit of the central estimate. Wolansky = Reference to Wolansky *et al.* Acute Oral Toxicity in Rats, MRID #47885701.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to deltamethrin, EPA considered exposure under the petitioned-for tolerances as well as all existing deltamethrin tolerances in 40 CFR 180.435. EPA assessed dietary exposures from deltamethrin in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

Such effects were identified for deltamethrin. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) 2003–2008 National Health and Nutrition Examination Surveys, What We Eat in America (NHANES/WWEIA). As to residue levels in food, EPA acute dietary exposure is partially refined. Residues could result from agricultural uses and adulticide uses. Excluding the new orange tolerances, residue-level and percent crop treated assumptions have not changed since the previous rule, and those are discussed in the final rule published in the **Federal Register** of March 27, 2015 (80 FR 16296). For oranges, EPA used field trial values and the empirical processing factors for orange juice and citrus oil. In addition, HED used a percent crop treated estimate of 9%.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FCID) Version 3.16. This software uses 2003–2008 food consumption data from the USDA's NHANES/WWEIA. Although a chronic dietary endpoint was not identified for deltamethrin, a chronic dietary exposure assessment was performed to provide background exposure for aggregation with short-term residential exposure. Residues could result from three different sources: Agricultural uses, food handling establishment uses, and adulticide uses. Assumptions about residue levels in food and percent crop treated for crops

except for oranges have not changed since the previous rule and are explained in the final rule published in the **Federal Register** of March 27, 2015 (80 FR 16296). For oranges, EPA used average field trial values and assumed 100% of imported oranges are treated with deltamethrin.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that deltamethrin does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

- *Condition a:* The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain the pesticide residue.
- *Condition b:* The exposure estimate does not underestimate exposure for any significant subpopulation group.
- *Condition c:* Data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency estimated the PCT for acute exposure for existing uses as follows:

Apples: 2.5%; cantaloupes: 2.5%, carrots: 2.5%, cucumbers: 5%, pears: 5%, soybeans: 2.5%, tomatoes: 2.5%, watermelons: 2.5%.

The Agency estimated the PCT for chronic exposure for existing uses as follows:

Almonds: 1%; apples: 1%; globe artichokes: 40%; canola: 5%; cantaloupes: 1%; carrots: 1%; cotton: 1%; cucumbers: 2.5%; leeks: 2.5%; onions: 2.5%; pears: 2.5%; peppers: 5%; pistachios: 1%; potatoes: 1%; pumpkin: 1%; radishes: 1%; soybeans: 1%; squash: 1%; sunflowers: 2.5%; sweet corn: 1%; tomatoes: 1%; turnips: 1%; walnuts: 1%; watermelons: 1%.

In most cases, EPA uses available data from United States Department of Agriculture/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and the National Pesticide Use Database for the chemical/crop combination for the most recent 6–7 years. EPA uses a maximum PCT for acute dietary risk analysis. The maximum PCT figure is the highest observed maximum value reported within the recent 6 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%, except for those situations in which the maximum PCT is less than one. In those cases, 2.5% is used as the maximum PCT. EPA uses an average PCT for chronic dietary risk analysis. The average PCT figure for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding to the nearest 5%, except for those situations in which the average PCT is less than one. In those cases, 1% is used as the average PCT.

The Agency estimated that 9% of domestically consumed oranges would be treated with deltamethrin as a result of the approval of the tolerances on oranges. Because there is currently no domestic use of deltamethrin on oranges, the Agency estimated the percentage of the domestic consumption of oranges that are imported. This calculation is based on three years of data (2011–2013) from USDA's Economic Research Service and assumes 100 percent of imported oranges are treated with deltamethrin. Because it is unlikely that all imported oranges will be treated with deltamethrin, the Agency believes that assuming 9% of oranges consumed have been treated with deltamethrin will not underestimate deltamethrin exposure on oranges.

The Agency believes that the three conditions discussed in Unit III.C.1.iv. have been met. With respect to Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which deltamethrin may be applied in a particular area.

2. *Dietary exposure from drinking water.* The Agency used screening-level water exposure models in the dietary exposure analysis and risk assessment for deltamethrin in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of deltamethrin. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

Based on the First Index Reservoir Screening Tool (FIRST), Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Screening Concentration in Ground Water (SCI–GROW) models, the estimated drinking water concentrations (EDWCs) of deltamethrin for acute exposures are estimated to be 0.20 parts per billion (ppb) for surface water and 0.20 ppb for ground water and chronic exposures for non-cancer assessments are estimated to be 0.20 ppb for surface water and 0.20 ppb for ground water. Both the acute and chronic surface and ground drinking water concentration were limited by the solubility of deltamethrin.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model.

For acute dietary risk assessment and chronic dietary exposure assessment, the water concentration value of 0.20 ppb was used to assess the contribution to drinking water.

Although a chronic dietary endpoint was not identified for deltamethrin, a chronic dietary exposure assessment was performed to provide background exposure for aggregation with short-term residential exposure.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Deltamethrin is currently registered for the following uses that could result in residential exposures: Indoor (spot, crack and crevice) and outdoor (turf, garden and trees) environments, pet collars, paint preservative, impregnated mosquito net, and wide area mosquito and fly control. EPA assessed residential exposure using the Agency's 2012 Residential Standard Operating Procedures (SOPs) along with updates in policy regarding body weight in addition to the following assumptions: Since no treatment-related effects were observed at the limit dose, a dermal point of departure (POD) was not selected, and neither a handler nor a post-application dermal exposure assessment is required.

i. *Residential handler exposures.* Short-term residential handler inhalation exposure is anticipated from indoor and outdoor environments, and paint preservatives. Because no intermediate-term adverse effect was identified, deltamethrin is not expected to pose an intermediate-term risk.

ii. *Residential post-application exposures.* Post-application inhalation exposure for adults and children is anticipated to be negligible for indoor (spot, crack and crevice) and outdoor (turf, garden and trees) environments, pet collars and paints; therefore, a quantitative assessment was not performed. EPA assessed post-application short-term incidental oral exposures to children for representative indoor/outdoor and pet incidental oral scenarios including hand-to-mouth, object-to-mouth, soil ingestion, and episodic granule ingestion scenarios. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

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.''

Deltamethrin is included in the pyrethroid/pyrethrin cumulative risk assessment (CRA). The new tolerances to cover residues of deltamethrin on imported oranges, citrus oil and citrus pulp has an insignificant impact on the CRA. In the cumulative assessment, residential exposure was the greatest contributor to the total exposure. Although there are residential uses for deltamethrin, the proposed use will have no impact on the residential component of the cumulative risk estimates. Dietary exposures make a minor contribution to the total pyrethroid exposure, and as a result, the new use on oranges would have an insignificant impact on the cumulative dietary risk.

D. Safety Factor for Infants and Children

1. *In general.* 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 Food Quality Protection Act Safety Factor (FQPA 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.

2. *Prenatal and postnatal sensitivity.* There is no quantitative and/or qualitative evidence of increased susceptibility of rat or rabbit fetuses to in utero exposure to deltamethrin. However, potential qualitative susceptibility was observed at high doses in the DNT and 2-generation reproduction study for juveniles. In addition, pyrethroid pharmacokinetics literature indicates an increased quantitative susceptibility for children less than 6 years of age.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF reduced to 1X for assessing risks to adults and children 6 years of age and older and to 3X for assessing risks to children less than 6 years of age. That decision is based on the following findings:

i. The toxicity database is considered complete for deltamethrin with respect to guideline studies; it includes, among other studies, developmental toxicity studies in rats and rabbits, a reproduction study in rats, and acute neurotoxicity (ACN), subchronic neurotoxicity (SCN), and developmental neurotoxicity (DNT) studies. Nevertheless, EPA lacks additional data to fully characterize the potential for juvenile sensitivity to many pyrethroids, including deltamethrin. For this assessment, EPA considered the standard guideline studies as well as numerous studies from the scientific literature that describe the pharmacodynamic (PD) and pharmacokinetic (PK) profile of the pyrethroids in general. Many of these studies were conducted with deltamethrin.

ii. As with other pyrethroids, deltamethrin causes neurotoxicity from interaction with sodium channels leading to clinical signs of neurotoxicity. These effects are well characterized and adequately assessed by the body of data available to the Agency.

iii. Evidence of increased juvenile qualitative sensitivity was observed in the developmental neurotoxicity and 2-generation reproduction studies. However, the observations of increased sensitivity were at doses that were considered to be relatively high (*i.e.,* near lethal doses), whereas at doses near the point of departure, no effects on parental animals or offspring were observed in either the DNT or 2-generation reproduction study, and therefore, there is no susceptibility at these doses. The Agency has retained a 3X uncertainty factor to protect for exposures of children less than 6 years of age based on increased quantitative susceptibility seen in studies on pyrethroid pharmacokinetics (primarily conducted with deltamethrin) and the increased quantitative juvenile susceptibility observed in high dose guideline and literature studies with deltamethrin and other pyrethroids. The Agency has no residual uncertainties regarding age-related sensitivity for women of child bearing age as well as for all adult populations and children 6 years of age and older, based on the absence of pre-natal sensitivity observed in 76 guideline studies for 24 pyrethroids and the scientific literature. Additionally, no evidence of increased quantitative or qualitative susceptibility was seen in the pyrethroid scientific literature related to pharmacodynamics.

iv. There are no residual uncertainties identified in the exposure databases. The dietary exposure assessments are based on reasonable to high-end residue levels (that account for parent and metabolites of concern), processing factors, and percent crop treated assumptions. Furthermore, conservative, upper-bound assumptions were used to determine exposure

through drinking water and residential sources, such that these exposures have not been underestimated. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to deltamethrin in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by deltamethrin.

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.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to deltamethrin will occupy 86% of the aPAD for children 3–5 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Based on the data summarized in Unit III.A., there is no increase in hazard with increasing dosing duration. Furthermore, chronic dietary exposures will be lower than acute exposures. Therefore, the acute aggregate assessment is protective of potential chronic aggregate exposures.

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). Deltamethrin is currently registered for uses 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 deltamethrin.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures, including inhalation and hand-to-mouth (for children only), result in aggregate MOEs of 2,300 for the U.S. Population; 2,600 for females ages 13–49; and 490 for children 1–2 years old. Because EPA's level of concern for deltamethrin is a MOE of 100 for the U.S. population and females 13–49, and 300 for children 1–2 years old or below, these MOEs are not of concern.

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). Because no intermediate-term adverse effect was identified, deltamethrin is not expected to pose an intermediate-term risk.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, deltamethrin 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 deltamethrin residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (gas chromatography with electron capture detection (GC/ECD)) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has established MRLs for deltamethrin in or on citrus fruits at 0.02 ppm. These MRLs are different than the tolerances being established for deltamethrin in the United States. Harmonization of the 0.30 ppm tolerance with the lower Codex MRL of 0.02 ppm is not possible because the maximum residue value in oranges was 0.18 ppm, which is considerably higher than the Codex MRL.

C. Revisions to Petitioned-For Tolerances

The Agency added a significant figure to the proposed tolerance level for orange and citrus, dried pulp to prevent violative samples from being considered non-violative. For example, if a sample contained a residue level of 0.34 ppm, it would have a violative residue if the tolerance is set at 0.30 ppm. In addition, the Agency is revising the commodity terminology to be consistent with the Agency's commodity vocabulary.

V. Conclusion

Therefore, tolerances are established for residues of deltamethrin, (*S*)-cyano(3-phenoxyphenyl)methyl (1*R*,3*R*)-3-(2,2-dibromoethenyl)-2,2-dimethylcyclopropanecarboxylate, in or on orange at 0.30 ppm; citrus, dried pulp at 3.0 ppm; citrus, oil at 50 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances 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 tolerance 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).

VII. 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 21, 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 § 180.435, paragraph (a)(1):

■ i. Add alphabetically the entries ''Citrus, dried pulp,'' ''Citrus, oil,'' and ''Orange'' to the table; and

■ ii. Revise the footnote at the end of the table.

The additions and revision read as follows:

§ 180.435 Deltamethrin; tolerance for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
* * * * *	
Citrus, dried pulp *	3.0
Citrus, oil *	50
* * * * *	
Orange *	0.30
* * * * *	

* There are no U.S. registrations.

* * * * *

[FR Doc. 2017–07816 Filed 4–19–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 25, 73, and 74

[GN Docket No. 15–236; FCC 16–128]

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

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, information collection requirements adopted in the Commission's Report and Order, FCC 16–128. This document is consistent with the Report and Order, which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of the rules.

DATES: This final rule is effective on April 20, 2017. The amendments to 47 CFR 1.5000 through 1.5004, 25.105, 73.1010 and 74.5, published at 81 FR 86586, December 1, 2016, are effective on April 20, 2017.

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

SUPPLEMENTARY INFORMATION: This document announces that, on April 9, 2017, OMB approved information collection requirements contained in the Commission's Report and Order, FCC 16–128, published at 81 FR 86586. The OMB Control Number is 3060–1163. The Commission publishes this notice as an announcement of the effective date of those information collection requirements.

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on April 9, 2017, for the information collection requirements contained in 47 CFR 1.5000 through 1.5004, 25.105, 73.1010 and 74.5, as amended, in the Commission's Report and Order, FCC 16–128. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1163.

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

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

OMB Control Number: 3060–1163.

OMB Approval Date: April 9, 2017.

OMB Expiration Date: April 30, 2020.

Title: Regulations Applicable to Broadcast, Common Carrier and Aeronautical Radio Licensees Under Section 310(b) of the Communications Act of 1934, as amended.

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 81 respondents; 81 responses.

Estimated Time per Response: 2 hours–46 hours.

Frequency of Response: On-occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory

authority for this collection of information is contained in 47 U.S.C. 151, 152, 154(i), 154(j), 160, 303(r), 309, 310 and 403.

Total Annual Burden: 1,830 hours.

Total Annual Cost: $524,400.

Nature and Extent of Confidentiality: In submitting the information requested, respondents may need to disclose confidential information to satisfy the requirements. However, covered entities would be free to request that such materials submitted to the Commission be withheld from public inspection (see 47 CFR 0.459 of the Commission's rules).

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: On September 29, 2016, the Commission adopted final rules in Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended, Report and Order, 31 FCC Rcd 11272 (2016) (2016 Foreign Ownership Report and Order). In the 2016 Foreign Ownership Order, the Commission:

• Modified its foreign ownership filing and review process for broadcast licensees by extending to such licensees the streamlined rules and procedures developed for foreign ownership reviews of common carrier and certain aeronautical licensees (collectively, ''common carrier'' licensees) (previously codified in Part 1, Subpart F, Sections 1.990 through 1.994 of the Commission's rules), adopted in Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended, IB Docket No. 11–133, Second Report and Order, 28 FCC Rcd 5741(2013), with certain modifications to tailor them to the broadcast context; and

• Reformed the methodology used by both common carrier and broadcast licensees that are, or are controlled by, U.S. publicly traded companies to assess their compliance with the foreign ownership limits in Sections 310(b)(3) and 310(b)(4) of the Act, respectively.

The 2016 Foreign Ownership Report and Order incorporated broadcasters into the common carrier foreign ownership rules through various changes to the rules, including adding new paragraph (e) to Section 1.5000, which sets forth the new methodology for eligible public companies—both broadcast and common carrier—and new paragraphs (f)(2)–(3) of Section 1.5004, which sets forth new compliance provisions for such companies. Moreover, the rules adopted in the 2016 Foreign Ownership Report and Order included the following broadcast-specific provisions in lieu of provisions applicable to common carrier licensees:

• Broadcast licensees filing a petition for declaratory ruling (petition) to request Commission approval of foreign ownership in excess of the 25 percent benchmark in Section 310(b)(4) will use the broadcast ''attribution'' criteria to determine those U.S. and foreign ownership interests that must be disclosed in the petition. The disclosure will ensure the Commission has sufficient information to understand the licensee's ownership structure and to verify the identity and ultimate control of the foreign investor for which the petitioner seeks specific approval.

• Broadcast licensees will use the broadcast ''insulation criteria'' set forth in the broadcast attribution rules in determining whether the broadcaster must include in its petition a request for ''specific approval'' of a particular foreign investor because the investor holds, or would hold, directly and/or indirectly, more than 5 percent (or, in the case of certain passive investors, more than 10 percent) of the total outstanding capital stock (equity) and/or voting stock (or a controlling share) of the licensee's controlling U.S.-organized parent company. The current insulation criteria for common carrier licensees will continue to apply.

In addition to these tailored changes to incorporate broadcast licensees into the existing foreign ownership rules applicable to common carrier licensees under Section 310(b)(4), the 2016 Foreign Ownership Report and Order clarified the Commission's foreign ownership compliance procedures (to be codified in Section 1.5004(f)(3)–(4)) allowing a broadcast or common carrier licensee to file a petition for declaratory ruling to remedy the licensee's inadvertent non-compliance with the statutory foreign ownership limits or the terms and conditions of the licensee's existing foreign ownership ruling with reasonable assurance that the Commission will not take enforcement action.

The Commission also made non-substantial changes to this information collection to renumber the foreign ownership rules. There is for the most part a one-to-one correlation between the existing rules (1.990–1.994) and the new rules (1.5000–1.5004).

List of Subjects in 47 CFR Parts 1, 25, 73 and 74

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

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

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

PART 1—PRACTICE AND PROCEDURE

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

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

§§ 1.990 through 1.994 [Removed]

■ 2. In Subpart F, remove the undesignated center heading ''Foreign Ownership of Common Carrier, Aeronautical en Route, and Aeronautical Fixed Radio Station Licensees'' and §§ 1.990 through 1.994.

[FR Doc. 2017–07808 Filed 4–19–17; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 161223999–7367–02]

RIN 0648–BG61

Pacific Halibut Fisheries; Catch Sharing Plan

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

ACTION: Final rule.

SUMMARY: This final rule announces the approval of the Pacific Halibut Catch Sharing Plan (Plan) and codified regulations for the International Pacific Halibut Commission's (IPHC or Commission) regulatory Area 2A off Washington, Oregon, and California (Area 2A). In addition, NMFS announces the implementation of the portions of the Plan and management measures that are not regulated through the IPHC, including the sport fishery allocations and management measures for Area 2A. The intent of this final rule is to conserve Pacific halibut, provide angler opportunity where available, and minimize bycatch of overfished groundfish species.

DATES: This rule is effective April 20, 2017. The 2017 management measures are effective until superseded.

ADDRESSES: Additional information regarding this action may be obtained by contacting the Sustainable Fisheries Division, NMFS West Coast Region, 7600 Sand Point Way NE., Seattle, WA 98115. For information regarding all halibut fisheries and general regulations not contained in this rule contact the International Pacific Halibut Commission, 2320 W. Commodore Way, Suite 300, Seattle, WA 98199–1287. Electronic copies of the Regulatory Impact Review (RIR) and Final Regulatory Flexibility Analysis (FRFA) prepared for this action may be obtained by contacting Gretchen Hanshew, phone: 206–526–6147, email: *gretchen.hanshew@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Gretchen Hanshew, phone: 206–526–6147, fax: 206–526–6736, or email: *gretchen.hanshew@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Northern Pacific Halibut Act (Halibut Act) of 1982, 16 U.S.C. 773–773K, requires the Secretary of Commerce (Secretary) to adopt regulations as may be necessary to carry out the purposes and objectives of the Halibut Convention between the United States and Canada (Halibut Convention) (16 U.S.C. 773c) and the Halibut Act. Section 773c of the Halibut Act also authorizes the regional fishery management councils to develop regulations in addition to, but not in conflict with, regulations of the IPHC to govern the Pacific halibut catch in their corresponding U.S. Halibut Convention waters.

Each year between 1988 and 1995, the Pacific Fishery Management Council (Council) developed and NMFS implemented a catch sharing plan in accordance with the Halibut Act to allocate the total allowable catch (TAC) of Pacific halibut in Area 2A between treaty Indian and non-Indian harvesters, and among non-Indian commercial and sport fisheries. In 1995, NMFS implemented the Council-recommended long-term Plan (60 FR 14651; March 20, 1995). Every year since, the Council has recommended and NMFS has approved minor revisions to the Plan to adjust for the changing needs of the fisheries.

For 2017, the Council recommendation includes minor modifications to sport fisheries to maximize harvest opportunities while keeping total catch within the available quota and changes to the inseason procedures to allow flexibility to address bycatch concerns. The IPHC recommended an Area 2A TAC for 2017 of 1,330,000 pounds (lb) (603.28 metric tons (mt)), which was included in the IPHC regulations approved by the Secretary of State and published by NMFS on March 7, 2017 (82 FR 12730). On February 23, 2017, NMFS published a proposed rule to approve the Council's recommended changes to the Plan and recreational management measures for Area 2A (82 FR 11419), including allocations consistent with the 2017 Area 2A TAC. NMFS also proposed changing the codified regulations to make them consistent with the Council's recommended changes to the inseason provisions of the Plan. This final rule includes these components of the proposed rule, and also contains dates for the sport fisheries based on the 2017 Plan and dates submitted by the state of California following publication of the proposed rule.

Incidental Halibut Retention in the Sablefish Primary Fishery North of Pt. Chehalis, WA

The Plan provides that incidental halibut retention in the sablefish primary fishery north of Pt. Chehalis, WA, will be allowed when the Area 2A TAC is greater than 900,000 lb (408.2 mt), provided that a minimum of 10,000 lb (4.5 mt) is available above a Washington recreational TAC of 214,100 lb (97.1 mt). The Area 2A TAC for 2017 is high enough to allow incidental retention of halibut in this fishery. The Council recommended specific Pacific halibut landing restrictions for the sablefish primary fishery at its March 2017 meeting. NMFS will publish the restrictions in a separate **Federal Register** notice, as an inseason action in the groundfish fishery by April 1, 2017, or as soon as possible thereafter.

Comments and Responses

NMFS accepted public comments on the Council's recommended modifications to the Plan and the resulting proposed domestic fishing regulations through March 15, 2017. NMFS received one comment letter from the California Department of Fish and Wildlife (CDFW) recommending final recreational fishing season dates for the 2017 season. Based on the increased TAC and greater fishing effort, CDFW recommended season dates of May 1–June 15, July 1–July 15, August 1–August 15, and September 1–October 31, until quota has been attained or until October 31, whichever comes first. This 2017 season recommendation is 16 days longer than the 2016 season dates, with most of the additional open days in the month of May. CDFW expects catches to be higher than the historically low numbers of previous years, but does not expect the California sport fishery allocation to be exceeded. Inseason tracking and monitoring of catches will continue on a weekly basis. NMFS concurs that the CDFW-recommended season dates are appropriate, and California sport fishery season dates are updated in this final rule.

Changes From the Proposed Rule

As described in the proposed rule, additional stakeholder meetings took place during the winter. CDFW, in cooperation with their stakeholders, considered and recommended final sport fishery season dates. Washington and Oregon season dates were published in the proposed rule; this final rule includes the final California season dates in addition to the Washington and Oregon dates, as described above in Comments and Responses.

This final rule includes introductory text at paragraph (8) that was mistakenly omitted in the proposed rule.

The proposed rule included a new paragraph added at § 300.63(c)(2)(vi). The proposed text included the acronym ''YRCA,'' which was used for the first time in § 300.63 but the proposed regulatory text did not define the acronym. This final rule includes a non-substantive revision at § 300.63(c)(2)(vi), adding the definition of the Yelloweye Rockfish Conservation Area to the regulatory text, and removes the definition of the acronym from later in that same section, at § 300.63(e)(2). The proposed rule also mistakenly omitted a cross-reference to Pacific coast groundfish regulations at § 660.70(g) and (h). These two paragraphs define the boundaries for two Stonewall Bank YRCA expansions, which increase the size of the area closed by the standard Stonewall Bank YRCA (defined at § 660.70(f)). For clarity, cross-references to the definitions of the two possible YRCA expansions that may be implemented inseason are added in this final rule. These changes to § 300.63(c)(2)(vi) are not substantive and do not change the intent or meaning of the regulation described in the proposed rule.

2017 Sport Fishery Management Measures

The sport fishing regulations for Area 2A, included in section 26 (referring to the relevant section of the IPHC regulations) below, are consistent with the measures adopted by the IPHC and approved by the Secretary of State, but were developed by the Council and promulgated by the United States under

the Halibut Act. Section 26 refers to a section that is in addition to and corresponds to the numbering in the IPHC regulations published on March 7, 2017 (82 FR 12730). The Plan is published in the **Federal Register** but is not codified in the Code of Federal Regulations.

In section 26 of the annual domestic management measures, ''Sport Fishing for Halibut'' paragraph (8) is revised to read as follows:

* * * * *

(8) The sport fishing subareas, subquotas, fishing dates, and daily bag limits are as follows, except as modified under the inseason actions consistent with 50 CFR 300.63(c). All sport fishing in Area 2A is managed on a ''port of landing'' basis, whereby any halibut landed into a port counts toward the quota for the area in which that port is located, and the regulations governing the area of landing apply, regardless of the specific area of catch.

(a) The quota for the area in Puget Sound and the U.S. waters in the Strait of Juan de Fuca, east of a line extending from 48°17.30′ N. lat., 124°23.70′ W. long. north to 48°24.10′ N. lat., 124°23.70′ W. long. is 64,962 lb (29.47 mt).

(i) The fishing seasons are:

(A) Fishing is open May 4, 6, and 11. Any openings after May 11 will be based on available quota and announced on the NMFS hotline.

(B) If sufficient quota remains, the fishery will reopen on May 21 and/or May 25; June 1, and/or June 4, or until there is not sufficient quota for another full day of fishing and the area is closed by the Commission. After May 11, any fishery opening will be announced on the NMFS hotline at 800–662–9825. No halibut fishing will be allowed after May 11 unless the date is announced on the NMFS hotline.

(ii) The daily bag limit is one halibut of any size per day per person.

(b) The quota for landings into ports in the area off the north Washington coast, west of the line described in paragraph (2)(a) of section 26 and north of the Queets River (47°31.70′ N. lat.) (North Coast subarea), is 115,599 lb (52.43 mt).

(i) The fishing seasons are:

(A) Fishing is open May 4, 6, and 11. Any openings after May 11 will be based on available quota and announced on the NMFS hotline.

(B) If sufficient quota remains, the fishery will reopen on May 21 and/or May 25; June 1, and/or June 4, or until there is not sufficient quota for another full day of fishing and the area is closed by the Commission. After May 11, any fishery opening will be announced on the NMFS hotline at 800–662–9825. No halibut fishing will be allowed after May 11 unless the date is announced on the NMFS hotline.

(ii) The daily bag limit is one halibut of any size per day per person.

(iii) Recreational fishing for groundfish and halibut is prohibited within the North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA). It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the North Coast Recreational YRCA. A vessel fishing with recreational gear in the North Coast Recreational YRCA may not be in possession of any halibut. Recreational vessels may transit through the North Coast Recreational YRCA with or without halibut on board. The North Coast Recreational YRCA is a C-shaped area off the northern Washington coast intended to protect yelloweye rockfish. The North Coast Recreational YRCA is defined in groundfish regulations at 50 CFR 660.70(a).

(c) The quota for landings into ports in the area between the Queets River, WA (47°31.70′ N. lat.), and Leadbetter Point, WA (46°38.17′ N. lat.) (South Coast subarea), is 50,307 lb (22.82 mt).

(i) This subarea is divided between the all-waters fishery (the Washington South coast primary fishery), and the incidental nearshore fishery in the area from 47°31.70′ N. lat. south to 46°58.00′ N. lat. and east of a boundary line approximating the 30 fm depth contour. This area is defined by straight lines connecting all of the following points in the order stated as described by the following coordinates (the Washington South coast, northern nearshore area):

(1) 47°31.70′ N. lat., 124°37.03′ W. long.;

(2) 47°25.67′ N. lat., 124°34.79′ W. long.;

(3) 47°12.82′ N. lat., 124°29.12′ W. long.; and

(4) 46°58.00′ N. lat., 124°24.24′ W. long.

The south coast subarea quota will be allocated as follows: 48,307 lb (21.91 mt) for the primary fishery and 2,000 lb (0.91 mt) for the nearshore fishery. The primary fishery season dates are May 4, 6, and 11. If the primary quota is projected to be obtained sooner than expected, the management closure may occur earlier. If sufficient quota remains the primary fishery will reopen on May 21 and/or May 25; June 1, and/or June 4 until the quota for the south coast subarea primary fishery is taken and the season is closed by the Commission, or until September 30, whichever is earlier. The fishing season in the nearshore area commences on the first Saturday subsequent to closure of the primary fishery, and is open 7 days per week, until 50,307 lb (22.82 mt) is projected to be taken by the two fisheries combined and the fishery is closed by the Commission or September 30, whichever is earlier. If the fishery is closed prior to September 30, and there is insufficient quota remaining to reopen the northern nearshore area for another fishing day, then any remaining quota may be transferred in-season to another Washington coastal subarea by NMFS via an update to the recreational halibut hotline.

(ii) The daily bag limit is one halibut of any size per day per person.

(iii) Seaward of the boundary line approximating the 30-fm depth contour and during days open to the primary fishery, lingcod may be taken, retained and possessed when allowed by groundfish regulations at 50 CFR 660.360, subpart G.

(iv) Recreational fishing for groundfish and halibut is prohibited within the South Coast Recreational YRCA and Westport Offshore YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the South Coast Recreational YRCA and Westport Offshore YRCA. A vessel fishing in the South Coast Recreational YRCA and/or Westport Offshore YRCA may not be in possession of any halibut. Recreational vessels may transit through the South Coast Recreational YRCA and Westport Offshore YRCA with or without halibut on board. The South Coast Recreational YRCA and Westport Offshore YRCA are areas off the southern Washington coast established to protect yelloweye rockfish. The South Coast Recreational YRCA is defined at 50 CFR 660.70(d). The Westport Offshore YRCA is defined at 50 CFR 660.70(e).

(d) The quota for landings into ports in the area between Leadbetter Point, WA (46°38.17′ N. lat.), and Cape Falcon, OR (45°46.00′ N. lat.) (Columbia River subarea), is 12,799 lb (5.81 mt).

(i) This subarea is divided into an all-depth fishery and a nearshore fishery. The nearshore fishery is allocated 500 pounds of the subarea allocation. The nearshore fishery extends from Leadbetter Point (46°38.17′ N. lat., 124°15.88′ W. long.) to the Columbia River (46°16.00′ N. lat., 124°15.88′ W. long.) by connecting the following coordinates in Washington 46°38.17′ N. lat., 124°15.88′ W. long., 46°16.00′ N. lat., 124°15.88′ W. long. and connecting to the boundary line approximating the 40 fm (73 m) depth contour in Oregon. The nearshore fishery opens May 2, and

continues 3 days per week (Monday–Wednesday) until the nearshore allocation is taken, or September 30, whichever is earlier. The all-depth fishing season commences on May 1, and continues 4 days a week (Thursday–Sunday) until 12,799 lb (5.81 mt) are estimated to have been taken and the season is closed by the Commission, or September 30, whichever is earlier. Subsequent to this closure, if there is insufficient quota remaining in the Columbia River subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington and/or Oregon subarea by NMFS via an update to the recreational halibut hotline. Any remaining quota would be transferred to each state in proportion to its contribution.

(ii) The daily bag limit is one halibut of any size per day per person.

(iii) Pacific Coast groundfish may not be taken and retained, possessed or landed when halibut are on board the vessel, except sablefish, Pacific cod, flatfish species, and lingcod caught north of the Washington-Oregon border during the month of May, when allowed by Pacific Coast groundfish regulations, during days open to the all-depth fishery only.

(iv) Taking, retaining, possessing, or landing halibut on groundfish trips is only allowed in the nearshore area on days not open to all-depth Pacific halibut fisheries.

(e) The quota for landings into ports in the area off Oregon between Cape Falcon (45°46.00′ N. lat.) and Humbug Mountain (42°40.50′ N. lat.) (Oregon Central Coast subarea), is 240,812 lb (109.23 mt).

(i) The fishing seasons are:

(A) The first season (the ''inside 40-fm'' fishery) commences June 1, and continues 7 days a week, in the area shoreward of a boundary line approximating the 40-fm (73-m) depth contour, until the sub-quota for the central Oregon ''inside 40-fm'' fishery of 28,897 lb (13.11 mt) or any in-season revised subquota, is estimated to have been taken and the season is closed by the Commission, or October 31, whichever is earlier. The boundary line approximating the 40-fm (73-m) depth contour between 45°46.00′ N. lat. and 42°40.50′ N. lat. is defined at 50 CFR 660.71(k).

(B) The second season (spring season), which is for the ''all-depth'' fishery, is open May 11, 12, 13; 18, 19, 20; June 1, 2, 3; 8, 9, 10; and 15, 16, 17. The allocation to the spring season all-depth fishery is 151,172 lb (68.57 mt). If sufficient unharvested quota remains for additional fishing days, the season will re-open. Possible re-opening dates are June 29, 30, July 1; 13, 14, 15; and 27, 28, 29. Notice of the re-opening will be announced on the NMFS hotline (206) 526–6667 or (800) 662–9825. No halibut fishing will be allowed on the re-opening dates unless the date is announced on the NMFS hotline.

(C) The third season (summer season), which is for the ''all-depth'' fishery, will be open August 4, 5; 18, 19; September 1, 2; 15, 16; 29, 30; October 13, 14; 27 and 28, and will continue until the combined spring season and summer season quotas in the area between Cape Falcon and Humbug Mountain, OR, are estimated to have been taken and the area is closed by the Commission, or October 31, whichever is earlier. The allocation to the summer season all-depth fishery is 60,203 lb (27.31 mt). NMFS will announce on the NMFS hotline in July whether the fishery will re-open for the summer season in August. No halibut fishing will be allowed in the summer season fishery unless the dates are announced on the NMFS hotline. Additional fishing days may be opened if sufficient quota remains after the last day of the first scheduled open period. If, after this date, an amount greater than or equal to 60,000 lb (27.2 mt) remains in the combined all-depth and inside 40-fm (73-m) quota, the fishery may re-open every Friday and Saturday, beginning August 18 and ending October 31 or when there is insufficient quota remaining, whichever is earlier. If, after September 4, an amount greater than or equal to 30,000 lb (13.6 mt) remains in the combined all-depth and inside 40-fm (73-m) quota, and the fishery is not already open every Friday and Saturday, the fishery may re-open every Friday and Saturday, beginning September 8 and 9, and ending October 31 or upon quota attainment, whichever is earlier. After September 4, the bag limit may be increased to two fish of any size per person, per day. NMFS will announce on the NMFS hotline whether the summer all-depth fishery will be open on such additional fishing days, what days the fishery will be open and what the bag limit is.

(ii) The daily bag limit is one halibut of any size per day per person, unless otherwise specified. NMFS will announce on the NMFS hotline any bag limit changes.

(iii) During days open to all-depth halibut fishing when the groundfish fishery is restricted by depth, no groundfish may be taken and retained, possessed or landed, except sablefish, Pacific cod and flatfish species when allowed by groundfish regulations, if halibut are on board the vessel. During days open to all-depth halibut fishing when the groundfish fishery is open to all depths, any groundfish species permitted under the groundfish regulations may be retained, possessed or landed if halibut are on aboard the vessel. During days open to nearshore halibut fishing, flatfish species may be taken and retained seaward of the seasonal groundfish depths restrictions, if halibut are on board the vessel.

(iv) When the all-depth halibut fishery is closed and halibut fishing is permitted only shoreward of a boundary line approximating the 40-fm (73-m) depth contour, halibut possession and retention by vessels operating seaward of a boundary line approximating the 40-fm (73-m) depth contour is prohibited.

(v) Recreational fishing for groundfish and halibut is prohibited within the Stonewall Bank YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the Stonewall Bank YRCA. A vessel fishing in the Stonewall Bank YRCA may not possess any halibut. Recreational vessels may transit through the Stonewall Bank YRCA with or without halibut on board. The Stonewall Bank YRCA is an area off central Oregon, near Stonewall Bank, intended to protect yelloweye rockfish. The Stonewall Bank YRCA is defined at 50 CFR 660.70(f).

(f) The quota for landings into ports in the area south of Humbug Mountain, OR (42°40.50′ N. lat.) to the Oregon/California Border (42°00.00′ N. lat.) (Southern Oregon subarea) is 10,039 lb (4.55 mt).

(i) The fishing season commences on May 1, and continues 7 days per week until the subquota is taken, or October 31, whichever is earlier.

(ii) The daily bag limit is one halibut per person with no size limit.

(iii) No Pacific Coast groundfish may be taken and retained, possessed or landed, except sablefish, Pacific cod, and flatfish species, in areas closed to groundfish, if halibut are on board the vessel.

(g) The quota for landings into ports south of the Oregon/California Border (42°00.00′ N. lat.) and along the California coast is 34,580 lb (15.69 mt).

(i) The fishing season will be open May 1 through June 15, July 1 through July 15, August 1 through August 15, and September 1 through October 31, or until the subarea quota is estimated to have been taken and the season is closed by the Commission, or October 31, whichever is earlier. NMFS will announce any closure by the Commission on the NMFS hotline (206) 526–6667 or (800) 662–9825.

(ii) The daily bag limit is one halibut of any size per day per person.

Classification

Regulations governing the U.S. fisheries for Pacific halibut are developed by the IPHC, the Council, the North Pacific Fishery Management Council, and the Secretary. Section 5 of the Halibut Act (16 U.S.C. 773c) provides the Secretary with the general responsibility to carry out the Halibut Convention between Canada and the United States for the management of Pacific halibut, including the authority to adopt regulations as may be necessary to carry out the purposes and objectives of the Halibut Convention and Halibut Act. This action is consistent with the Secretary's authority under the Halibut Act.

This action has been determined to be not significant for purposes of Executive Order 12866.

When an agency proposes regulations, the Regulatory Flexibility Act (RFA) requires the agency to prepare and make available for public comment an Initial Regulatory Flexibility Analysis (IRFA) document that describes the impact on small businesses, non-profit enterprises, local governments, and other small entities. The IRFA is to aid the agency in considering all reasonable regulatory alternatives that would minimize the economic impact on affected small entities. After the public comment period, the agency prepares a FRFA that takes into consideration any new information and public comments. This FRFA incorporates the IRFA and a summary of the analyses completed to support the action. The FRFA describes the impacts on small entities, which are defined in the IRFA for this action and are not repeated here. Below is a summary of the full analysis contained in the FRFA.

The FRFA must contain: (1) A statement of the need for, and objectives of, the rule; (2) A statement of the significant issues raised by the public comments in response to the IRFA, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; (3) The response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA) in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments; (4) A description and an estimate of the number of small entities to which the rule will apply, or an explanation of why no such estimate is available; (5) A description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and (6) A description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected. The description of this action, its purpose, and its legal basis are described in the preamble to the proposed rule and are not repeated here.

NMFS published the proposed rule on March 7, 2017 (82 FR 11419). An IRFA was prepared and summarized in the Classification section of the preamble to the proposed rule. The comment period for the proposed rule closed on March 15, 2017, and no comments were received on the IRFA or the economic impacts of this action. The Chief Counsel for Advocacy of the SBA did not file any comments on the proposed rule.

A Description and an Estimate of the Number of Small Entities To Which the Final Rule Will Apply

This final rule directly affects charterboat operations, and participants in the non-treaty directed commercial fishery off the coast of Washington, Oregon, and California. Specific data on the economics of halibut charter operations is unavailable. However, in January 2004, the Pacific States Marine Fisheries Commission (PSMFC) completed a report on the overall West Coast charterboat fleet. In surveying charterboat vessels concerning their operations in 2000, the PSMFC estimated that there were about 315 charterboat vessels in operation off Washington and Oregon. In 2000, IPHC licensed 130 vessels to fish in the halibut sport charter fishery. Comparing the total charterboat fleet to the 130 and 142 IPHC licenses in 2000 and 2007, respectively, approximately 41 to 45 percent of the charterboat fleet could participate in the halibut fishery. The PSMFC has developed preliminary estimates of the annual revenues earned by this fleet and they vary by size class of the vessels and home state. Small charterboat vessels range from 15 to 30 feet and typically carry 5 to 6 passengers. Medium charterboat vessels range from 31 to 49 feet in length and typically carry 19 to 20 passengers. (Neither state has large vessels of greater than 49 feet in their fleet.) Average annual revenues from all types of recreational fishing, whale watching and other activities ranged from $7,000 for small Oregon vessels to $131,000 for medium Washington vessels. These data confirm that charterboat vessels qualify as small entities under the RFA.

Commercial harvest vessels in West Coast fisheries are generally considered ''small vessels'' unless they are associated with a catcher-processor company or affiliated with a large shorebased processing company. Catcher-processors cannot target halibut or keep halibut as bycatch. NOAA is unaware that any ''large'' seafood processing companies are affiliated with any of the IPHC permit holders.

Charterboats and the non-treaty directed commercial fishing vessels are considered small businesses. In 2016, 607 vessels were issued IPHC licenses to retain halibut. IPHC issues licenses for: The directed commercial fishery (159 licenses in 2016) and the incidental fishery in the sablefish primary fishery in Area 2A (8 licenses in 2016); incidental halibut caught in the salmon troll fishery (310 licenses in 2016); and the charterboat fleet (120 licenses in 2016). No vessel may participate in more than one of these three fisheries per year. These license estimates indicate the maximum number of vessels that participate in the fishery, and may be an overestimate because some vessels that obtain a license do not always participate in the halibut fishery. IPHC estimates that 60 vessels participated in the directed commercial fishery, 100 vessels in the incidental commercial (salmon) fishery, and 13 vessels in the incidental commercial (sablefish) fishery. Recent information on charterboat activity is not available; prior analysis indicated that 60 percent of the IPHC charterboat license holders may be affected by these regulations.

The major effect of halibut management on small entities will be from the internationally set TAC decisions made by the IPHC. Based on the recommendations of the states and the Council, NMFS is implementing minor changes to the Plan to provide increased recreational and commercial opportunities under the allocations that result from the TAC. There are no large entities involved in the halibut fisheries; therefore, none of these changes will have a disproportionate negative effect on small entities versus large entities. These minor changes to the Plan are not expected to have a significant economic

impact on a substantial number of small entities.

A Description of the Steps the Agency Has Taken To Minimize the Significant Economic Impact on Small Entities Consistent With the Stated Objectives of Applicable Statutes, Including a Statement of the Factual, Policy, and Legal Reasons for Selecting the Alternative Adopted in the Final Rule and the Reason That Each One of the Other Significant Alternatives to the Rule Considered by the Agency Was Rejected

There were no significant alternatives to the final rule that would minimize any significant impact on small entities. The Council recommended minor changes including updates to sport fishery season dates, a new state-wide season date structure for Washington sport fisheries, catch monitoring improvements in Puget Sound, and refining management measures to better control fishing effort on Pacific halibut and bycatch of co-occurring species such as lingcod and yelloweye rockfish. The purpose of these changes is to allow increased access to quota of halibut and co-occurring species, reduce bycatch of overfished species, and improve management precision. In developing the minor changes to the Plan that it recommended to NMFS, the Council considered and accepted public comment on alternatives. In large part, these included ''status quo'' and ''action'' alternatives, where ''status quo'' represented the 2016 Plan. For example, with respect to a change from fixed seasons to inseason monitoring and management in Puget Sound, the Council considered retaining current management or changing to inseason monitoring and management.

For the change to lingcod retention in the portion of the Columbia River subarea north of the Oregon/Washington border, the Council considered an alternative that would cap the number of lingcod that could be retained on halibut trips, in addition to an alternative that would allow unlimited lingcod retention. Also, the Council considered a few minor changes that were not adopted. These changes included non-tribal allocation changes among commercial and recreational Pacific halibut fisheries, as well as shifting quota among Oregon state's recreational fisheries. Changing allocation schemes between the non-tribal commercial and recreational fisheries proved to be difficult, and the Council ultimately decided that the potential benefits were too few. The Council chose to maintain the current Oregon recreational season structures, because other management measures were developed to reduce yelloweye rockfish bycatch that did not require changes to the season structures.

The changes to the Plan are expected to slightly increase fishing opportunities in some areas at some times and to slightly decrease fishing opportunities in other areas at other times. None of these changes are controversial and none are expected to result in substantial environmental or economic impacts. These actions are intended to enhance the conservation of Pacific halibut, to provide angler opportunity where available, and to protect overfished groundfish species from incidental catch in the halibut fisheries. NMFS does not consider the changes to the plan that were considered by the Council to constitute significant alternatives; therefore, NMFS did not analyze alternatives to the above changes to the Plan other than the proposed changes and the status quo for purposes of the FRFA. Effects of the status quo and the final changes are similar because the changes to the Plan for 2017 are not substantially different from the 2016 Plan. The changes to the Plan are not expected to have a significant economic impact.

The changes to the Plan and codified regulations are authorized under the Halibut Act, implementing regulations at 50 CFR 300.60–65, and the Council process of annually evaluating the utility and effectiveness of Area 2A halibut management under the Plan. The sport and commercial management measures implement the Plan by managing the fisheries to meet the differing fishery needs of the various areas along the coast according to the Plan's objectives. The changes to the Plan and domestic management measures do not include any new reporting or recordkeeping requirements. These changes will also not duplicate, overlap or conflict with other laws or regulations. Consequently, these changes are not expected to have a ''significant'' economic impact on a ''substantial number'' of small entities. Nonetheless, NMFS has prepared a FRFA, for which the full analysis is available from the Council or NMFS (see **ADDRESSES**).

There are no projected reporting or recordkeeping requirements associated with this action.

There are no relevant Federal rules that may duplicate, overlap, or conflict with this action.

Pursuant to Executive Order 13175, the Secretary recognizes the sovereign status and co-manager role of Indian tribes over shared Federal and tribal fishery resources. Section 302(b)(5) of the Magnuson-Stevens Fishery Conservation and Management Act establishes a seat on the Pacific Council for a representative of an Indian tribe with Federally recognized fishing rights from California, Oregon, Washington, or Idaho.

The U.S. Government formally recognizes that the 13 Washington Tribes have treaty rights to fish for Pacific halibut. In general terms, the quantification of those rights is 50 percent of the harvestable surplus of Pacific halibut available in the tribes' usual and accustomed fishing areas (described at 50 CFR 300.64). Each of the treaty tribes has the discretion to administer their fisheries and to establish their own policies to achieve program objectives. Accordingly, tribal allocations and regulations, including the proposed changes to the Plan, have been developed in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

NMFS prepared an environmental assessment (EA) for the continued implementation of the Plan in 2014 and the Plan changes for 2017 are not expected to have any effects on the environment beyond those discussed in the EA and in the finding of no significant impact (FONSI). A copy of the EA is available from NMFS (see **ADDRESSES**).

NMFS conducted a formal Section 7 consultation under the Endangered Species Act (ESA) for the Area 2A Catch Sharing Plan for 2017 (March 17, 2017) addressing the effects of implementing the Plan on ESA-listed yelloweye rockfish, canary rockfish, and bocaccio in Puget Sound, the Southern Distinct Population Segment of green sturgeon, salmon, marine mammals, and sea turtles. In the biological opinion the Regional Administrator determined that the implementation of the Plan for 2017 is not likely to jeopardize the continued existence of Puget Sound yelloweye rockfish, Puget Sound canary rockfish, Puget Sound bocaccio, Puget Sound Chinook, Lower Columbia River Chinook, and southern green sturgeon. It is not expected to result in the destruction or adverse modification of critical habitat for green sturgeon or result in the destruction or adverse modification of proposed critical habitat for Puget Sound yelloweye rockfish, canary rockfish, or bocaccio. In addition, the opinion concluded that the implementation of the Plan is not likely to adversely affect marine mammals, the remaining listed salmon species and sea turtles, and is not likely to adversely affect critical habitat for Southern resident killer whales, leatherback sea turtles, any listed salmonids, and

humpback whales. Further, the Regional Administrator determined, in a letter dated March 12, 2014, that implementation of the Plan will have no effect on the southern DPS of eulachon.

NMFS has initiated consultation with the U.S. Fish and Wildlife Service on the effects of the halibut fishery on seabirds, bull trout, and sea otters. This consultation is not complete at this time. NMFS has prepared a 7(a)(2)/7(d) determination memo under the ESA concluding that any effects of the 2017 fishery on listed seabirds are not likely to jeopardize the continued existence of any listed species; nor will it make an irreversible or irretrievable commitment of resources by the agency.

NMFS finds good cause to waive the 30-day delay in effectiveness and make this rule effective upon publication in the **Federal Register**, pursuant to 5 U.S.C. 553(d)(3), so that this final rule may become effective on April 1, 2017, when incidental halibut retention in the sablefish primary fishery begins, or as soon as possible thereafter. This rule includes NMFS' approval of the Council's recommended changes to the Plan for 2017. The Catch Sharing Plan includes the allocation to the sablefish primary fishery. Additionally, the Council's 2017 Plan approved in this rule includes changes that respond to the needs of the fisheries in each state, including fisheries that begin in early May. Therefore, allowing the 2016 subarea allocations and Plan to remain in place would not respond to the needs of the fishery and would be in conflict with the Council's final recommendation for 2017. For these reasons, a delay in effectiveness could cause economic harm to the fishing industry and associated fishing communities by reducing fishing opportunity at the start of the fishing year to keep catch within the lower 2016 allocations or result in harvest levels inconsistent with the best available scientific information. As a result of the potential harm to fishing communities that could be caused by delaying the effectiveness of this final rule, NMFS finds good cause to waive the 30-day delay in effectiveness and make this rule effective upon publication in the **Federal Register**.

List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Antarctica, Canada, Exports, Fish, Fisheries, Fishing, Imports, Indians, Labeling, Marine resources, Reporting and recordkeeping requirements, Russian Federation, Transportation, Treaties, Wildlife.

Authority: 16 U.S.C. 951 *et seq.,* 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 5501 *et seq.,* 16 U.S.C. 2431 *et seq.,* 31 U.S.C. 9701 *et seq.*

Dated: April 17, 2017.

Alan D. Risenhoover,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 300, subpart E, is amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart E—Pacific Halibut Fisheries

■ 1. The authority citation for part 300, subpart E, continues to read as follows:

Authority: 16 U.S.C. 773–773k.

■ 2. In § 300.63, add paragraph (c)(1)(v), revise paragraphs (c)(2)(iv) and (v), add paragraph (c)(2)(vi), and revise paragraph (e)(2) to read as follows:

§ 300.63 Catch sharing plan and domestic management measures in area 2A.

* * * * *

(c) * * *

(1) * * *

(v) Notwithstanding regulations at (c)(1)(i) of this section, if the total estimated yelloweye rockfish bycatch mortality from recreational halibut trips in all Oregon subareas is projected to exceed 22 percent of the annual Oregon recreational yelloweye rockfish harvest guideline, NMFS may take inseason action to reduce yelloweye rockfish bycatch mortality in the halibut fishery while allowing allocation objectives to be met to the extent possible.

(2) * * *

(iv) Modification of sport fishing days per calendar week;

(v) Modification of subarea quotas; and

(vi) Modification of the Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) restrictions off Oregon using YRCA expansions as defined in groundfish regulations at 50 CFR 660.70(g) or (h).

* * * * *

(e) * * *

(2) Non-treaty commercial vessels operating in the incidental catch fishery during the sablefish primary fishery north of Pt. Chehalis, Washington, in Area 2A are required to fish outside of a closed area. Under Pacific Coast groundfish regulations at 50 CFR 660.230, fishing with limited entry fixed gear is prohibited within the North Coast Commercial YRCA. It is unlawful to take and retain, possess, or land halibut taken with limited entry fixed gear within the North Coast Commercial YRCA. The North Coast Commercial YRCA is an area off the northern Washington coast, overlapping the northern part of the North Coast Recreational YRCA, and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the North Coast Commercial YRCA are specified in groundfish regulations at 50 CFR 660.70(b).

* * * * *

[FR Doc. 2017–08022 Filed 4–19–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 75
Thursday, April 20, 2017

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0099; Directorate Identifier 2017–NE–02–AD]

RIN 2120–AA64

Airworthiness Directives; Siemens S.A.S. Smoke Detectors

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Siemens S.A.S. smoke detectors installed on various transport category airplanes. This proposed AD was prompted by a report that the affected smoke detectors failed an acceptance test. This proposed AD would require inspection and replacement of the affected smoke detectors. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this NPRM by June 5, 2017.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

For service information identified in this NPRM, contact Siemens, Aviation Customer Support, 697 Rue Fourny, 78530 Buc, France; phone: (33) 1 3084 6650; fax: (33) 1 3956 1364. You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

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–2017–0099; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Erin Hulverson, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7655; fax: 781–238–7199; email: *erin.hulverson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this NPRM. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0099; Directorate Identifier 2017–NE–02–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2016–0024, dated January 26, 2016 (referred to hereinafter as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> During a maintenance operation, some smoke detectors P/N PMC1102–02 failed an acceptance test, due to a significant degraded optical sensitivity. Investigation results concluded that light-emitting diodes (LED) were abnormally degraded, affecting specific batches where changes occurred in the LED manufacturer production process. Further investigation has determined that the affected LED have been installed on smoke detectors manufactured between November 2010 and January 2013, and on certain repaired units.
>
> This condition, if not corrected, will generate an abnormal ageing of the smoke detector, leading to a decrease of the light intensity capability, possibly resulting in failure to detect smoke and consequent risk of an on-board uncontrolled fire.

You may obtain further information by examining the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0099.

Related Service Information Under 1 CFR Part 51

Siemens S.A.S. has issued Service Information Letter (SIL) No. PMC–26–002, Revision No. 1, dated January 2016 and SIL No. PMC–26–003, Revision No. 2, dated February 2016. PMC 26–002 provides a list of serial numbers for affected smoke detectors, P/Ns PMC1102–02, PMC3100–00, and GMC1102–02, known to be installed on Airbus A330 passenger, A330 freighter, and A380 airplanes. PMC 26–003 provides a list of serial numbers for affected smoke detectors, P/N PMC1102, known to be installed on Boeing B737–400 airplanes that have been converted via supplemental type certificate from a passenger to a freighter airplane. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of France, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all

information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. This proposed AD would require inspection and replacement of the affected smoke detectors.

Costs of Compliance

We estimate that this proposed AD affects an unknown number of smoke detectors installed on, but not limited to, various aircraft 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
Inspection	0.2 work-hours × $85 per hour = $17	$0	$17
Replacement	0.8 work-hours × $85 per hours = $68	1,285	1,353

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 to the extent that it justifies making a regulatory distinction, and

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

List of Subjects in 14 CFR Part 39

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

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):

Siemens S.A.S.: Docket No. FAA–2017–0099; Directorate Identifier 2017–NE–02–AD.

(a) Comments Due Date

We must receive comments by June 5, 2017.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to Siemens S.A.S. smoke detectors, part numbers (P/Ns) PMC1102–02, PMC3100–00, and GMC1102–02, manufactured between October 2010 and January 2013, inclusive; and with serial numbers listed in paragraph 1/D/of Siemens Service Information Letter (SIL) No. PMC–26–002, Revision No. 1, dated January 2016 or paragraph 1/D/of Siemens SIL No. PMC–26–003, Revision No. 2, dated February 2016.

(2) This AD also applies to those smoke detectors with P/Ns and serial numbers (S/Ns) listed in Figure 1 to paragraph (c) of this AD; installed on, but not limited to, any airplane, certificated in any category, listed in paragraphs (c)(2)(i) or (ii) of this AD.

FIGURE 1 TO PARAGRAPH (c) OF THIS AD—P/N AND S/NS OF REPAIRED SMOKE DETECTORS

P/N	S/N
PMC1102–2	2129, 2281, 2335, 2343, 2356, 2399, 2411, 2428, 2588, 2731, 2851, 2888, 3658, 3696, 3710, 3729, 3731, 5032, 5039, 5040, 5107, 5216, 5233, 50069, 50075, 50087, 50122, 50204, 50250, 50264, 50268, 50270, 50272, 50366 and 50386
PMC3100–00	201, 208, 213 227, 260, 268, 312, 528, 588, 592, 606, 652, 655, 660, 667, 50037, 50046, 50058, 50060, 50062, 50067, 50070, 50072 and 50090

(i) in production on Airbus A330, A330 freighter, and A380 airplanes;

(ii) in service by supplemental type certificate modification on:

(A) Airbus A319 and A320, and Bombardier CL–600–2B19 (Challenger 850), Boeing (formerly McDonnell Douglas) DC–9 series 80 airplanes; and

(B) Boeing 737–400 (BDSF), 767, and 747–8 airplanes.

(d) Subject

Joint Aircraft System Component (JASC) Code 2611, Smoke Detection.

(e) Reason

This AD was prompted by a report that the affected smoke detectors failed an acceptance test. We are issuing this AD to prevent failure of the smoke detector, on-board uncontrolled fire, and damage to the airplane.

(f) Compliance

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

(1) Within 30 days after the effective date of this AD, inspect each Siemens smoke detector, or review your maintenance records, to determine if an affected detector is installed.

(2) For affected smoke detectors, replace the detectors within the compliance times specified in Figures 2, 3, and 4 to paragraph (f) of this AD.

FIGURE 2 TO PARAGRAPH (f) OF THIS AD—P/N PMC1102–02 (CARGO COMPARTMENTS)

Manufacturing date (month/year)	Compliance time (after the effective date of this AD)
122010 to 112011 inclusive	Within 5 months.
122011 to 012013 inclusive	Within 11 months.

FIGURE 3 TO PARAGRAPH (f) OF THIS AD—P/N PMC3100–00 DETECTORS (CARGO COMPARTMENTS)

Manufacturing date (month/year)	Compliance time (after the effective date of this AD)
032011 to 012012 inclusive	Within 5 months.
022012 to 012013 inclusive	Within 11 months.

FIGURE 4 TO PARAGRAPH (f) OF THIS AD—P/N GMC1102–02 (PASSENGER CABIN OR ANY OTHER LOCATION)

Manufacturing date (month/year)	Compliance Time (after the effective date of this AD)
112010 to 022012 inclusive	Within 24 months.
032012 to 122012 inclusive	Within 36 months.

(g) Installation Prohibition

From the effective date of this AD, do not install on any airplane a smoke detector:

(1) With a manufacturing date and P/N listed in Figure 2 or 3 to paragraph (f) of this AD;

(2) listed in Figure 4 to paragraph (f) of this AD unless the detector is marked 'SIL PMC–26–002'.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Boston Aircraft Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(i) Related Information

(1) For more information about this AD, contact Erin Hulverson, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7655; fax: 781–238–7199; email: *erin.hulverson@faa.gov.*

(2) Refer to MCAI European Aviation Safety Agency AD 2016–0024, dated January 26, 2016, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2017–0099.

(3) Siemens S.A.S. SIL No. PMC–26–002, Revision No. 1, dated January 2016 and Siemens SIL No. PMC–26–003, Revision No. 2, dated February 2016, can be obtained from Siemens S.A.S. using the contact information in paragraph (i)(4) of this proposed AD.

(4) For service information identified in this proposed AD, contact Siemens, Aviation Customer Support, 697 Rue Fourny, 78530 Buc, France; phone: (33) 1 3084 6650; fax: (33) 1 3956 1364.

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

Issued in Burlington, Massachusetts, on April 7, 2017.

Carlos A. Pestana,

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

[FR Doc. 2017–07675 Filed 4–19–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0250; Directorate Identifier 2016–NM–158–AD]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (Embraer)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Empresa Brasileira de Aeronautica S.A. (Embraer) Model EMB–135ER, –135KE, –135KL, –135LR, –145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes. This proposed AD was prompted by a report of airplanes with modified gust lock levers that prevented the thrust lever's full excursion, thus limiting the engine power. This proposed AD would require replacing a certain gust lock lever. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by June 5, 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.

For service information identified in this NPRM, contact Empresa Brasileira de Aeronautica S.A. (Embraer), Technical Publications Section (PC

060), Av. Brigadeiro Faria Lima, 2170–Putim–12227–901 São Jose dos Campos–SP—Brasil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email *distrib@embraer.com.br;* Internet *http://www.flyembraer.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.

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–2017–0250; 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 Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1175; fax 425–227–1149.

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–2017–0250; Directorate Identifier 2016–NM–158–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 based on 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

The Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil, has issued Brazilian Airworthiness Directive 2016–07–01, dated July 18, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Empresa Brasileira de Aeronautica S.A. (Embraer) Model EMB–135ER, –135KE, –135KL, –135LR, –145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes. The MCAI states:

> ANAC was informed about occurrences in which airplanes that incorporated SB 145–27–0115, which changes the Gust Lock lever format, managed to takeoff, or performed [rejected take-offs] RTOs, in such a configuration that the Gust Lock lever prevented the thrust levers full excursion, thus limiting the engine power to about 70% of the nominal takeoff power. Analyses and simulations conducted by the manufacturer confirmed this as a possible scenario in case some verification procedures prior to and during takeoff, for whatever reason, are not properly performed. After evaluation, the conclusion was that the incorporation of SB 145–27–0115 would take away an important tactile cue regarding the thrust levers position, which, in a timely manner, would alert the crew of an improper takeoff configuration. During takeoffs, or attempts thereof, in such condition, the airplane would have a reduced performance, which would increase the required takeoff distance or the RTO distance, and reduce the airplane capacity to clear obstacles.
>
> Since this condition may occur in other airplanes of the same type and affects flight safety, a corrective action is required. Thus, sufficient reason exists to request compliance with this [Brazilian] AD in the indicated time limit.

Required actions include replacing a certain gust lock lever. 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–2017–0250.

Related Service Information Under 1 CFR Part 51

We reviewed Embraer Service Bulletin 145–27–0126, dated October 6, 2015. The service information describes procedures for replacement of a certain gust lock lever for one with an alternative format.

We have also reviewed Embraer Service Bulletin 145–27–0115, Revision 03, dated October 5, 2015. This service information describes procedures for modifying involving replacement of the gust lock lever with a new gust lock lever enabling both engine thrust levers to be advanced at the same angle as that of the electromechanical gust lock lever.

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

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

Costs of Compliance

We estimate that this proposed AD affects 668 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
Inspection	1 work-hour × $85 per hour = $85	$0	$85	$56,780

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	1 work-hour × $85 per hour = $85	$6,315	$6,400

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):

Empresa Brasileira de Aeronautica S.A. (Embraer): Docket No. FAA–2017–0250; Directorate Identifier 2016–NM–158–AD.

(a) Comments Due Date

We must receive comments by June 5, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Empresa Brasileira de Aeronautica S.A. (Embraer) Model EMB–135ER, –135KE, –135KL, –135LR, –145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Reason

This AD was prompted by a report of airplanes with modified gust lock levers that performed take-offs or rejected take-offs (RTOs), in such a configuration that the gust lock lever prevented the thrust lever's full excursion, thus limiting the engine power to about 70% of the nominal take-off power. We are issuing this AD to prevent incorrect configuration of the gust lock lever, which could reduce the airplane's performance during take-offs or attempted take-offs, increase the required take-off distance or the RTO distance, and reduce the airplane's capacity to clear obstacles.

(f) Compliance

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

(g) Inspection

Within 5,000 flight hours or 24 months after the effective date of this AD, whichever occurs first: Check the airplane maintenance records to determine whether the actions specified in Embraer Service Bulletin 145–27–0115 have been done. If the records review is inconclusive, inspect the engine control box assembly against the Accomplishment Instructions of Embraer Service Bulletin 145–27–0115, Revision 03, dated October 5, 2015, to determine whether the actions specified in Embraer Service Bulletin 145–27–0115 have been done.

(h) Corrective Action

If the check or inspection required by paragraph (g) of this AD indicates that the actions in Embraer Service Bulletin 145–27–0115 have been done: Within 5,000 flight hours or 24 months after the effective date of this AD, whichever occurs first, replace the gust lock lever, in accordance with the Accomplishment Instructions of Embraer Service Bulletin 145–27–0126, dated October 6, 2015.

(i) Acceptable Alternative

Reversion of the airplane to a pre-modification condition (configuration before incorporating Embraer Service Bulletin 145–27–0115), within the compliance times specified in paragraph (h) of this AD, in accordance with a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the Agência Nacional de Aviação Civil (ANAC); or ANAC's authorized Designee, is acceptable for compliance with paragraph (h) of this AD.

(j) Prohibited Modification

As of the effective date of this AD, do not accomplish the actions specified in Embraer Service Bulletin 145–27–0115 on any airplane.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1175; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or ANAC; or ANAC's authorized Designee. If approved by the ANAC Designee, the

approval must include the Designee's authorized signature.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Brazilian Airworthiness Directive 2016–07–01, dated July 18, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0250.

(2) For service information identified in this AD, contact Empresa Brasileira de Aeronautica S.A. (Embraer), Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170–Putim–12227–901 São Jose dos Campos–SP—Brasil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email *distrib@embraer.com.br;* Internet *http://www.flyembraer.com.* 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.

Issued in Renton, Washington, on April 11, 2017.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–07748 Filed 4–19–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0175; Airspace Docket No. 17–ACE–2]

Proposed Amendment of Class E Airspace; Hebron, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace extending upward from 700 feet above the surface at Hebron Municipal Airport, Hebron, NE. This action is necessary due to the decommissioning of the Hebron non-directional radio beacon (NDB), and cancellation of the NDB approach. This proposed change would enhance the safety and management of standard instrument approach procedures for instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before June 5, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826, or 1–800–647–5527. You must identify FAA Docket No. FAA–2017–0175; Airspace Docket No. 17–ACE–2, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

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

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

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Contract Support, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX, 76177; telephone (817) 222–5859.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0175/Airspace Docket No. 17–ACE–2.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents Proposed for Incorporation by Reference

This document proposes to amend FAA Order 7400.11A, Airspace

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E airspace extending upward from 700 feet above the surface at Hebron Municipal Airport, Hebron, NE.

Airspace reconfiguration is necessary due to the decommissioning and cancellation of the NDB, and NDB approaches, which would enhance the safety and management of the standard instrument approach procedures for IFR operations at the airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE NE E5 Hebron, NE [Amended]

Hebron Municipal Airport, NE
(Lat. 40°09′08″ N., long. 97°35′13″ W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Hebron Municipal Airport.

Issued in Fort Worth, TX, on April 4, 2017.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2017–07783 Filed 4–19–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–8162; Airspace Docket No. 17–ANM–12]

Proposed Establishment of Class E Airspace, and Amendment of Class E Airspace; St. George, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace designated as an extension to a Class E surface area, establish Class E en route airspace, and modify Class E airspace extending upward from 700 feet above the surface at St. George Regional Airport (formerly, St. George Municipal Airport), St. George, UT. After a review of the airspace, the FAA found redesign necessary to support new instrument flight rules (IFR) standard instrument approach procedures and en route operations where the Federal airway structure is inadequate, for the safety and management of aircraft operations at the airport. Also, this action would update the airport name from St. George Municipal Airport, to St. George Regional Airport, in the associated Class D and Class E airspace areas.

DATES: Comments must be received on or before June 5, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2016–8162; Airspace Docket No. 17–ANM–12, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs,

describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class E airspace at St. George Regional Airport, St. George, UT, to support new instrument flight rules (IFR) standard instrument approach procedures and en route operations.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2016–8162/Airspace Docket No. 15–ANM–6.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents Proposed for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace designated as an extension to a Class E surface area, establishing Class E domestic en route airspace upward from 1,200 feet above the surface, and modifying Class E airspace extending upward from 700 feet above the surface, in the vicinity of the St. George, UT. This airspace redesign is necessary for the safety and management of aircraft operations at the airport and to support en route operations where the Federal airway structure is inadequate. Also, this action would update the airport name from St. George Municipal Airport, to St. George Regional Airport, in the associated Class D and Class E airspace areas.

Class E airspace designated as an extension to a Class E surface area would be established within 1 mile each side of the St. George Regional Airport 030° bearing from the airport 4.5-mile radius to 7.7 miles northeast of the airport and within 2 miles each side of the airport 203° bearing from the 4.5-mile radius to 8.5 miles southwest of the airport. This controlled airspace would support instrument flight rules (IFR) operations for standard instrument approach aircraft operating below 1,000 feet above the surface.

Class E airspace extending upward from 700 feet above the surface would be reduced to a 4.5-mile radius (from a 8.1-mile radius) of the airport, and within 2.5 miles each side of the airport 203° bearing (from 4 miles each side of the 200° bearing) of the airport extending from the airport 4.5-mile radius (from a 8.1-mile radius) to 13.9 miles southwest (from 20 miles southwest) of the airport, and within 2.2 miles (from 4 miles) each side of the airport 030° bearing extending from the airport 4.5-mile radius (from a 8.1-mile radius) to 21.6 miles northeast (from 25.8 miles) of the airport. The existing 1,200 foot airspace would be removed since this would duplicate the en route airspace described below.

Class E en route airspace would be established for the safety and management of IFR point-to-point operations outside of the established airway structure, and Air Traffic Control vectoring services.

Class E airspace designations are published in paragraph 6002, 6004, 6005, and 6006, respectively, of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal

Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ANM UT E2 St. George, UT [Modified]

St. George Regional Airport, UT
(Lat. 37°02′11″ N., long. 113°30′37″ W.)

Within a 4.5-mile radius of St. George Regional Airport.

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

* * * * *

ANM UT E4 St. George, UT [New]

St. George Regional Airport, UT
(Lat. 37°02′11″ N., long. 113°30′37″ W.)

That airspace extending upward from the surface within 1 mile each side of the St. George Regional Airport 030° bearing from the airport 4.5-mile radius to 7.7 miles northeast of the airport, and within 2 miles each side of the airport 203° bearing from the airport 4.5-mile radius to 8.5 miles southwest of the airport.

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

* * * * *

ANM UT E5 St. George, UT [Modified]

St. George Regional Airport, UT
(Lat. 37°02′11″ N., long. 113°30′37″ W.)

That airspace extending upward from 700 feet above the surface within a 4.5-mile radius of the St. George Regional Airport, and within 2.5 miles each side of the airport 203° bearing, extending from the airport 4.5-mile radius to 13.9 miles southwest of the airport, and within 2.2 miles each side of the airport 030° bearing extending from the airport 4.5-mile radius to 21.6 miles northeast of the airport.

Paragraph 6006 En Route Domestic Airspace Areas.

* * * * *

ANM UT E6 St. George, UT [New]

St. George Regional Airport, UT
(Lat. 37°02′11″ N., long. 113°30′37″ W.)

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 37°30′00″ N., long. 113°00′00″ W.; to lat. 37°48′00″ N., long. 113°30′00″ W.; to lat. 37°49′25″ N., long. 113°42′01″ W.; to lat. 37°43′00″ N., long. 113°47′00″ W.; to lat. 37°34′30″ N., long. 113°54′00″ W.; to lat. 37°25′32″ N., long. 113°51′22″ W.; to lat. 37°15′00″ N., long. 114°00′00″ W.; to lat. 36°58′00″ N., long. 114°14′03″ W.; to lat. 36°19′00″ N., long. 114°14′03″ W.; to lat. 35°39′00″ N., long. 114°14′03″ W.; to lat. 35°22′40″ N., long. 113°46′10″ W.; to lat. 36°02′00″ N., long. 112°58′00″ W.; to lat. 36°42′00″ N., long. 112°56′00″ W.; to lat. 36°57′00″ N., long. 112°52′00″ W., thence to the point of beginning.

Issued in Seattle, Washington, on April 4, 2017.

Sam S. L. Shrimpton,

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

[FR Doc. 2017–07790 Filed 4–19–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9544; Airspace Docket No. 16–ASW–22]

Proposed Amendment of Class D and E Airspace for the Following Texas Towns; Sherman, TX; and Temple, TX, and Establishment of Class E Airspace, Temple, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to: amend Class D airspace at North Texas Regional Airport/Perrin Field, Sherman, TX; amend Class E surface airspace at Draughon-Miller Central Texas Regional Airport, Temple, TX; amend Class E airspace extending upward from 700 feet above the surface at North Texas Regional Airport/Perrin Field and Draughon-Miller Central Texas Regional Airport; and establish Class E airspace designated as an extension at Draughon-Miller Central Texas Regional Airport. Cancellation of standard instrument approach procedures at these airports has made this action necessary for the safety and management of Instrument Flight Rules (IFR) operations. Additionally, geographic coordinates, names of airports, and a navigation aid would be adjusted to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before June 5, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826, or 1–800–647–5527. You must identify FAA Docket No. FAA–2016–9544; Airspace Docket No. 16–ASW–22, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

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

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX, 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Regional Airport/Perrin Field, Sherman, TX; Class E surface airspace at Draughon-Miller Central Texas Regional Airport, Temple, TX; Class E airspace extending upward from 700 feet above the surface at North Texas Regional Airport/Perrin Field and Draughon-Miller Central Texas Regional Airport; and establish Class E airspace designated as an extension at Draughon-Miller Central Texas Regional Airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2016–9544/Airspace Docket No. 16–ASW–22.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

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

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

Availability and Summary of Documents Proposed for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying:

Class D airspace within a 4.7-mile radius (reduced from a 5.0-mile radius) at North Texas Regional Airport/Perrin Field (formerly Grayson County Airport), Sherman/Denison, TX, and updating the name of the airport to coincide with the FAA's aeronautical database; Class E surface airspace within a 4.2-mile radius (increased from a 4.1-mile radius) at Draughon-Miller Central Texas Regional Airport (formerly Draughon-Miller Municipal Airport), Temple, TX, eliminating the extension southeast of the airport, and updating the name and geographic coordinates of the airport to coincide with the FAA's aeronautical database;

Class E airspace extending upward from 700 feet above the surface:

Within a 7.2-mile radius (increased from a 6.9-mile radius) of North Texas Regional Airport/Perrin Field (formerly Grayson County Airport), Sherman/Denison, TX, and updating the name and geographic coordinates of the airport to coincide with the FAA's aeronautical database;

Within a 6.7-mile radius of Draughon-Miller Central Texas Regional Airport (formerly Draughon-Miller Municipal Airport), Temple, TX, eliminating the extensions north and southeast of the airport, amending the extension northwest of the airport from the 6.7-mile radius to 14.4 miles (reduced from 19.5 miles), adding an extension south of the airport from the 6.7-mile radius to 10.1 miles, adding an extension southwest of the airport from the 6.7-mile radius to 9.7 miles, and updating the name and geographic coordinates of the airport and the name of the Draughon-Miller Central Texas Regional Localizer (formerly Draughon-Miller Localizer) to coincide with the FAA's aeronautical database;

And establishing Class E airspace designated as an extension to Class E surface airspace within a 4.2-mile radius of Draughon-Miller Central Texas Regional Airport, Temple, TX, with an extension southeast 7.7 miles.

Cancellation of standard instrument approach procedures at these airports prompted the FAA to conduct a review of the airspace. Controlled airspace is necessary for the safety and management of standard instrument approach procedures for IFR operations at these airports.

Class D and E airspace designations are published in paragraph 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASW TX D Sherman, TX [Amended]

Sherman/Denison, North Texas Regional Airport/Perrin Field, TX
(Lat. 33°42′51″ N., long. 96°40′25″ W.)

That airspace extending upward from the surface to and including 3,300 feet MSL within a 4.7-mile radius of North Texas Regional Airport/Perrin Field. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6002 Class E Surface Airspace.

* * * * *

ASW TX E2 Temple, TX [Amended]

Temple, Draughon-Miller Central Texas Regional Airport, TX
(Lat. 31°09′07″ N., long. 97°24′28″ W.)

Within a 4.2-mile radius of Draughon-Miller Central Texas Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6004 Class E Airspace Designated as an Extension to Class E Surface Airspace.

* * * * *

ASW TX E4 Temple, TX [New]

Temple, Draughon-Miller Central Texas Regional Airport, TX
(Lat. 31°09′07″ N., long. 97°24′28″ W.)
Temple VOR
(Lat. 31°12′34″ N., long. 97°25′30″ W.)

The airspace extending upward from the surface 1.4 miles either side of the 157° radial of the Temple VOR extending from the 4.2-mile radius to 7.7 miles southeast of Draughon-Miller Central Texas Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

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

* * * * *

ASW TX E5 Sherman, TX [Amended]

Sherman/Denison, North Texas Regional Airport/Perrin Field, TX
(Lat. 33°42′51″ N., long. 96°40′25″ W.)
Sherman Municipal Airport, TX
(Lat. 33°37′27″ N., long. 96°35′10″ W.)

That airspace extending upward from 700 feet above the surface within a 7.2-mile radius of North Texas Regional Airport/Perrin Field, and within a 6.4-mile radius of Sherman Municipal Airport.

* * * * *

ASW TX E5 Temple, TX [Amended]

Temple, Draughon-Miller Central Texas Regional Airport, TX
(Lat. 31°09′07″ N., long. 97°24′28″ W.)
Draughon-Miller Central Texas Regional Localizer
(Lat. 31°08′20″ N., long. 97°24′16″ W.)
Temple VOR
(Lat. 31°12′34″ N., long. 97°25′30″ W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Draughon-Miller Central Texas Regional Airport, and within 4 miles either side of the 157° radial of the Temple VOR extending from the 6.7-mile radius to 10.1 miles south of the airport, and within 2 miles either side of the 201° bearing from the airport from the 6.7-mile radius to 9.7 miles southwest of the airport, and within 4 miles either side of the 336° bearing of the Draughon-Miller Central Texas Regional Localizer extending from the 6.7-mile radius to 14.4 miles northwest of the airport.

Issued in Fort Worth, Texas, on April 5, 2017.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2017–07786 Filed 4–19–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0237; Airspace Docket No. 16–ANM–10]

Proposed Establishment of Class E Airspace, Del Norte, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Astronaut Kent Rominger Airport, Del Norte, CO, to support the development of Instrument Flight Rules (IFR) operations under standard instrument approach and departure procedures at the airport, for the safety and management of aircraft within the National Airspace System.

DATES: Comments must be received on or before June 5, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2017–0237; Airspace Docket No. 16–ANM–10, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use

of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace extending upward from 700 feet above the surface at Astronaut Kent Rominger Airport, Del Norte, CO to support IFR operations in standard instrument approach and departure procedures at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0237/Airspace Docket No. 16–ANM–10''. The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents Proposed for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace extending upward from 700 feet above the surface at Astronaut Kent Rominger Airport, Del Norte, CO. Class E airspace would be established within a 7.3-mile radius of the Astronaut Kent Rominger Airport beginning at the 045° bearing from the airport clockwise to the 265° bearing from the airport, thence directly to the point of beginning. This airspace is necessary to support IFR operations in standard instrument approach and departure procedures at the airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ANM CO E5 Del Norte, CO [New]

Astronaut Kent Rominger Airport, CO
(Lat. 37°42′50″ N., long. 106°21′07″ W.)

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of Astronaut Kent Rominger Airport beginning at the 045° bearing from the airport clockwise to the 265° bearing from the airport, thence directly to the point of beginning.

Issued in Seattle, Washington, on April 7, 2017.

Sam S. L. Shrimpton,

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

[FR Doc. 2017–07791 Filed 4–19–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0182; Airspace Docket No. 17–ASW–3]

Proposed Amendment of Class E Airspace; Arkadelphia, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace extending upward from 700 feet above the surface at Dexter B. Florence Memorial Field Airport, Arkadelphia, AR. This action is necessary due to the decommissioning of the Arkadelphia non-directional radio beacon (NDB) and cancellation of the NDB approach. This proposed change would enhance the safety and management of standard instrument approach procedures for instrument flight rules (IFR) operations at the airport. The FAA also proposes to update the airport name in the legal description from Arkadelphia Municipal Airport to Dexter B. Florence Memorial Field Airport.

DATES: Comments must be received on or before June 5, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations Building Floor, Room W12–140, Washington, DC 20590; telephone (202) 366–9826 or 1–800–647–5527. You must identify FAA Docket No. FAA–2017–0182; Airspace Docket No. 17–ASW–3, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

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

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

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Contract Support, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX, 76177; telephone (817) 222–5859.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0182/Airspace Docket No. 17–ASW–3.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents Proposed for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class E airspace extending upward from 700 feet above the surface by reducing the airspace from a 6.6-mile radius to 6.5 miles and removing the 5.2-mile wide segment (2.6 miles each side of the 222° bearing) from the Arkadelphia RBN extending from the 6.6-mile radius to 10.7 miles southwest of the Dexter B. Florence Memorial Field Airport (which would be updated in the legal description from Arkadelphia Municipal Airport).

Airspace reconfiguration is necessary due to the decommissioning and cancellation of the Arkadelphia NDB and NDB approaches, which would

enhance the safety and management of the standard instrument approach procedures for IFR operations at the airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASW AR E5 Arkadelphia, AR [Amended]

Dexter B. Florence Memorial Field Airport, AR

(Lat. 34°05′59″ N., long. 93°03′58″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Dexter B. Florence Memorial Field Airport.

Issued in Fort Worth, TX, on April 6, 2017.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2017–07782 Filed 4–19–17; 8:45 am]

BILLING CODE 4910–13–P

LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 350

[Docket No. 17–CRB–0013 RM]

Proceedings of the Copyright Royalty Board; Violation of Standards of Conduct

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Proposed rule.

SUMMARY: The Copyright Royalty Judges propose to adopt a new Copyright Royalty Board rule that would authorize the Judges to bar, either temporarily or permanently, certain individuals and entities from participating in proceedings before the Judges.

DATES: Comments are due no later than May 22, 2017.

ADDRESSES: The proposed rule is posted on the agency's Web site (*www.loc.gov/crb*) and at *Regulations.gov* (*www.regulations.gov*). Interested parties may submit comments via email to *crb@loc.gov.* Those who choose not to submit comments via email should see How to Submit Comments in the Supplementary Information section below for online and physical addresses and further instructions.

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

SUPPLEMENTARY INFORMATION: Regulations of the Copyright Royalty Board (CRB), 37 CFR part 350 (CRB Rules), address proceedings conducted by the Copyright Royalty Judges (Judges) under chapter 8 of the Copyright Act. 17 U.S.C. 801–805. Proceedings before the Judges are premised on the understanding that all participants, including party representatives, witnesses, attorneys, and agents, will provide only truthful evidence or testimony to the Board. For example, CRB Rule 351.10 (a) states that ''[a]ll witnesses shall be required to take an oath or affirmation before testifying.'' 37 CFR 351.10 (b). The oath or affirmation requires the witness to state that the evidence he or she is about to offer will be truthful. Neither Rule 351.10 nor any other CRB rule or provision of the Copyright Act specifies consequences for presenting to the CRB false or misleading information or testimony, or for filing false royalty claims.[1]

In the few instances in which the Judges determined that a witness's testimony was not truthful, the Judges exercised their authority under Section 801(c) to strike the testimony from the record or to take such other action as the Judges believed was warranted under the circumstances. In 2008, for example, the Judges found that an expert witness knowingly affirmed incorrect testimony on the record and in the presence of the Judges. *Order Striking Certain Witness Testimony and Refusing Witness as Expert* at 3, Docket No. 2006–3 CRB DPRA (Feb. 14, 2008). As a sanction for that false testimony, the Judges struck all of the witness's testimony that offered ''conclusions and opinions only admissible if presented as qualified expert testimony.'' *Id.* at 4. At the Judges' discretion, they retained portions of the witness's testimony that were ''merely reports or compilations of industry facts and data such as might have been presented by a lay witness familiar with the industry and having access to documents provided in discovery.'' *Id.*

Under the Copyright Arbitration Royalty Panel system,[2] a participant in Library of Congress royalty distribution proceedings, pled guilty to a count of mail fraud for making fraudulent submissions to the Copyright Office in which he used false aliases and fictitious business entities to claim entitlement to cable and satellite system retransmission royalties. *U.S.* v. *Galaz,*

[1] *See* 18 U.S.C. 1621 re perjury.

[2] The Copyright Arbitration Royalty Panels arbitrated royalty rate and distribution controversies prior to enactment of the Copyright Royalty and Distribution Reform Act of 2004, which initiated the Copyright Royalty Judges program.

No. 02–230 (D.D.C. May 30, 2002); *U.S.* v. *Galaz,* CR 02–0230–01 (D.D.C. Dec. 23, 2002).

After serving a prison term, and with approval of the sentencing court, the sanctioned individual continued to represent claimants in proceedings before the CRB. In one such proceeding, the Judges found that the same individual did not testify truthfully. *Memorandum Opinion and Ruling on Validity and Categorization of Claims* at 8, Docket Nos. 2012–6 CRB CD 2004–09 (Phase II) and 2012–7 CRB SD 1999–2009 SD (Phase II) (March 13, 2015) (*Memorandum Opinion and Ruling*). In determining a sanction for the false testimony, the Judges analyzed whether they had authority to debar or otherwise disqualify a claimant representative for misconduct. The Judges concluded that ''[a]ssuming, without deciding, that the Judges do possess the inherent authority to debar or otherwise disqualify a claimant representative for misconduct, the Judges find that it would be inappropriate to exercise that authority in the absence of regulations governing how, and under what circumstances they may do so.'' *Id.* at 9. The Judges concluded that:

> Participants are entitled to ''official . . . guidance as to what acts will precipitate a complaint of misconduct, how charges will be made, met or refuted, and what consequences will flow from misconduct if found.'' Even though, in this particular instance, all of the participants know—or should know—that giving false testimony under oath in an official proceeding is serious misconduct, there is nevertheless no ''official guidance'' in either the Copyright Act or CRB Rules concerning the consequences of that misconduct. Sadly, this case highlights the urgent need for such official guidance.

Id., quoting Gonzales v. *Freeman,* 334 F.2d 570, 578 (D.C. Cir. 1964) (internal citation omitted).

In the absence of official guidance on what consequences would flow from misconduct, the Judges denied the claimant representative presenting the witness the presumption of validity that each filed claim is compliant with the authority, veracity, and good faith standards now codified in 37 CFR 360.3(b)(1)(vi).[3]

The Judges have indicated they would ''welcome petitions for rulemaking that discuss their authority to adopt, and recommend the content of, rules, if any, sanctioning misconduct on the part of counsel or parties in CRB proceedings.'' *Memorandum Opinion and Ruling* at 9 n.7. The Judges received none. The Judges, therefore, propose these regulations to establish and publicize standards of conduct and to enumerate, without limitation, responses to violations of those standards.

In designing procedures for imposing appropriate sanctions for fraud or misrepresentation to the CRB, the Judges stress the importance of providing more consistent guidance to individuals and entities that have business before the CRB. In addition, the Judges recognize the value of providing a mechanism that is less prone to evasion than the *ad hoc* approaches the Judges have employed in the past.[4] The Judges intend the proposed new rule to supplement rather than replace the case-specific evidentiary rulings or sanctions they have imposed in the past. Consistent with these goals, the Judges propose a new CRB Rule 350.9: Violation of Standards of Conduct. The proposed new rule clarifies the expectation and requirement that all persons appearing in proceedings before the Judges act with integrity and in an ethical manner.

The proposed new rule language authorizes the Judges, after notice and an opportunity for hearing, to deny, either temporarily or permanently, to a person or entity that violates the expected standards of conduct the privilege of participating as a representative, agent, witness, or attorney in a CRB proceeding. In particular, the proposed new language would authorize the Judges to deny participation to any attorney who has been suspended or disbarred by a court of the United States or of any State or to any person whose license to practice as an accountant, engineer, or other professional or expert, has been revoked or suspended in any State.

Moreover, under the proposed rule, the Judges could bar participation by any person who has been convicted of a felony or a misdemeanor involving moral turpitude. The proposed new rule also would authorize the Judges to deny participation by any entity that employs or retains in any capacity any person described in paragraph (b)(1) to assist in administering the distribution of royalties to claimants or to submit or prepare royalty claims or evidence to be used in a proceeding before the Copyright Royalty Board.

The proposed rule would authorize the Judges to deny participation by any person, agent, or attorney shown to be incompetent or disreputable. In addition, the proposed rule would authorize the Judges, after notice and opportunity for hearing, to deny participation by any person who knowingly or recklessly provides false oral or written testimony or who knowingly sponsors false documents under oath or affirmation in a proceeding. Finally, the proposed rule would authorize the Judges to deny participation by any person who has violated any CRB rule or regulation.

The proposed rule would allow a person denied participation in a CRB proceeding or barred as a witness to apply for reinstatement at any time. The Judges may, in their discretion, permit a hearing on the reinstatement application, but the suspension or disqualification would continue unless and until the Judges have reinstated the applicant for good cause shown.

Solicitation of Comments

The Judges seek comments on the proposed new rule. Preliminarily, the Judges believe the proposed rule is necessary to allow them to carry out their responsibilities under the Copyright Act and is consistent with the Judges' goal to provide consistent guidance to people and entities regarding the Judges' expectations of conduct in Copyright Royalty Board proceedings and other dealings with the Copyright Royalty Board. The Judges seek comments on whether they should adopt the proposed rule. Any commenter that does not believe the proposed rule is necessary or appropriate, must discuss any alternatives that the Judges have available that would allow them to continue to preserve the integrity of Copyright Royalty Board proceedings.

[3] In response to the Judges' remedy, the claimant representative asserted that it could overcome the loss of the presumption of validity by simply appointing an agent to adjudicate the claims that it had been hired to represent. The Judges responded that ''[g]iven the circumstances that have led to [the representative's] loss of the 'presumption of validity,' such a transparent subterfuge could well constitute fresh and sufficient evidence to cast doubt on [the representative's] representation, underscoring the need to place the burden on [the representative] to substantiate its claims.'' *Memorandum Opinion and Ruling* at 12–13, n.14.

Nevertheless, in a subsequent distribution proceeding, the same representative assigned its right to represent claims to a family member doing business under a newly-registered business name, perhaps with the intention of avoiding the loss of the presumption of validity. *See, e.g., MPAA's Motion for Disallowance of Claims Made by Multigroup Claimants* at 3, Docket Nos. 14–CRB–0010 CD and 14–CRB–0011 SD (2010–2013) (Oct. 11, 2016). Regardless of the motivation behind the party's decision to replace itself as a claims representative with an affiliate in that particular proceeding, the claim representative's actions (about which the Judges do not currently opine) highlight the importance of a mechanism to sanction parties, witnesses, and counsel that violate CRB rules or the Judges' orders, or that otherwise engage in behavior that would warrant preventing them from future participation in proceedings before the Judges.

[4] In the past to address objectionable behavior, the Judges have imposed, for example, discovery sanctions, evidentiary burden shifting, and have declined to consider material offered for the record.

The Judges also seek comments on whether the categories described in the proposed rule are sufficient for the Judges to achieve the goal of preserving the integrity of Copyright Royalty Board proceedings or whether additional categories also should be included. If so, which categories should be added? Should any of the proposed categories be removed from the proposal? If so, which categories and why? Should time limits be placed on any or all of the categories? For example, if a person violated a CRB rule in the distant past (*e.g.,* 5 years ago? 10 years ago?), should that person still be subject to a denial of participation in future proceedings? What criteria should the Judges' consider in determining whether a denial of participation should be temporary or permanent? If a claims representative is barred from participation in proceedings before the Judges, how should the claims that that person or entity represented be treated? For example, should the claimants be required to represent themselves (either individually or jointly) or should they be allowed to select a new representative? In the alternative, should the Judges assign the claims of a barred representative to another claims representative already participating in the proceeding?

With respect to reinstatement applications, does the proposal provide a sufficient means for persons or entities to seek reinstatement? If not, what other means should be available? If the Judges deny a reinstatement application, when, if ever, should the applicant be permitted to file a subsequent application? For example, should there be a ''cooling off'' period between applications? If so, how long should that period be? In considering subsequent reinstatement applications, should the Judges apply the same standard as they applied in considering the first application or should a different standard apply (*e.g.,* a showing of new evidence, other than the mere passage of time, subsequent to the initial application denial)?

How To Submit Comments

Interested members of the public must submit comments to only one of the following addresses. If not submitting by email or online, commenters must submit an original of their comments, five paper copies, and an electronic version in searchable PDF format on a CD.

Email: crb@loc.gov; or

Online: http://www.regulations.gov; or

U.S. mail: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Overnight service (only USPS Express Mail is acceptable): Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Commercial courier: Address package to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–403, 101 Independence Avenue SE., Washington, DC 20559–6000. Deliver to: Congressional Courier Acceptance Site, 2nd Street NE and D Street NE., Washington, DC; or

Hand delivery: Library of Congress, James Madison Memorial Building, LM–401, 101 Independence Avenue SE., Washington, DC 20559–6000.

List of Subjects in 37 CFR Part 350

Administrative practice and procedure, Copyright.

For the reasons set forth in the preamble, the Copyright Royalty Board proposes to amend 37 CFR part 350 as follows:

PART 350—GENERAL ADMINISTRATIVE PROVISIONS

■ 1. The authority citation for part 350 continues to read as follows:

Authority: 17 U.S.C. 803.

■ 2. Add § 350.9 to read as follows:

§ 350.9 Violation of standards of conduct.

(a) *Standards of conduct.* All persons appearing in proceedings before the Copyright Royalty Board are expected to act with integrity and in an ethical manner.

(b) *Suspension and debarment.* After notice and opportunity for hearing, the Copyright Royalty Judges may deny, temporarily or permanently, the privilege of participating as a representative, agent, attorney, or witness in a proceeding before the Copyright Royalty Board to:

(1) Any attorney who has been suspended or disbarred by a court of the United States or of any State; any person whose license to practice as an accountant, engineer, or other professional or expert has been revoked or suspended in any State; or any person who has been convicted of a felony or a misdemeanor involving moral turpitude. A disbarment, suspension, revocation, or conviction within the meaning of this section shall be deemed to have occurred when the disbarring, suspending, revoking, or convicting agency or tribunal enters its judgment or order, including a judgment or order on a plea of *nolo contendere,* regardless of whether the person has taken or could take an appeal of the judgment or order.

(2) Any entity that employs or retains in any capacity any person described in paragraph (b)(1) of this section to assist in administering the distribution of royalties to claimants or to submit or prepare royalty claims or evidence to be used in a proceeding before the Copyright Royalty Board.

(3) Any person, agent, or attorney shown to be incompetent or disreputable.

(4) Any person who knowingly or recklessly provides false oral or written testimony or who knowingly sponsors false documents under oath or affirmation in a proceeding before the Copyright Royalty Board.

(5) Any person who has violated any Copyright Royalty Board rules or regulations.

(c) *Reinstatement.* A person denied the privilege of participating in a Copyright Royalty Board proceeding or barred as a witness under this rule may apply for reinstatement at any time, but no more often than once in a 12-month period measured from the time of disposition of an application. The Copyright Royalty Judges may, in their discretion, permit a hearing on the application. The suspension or disqualification shall continue unless and until the Judges have reinstated the applicant for good cause shown.

Dated: April 7, 2017.

Suzanne M. Barnett

Chief Copyright Royalty Judge.

[FR Doc. 2017–07403 Filed 4–19–17; 8:45 am]

BILLING CODE 1410–72–P

Notices

Federal Register
Vol. 82, No. 75
Thursday, April 20, 2017

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 17, 2017.

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

Comments regarding this information collection received by May 22, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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

Food and Nutrition Service

Title: Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Program Regulations—Reporting and Recordkeeping Burden.

OMB Control Number: 0584–0043.

Summary of Collection: The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides supplemental foods, nutrition education, including breastfeeding promotion and support, and health care referrals to low income, nutritionally at-risk pregnant, breastfeeding and postpartum women, infants, and children up to age five. Currently, WIC operates through State health departments in 50 States, 34 Indian Tribal Organizations, American Samoa, District of Columbia, Guam, Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands. The Federal regulations governing the WIC Program (7 CFR part 246) require that certain program-related information be collected and that full and complete records concerning WIC operations are maintained. The WIC Program is authorized by the Child Nutrition Act of 1966, as amended.

Need and Use of the Information: The Food and Nutrition Service (FNS) collects information from state and local agencies, applicants, and retail vendors to determine eligibility in the WIC Program. This information includes participant certification information (*e.g.,* income and nutrition risk); nutrition education documentation; local agency and vendor application and agreement information; vendor sales and shelf price data; data related to vendor monitoring and training; and financial and food delivery system records. Additionally, information related to Electronic Benefits Transfer (EBT) delivery is also collected as a result of the Electronic Benefits Transfer (EBT) Related Provisions of Public Law 111–296 Final Rule published on March 1, 2016. State Plans are the principal source of information about how each State agency operates its WIC Program. The information is needed for the general operation of the Program, including regulatory compliance, and for ongoing program integrity and cost-saving efforts. The information is also used by FNS to manage, plan, evaluate, make decisions, and report on WIC Program operations.

Description of Respondents: Individuals or Households; Businesses or Other for Profit; Not-for profit institutions; and State, Local, or Tribal Government.

Number of Respondents: 7,751,897.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Quarterly; Semi-annually; Monthly; and Annually.

Total Burden Hours: 3,773,950.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–07980 Filed 4–19–17; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Meeting of Expert Panel on Publication of Farm Operator Demographics

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: The National Agricultural Statistics Service (NASS) announces a meeting of an Expert Panel on Publication of Farm Operator Demographic data obtained through the 2017 Census of Agriculture.

DATES: The Panel meeting will be held from 9 a.m. to 5 p.m. on Tuesday, May 16 and from 9 a.m. to 5 p.m. on Wednesday, May 17, 2017. There will be an opportunity for public comments at 9:15 a.m. on May 16, 2017.

ADDRESSES: The Panel meeting will take place in U.S. Department of Agriculture, National Agricultural Statistics Service, 1400 Independence Avenue SW., Room 6309, South Building, Washington, DC 20250. Written comments may be filed before or up to two weeks after the meeting with the contact person identified herein at: U.S. Department of Agriculture, National Agricultural Statistics Service, 1400 Independence Avenue SW., Room 6035, South Building, Washington, DC 20250–2001.

FOR FURTHER INFORMATION CONTACT: Linda J. Young, Director, Research and Development Division, telephone 202–690–0027, eFax: 855–593–5472, or email: *hq_rdd_od@nass.usda.gov.*

General information about NASS can also be found at *https://www.nass.usda.gov/About_NASS/index.*

SUPPLEMENTARY INFORMATION: NASS will be convening a panel of subject matter experts covering a broad range of expertise and interests on May 16–17, 2017. This meeting will focus on six questions relating to the publication of demographic data obtained from the 2017 Census of Agriculture.

The expert panel is to consider the following questions:

(1) What demographic information should NASS publish on persons involved in making decisions for the farm or ranch operation?

(2) How does NASS address publications in light of the specific change from single principal operator to multiple persons responsible for decisions?

(3) How does NASS present to the data user the correct linkage from the 2017 Census of Agriculture data to data from earlier censuses?

(4) A Farm Typology is defined utilizing the designation of a single ''principal operator'' and is used by the USDA Economic Research Service (ERS) for analysis. NASS also publishes some Census of Agriculture tables based on this Farm Typology. How should NASS link the farm operator data to farm typology as used by ERS?

(5) The Census of Agriculture is integrated with the NASS Agricultural Resource Management Survey Phase 3 (ARMS3). Some of the analysis done by ERS is based on the ''principal operator's'' household. How should ERS identify the household for use in ARMS3?

(6) What new tables and data presentations are needed to publish data from the 2017 Census of Agriculture decision-making questions?

During this meeting, the panel will also consider statements provided by the public on data needs relating to demographics. The panel meeting is open to the public. The public is asked to preregister for the meeting at least 10 business days prior to the meeting. Your pre-registration must state the names of each person who will be attending from your group, organization, or interest represented; the number of people planning to give oral comments, if any; and whether anyone in your group requires special accommodations.

Submit registrations to *hq_rdd_od@nass.usda.gov* or USDA/NASS, 1400 Independence Avenue SW., Room 6035, South Building, Washington, DC 20250–2001. Members of the public who request to give oral comments to the Panel must arrive at the meeting site by 8:45 a.m. on Tuesday May 16, 2017. Oral comments should each be limited to five minutes or less. There have been 2 hours allotted for public comments. Written comments by attendees or other interested stakeholders will be welcomed for the public record before and up to two weeks following the meeting. Comments should be limited to 500 words or less. The public may file written comments by mail to USDA/NASS, Room 6035, 1400 Independence Avenue SW., South Building, Washington, DC 20250–2001. Written comments can also be sent via eFax: 855–593–5472, or email: *hq_rdd_od@nass.usda.gov.* All statements will become a part of the official records of the Panel meeting and will be kept on file for public review in the office of the Director, Research and Development Division.

Signed at Washington, DC, April 3, 2017.

R. Renee Picanso,

Associate Administrator, National Agricultural Statistics Service.

[FR Doc. 2017–07988 Filed 4–19–17; 8:45 am]

BILLING CODE 3410–20–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Illinois Advisory Committee for a Meeting To Review and Discuss Testimony Regarding Civil Rights and Voter Participation in the State

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Illinois Advisory Committee (Committee) will hold a meeting on Friday, May 05, 2017, at 12:00pm CST for the purpose of finalizing preparations to host a public hearing on civil rights and voter participation in the state.

DATES: The meeting will be held on Friday, May 05, 2017, at 12:00 p.m. CST.

Public Call Information: Dial: 888–417–8462, Conference ID: 3370306.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–417–8462, conference ID: 3370306. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Illinois Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=246*). Select ''meeting details'' and then ''documents'' to download. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Roll Call
Discussion of Testimony: Voting Rights in Illinois
Public Comment
Future Plans and Actions
Adjournment

Dated: April 17, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–08018 Filed 4–19–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Oregon Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Oregon Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Pacific Time) Tuesday, May 2, 2017. The purpose of the meeting is for the Committee to consider and discuss potential topics for their FY17 civil rights project.

DATES: The meeting will be held on Tuesday, May 2, 2017, at 1:00 p.m. PDT.

Public Call Information:

Dial: 888–487–0355.

Conference ID: 3906903.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 888–487–0355, conference ID number: 3906903. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=270.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Introductions
II. Discussion Regarding Potential FY17 Topics
III. Public Comment
IV. Next Steps
V. Adjournment

Dated: April 17, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–08020 Filed 4–19–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Minnesota Advisory Committee To Review and Discuss Testimony Regarding Civil Rights and Policing Practices in Minnesota

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Minnesota Advisory Committee (Committee) will hold a meeting on Wednesday, May 03, 2017, at 12:00 p.m. CST for the purpose of reviewing and discussing public testimony regarding civil rights and policing practices in Minnesota.

DATES: The meeting will be held on Wednesday, May 03, 2017, at 12:00 p.m. CST.

PUBLIC CALL INFORMATION: Dial: 888–417–8531, Conference ID: 5579457.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–417–8531, conference ID: 5579457. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Minnesota Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=256*). Click on ''meeting details'' and then ''documents'' to download. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda:

Welcome and Roll Call

Discussion of Testimony: Civil Rights and Policing Practices in Minnesota
Public Comment
Future Plans and Actions
Adjournment

Dated: April 17, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–08019 Filed 4–19–17; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request; American Community Survey Methods Panel Tests, 2017 Mail Design Test

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: American Community Survey Methods Panel Tests, 2017 Mail Design Test.

OMB Control Number: 0607–0936.

Form Number(s): ACS–1, ACS CATI, ACS CAPI, ACS Internet.

Type of Request: Non-substantive Change Request.

Number of Respondents: 288,000.

Average Hours per Response: 40 minutes.

Burden Hours: No additional burden hours are requested under this non-substantive change request.

Needs and Uses: The American Community Survey (ACS) collects detailed socioeconomic data from about 3.5 million housing units in the United States and 36,000 in Puerto Rico each year. The ACS also collects detailed socioeconomic data from about 195,000 residents living in Group Quarter (GQ) facilities. An ongoing data collection effort with an annual sample of this magnitude requires that the ACS continue research, testing, and evaluations aimed at reducing respondent burden, improving data quality, achieving survey cost efficiencies, and improving ACS questionnaire content and related data collection materials. The ACS Methods Panel is a research program that is designed to address and respond to issues and survey needs.

In the Census Bureau's continuing effort to reduce respondent burden and address concerns about the perceived intrusiveness of the ACS, the Census Bureau seeks to test three candidate changes to the current ACS mail materials. The three experimental treatments are designed to increase public awareness of the ACS through new messaging and an updated look and feel that increases respondent engagement and self-response, while softening the tone of the mandatory requirement of the survey.

The Census Bureau previously tested the impact of removing or modifying the mandatory messages from the mail materials (see Oliver, B., Risley, M., & Roberts, A. (2016). 2015 Summer Mandatory Messaging Test. Washington DC, U.S. Census Bureau. Retrieved on February 10, 2017 from *https://www.census.gov/content/dam/Census/library/working-papers/2016/acs/2016_Oliver_01.pdf*). This proposed test is aimed at building on that research and improving the results based on additional feedback the Census Bureau obtained from the National Academies' Committee on National Statistics (see Plewes, T.J. (2016). ''Reducing Response Burden in the American Community Survey.'' Proceedings of a Workshop conducted by the Committee on National Statistics Division of Behavioral and Social Sciences and Education).

The three experimental treatments are:

- The Softened Revised Design treatment from the 2015 Summer Mandatory Messaging Test.
- A Partial Redesign treatment that maintains the same wording as used in the Softened Revised Design treatment but includes some methodological changes: A ''Why We Ask'' brochure in the initial mailing, changes to the cover of the paper questionnaire, and the use of a letter instead of a postcard for the fifth mailing.
- A Full Redesign treatment that includes the same methodological changes as the Partial Redesign treatment but also modifies the wording in most of the mailings to a more personal approach with plain language.

The purpose of this test is to study the impact of these three candidate mail designs on self-response, cost, and the precision of the estimates. To field this test, the Census Bureau plans to use the ACS production sample (clearance number: 0607–0810, expires 06/30/2018). Thus, there is no increase in burden from this test since each treatment will result in the same burden estimate per interview (40 minutes). The ACS sample design consists of randomly assigning each monthly sample panel into 24 groups of approximately 12,000 addresses each. Each group, called a methods panel group, within a monthly sample is representative of the full monthly sample. Each monthly sample is a representative subsample of the entire annual sample and is representative of the sampling frame.

The Census Bureau proposes to test these mail designs as part of the ACS August 2017 panel, adhering to the same data collection protocols as production ACS. The Census Bureau proposes to use two randomly selected methods panel groups for each treatment. Hence, each treatment will have a sample size of approximately 24,000 addresses. In total, approximately 96,000 addresses will be used for the three experimental treatments and the control treatment (current production). The current production treatment will have the same mail materials as the rest of production, but will be sorted and mailed at the same time as the other treatment materials. The remaining sample will receive production materials.

The Census Bureau proposes to evaluate treatment comparisons by comparing self-response rates at various points in the mailing schedule and by comparing the final response rates. The Census Bureau proposes comparing treatments at points in the mailing schedule where the material differs by design. For each comparison, $\alpha = 0.1$ and a two-tailed test will be used so that the Census Bureau can measure the impact on the evaluation measure in either direction with 80 percent power. The effective samples were calculated based on the previous year's data for the August panel. The sample size will be able to detect differences of approximately 1.25 percentage points between the self-response return rates of the control and experimental treatments. Additional metrics of interest include overall costs and response rates by subgroups.

Affected Public: Individuals or households.

Frequency: One-time test as part of the monthly American Community Survey.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 141, 193, and 221.

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,

PRA Department Lead, Office of the Chief Information Officer.

[FR Doc. 2017–07951 Filed 4–19–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request; State & Local Government Finance Collections

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: State & Local Government Finance Collections.

OMB Control Number: 0607–0585.

Form Number(s): F–5, F–11, F–12, F–13, F–28, F–29, F–32.

Type of Request: Revision of a currently approved collection.

Number of Respondents: 26,447.

Average Hours per Response: 2 hours and 51 minutes.

Burden Hours: 75,150.

Needs and Uses: The State & Local Government Finance program is the only known comprehensive source of state and local government finance data collected on a nationwide scale using uniform definitions, concepts, and procedures. The Census Bureau implements this program through conducting a full census every five years (years ending in 2 and 7) and annual sample surveys in the interim years. The Census Bureau has conducted the Census of Governments every five years since 1957 and phased in the annual surveys over the subsequent years.

Currently, we are requesting approval to conduct the 2017 Census of Governments: Finance component and the 2018 and 2019 Annual Survey of State Government Tax Collections, Annual Survey of State Government Finances, the Annual Survey of Local Government Finances, and the Annual Survey of Public Pensions. These surveys collect data on state government finances and estimates of local government revenue, expenditure, debt, assets, and pension systems nationally and within state areas. Data are collected for all agencies, departments, and institutions of the fifty state and approximate 77,000 local governments (counties, municipalities, townships, and special districts) during the census years, and for a sample of the local governments (approximately 11,000) for the survey years. An additional 13,000 units of school districts are covered in a separate request.

Over the past several years, the programs covered by this request have moved towards eliminating collection by paper form as much as possible. The only exception to this is the F–13 form, which is still sent as a paper form because the small number of respondents does not justify the cost of converting it to an electronic form. Below is a short description of each the forms utilized in our general collection methods:

F–5. State governments provide detailed data on their tax collections using a spreadsheet that they receive via email. Much of this detail is not available in the state's primary source document. An attachment is included with the email providing the respondent with the OMB approval number, authority and confidentiality statements, and burden estimate.

F–11 and F–12. State and local government pension systems provide data on their receipts, payments, assets, membership, and beneficiaries. The actuarial content of the F–11 and F–12 forms is in the process of being reviewed to remove outdated questions and replace them with questions that are more relevant based on current accounting standards and data user interest. The current burden estimates of 2 hours for F–11 and 2.5 hours for F–12 are not expected to change because of these updates. These forms are completed online via electronic collection instrument.

F–13. State agencies provide data not included in the audits, electronic files and other primary sources the Census Bureau uses to compile state government financial data. Form F–13 is used to collect data from state insurance trust systems. Respondents to this survey receive a paper form.

F–28. Counties, cities, and townships provide data on revenues, expenditures, debt, and assets. These forms are completed online via electronic collection instrument.

F–29. Multi-function special district governments provide data on revenues, expenditures, debt, and assets. These forms are completed online via electronic collection instrument.

F–32. Single-function special district governments and dependent agencies of local governments provide data on revenues, expenditures, debt and assets. These forms are completed online via electronic collection instrument.

In addition to these more traditional collection methods, the Census Bureau also collects electronic data files through arrangements with state governments, central collection arrangements with local governments, and using customized electronic reporting instruments.

These data are widely used by Federal, state, and local legislators, policy makers, analysts, economists, and researchers to follow the changing characteristics of the government sector of the economy. The data are also widely used by the media and academia.

More specifically, the Census Bureau provides its state and local government finance data annually to the Bureau of Economic Analysis (BEA) for use in measuring and developing estimates of the government sector of the economy in the National Income and Product Accounts. The Census Bureau also provides these data to the Federal Reserve Board for constructing the Flow of Funds Accounts.

Additionally, the state and local government data are also needed as inputs into the Justice Expenditure and Employment Extract Series, produced by the Bureau of Justice Statistics, and the National Health Expenditure Accounts produced by the Centers for Medicare and Medicaid Services. The data are also published annually in the Digest of Education Statistics produced by National Center for Education Statistics, the Economic Report of the President produced by the Council of Economic Advisors, and the source data are used as input into the State and Local Governments Fiscal Outlook published by the Government Accountability Office. In addition, the data are used by the National Science Foundation as inputs into the state government R&D expenditures.

In recent years, state and local government financial information has garnered significant media attention and policy coverage. As such, timely state and local government finance data are critical in light of current financial conditions of state and local governments, as they provide insight into the complex nature and fiscal health of state and local government finances.

Beginning with the 1993 annual data series, all data, summary tables, and files have been released on the Internet. At the Internet site, (*census.gov/govs/*) users will find documentation, summary tables and files.

Affected Public: State, local or Tribal government.

Frequency: Annually.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Sections 161 and 182.

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,

PRA Department Lead, Office of the Chief Information Officer.

[FR Doc. 2017–07950 Filed 4–19–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Renewal of Currently Approved Information Collection; Comment Request; Limited Access Death Master File Systems Safeguards Attestation Forms

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

Agency: National Technical Information Service (NTIS), Commerce.

Title:

(A) ''Limited Access Death Master File (LADMF) Accredited Conformity Assessment Body Systems Safeguards Attestation Form'' (ACAB Systems Safeguards Attestation Form).

(B) ''Limited Access Death Master File (LADMF) State or Local Government Auditor General (AG) or Inspector General (IG) Systems Safeguards Attestation Form'' (AG or IG Systems Safeguards Attestation Form).

OMB Control Number: 0692–0016.

Form Number(s): NTIS FM100A and NTIS FM100B.

Type of Request: Renewal of a currently approved information collection.

Number of Respondents:

ACAB Systems Safeguards Attestation Form: NTIS expects to receive approximately 500 ACAB Systems Safeguards Attestation Forms from Persons and Certified Persons annually.

AG or IG Systems Safeguards Attestation Form: NTIS expects to receive approximately 60 AG or IG Systems Safeguards Attestation Forms from Persons and Certified Persons annually.

Average Hours per Response:

ACAB Systems Safeguards Attestation Form: 3 hours.

AG or IG Systems Safeguards Attestation Form: 3 hours.

Burden Hours:

ACAB Systems Safeguards Attestation Form: 1,500 (500 x 3 hours = 1,500 hours).

AG or IG Systems Safeguards Attestation Form: 180 (60 x 3 hours=180 hours).

Needs and Uses: NTIS issued a final rule establishing a program through which persons may become eligible to obtain access to Death Master File (DMF) information about an individual within three years of that individual's death. The final rule was promulgated under Section 203 of the Bipartisan Budget Act of 2013, Public Law 113–67 (Act). The Act prohibits the Secretary of Commerce (Secretary) from disclosing DMF information during the three-year period following an individual's death (Limited Access DMF), unless the person requesting the information has been certified to access the Limited Access DMF pursuant to certain criteria in a program that the Secretary establishes. The Secretary delegated the authority to carry out Section 203 to the Director of NTIS.

On December 30, 2014, NTIS initially described a ''Limited Access Death Master File Systems Safeguards Attestation Form'' in the notice of proposed rulemaking (79 FR 78314 at 78321). To accommodate the requirements of the final rule, NTIS is using both the ACAB Systems Safeguards Attestation Form and the AG or IG Systems Safeguards Attestation Form.

The ACAB Systems Safeguards Attestation Form requires an ''Accredited Conformity Assessment Body'' (ACAB), as defined in the final rule, to attest that a Person seeking certification or a Certified Person seeking renewal of certification has information security systems, facilities and procedures in place to protect the security of the Limited Access DMF, as required under Section 1110.102(a)(2) of the final rule. The ACAB Systems Safeguards Attestation Form collects information based on an assessment by the ACAB conducted within three years prior to the date of the Person or Certified Person's submission of a completed certification statement under Section 1110.101(a) of the final rule. This collection includes specific requirements of the final rule, which the ACAB must certify are satisfied, and the provision of specific information by the ACAB, such as the date of the assessment and the auditing standard(s) used for the assessment.

Section 1110.501(a)(2) of the final rule provides that a state or local government office of AG or IG and a Person or Certified Person that is a department or agency of the same state or local government, respectively, are not considered to be owned by a common ''parent'' entity under Section 1110.501(a)(1)(ii) for the purpose of determining independence, and attestation by the AG or IG is possible. The AG or IG Systems Safeguards Attestation Form is for the use of a state or local government AG or IG to attest on behalf of a state or local government department or agency Person or Certified Person. The AG or IG Systems Safeguards Attestation Form requires the state or local government AG or IG to attest that a Person seeking certification or a Certified Person seeking renewal of certification has information security systems, facilities and procedures in place to protect the security of the Limited Access DMF, as required under Section 1110.102(a)(2) of the final rule. The AG or IG Systems Safeguards Attestation Form collects information based on an assessment by the state or local government AG or IG conducted within three years prior to the date of the Person or Certified Person's submission of a completed certification statement under Section 1110.101(a) of the final rule. This collection includes specific requirements of the final rule, which the state or local government AG or IG must certify are satisfied, and the provision of specific information by the state or local government AG or IG, such as the date of the assessment.

Affected Public: Accredited Conformity Assessment Bodies and state or local government Auditors General or Inspectors General attesting that a Person seeking certification or a Certified Person seeking renewal of certification under the final rule for the ''Certification Program for Access to the Death Master File'' has information security systems, facilities and procedures in place to protect the security of the Limited Access DMF, as required by the final rule.

Frequency: Once every three years.

Respondent's Obligation: Mandatory for a Person seeking certification or renewal of certification for access to the Limited Access DMF to have an Accredited Conformity Assessment Body or state or local government Auditor General or Inspector General submit this attestation.

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

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this

notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

PRA Departmental Lead, Office of the Chief Information Officer.

[FR Doc. 2017–07946 Filed 4–19–17; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

International Trade Administration

Meeting of the United States Investment Advisory Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The United States Investment Advisory Council (Council) will hold a meeting on Thursday, May 11, 2017. The Council was chartered on April 6, 2016, to advise the Secretary of Commerce on matters relating to the promotion and retention of foreign direct investment in the United States. At the meeting, members will deliberate and vote on a set of recommendations to Secretary Ross on the facilitation of foreign direct investment into the United States, including deregulation and the streamlining of processes that affect business investment opportunities across U.S. regions, the facilitation of infrastructure investment, and mechanisms to increase investment competitiveness, in addition to other topics. The agenda may change to accommodate Council business.

DATES: Thursday, May 11, 2017, 9 a.m.–12 p.m. EDT. The deadline for members of the public to register, including requests to make comments during the meeting and for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5 p.m. EDT on May 4, 2017.

ADDRESSES: The final agenda will be posted on the Department of Commerce Web site for the Council at *http://trade.gov/IAC,* at least one week in advance of the meeting. The meeting will be held at the Department of Commerce, 1401 Constitution Avenue NW., Washington, DC. Requests to register (including to speak or for auxiliary aids) and any written comments should be submitted to: United States Investment Advisory Council, U.S. Department of Commerce, Room 30032, 1401 Constitution Avenue NW., Washington, DC 20230, *IAC@trade.gov.* Members of the public are encouraged to submit registration requests and written comments via email to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT: Anthony Diaz, United States Investment Advisory Council, Room 30032, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: 202–482–5729, email: *IAC@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Council advises the Secretary of Commerce on matters relating to the promotion and retention of foreign direct investment in the United States.

Public Participation: The meeting will be open to the public and will be accessible to people with disabilities. All guests are required to register in advance by the deadline identified under the **DATES** caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted, but may be impossible to fill. There will be fifteen (15) minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for public comments may be limited to three (3) minutes per person. Individuals wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name and address of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers.

Speakers are requested to submit a written copy of their prepared remarks by 5:00 p.m. EDT on May 4, 2017, for inclusion in the meeting records and for circulation to the members of the Council.

In addition, any member of the public may submit pertinent written comments concerning the Council's affairs at any time before or after the meeting. Comments may be submitted to Anthony Diaz at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5 p.m. EDT on May 4, 2017, to ensure transmission to the Council members prior to the meeting. Comments received after that date and time will be distributed to the members but may not be considered during the meeting. Comments and statements will be posted on the United States Investment Advisory Council Web site (*http://trade.gov/IAC*) without change, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers.

All comments and statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make publicly available.

Copies of Council meeting minutes will be available within 90 days of the meeting.

Dated: April 17, 2017.

Anthony Diaz,

Executive Secretary, United States Investment Advisory Council.

[FR Doc. 2017–08032 Filed 4–17–17; 4:15 pm]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Meeting of the United States Travel and Tourism Advisory Board

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The United States Travel and Tourism Advisory Board (Board) will hold an open meeting via teleconference on Tuesday, May 9, 2017. The Board advises the Secretary of Commerce on matters relating to the U.S. travel and tourism industry. The purpose of the meeting is for Board members to deliberate and potentially adopt a letter to the Secretary related to the importance of international travel and tourism to the United States.

DATES: Tuesday, May 9, 2017, 1:30 p.m.–2:30 p.m. EDT. The deadline for members of the public to register, including requests for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5 p.m. EDT on May 2, 2017.

ADDRESSES: The final agenda will be posted on the Department of Commerce Web site for the Board at *http://trade.gov/ttab,* at least one week in advance of the meeting. The meeting will be held by conference call. The call-in number and passcode will be provided by email to registrants. Requests to register (including for auxiliary aids) and any written comments should be submitted to: U.S. Travel and Tourism Advisory Board, U.S. Department of Commerce, M–800, 1300 Pennsylvania Avenue NW., Washington, DC 20230, *OACIO@trade.gov.* Members of the public are encouraged to submit registration requests and written comments via email to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT: Joe Holecko, the United States Travel and Tourism Advisory Board, M–800, 1300

Pennsylvania Avenue NW., Washington, DC 20230, telephone: 202–482–4783, email: *OACIO@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Board advises the Secretary of Commerce on matters relating to the U.S. travel and tourism industry.

Public Participation: The meeting will be open to the public and will be accessible to people with disabilities. All guests are required to register in advance by the deadline identified under the **DATES** caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted, but may not be possible to fill. Any member of the public may submit pertinent written comments concerning the Board's affairs at any time before or after the meeting. Comments may be submitted to Joe Holecko at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5:00 p.m. EST on Tuesday, May 2, 2017, to ensure transmission to the Board prior to the meeting. Comments received after that date and time will be distributed to the members but may not be considered on the call. Copies of Board meeting minutes will be available within 90 days of the meeting.

Dated: April 13, 2017.

Joe Holecko

Executive Secretary, United States Travel and Tourism Advisory Board.

[FR Doc. 2017–08030 Filed 4–17–17; 4:15 pm]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–817]

Certain Oil Country Tubular Goods From the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review; 2014–2015

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain oil country tubular goods (OCTG) from the Socialist Republic of Vietnam (Vietnam). The period of review (POR) is February 25, 2014 through August 31, 2015. These final results cover one company, SeAH Steel VINA Corporation (SSV).

DATES: Effective April 20, 2017.

FOR FURTHER INFORMATION CONTACT: Fred Baker, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2924.

SUPPLEMENTARY INFORMATION:

Background

The Department initiated this review on November 9, 2015.[1] On October 14, 2016, the Department published the *Preliminary Results* of this administrative review.[2] At that time, we invited interested parties to comment on the *Preliminary Results.* On November 23, 2016, we received case briefs from Energex Tube, TMK IPSCO, Vallourec Star, L.P., and Welded Tube USA (collectively, Petitioners),[3] and SSV.[4] On December 2, 2016, we received rebuttal briefs from Petitioners[5] and SSV.[6] On February 9, 2017, the Department extended the deadline for the final results of this administrative review until March 31, 2017.[7] On March 29, 2017, the Department extended the deadline for the final results until April 12, 2017.[8]

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 80 FR 69193 (November 9, 2015) (*Initiation Notice*).

[2] *See Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review,* 81 FR 71071 (October 14, 2016) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (Preliminary Decision Memorandum).

[3] *See* Letter from Petitioners to the Secretary, Re: Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam: Petitioners' Case Brief, dated November 23, 2016 (Petitioners Case Brief).

[4] *See* Letter from SSV to the Secretary, Re: 2014–15 Administrative Review of the Antidumping Duty Order on Oil Country Tubular Goods from Vietnam—Case Brief of SeAH Steel VINA Corporation, dated November 23, 2016 (SSV Case Brief).

[5] *See* Letter from Petitioners to the Secretary, Re: Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam: Petitioners' Rebuttal Brief, dated December 2, 2016 (Petitioners Rebuttal Brief).

[6] *See* Letter from SSV to the Secretary, Re: 2014–15 Administrative Review of the Antidumping Duty Order on Oil Country Tubular Goods from Vietnam—Rebuttal Case Brief of SeAH Steel VINA Corporation,'' dated December 2, 2016 (SSV Rebuttal Brief).

[7] *See* Memorandum from Fred Baker to Gary Taverman, Re: Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review,'' dated February 9, 2017.

[8] *See* Memorandum from Fred Baker to Gary Taverman, Re: Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review,'' dated March 29, 2017.

Scope of the Order

The merchandise covered by the order is certain oil country tubular goods (OCTG). The merchandise subject to the order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the order may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

While the HTSUS subheadings above are provided for convenience and customs purposes, the written description is dispositive.[9]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this

[9] For the full scope of the order, see Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, Re: Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam: Issues and Decision Memorandum for the Final Results of Administrative Review, dated April 12, 2017 (Issues and Decision Memorandum).

review are addressed in the Issues and Decision Memorandum, which is incorporated herein by reference. A list of the issues which parties raised, and to which we respond in the Issues and Decision Memorandum, follows in the appendix to this notice. 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 *https://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 Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

In these final results of review, we made the following changes from the *Preliminary Results:*

- We used only the financial statements of Surya Global Steel Tubes Limited (Surya) to calculate surrogate financial ratios, rather than the average of the ratios obtained from the financial statements of Surya and APL Apollo Tubes Limited. *See* Comment 1 of the Issues and Decision Memorandum.
- We valued export and import brokerage and handling (B&H) using data obtained from *Doing Business 2016: India,* rather than *Doing Business 2014: India. See* Comment 2 of the Issues and Decision Memorandum.
- We did not include a surrogate value for B&H incurred on imports of raw materials from non-market economy countries. *See* Comment 2 of the Issues and Decision Memorandum.
- We valued the costs of inland insurance using a surrogate value. *See* Comment 4 of the Issues and Decision Memorandum.

Final Results of Review

The Department determines that the following weighted-average dumping margin exists for the period February 25, 2014 through August 31, 2015:

Exporter	Weighted-average dumping margin (percent)
SeAH Steel VINA Corporation ...	0.00

Disclosure

The Department intends to disclose the calculations performed for these final results of review within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b), the Department will determine, and Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of this administrative review in the **Federal Register**.

Consistent with the Department's assessment practice in non-market economy (NME) cases, for entries that were not reported in the U.S. sales database submitted by companies individually examined during the administrative review, the Department will instruct CBP to liquidate such entries at the Vietnam-wide rate. Additionally, if the Department determines that an exporter under review had no shipments of subject merchandise, any suspended entries that entered under the exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the Vietnam-wide rate.[10]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from Vietnam entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For SeAH, the cash deposit rate will be zero; (2) for previously investigated or reviewed Vietnamese and non-Vietnamese exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the exporter-specific rate published for the most-recently completed segment of this proceeding in which the exporter was reviewed; (3) for all Vietnamese exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be that established for the Vietnam-wide entity, which is 111.47 percent; [11] and (4) for all non-Vietnamese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnamese exporter that supplied that non-Vietnamese exporter with the subject merchandise. These deposit requirements, when imposed, shall remain in effect until further notice.

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 and/or countervailing 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.

Notification to Interested Parties Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h) (1).

Dated: April 12, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

Summary
Background
Scope of the Order
Discussion of the Issues
Comment 1: Financial Statements

[10] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

[11] *See also Certain Oil Country Tubular Goods from India, the Republic of Korea, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Antidumping Duty Orders; and Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam: Amended Final Determination of Sales at Less Than Fair Value,* 79 FR 53691 (September 10, 2014).

Comment 2: Brokerage and Handling
Comment 3: Surrogate Value for Water
Comment 4: Inland Insurance
Comment 5: Differential Pricing
Recommendation

[FR Doc. 2017–08023 Filed 4–19–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Deep Seabed Mining: Request for Extension of Exploration Licenses

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of receipt of application to extend Deep Seabed Mineral Exploration Licenses USA–1 and USA–4; request for comments.

SUMMARY: Pursuant to the Deep Seabed Hard Mineral Resources Act the National Oceanic and Atmospheric Administration has received an application for five-year extensions of Deep Seabed Mining Exploration Licenses USA–1 and USA–4 that are held by the Lockheed Martin Corporation (''Lockheed Martin'' or the ''Licensee''). The application includes a revised exploration plan that sets forth the activities to be conducted during the extended period of the license.

DATES: Individuals and organizations intending to submit comments on the extension request should do so by May 22, 2017.

ADDRESSES: Hard-copy comments should be submitted to Kerry Kehoe, Stewardship Division (N/OCM6), Office for Coastal Management, National Oceanic and Atmospheric Administration, 1305 East-West Highway, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Kerry Kehoe at 240–533–0782; email *Kerry.Kehoe@noaa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Deep Seabed Hard Mineral Resources Act (DSHMRA; 30 U.S.C. 1401–1473), the National Oceanic and Atmospheric Administration has received an application for five-year extensions of Deep Seabed Mining Exploration Licenses USA–1 and USA–4 that are held by the Lockheed Martin Corporation (''Lockheed Martin'' or the ''Licensee''). The application includes a revised exploration plan that sets forth the activities to be conducted during the extended period of the license.

The current terms of Exploration Licenses USA–1 and USA–4 end on June 2, 2017. Section 107(a) of DSHMRA provides that NOAA shall extend exploration licenses for a term of not more than five years if the licensee has substantially complied with the license and exploration plan and has requested an extension of the license. 30 U.S.C. 1417.

Lockheed Martin has submitted this request to extend its existing DSHMRA licenses for five years, and thereby, maintain the interests and rights these exploration licenses may convey. Given that at-sea exploration activities are contingent upon certain events that have not yet occurred, Lockheed Martin has adjusted its exploration schedule. During the proposed five-year extension, the Licensee will continue to conduct various preparatory activities in advance of at-sea exploration, which may become feasible at some future date. In order for at-sea exploration to be feasible, Lockheed Martin has stated that both improvement in the condition of the metals markets, and United States accession to the 1982 Law of the Sea Convention, as modified by the 1994 Implementing Agreement, are necessary.

In light of these two unmet prerequisites, Lockheed Martin is not proposing to conduct at-sea exploration activities at this time, and approval of this extension request would not in and of itself authorize the Licensee to conduct at-sea exploration. If this extension request is granted, Lockheed Martin will need to obtain additional authorization from NOAA before it would be authorized to conduct at-sea exploration activities under these licenses. Among other requirements, authorization to conduct at-sea exploration activities would require NOAA to consider additional environmental analysis that may be necessary pursuant to NOAA's obligations under the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.,* and DSHMRA.

The request for extension and revised exploration plan can be viewed at *www.regulations.gov,* by searching for docket number ''NOAA–NOS–2017–0019''. NOAA is seeking comments on the request to extend USA–1 and USA–4 including, but not limited to, whether there has been substantial compliance with the licenses and exploration plans, and whether the revised exploration plans for USA–1 and USA–4 meet the terms, conditions and restrictions of DSHMRA and the licenses issued thereunder. All electronically submitted comments must be received through the *www.regulations.gov,* Web site by the date noted below. Submissions made by email will not be accepted. Comments may also be mailed to the address provided below. Mailed comments will be accepted if postmarked before the comment period has ended.

Dated: April 11, 2017.

W. Russell Callender,

Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmosphere Administration.

[FR Doc. 2017–07987 Filed 4–19–17; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine Protected Areas Federal Advisory Committee; Public Meeting

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of open meeting.

SUMMARY: Notice is hereby given of a meeting of the Marine Protected Areas Federal Advisory Committee (Committee) in Annapolis, Maryland.

DATES: The meeting will be held on Tuesday, May 23, 2017, from 9:00 a.m. to 5:00 p.m. and Wednesday, May 24, 2017, from 9:00 a.m. to 4:30 p.m. These times and the agenda topics described below are subject to change. Refer to the Web page listed below for the most up-to-date meeting agenda.

ADDRESSES: The meeting will be held at the Annapolis Maritime Museum at 723 Second Street, Annapolis, Maryland 21403.

FOR FURTHER INFORMATION CONTACT: Lauren Wenzel, Designated Federal Officer, MPA FAC, National Marine Protected Areas Center, 1305 East-West Highway, Silver Spring, Maryland 20910. (Phone: 240–533–0652, Fax: 301–713–3110); email: *lauren.wenzel@noaa.gov;* or visit the National MPA Center Web site at *http://marineprotectedareas.noaa.gov/fac*).

SUPPLEMENTARY INFORMATION: The Committee, composed of external, knowledgeable representatives of stakeholder groups, was established by the Department of Commerce (DOC) to provide advice to the Secretaries of Commerce and the Interior on implementation of Section 4 of Executive Order 13158, on marine protected areas (MPAs). The meeting is open to the public, and public comment will be accepted from 4:30 p.m. to 5:00 p.m. on Tuesday, May 23, 2017. In

general, each individual or group will be limited to a total time of five (5) minutes. If members of the public wish to submit written statements, they should be submitted to the Designated Federal Official by Friday, May 19, 2017.

Matters To Be Considered: The focus of the Committee's meeting will be to discuss ways in which the Committee can most effectively work with NOAA and the Department of the Interior, to elect new Committee leadership, and to establish Subcommittees and Working Groups, as needed, to address the Committee's new charge. The agenda is subject to change. The latest version will be posted at *http://marineprotectedareas.noaa.gov/fac.*

Dated: April 12, 2017.

John A. Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2017–07985 Filed 4–19–17; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF354

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of final determination and discussion of underlying biological and environmental analyses.

SUMMARY: Notice is hereby given that NMFS has evaluated one Tribal Resource Management Plan (TRMP or Tribal Plan) submitted by the Confederated Tribes of the Colville Reservation (CTCR) to NMFS pursuant to the limitation on take prohibitions for actions conducted under Tribal Plans promulgated under the Endangered Species Act (ESA). The Tribal Plan specifies artificial propagation, harvest, predator control, kelt reconditioning, and monitoring and evaluation activities in the Okanogan River basin and portions of the Upper Columbia River (UCR). This document serves to notify the public that NMFS, by delegated authority from the Secretary of Commerce, has determined pursuant to the Tribal ESA section 4(d) Rule for salmon and steelhead that implementing and enforcing the plans will not appreciably reduce the likelihood of survival and recovery of ESA-listed UCR Spring Chinook salmon and steelhead.

DATES: The final determination on the take limit was made on February 28, 2017.

ADDRESSES: Written responses to the determination should be addressed to the NMFS Sustainable Fisheries Division, 1201 NE. Lloyd Blvd., #1100, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Natasha Meyers-Cherry at (503) 231–2178 or by email at *natasha.meyers-cherry@noaa.gov.*

SUPPLEMENTARY INFORMATION:

ESA-Listed Species Covered in This Notice

Chinook salmon (*Oncorhynchus tshawytscha*): Endangered (but functionally extirpated in the analysis area), naturally produced UCR spring-run.

Steelhead (*O. mykiss*): Threatened, naturally produced and artificially propagated UCR.

Background

The CTCR have submitted to NMFS a Tribal Plan for hatchery, fishery harvest, predator control, kelt reconditioning, and monitoring and evaluation activities in the Okanogan River basin, in the UCR basin in Washington State. The Tribal Plan was submitted February 4, 2014, pursuant to the Tribal ESA section 4(d) Rule.

The Tribal Plan describes actions involving fisheries, hatchery, predator control, and kelt reconditioning activities (with associated monitoring and evaluation) in the Okanogan Basin and Columbia River mainstem. The Tribal Plan is intended to contribute to the recovery of the steelhead population in the Okanogan Basin, and to responsibly enhance fishing opportunity on non-listed Chinook salmon.

As required, NMFS took comments on how the plans address the criteria in 50 CFR 223.203(b)(5) prior to making that determination.

Discussion of the Biological Analysis Underlying the Determination

The hatchery, fishery, predator removal, kelt reconditioning, and monitoring and evaluation activities are intended to conserve native, ESA-listed UCR spring Chinook salmon and steelhead and to provide harvest in-tribal and non-tribal fisheries in the basin.

The hatchery programs are designed to preserve, and bolster the natural spawning abundance of, the native UCR populations of the species.

The programs described in the Tribal Plan would be operated in such a way as to minimize potential risks to ESA-listed natural-origin UCR spring Chinook salmon, and steelhead populations. These potential risks include interactions between hatchery and natural fish that may lead to adverse genetic and ecological effects.

As part of the proposed hatchery programs, monitoring and evaluation would be implemented to assess their performance in meeting population conservation or harvest augmentation objectives, and their effects on ESA-listed natural-origin spring Chinook salmon and steelhead. Information gained through monitoring and evaluation will be used to assess whether the impacts of the programs on listed fish are as expected. Review of monitoring and evaluation results by NMFS and the co-managers will occur annually to evaluate whether assumptions regarding Tribal Plan effects and analysis remain valid, and whether the objectives of the Tribal Plan are being accomplished. The Tribal Plan includes provisions for annual reports that will assess compliance with performance standards established through the plan. Reporting and inclusion of new information derived from research, monitoring, and evaluation activities described in the plan provides assurance that performance standards will be achieved in future seasons. NMFS' evaluation is available on the West Coast Region Web site at *http://www.westcoast.fisheries.noaa.gov.*

Summary of Comments Received in the Response to the Proposed Evaluation and Pending Determination

NMFS published notice of its Proposed Evaluation and Pending Determination (PEPD) on the plans for public review and comment on December 15, 2017 (81 FR 90783). The PEPD and an associated draft environmental assessment were available for public review and comment for 15 days.

During the public comment period, NMFS received one comment letter on the PEPD. The comments were technical in nature, and did not require substantive modifications to the PEPD or the environmental assessment. The comments and NMFS' detailed responses are available on the West Coast Region Web site. Based on its evaluation and recommended determination, and taking into account the public comments, NMFS issued its final determination on the Tribal Plan.

Authority

Under section 4 of the ESA, the Secretary is required to adopt such regulations as he deems necessary and advisable for the conservation of the species listed as threatened.

The ESA Tribal 4(d) Rule (65 FR 42481; July 10, 2000) states that the ESA section 9 take prohibitions will not apply to Tribal Plans that will not appreciably reduce the likelihood of survival and recovery for the listed species.

Dated: April 17, 2017.

Donna Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–07966 Filed 4–19–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2016–HQ–0005]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by May 22, 2017.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Core Competencies for Amputee Rehabilitation; OMB Control Number 0702–XXXX.

Type of Request: New.

Number of Respondents: 400.

Responses per Respondent: 1.

Annual Responses: 400.

Average Burden per Response: 1 hour.

Annual Burden Hours: 400 hours.

Needs and Uses: At the onset of OEF/OIF/OND, few military rehabilitation personnel were prepared to provide the complex care required for service members with amputation(s). Since then, providers have developed extensive skill sets to meet the multifaceted needs of these patients. In identifying core competencies required, DoA can sustain and grow the highest-quality delivery and clinical skills needed to inform the way care is delivered, foster rapid skill attainment, maintain mastery of amputee treatment technologies, and influence ongoing institutional training.

Affected Public: Business or other for profit; Not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 03F09, Alexandria, VA 22350–3100.

Dated: April 14, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–07943 Filed 4–19–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–03]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107 or Kathy Valadez, (703) 697–9217; DSCA/DSA–RAN.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–03 with attached Policy Justification.

Dated: April 17, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

APR 11 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-03, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of the Republic of Iraq for defense articles and services estimated to cost $1.06 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Regional Balance (Classified document provided under separate cover)

BILLING CODE 5001–06–C

Transmittal No. 17–03

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* The Government of Iraq

(ii) *Total Estimated Value:*

Major Defense Equipment *.	$0 billion
Other	$1.06 billion
TOTAL	$1.06 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
None

Non-MDE:

Pilot training; maintenance training; and contractor logistical services support for C–172, C–208, and T–6 aircraft for up to five (5) years to include contractor aircraft modification; repair and spare parts; publications; aircraft ferry; and miscellaneous parts, along with training base operation support, base life support, security, construction, and other related elements of program support.

(iv) *Military Department:* Air Force (X7–D–NAA)

(v) *Prior Related Cases, if any:* N/A

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* April 11, 2017

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Republic of Iraq—Pilot and Maintenance Training Contractor Logistical Support (CLS) for Trainer Aircraft, and Base Support

The Government of Iraq has requested a possible sale of pilot training; maintenance training; and contractor logistical services support for C–172, C–208, and T–6 aircraft for up to five (5) years to include contractor aircraft modification; repair and spare parts; publications; aircraft ferry; and miscellaneous parts, along with training base operation support, base life support, security, construction, and other related elements of program support. The estimated total program value is $1.06 billion.

The proposed sale will contribute to the foreign policy and national security of the United States by helping to provide for a stable, sovereign, and democratic Iraq, capable of combating terrorism and protecting its people and sovereignty. Iraq currently owns twelve (12) C–172, five (5) C–208, and fifteen (15) T–6 training aircraft. The training pipeline will allow the Iraqi Air Force to tailor pilot training for several U.S.-origin operational aircraft. The C–172s and T–6s are Iraq's training platforms for their mobility and fighter attack fleets. The C–208s are Iraq's platform of choice for training its Intelligence, Surveillance, and Reconnaissance (ISR) pilots.

The proposed sale of training and support services will improve the Iraq's ability to train its pilots and maintenance technicians. By training its own pilots and maintenance technicians in-country, Iraq will decrease its overseas training requirements, significantly reduce its training costs, and will enhance its ability to take over the sustainment of its aircraft. Iraq will have no difficulty absorbing this support. In addition to its primary mission—pilot and maintenance training for Iraqi Air Force personnel—this proposed sale includes Contractor Logistical Support costs for the trainer aircraft, as well as possible future construction and base operation support costs.

The proposed sale of this training and support will not alter the basic military balance in the region.

The principal contractor is Spartan College, Tulsa, OK. At this time, there are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of approximately four U.S. Government representatives and 50–55 contractor representatives to Iraq.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale. All training and support listed on this transmittal are authorized for release and export to the Government of Iraq.

[FR Doc. 2017–08004 Filed 4–19–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–80]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107 or Kathy Valadez, (703) 697–9217; DSCA/SA–RAN.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–80 with attached Policy Justification.

Dated: April 17, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

APR 06 2017

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-80, concerning the Army Corps of Engineers' proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for airbase construction and services estimated to cost $319 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Regional Balance (Classified document provided under separate cover)

BILLING CODE 5001–06–C

Transmittal No. 16–80

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Kuwait

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	$0 million
Other	$319 million
TOTAL	$319 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Non-MDE:

Design, construction, and procurement of key airfield operations, command and control, readiness, sustainment, and life support facilities for the Al Mubarak Airbase in Kuwait. The U.S. Army Corps of Engineers (USACE) will provide project management, engineering services, technical support, facility and infrastructure assessments, surveys, planning, programming, design, acquisition, contract administration, construction management, and other technical services for the construction of

facilities and infrastructure for the airbase. The overall project includes, among other features, a main operations center, hangars, training facilities, barracks, warehouses, support facilities, and other infrastructure required for a fully functioning airbase.

(iv) *Military Department:* U.S. Army Corps of Engineers (USACE) (HBE)

(v) *Prior Related Cases, if any:* N/A

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* April 6, 2017

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Government of Kuwait—Facilities and Infrastructure Construction Support Service

The Government of Kuwait has requested possible sale for the design, construction, and procurement of key airfield operations, command and control, readiness, sustainment, and life support facilities for the Al Mubarak Airbase in Kuwait. The U.S. Army Corps of Engineers (USACE) will provide project management, engineering services, technical support, facility and infrastructure assessments, surveys, planning, programming, design, acquisition, contract administration, construction management, and other technical services for the construction of facilities and infrastructure for the airbase. The overall project includes, among other features, a main operations center, hangars, training facilities, barracks, warehouses, support facilities, and other infrastructure required for a fully functioning airbase. The estimated total cost is $319 million.

The proposed sale will contribute to the foreign policy and national security of the United States by supporting the infrastructure needs of a friendly country which has been, and continues to be, an important force for political stability and economic progress in the Middle East.

The facilities being constructed are similar to other facilities built in the past by USACE in other Middle Eastern countries. These facilities replace existing facilities and will provide autonomous airbase operations to the Kuwait Air Force. The new airbase will ensure the continued readiness of the Kuwait Air Force and allow for the continued education of current and future Kuwait Air Force personnel. The construction of this airbase will enable Kuwait to enhance the operational effectiveness of its military and promote security and stability throughout Kuwait. Kuwait will have no difficulty absorbing this additional capability into its armed forces.

The proposed sale of this infrastructure and support will not alter the basic military balance in the region.

USACE is the principal organization that will direct and manage this program. USACE will provide services through both in-house personnel and contract services. The estimated number of U.S. Government and contractor representatives to be assigned to Kuwait to implement the provisions of this proposed sale will be determined as a result of program definitization.

There are no known offset agreements proposed in connection with this potential sale.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Kuwait.

[FR Doc. 2017–08007 Filed 4–19–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Supporting Effective Educator Development Program

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for new awards for fiscal year (FY) 2017 for the Supporting Effective Educator Development (SEED) Program, Catalog of Federal Domestic Assistance (CFDA) number 84.423A.

DATES:

Applications Available: April 20, 2017.

Deadline for Notice of Intent To Apply: May 5, 2017.

Date of Informational Webinar: The SEED program intends to hold a webinar designed to provide technical assistance to interested applicants. Detailed information regarding this webinar will be provided on the SEED Web site at *http://innovation.ed.gov/what-we-do/teacher-quality/supporting-effective-educator-development-grant-program/.*

Deadline for Transmittal of Applications: June 19, 2017.

Deadline for Intergovernmental Review: August 18, 2017.

FOR FURTHER INFORMATION CONTACT: Richard Wilson, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W111, Washington, DC 20202–5960. Telephone: (202) 453–6709 or by email: *SEED@ed.gov.*

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

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The SEED Program, established under section 2242 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) (20 U.S.C. 6672),[1] provides funding to increase the number of highly effective educators by supporting the implementation of Evidence-Based [2] practices that prepare, develop, or enhance educators. These grants will allow eligible entities to develop, expand, and evaluate practices that can serve as models that can be sustained and disseminated.

Priorities: This competition includes two absolute priorities, two competitive preference priorities, and one invitational priority. We are establishing these priorities, and the definitions and requirements in this notice, for the FY 2017 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(1). Under the SEED grant competition, each of the two absolute priorities constitutes its own funding category. The Secretary intends to award grants under each absolute priority for which applications of sufficient quality are submitted.

Absolute Priorities: These priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet one of these priorities. Applicants may address only one absolute priority and must clearly indicate the specific absolute priority their project addresses.

These priorities are:

Absolute Priority 1: Supporting Effective Teachers.

Under this priority, we provide funding to projects that are designed to improve teacher effectiveness and increase the number of Highly Effective

[1] Unless otherwise indicated, all references to the ESEA are to the ESEA, as amended by the ESSA.

[2] Throughout this notice, all defined terms are denoted with capitals.

Teachers in schools with high concentrations of High-Need Students.

Projects must use strategies supported by at least Moderate Evidence to address one or more of the following priority areas:

(a) Recruiting and preparing prospective teachers;

(b) Providing professional development activities to current teachers that will improve pedagogy or content knowledge; or

(c) Providing professional enhancement activities to teachers, which may include activities that lead to an advanced credential.

Projects must align their activities to meet the needs of their partner States, districts, or schools, such as addressing teacher shortages, improving equitable access to Highly Effective Teachers, or increasing the number of teachers from underrepresented groups.

Absolute Priority 2: Supporting Effective Principals or Other School Leaders.

Under this priority, we provide funding to projects that are designed to improve principal or other School Leader effectiveness and increase the number of Highly Effective Principals or Other School Leaders in schools with high concentrations of High-Need Students.

Projects must use strategies supported by at least Promising Evidence that address one or more of the following priority areas:

(a) Recruiting and preparing prospective leaders;

(b) Providing Professional Development activities to current leaders that will improve instructional leadership, school culture and climate leadership, or administrative leadership; or

(c) Providing professional enhancement activities to leaders, which may include activities that lead to an advanced credential or certification.

Projects must align their activities to meet the needs of their partner States, districts, or schools, such as improving equitable access to Highly Effective Principals or Other School Leaders or increasing the number of leaders from underrepresented groups.

Competitive Preference Priorities: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we will award up to five points to an application that meets Competitive Preference Priority 1 and up to three points to an application that meets Competitive Preference Priority 2, depending on how well the application meets these competitive preference priorities. Applicants may choose to address zero, one, or both of the competitive preference priorities. The maximum total competitive preference priority points an application may receive under this competition is eight.

These priorities are:

Competitive Preference Priority 1: Promoting Diversity in the Educator Workforce (0 to 5 points).

Under this priority, we provide funding to projects that are designed to address both of the following priority areas:

(a) Providing educator development activities designed to improve cultural competency and responsiveness skills that contribute to an inclusive school culture; and

(b) Improving the recruitment, support, and retention of educators from diverse backgrounds.

Applicants must respond to both of the priority areas in order to receive the maximum available points under this competitive preference priority.

Competitive Preference Priority 2: Support for Personalized Learning Environments (0 to 3 points).

Under this priority, we provide funding to projects that are designed to support teachers, principals, or other School Leaders implementing personalized learning environments in their classrooms or in classrooms in their schools, using data to inform their instruction, and increasing students' engagement, voice, and choice in their learning. Projects may support educators' implementation of college and career ready strategies such as project based learning, competency based education, or blended learning.

Invitational Priority: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Invitational Priority: Support for the Use of Micro-Credentials.

Under this priority, we are interested in projects that support teachers, principals, or other school leaders earning Micro-Credentials based on demonstrated mastery of competencies and performance-based outcomes.

Definitions: The definitions of Evidence-Based, Local Educational Agency, Professional Development, Regular High School Diploma, School Leader, and State Educational Agency are from section 8101 of the ESEA (20 U.S.C. 7801). The definition of Institution of Higher Education is from section 101 of the Higher Education Opportunity Act (20 U.S.C. 1001). We are establishing the remaining definitions for the FY 2017 grant competition only, in accordance with section 437(d)(1) of GEPA, 20 U.S.C. 1232(d)(1).

Correlational Study With Statistical Controls For Selection Bias means a study that (1) estimates how a Relevant Outcome varies with the receipt of a project component, and (2) uses sampling or analysis methods (*e.g.,* multiple regression) to account for at least some of the differences between the groups being compared.

Evidence-Based means a State, Local Educational Agency, or school activity, strategy, or intervention is supported by strong evidence, Moderate Evidence, or Promising Evidence.

Experimental Study means a study, such as a Randomized Controlled Trial (RCT), that is designed to compare outcomes between two groups of individuals that are otherwise equivalent except for their assignment to either a treatment group receiving a practice or a control group that does not. In some circumstances, a finding from a Regression Discontinuity Design Study (RDD) or findings from a collection of Single-Case Design Studies (SCDs) may be considered equivalent to a finding from an RCT. RCTs and RDDs, and collections of SCDs, depending on design and implementation, can Meet What Works Clearinghouse Evidence Standards Without Reservations.

High-Need Students means students who are at risk for educational failure or otherwise in need of special assistance and support, such as students who are living in poverty, who are far below grade level, who have left school before receiving a Regular High School Diploma, who are at risk of not graduating with a diploma on time, who are homeless, who are in foster care, who have been incarcerated, who have disabilities, or who are English learners.

Highly Effective Principal or Other School Leader means a principal or other School Leader who receives the highest possible effectiveness rating.

Highly Effective Teacher means a teacher who receives the highest possible effectiveness rating.

Institution of Higher Education means an educational institution in any State that—

(a) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized

equivalent of such a certificate, or persons who meet the requirements of section 1091(d) of the HEA;

(b) Is legally authorized within such State to provide a program of education beyond secondary education;

(c) Provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree, or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary;

(d) Is a public or other nonprofit institution; and

(e) Is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

Large Sample means an analytic sample of 350 or more students (or other single analysis units), or 50 or more groups (such as classrooms or schools) that each contain, on average, 10 or more students (or other single analysis units, regardless of whether these single analysis units are disaggregated in the analysis of outcomes for the groups). Multiple studies can cumulatively be used to meet the Multi-Site Sample and Large Sample requirements of Moderate Evidence or strong evidence, as long as each study meets the other requirements of the particular level of evidence (*i.e.,* Moderate Evidence or strong evidence).

Local Educational Agency means:

(a) A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(b) Administrative Control and Direction. The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(c) Bureau of Indian Education Schools. The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the LEA receiving assistance under the ESSA with the smallest student population, except that the school shall not be subject to the jurisdiction of any State Educational Agency other than the Bureau of Indian Education.

(d) Educational Service Agencies. The term includes educational service agencies and consortia of those agencies.

(e) State Educational Agency. The term includes the State Educational Agency in a State in which the State Educational Agency is the sole educational agency for all public schools.

Logic Model (also known as a theory of action) means a reasonable conceptual framework that identifies key components of the proposed project (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the Relevant Outcomes) and describes the theoretical and operational relationships among the key components and outcomes.

Meets What Works Clearinghouse Evidence Standards Without Reservations is the highest possible rating for a study finding reviewed by the WWC. Studies receiving this rating provide the highest degree of confidence that an estimated effect was caused by the practice studied. Experimental Studies may receive this highest rating. These standards are described in the WWC Procedures and Standards Handbooks, Version 3.0, which can be accessed at *http://ies.ed.gov/ncee/wwc/Handbooks.*

Meets What Works Clearinghouse Evidence Standards With Reservations is the second-highest rating for a study finding reviewed by the What Works Clearinghouse (WWC). Studies receiving this rating provide a reasonable degree of confidence that an estimated effect was caused by the practice studied. Both Experimental Studies (such as Randomized Controlled Trials with high rates of sample attrition) and Quasi-Experimental Design Studies may receive this rating if they establish the equivalence of the treatment and comparison groups in key baseline characteristics. These standards are described in the WWC Procedures and Standards Handbooks, Version 3.0, which can be accessed at *http://ies.ed.gov/ncee/wwc/Handbooks.*

Micro-Credential means a credential awarded to an educator who has demonstrated mastery of a specific skill or competency through the use of evidence or performance-based outcomes. The credential must be portable across schools, LEAs, or States.

Moderate Evidence means the following conditions are met: (a) There is at least one experimental or Quasi-Experimental Design Study of the effectiveness of the practice with a Relevant Finding that Meets What Works Clearinghouse Evidence Standards With or Without Reservations (*e.g.,* a Quasi-Experimental Design study or high-attrition Randomized Controlled Trial that establishes the equivalence of the treatment and comparison groups in Student Achievement at baseline); (b) the Relevant Finding in the study described in paragraph (a) is of a statistically significant and positive (*i.e.,* favorable) effect on a student outcome or other Relevant Outcome, with no statistically significant and overriding negative (*i.e.,* unfavorable) evidence on that practice from other findings on the intervention reviewed by and reported on the What Works Clearinghouse that Meet What Works Clearinghouse Evidence Standards With or Without Reservations; (c) the Relevant Finding in the study described in paragraph (a) is based on a sample that overlaps with the populations (*e.g.,* the types of student served) or settings proposed to receive the practice (*e.g.,* an after-school program studied in urban high schools and proposed for rural high schools); and (d) the Relevant Finding in the study described in paragraph (a) is based on a Large Sample and a Multi-Site Sample.

Multi-site Sample means more than one site, where site can be defined as an LEA, locality, or State. A sample could be multi-site if it includes campuses in two or more localities (*e.g.,* cities or counties), even if the campuses all belong to the same LEA or the same postsecondary school system. Multiple studies can cumulatively meet the Multi-Site Sample and Large Sample requirements of Moderate Evidence and strong evidence, as long as each study meets the other requirements of the particular level of evidence.

National Nonprofit Organization means an entity that meets the definition of ''nonprofit'' under 34 CFR 77.1(c) and is of national scope, meaning that the entity provides services in multiple States to a significant number or percentage of recipients and is supported by staff or affiliates in multiple States.

Professional Development means activities that—

(a) Are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards; and

(b) Are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities that—

(i) Improve and increase teachers': (1) Knowledge of the academic subjects the teachers teach; (2) understanding of how students learn; and (3) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;

(ii) Are an integral part of broad schoolwide and districtwide educational improvement plans;

(iii) Allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;

(iv) Improve classroom management skills;

(v) Support the recruitment, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;

(vi) Advance teacher understanding of: (1) Effective instructional strategies that are evidence-based; and (2) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;

(vii) Are aligned with, and directly related to, academic goals of the school or local educational agency;

(viii) Are developed with extensive participation of teachers, principals, other school leaders, parents, representatives of Indian Tribes (as applicable), and administrators of schools to be served under the ESEA;

(ix) Are designed to give teachers of English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

(x) To the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology (including education about the harms of copyright piracy), so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;

(xi) As a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

(xii) Are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;

(xiii) Include instruction in the use of data and assessments to inform and instruct classroom practice;

(xiv) Include instruction in ways that teachers, principals, other school leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;

(xv) Involve the forming of partnerships with institutions of higher education, including, as applicable, Tribal Colleges and Universities as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), to establish school-based teacher, principal, and other school leader training programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions;

(xvi) Create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;

(xvii) Provide follow-up training to teachers who have participated in activities described in paragraph (b) of this definition that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and

(xviii) Where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.

Project Component means an activity, strategy, or intervention included in a project. Evidence may pertain to an individual Project Component, or to a combination of Project Components (*e.g.,* training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Promising Evidence means the following conditions are met: (a) There is at least one study that is a Correlational Study with Statistical Controls For Selection Bias with a Relevant Finding; and (b) the Relevant Finding in the study described in paragraph (a) of this definition is of a statistically significant and positive (*i.e.,* favorable) effect of the Project Component on a student outcome or other Relevant Outcome with no statistically significant and overriding negative (*i.e.,* unfavorable) evidence on that Project Component from other findings on the intervention reviewed by and reported in the What Works Clearinghouse that Meets What Works Clearinghouse Evidence Standards With or Without Reservations.

Quasi-Experimental Design Study (QED) means a study using a design that attempts to approximate an experimental design by identifying a comparison group that is similar to the treatment group in important respects. This type of study, depending on design and implementation, can Meet What Works Clearinghouse Evidence Standards With Reservations (but not Without Reservations).

Randomized Controlled Trial (RCT) means a study that employs random assignment of, for example, students, teachers, classrooms, or schools to receive the practice being evaluated (the treatment group) or not to receive the practice (the control group). The estimated effectiveness of the practice is the difference between the average outcomes for the treatment group and for the control group. These studies, depending on design and implementation, can Meet What Works Clearinghouse Evidence Standards Without Reservations.

Regression Discontinuity Design Study (RDD) means a study that assigns the practice being evaluated using a measured variable (*e.g.,* assigning students reading below a cutoff score to tutoring or developmental education classes) and controls for that variable in the analysis of outcomes. The effectiveness of the practice is estimated for individuals who barely qualify to receive that component. These studies, depending on design and implementation, can Meet What Works Clearinghouse Evidence Standards Without Reservations.

Regular High School Diploma (a) means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic achievement standards described in section 1111(b)(1)(E) of the ESEA; and (b) does not include a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.

Relevant Finding means a finding from a study regarding the relationship between (a) an activity, strategy, or intervention included as a component of the Logic Model for the proposed project, and (b) a student outcome or other Relevant Outcome included in the Logic Model for the proposed project.

Relevant Outcome means the student outcome(s) (or the ultimate outcome if not related to students) the proposed Project Component is designed to improve, consistent with the specific goals of a program.

School Leader means a principal, assistant principal, or other individual who is (a) an employee or officer of an elementary school or secondary school, LEA, or other entity operating an elementary school or secondary school; and (b) responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building.

Single-Case Design Study (SCD) means a study that uses observations of a single case (*e.g.,* a student eligible for a behavioral intervention) over time in the absence and presence of a controlled treatment manipulation to determine whether the outcome is systematically related to the treatment. According to the What Works Clearinghouse Single Case Design Pilot Standards, a collection of these studies, depending on design and implementation (*e.g.,* including a sufficient number of cases and of data points per condition), can Meet What Works Clearinghouse Evidence Standards Without Reservations.

State Educational Agency means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

Student Achievement means—

For grades and subjects in which assessments are required under section 1111(b)(2) of the ESEA: (1) A student's score on such assessments; and, as appropriate, (2) other measures of student learning, such as those described in the subsequent paragraph, provided that they are rigorous and comparable across schools within a LEA.

For grades and subjects in which assessments are not required under section 1111(b)(2) of the ESEA: (1) Alternative measures of student learning and performance, such as student results on pre-tests, end-of-course tests, and objective performance-based assessments; (2) student progress on learning objectives; (3) student performance on English language proficiency assessments; and (4) other measures of Student Achievement that are rigorous and comparable across schools within an LEA.

Student Growth means the change in Student Achievement for an individual student between two or more points in time. An applicant may also include other measures that are rigorous and comparable across classrooms.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed priorities, definitions, and requirements. Section 437(d)(1) of GEPA, however, allows the Secretary to exempt from rulemaking requirements regulations governing the first grant competition under a new or substantially revised program authority. This is the first grant competition under section 2242 of the ESEA, and therefore qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forego public comment on the priorities, requirements, and definitions under section 437(d)(1) of GEPA. These priorities, requirements, and definitions will apply to the FY 2017 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition.

Program Authority: Section 2242 of the ESEA (20 U.S.C. 6672).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Further Continuing and Security Assistance Appropriations Act, 2017, would provide, on an annualized basis, $93,814,518 for the SEED program, of which we plan to use $42,000,000 for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: $1,000,000–$6,000,000 for the first year of the project.

Estimated Average Size of Awards: $4,000,000 for the first year of the project.

Estimated Number of Awards: 5–8.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months, with renewal of up two additional years if the grantee demonstrates to the Secretary that the grantee is effectively using funds. Such renewal may include allowing the grantee to scale up or replicate the successful program.

III. Eligibility Information

1. *Eligible Applicants:*

(a) An Institution of Higher Education that provides course materials or resources that are evidence-based in increasing academic achievement, graduation rates, or rates of postsecondary education matriculation;

(b) A National Nonprofit Organization with a demonstrated record of raising student academic achievement, graduation rates, and rates of higher education attendance, matriculation, or completion, or of effectiveness in providing preparation and professional development activities and programs for teachers, principals, or other school leaders;

(c) The Bureau of Indian Education; or

(d) A partnership consisting of—

(i) One or more entities described in paragraph (a) or (b); and

(ii) A for-profit entity.

2. a. *Cost Sharing or Matching:* Under section 2242 of the ESEA, each grant recipient must provide, from non-Federal sources, at least 25 percent of the funds for the total cost for each year of activities supported by the grant. These funds may be provided in cash or

through in-kind contributions. Grantees must include a budget showing their matching contributions on an annual basis relative to the annual budget amount of SEED grant funds and must provide evidence of their matching contributions for the first year of the grant in their grant applications. Section 2242 of the ESEA also authorizes the Secretary to waive this matching requirement on a case-by-case basis in cases of demonstrated financial hardship. Applicants that wish to apply for a waiver must include a request in their application that demonstrates a financial hardship. Further information about applying for waivers can be found in the application package. However, given the importance of matching funds to the long-term success of the project, the Secretary expects eligible entities to identify appropriate matching funds.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Under section 2301 of the ESSA (20 U.S.C. 6691), funds made available under this title shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this title. Further, the prohibition against supplanting funds also means that grantees seeking to charge indirect costs to SEED funds will need to use their negotiated restricted indirect cost rates. See 34 CFR 75.563.

3. *Eligible Subgrantees:* (a) Under 34 CFR 75.708(b) and (c) a grantee may award subgrants—to directly carry out project activities described in its application—to the following types of entities: LEAs, public entities, and private entities suitable to carry out the activities proposed in the application.

(b) The grantee may award subgrants to entities it has identified in an approved application or under procedures established by the grantee.

4. *Other:* The Secretary establishes the following requirements for the SEED program. We are establishing the requirements for the evidence standards and the application requirements for evidence and study citations, outcomes, and interventions in this notice, for the FY 2017 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of the GEPA (20 U.S.C. 1232(d)(1)). We are establishing the requirements for certification and award restrictions in accordance with Section 2242 of the ESEA (20 U.S.C. 6672).

Evidence Standards:

1. To be eligible for an award under Absolute Priority 1, applicants must demonstrate how their project is supported by at least Moderate Evidence.

2. To be eligible for an award under Absolute Priority 2, applicants must demonstrate how their project is supported by at least Promising Evidence.

Application Requirements:

Study citations, outcomes, and interventions: An applicant must identify up to two study citations to be reviewed against WWC Evidence Standards for the purposes of meeting the SEED evidence standard requirement. An applicant must clearly identify these citations in the Evidence Form. The Department will not review a study citation that an applicant fails to clearly identify for review. In addition to the two study citations, applicants should include: (1) The positive student outcomes they intend to replicate under their grant; (2) the intervention the applicant plans to implement; and (3) the intended student outcomes that the intervention(s) attempts to impact in the Evidence Form.

Evidence: An applicant must ensure that all evidence is available to the Department from publicly available sources and provide links or other guidance indicating where it is available. If the Department determines that an applicant has provided insufficient information, the applicant will not have an opportunity to provide additional information at a later time. However, if the Department determines that a study does not provide enough information on key aspects of the study design, such as sample attrition or equivalence of intervention and comparison groups, the Department will submit a query to the study author(s) to gather information for use in determining a study rating. Authors are asked to respond to queries within 10 business days. Should the author query remain incomplete within 14 days of the initial contact to the study author(s), the Department's review of the study will proceed without this information.

Certification: Applicants must include a certification that the services provided by an eligible entity under the grant to a LEA or to a school served by the LEA will not result in direct fees for participating students or parents.

Award Restrictions: The Secretary shall not award more than one grant under this program to an eligible entity during a grant competition.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the internet or from the Education Publications Center (ED Pubs). To obtain a copy via the internet, use the following address: *https://innovation.ed.gov/what-we-do/teacher-quality/supporting-effective-educator-development-grant-program.* To obtain a copy from ED Pubs, write, fax, or call: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a TDD or a TTY, call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application package from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.423A.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VII of this notice.

2. a. *Content and Form of Application Submission:* Requirements concerning the content and form of an application, together with the forms you must submit, are in the application package for this competition.

Notice of Intent To Apply: The Department will be able to develop a more efficient process for reviewing grant applications if it has a better understanding of the number of entities that intend to apply for funding under this competition. Therefore, the Department strongly encourages each potential applicant to notify the Department by sending a short email message indicating the applicant's intent to submit an application for funding. The email need not include information regarding the content of the proposed application, only the applicant's intent to submit it. The Department requests that this email notification be sent to the SEED program inbox at: *SEED@ed.gov.*

Eligible entities that do not provide a notification of their intent to apply may still apply for funding.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit the application narrative to the equivalent of no more than 40 pages, using the following standards:

- A ''page'' is 8.5'' x 11'', on one side only, with 1'' margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, except for titles,

headings, footnotes, quotations, references, captions, charts, tables, figures, and graphs.

• Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, or letters of support. However, the page limit does apply to all of the application narrative section.

b. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the SEED program, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times:*

Applications Available: April 20, 2017.

Deadline for Notice of Intent To Apply: May 5, 2017. Date of Informational Webinar: The SEED program intends to hold a webinar designed to provide technical assistance to interested applicants. Detailed information regarding this webinar will be provided on the SEED Web site at *http://innovation.ed.gov/what-we-do/teacher-quality/supporting-effective-educator-development-grant-program/.*

Deadline for Transmittal of Applications: June 19, 2017.

Applications for grants under this competition must be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice. Deadline for Intergovernmental Review: August 18, 2017.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following Web site: *http://fedgov.dnb.com/webform.* A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov*.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a *SAM.gov* Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via *Grants.gov*, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with *Grants.gov* as an AOR. Details on these steps are outlined at the following *Grants.gov* Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the SEED competition, CFDA number 84.423A, must be submitted electronically using the Governmentwide *Grants.gov* Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the

electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the SEED competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.423, not 84.423A).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov*.
- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this competition to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department's G5 system home page at *www.G5.gov.* In addition, for specific guidance and procedures for submitting an application through *Grants.gov*, please refer to the *Grants.gov* Web site at: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a read-only, flattened Portable Document Format (PDF), meaning any fillable PDF documents must be saved as flattened non-fillable files. Therefore, do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, flattened PDF (*e.g.,* Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the application narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF. There is no need to password protect a file in order to meet the requirement to submit a read-only flattened PDF. And, as noted above, the Department will not review password protected files.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. This notification indicates receipt by *Grants.gov* only, not receipt by the Department. *Grants.gov* will also notify you automatically by email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov*, the Department will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov*, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only, non-modifiable PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1–800–518–4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by

4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the *Grants.gov* system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Richard Wilson, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W111, Washington, DC 20202–5960. FAX: (202) 205–5630.

Your paper application must be submitted in accordance with the mail or hand-delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.423A), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.423A), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are as follows:

A. *Quality of the Project Design (40 points).* The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which the proposed project represents an exceptional approach to the priority or priorities established for the competition.

(2) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(3) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services.

(4) The extent to which the services to be provided by the proposed project are focused on those with greatest needs.

(5) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

B. *Significance (15 points).* The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(1) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and Student Achievement.

(2) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

(3) The potential for the incorporation of project purposes, activities, or benefits into the ongoing program of the agency or organization at the end of the grant.

(4) The extent to which the results of the proposed project are to be disseminated in ways that will enable others to use the information or strategies.

C. *Quality of the Management Plan (25 points).* The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(2) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(3) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

(4) The extent to which the results of the proposed project are to be disseminated in ways that will enable others to use the information or strategies.

D. *Quality of the Project Evaluation (20 points).* The Secretary considers the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(2) The extent to which the methods of evaluation will provide valid and reliable performance data on Relevant Outcomes.

(3) The extent to which the methods of evaluation will, if well-implemented, produce evidence about the project's effectiveness that would meet the What Works Clearinghouse Evidence Standards with reservations.

Note: Applicants may wish to review the following technical assistance resources on evaluation: (1) WWC Procedures and Standards Handbook 3.0: *https://ies.ed.gov/ncee/wwc/Handbooks*; and (2) ''Technical Assistance Materials for Conducting Rigorous Impact Evaluations'' to the list of evaluation resources: *http://ies.ed.gov/ncee/projects/evaluationTA.asp*; and (3) IES/NCEE Technical Methods papers: *http://ies.ed.gov/ncee/tech_methods/.* In addition, applicants may view two optional webinar recordings that were hosted by the Institute of Education Sciences. The first webinar discussed strategies for designing and executing well-designed Quasi-Experimental Design Studies and is available at: *http://ies.ed.gov/ncee/wwc/Multimedia.aspx?sid=23.* The second webinar focused on more rigorous evaluation designs, discussing strategies for designing and executing studies that meet WWC evidence standards without reservations. This webinar is available at: *http://ies.ed.gov/ncee/wwc/Multimedia.aspx?sid=18.*

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

Additional factors we consider in selecting an application for an award are as follows:

(a) As required under section 2242 of the ESEA, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

(b) As required under section 2242 of the ESEA, the Department shall not award more than one grant under this program to an eligible entity during a grant competition. If an entity submits multiple applications for this competition, only the highest rated application will be considered for an award.

3. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report

that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

4. *Performance Measures:* The overall purpose of the SEED program is to increase the number of highly effective educators by supporting Evidence-Based projects that prepare or provide professional development or enhancement activities for teachers, principals, or other School Leaders. We have established the following performance measures for the SEED program: (a) The percentage of teacher and principal participants who serve concentrations of High-Need Students; (b) the percentage of teacher and principal participants who serve concentrations of High-Need Students and are highly effective; (c) the percentage of teacher and principal participants who serve concentrations of High-Need Students, are highly effective, and serve for at least two years; (d) the cost per such participant; and (e) the number of grantees with evaluations that meet the WWC standards with reservations. Grantees will report annually on each measure.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

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

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

Dated: April 17, 2017.

Margo Anderson,

Acting Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2017–08042 Filed 4–19–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17–60–000]

Alliant Energy Corporate Services, Inc.; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On April 13, 2017, a letter order was issued in Docket No. EL17–60–000 by the Director, Division of Electric Power—Central, Office of Energy Market Regulation, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into whether the proposed tariff revisions to update the cost-based revenue requirement for the provision of Reactive Supply and Voltage Control from Generation or Other Sources Service from generating facilities owned and operated by Interstate Power and Light Company and Wisconsin Power and Light Company may be unjust, unreasonable, unduly discriminatory or preferential. *Alliant Energy Corporate Services, Inc.,* 159 FERC 62,054 (2017).

The refund effective date in Docket No. EL17–60–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register.**

Any interested person desiring to be heard in Docket No. EL17–60–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, within 21 days of the date of issuance of the order.

Dated: April 13, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07977 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: EC17–86–000.

Applicants: Green Mountain Power Corporation, Vermont Transco LLC.

Description: Supplement to March 1, 2017 Application for Authorization Under Section 203 of the Federal Power Act and Request for Shortened Comment Period of Green Mountain Power Corporation, et. al.

Filed Date: 4/11/17.

Accession Number: 20170411–5255.

Comments Due: 5 p.m. ET 4/21/17.

Docket Numbers: EC17–96–000.

Applicants: Otter Tail Power Company.

Description: Supplement to March 16, 2017 Section 203 Application (Exhibit N Accounting Entries) of Otter Tail Power Company.

Filed Date: 4/11/17.

Accession Number: 20170411–5200.

Comments Due: 5 p.m. ET 5/2/17.

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

Docket Numbers: ER17–1409–000.

Applicants: Public Service Company of New Mexico.

Description: § 205(d) Rate Filing: Amended PETA between PNM and TEP to be effective 6/11/2017.

Filed Date: 4/12/17.

Accession Number: 20170412–5097.

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

Docket Numbers: ER17–1410–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: Letter Agreement Sunshine Valley Solar, LLC to be effective 4/10/2017.

Filed Date: 4/12/17.

Accession Number: 20170412–5225.

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

Docket Numbers: ER17–1411–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–04–12_SA 3003 CMS–MISO E–NRIS SA (J440) to be effective 4/13/2017.

Filed Date: 4/12/17.

Accession Number: 20170412–5240.

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

Docket Numbers: ER17–1412–000.

Applicants: ATC Management Inc., ATC Holdco LLC and ATC Development Manager Inc.

Description: Request for Waiver of Affiliate Transaction Pricing Rules of ATC Management Inc., et al.

Filed Date: 4/12/17.

Accession Number: 20170412–5248.

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

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

Docket Numbers: QF17–853–000.

Applicants: Trustees of Tufts College.

Description: Form 556 of Trustees of Tufts College.

Filed Date: 4/11/17.

Accession Number: 20170411–5253.

Comments Due: None Applicable.

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

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

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

Dated: April 12, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07999 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–119–000]

Texas Eastern Transmission, LP; Notice of Application

Take notice that on March 31, 2017, Texas Eastern Transmission, LP (Texas Eastern) 5400 Westheimer Court, Houston, Texas 77056–5310, has filed an application pursuant to section 7(c) of the Natural Gas Act (NGA) and the Federal Energy Regulatory Commission's (Commission) regulations seeking authorization to abandon two 2,500 Horsepower (HP) reciprocating compressor units and related appurtenances located in Gregg County, Texas, all as more fully described in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Specifically, Texas Eastern is requesting approval to abandon in place two of the three existing compressor units, and to remove related appurtenances, at its Longview Compressor Station (Project). Texas Eastern proposes the following abandonment activities: (1) Remove suction and discharge unit valves and install blind flanges to permanently isolate the units from the system; (2) Disconnect fuel gas system and install blind flanges; (3) Disconnect electrical system from the ignition system; (4) Remove and collect components of the units that have come in contact with the gas stream, and test for the presence of polychlorinated biphenyls; and (5) Drain and dispose the jacket water and lube oil systems.

Any questions regarding this application should be directed to Steven E Hellman, Texas Eastern Transmission LP, Post Office Box 1642, Houston, TX 77251–1642, or call (713) 627–5215, or by email: *steven.hellman@enbridge.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive

copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: May 4, 2017

Dated: April 13, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07976 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17–63–000]

Southern California Edison Company; Notice of Petition for Declaratory Order

Take notice that on April 11, 2017, pursuant to section 219 of the Federal Power Act, Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(2017), Southern California Edison Company (SCE) filed a petition for declaratory order requesting that the Commission grant the rate incentives in connection with SCE's proposed Alberhill System Project, Mesa 500 kV Substation Project, and the Eldorado-Lugo and Lugo-Mohave 500 kV Series Capacitator Project (collectively, Transmission Projects), all as more fully explained in the petition.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

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

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

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

Comment Date: 5:00 p.m. Eastern time on May 11, 2017.

Dated: April 12, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07997 Filed 4–19–17; 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: ER16–2703–002.

Applicants: Deerfield Wind Energy, LLC.

Description: Notice of Non-Material Change In Status of Deerfield Wind Energy, LLC.

Filed Date: 04/13/2017.

Accession Number: 20170413–5384.

Comment Date: 5:00 p.m. ET 5/4/17.

Docket Numbers: ER17–1320–001.

Applicants: Odyssey Solar, LLC.

Description: Tariff Amendment: Amendment to 3 to be effective 12/13/9998.

Filed Date: 4/14/17.

Accession Number: 20170414–5132.

Comments Due: 5 p.m. ET 5/5/17.

Docket Numbers: ER17–1420–000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii: Revisions to OATT Sch. 12—Appdx A re: Artifical Island Approved April 2017 to be effective 11/30/2016.

Filed Date: 04/13/2017.

Accession Number: 20170413–5302.

Comment Date: 5:00 p.m. ET 5/4/17.

Docket Numbers: ER17–1421–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: OATT PSCo-NREL-Non-Cnfrm SGIA–385–0.0.0 to be effective 6/14/2017.

Filed Date: 4/14/17.

Accession Number: 20170414–5094.

Comments Due: 5 p.m. ET 5/5/17.

Docket Numbers: ER17–1422–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–04–14_SA 2786 ITC Midwest-Interstate Power & Light GIA (J233) to be effective 4/3/2017.

Filed Date: 4/14/17.

Accession Number: 20170414–5102.

Comments Due: 5 p.m. ET 5/5/17.

Docket Numbers: ER17–1423–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–04–14_SA 3010 ITC-Freeborn Wind GIA (J407) to be effective 4/3/2017.

Filed Date: 4/14/17.

Accession Number: 20170414–5109.

Comments Due: 5 p.m. ET 5/5/17.

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 14, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07974 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Document Labelling Guidance for Documents Submitted to or Filed With the Commission or Commission Staff

Take notice that, pursuant to National Archives and Records Administration procedures for appropriate handling of documents (81 FR 63323 (Sept. 14, 2016)), the Commission will follow the controlled unclassified information (CUI) labeling system described below. As a result, every submission or filing with the Commission or Commission staff that contains sensitive material (as described below) should be labeled CUI. The documents described below should be labeled as follows:

Documents containing Critical Energy/Electric Infrastructure Information (CEII), *see* 18 CFR 388.113, should include in a top center header of each page of the document the following text: CUI//CEII.

Documents containing information that section 388.112 of the Commission's regulations, 18 CFR 388.112, recognizes as privileged, and documents containing information within the scope of protective orders and agreements in Commission proceedings, should include in a top center header of each page of the document the following text: CUI//PRIV.

Documents containing multiple information types, should reference each information type in a top center header of each page of the document in the following format: CUI//[Information Type]/[Additional Information Type], *e.g.,* CUI//CEII/PRIV.

For information that is CEII, filers are reminded that they must clearly segregate those portions of the documents that contain CEII, and indicate how long the CEII label should apply (not to exceed five years unless redesignated by the CEII Coordinator). *See* Fixing America's Surface Transportation Act, Public Law 114–94, 61,003, 129 Stat. 1312, 1773–1779 (2015); *see also* 18 CFR 388.113(d)(1)(i-ii).

For information that is privileged or within the scope of a protective order or agreement, filers are reminded that they also need to clearly identify within the document those specific portions of the document (*i.e.,* lines or individual words or numbers)—containing such material. *See* 18 CFR 388.112(b).

Dated: April 14, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07993 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM12–3–000]

Revisions to Electric Quarterly Report Filing Process; Notice of Deactivation of Sandbox Electronic Test Site

On September 13, 2013, the Commission issued a notice in this proceeding extending the availability of the Sandbox Electronic Test Site (ETS) until further notice. Take notice that the ETS will be deactivated on April 13, 2017.

Order No. 770 [1] revised the process for making EQR filings. The ETS was made available to filers prior to the implementation of the revised process. Although the ETS will no longer be available after April 13, 2017, the Test-Only functionality in the filing system will continue to be available for filers to test their Electric Quarterly Reports (EQR) prior to submitting them to the Commission.

Dated: April 12, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–08000 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP17–75–000: PR17–19–000]

American Midstream (Bamagas Intrastate), LLC; Notice of Technical Conference

Take notice that an informal technical conference concerning the above-captioned proceedings will be convened by phone on April 19, 2017, at 2:30 p.m. (EDT). The purpose of the teleconference will be to discuss comments in the proceedings.

All interested parties are invited to participate by phone. Please email Damien Gaul at *Damien.Gaul@ferc.gov* or call (202) 502–8008 by Tuesday, April 18, 2017, to RSVP and to receive specific instructions on how to participate.

Dated: April 13, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07975 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2790–069]

Boott Hydropower, Inc., and Eldred L. Field Hydroelectric Facility Trust; Notice of Application Accepted for Filing and 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. *Application Type:* Request to revise mitigation requirements.

b. *Project No:* 2790–069.

c. *Date Filed:* March 16, 2017.

d. *Applicant:* Boott Hydropower, Inc., and Eldred L. Field Hydroelectric Facility Trust.

e. *Name of Project:* Lowell Hydroelectric Project.

f. *Location:* Merrimack River in the City of Lowell in Middlesex County, Massachusetts.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Kevin M. Webb, Hydro Licensing Manager Boott Hydropower, LLC, One Tech Drive, Suite 220, Andover, MA 01810, Phone: (978) 935–6039, Fax: (978) 681–7727, Email: *kevin.webb@enel.com.*

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 of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions using the Commission's eFiling system at

[1] *Revisions to Electric Quarterly Report Filing Process,* Order No. 770, FERC Stats. & Regs. ¶ 31,338 (2012).

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–2790–069.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor 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.

k. *Description of Request:* The licensee for the 24.8-megawatt (MW) Lowell Hydroelectric Project, filed an amendment application to delete from one of its power stations, the Bridge Street Power Station, four generating units totaling 2.36 MW. The licensee says the proposal is in the public interest to enhance public safety and to support urban renewal.

l. *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* using the ''eLibrary'' link. 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. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *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, respectively. 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.

o. *Filing and Service of 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 commenting, 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. Any filing made by an intervenor 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 385.2010.

Dated: April 13, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07994 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: EC17–103–000.

Applicants: Elgin Energy Center, LLC, Rocky Road Power, LLC, Tilton Energy LLC.

Description: Application of Elgin Energy Center, LLC, et al. for Approval Pursuant to Section 203 of the Federal Power Act, Requests For Waivers, Privileged Treatment and Expedited Consideration.

Filed Date: 4/12/17.

Accession Number: 20170412–5292.

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

Docket Numbers: EC17–104–000.

Applicants: Playa Solar 1, LLC, Playa Solar 2, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Expedited Action, Confidential Treatment, and Waivers of Playa Solar 1, LLC, et. al.

Filed Date: 4/13/17.

Accession Number: 20170413–5122.

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

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

Docket Numbers: ER14–1883–003.

Applicants: Allegheny Energy Supply Company, LLC.

Description: Compliance filing: Supp. to 3/8/17 Informational Filing and baseline eTariff sheet [from ER06–888] to be effective N/A.

Filed Date: 4/13/17.

Accession Number: 20170413–5227.

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

Docket Numbers: ER17–1069–002.

Applicants: Mid-Atlantic Interstate Transmission, LL, PJM Interconnection, L.L.C.

Description: Tariff Amendment: MAIT submits Amendment to Operating and Interconnection Agreement SA No. 4578 to be effective 2/1/2017.

Filed Date: 4/13/17.

Accession Number: 20170413–5233.

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

Docket Numbers: ER17–1151–000.

Applicants: ADG Group Inc.

Description: Supplement to March 10, 2017 ADG Group Inc. tariff filing.

Filed Date: 4/13/17.

Accession Number: 20170413–5184.

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

Docket Numbers: ER17–1413–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Release of Unscheduled Firm Transmission Service to be effective 6/12/2017.

Filed Date: 4/13/17.

Accession Number: 20170413–5105.

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

Docket Numbers: ER17–1414–000.

Applicants: DTE Electric Company.

Description: § 205(d) Rate Filing: Reactive Revenue Requirement Update to be effective 5/1/2017.

Filed Date: 4/13/17.

Accession Number: 20170413–5125.

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

Docket Numbers: ER17–1415–000.

Applicants: Osprey Energy Center, LLC.

Description: Tariff Cancellation: Notice of Cancellation to be effective 12/31/9998.

Filed Date: 4/13/17.
Accession Number: 20170413–5153.
Comments Due: 5 p.m. ET 5/4/17.

Docket Numbers: ER17–1416–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 4666, Queue No. Z2–038 to be effective 3/15/2017.
Filed Date: 4/13/17.
Accession Number: 20170413–5154.
Comments Due: 5 p.m. ET 5/4/17.

Docket Numbers: ER17–1417–000.
Applicants: Virginia Electric and Power Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: VEPCo submits revisions to OATT, Attach. H–16C to update 2016 OPEB Expense to be effective 6/14/2017.
Filed Date: 4/13/17.
Accession Number: 20170413–5181.
Comments Due: 5 p.m. ET 5/4/17.

Docket Numbers: ER17–1418–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: GIA and Distribution Service Agreement R&L Capital, Inc. to be effective 4/14/2017.
Filed Date: 4/13/17.
Accession Number: 20170413–5194.
Comments Due: 5 p.m. ET 5/4/17.

Docket Numbers: ER17–1419–000.
Applicants: MAG Energy Solutions Inc.
Description: § 205(d) Rate Filing: Normal update filing 2017 to be effective 5/1/2017.
Filed Date: 4/13/17.
Accession Number: 20170413–5236.
Comments Due: 5 p.m. ET 5/4/17.

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

Docket Numbers: ES17–17–000.
Applicants: DTE Electric Company.
Description: Application for Authorization of the issuance of securities of DTE Electric Company.
Filed Date: 4/13/17.
Accession Number: 20170413–5183.
Comments Due: 5 p.m. ET 5/4/17.

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 13, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07969 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–135–000]

ANR Pipeline Company; Notice of Request Under Blanket Authorization

Take notice that on April 7, 2017, ANR Pipeline Company (ANR), 700 Louisiana Street, Suite 700, Houston, Texas 77002–2700, filed in Docket No. CP17–135–000 a prior notice request pursuant to sections 157.205, and 157.208(f)(2) of the Commission's regulations under the Natural Gas Act (NGA), and ANR's blanket certificate issued in Docket No. CP82–480–000, to change the Maximum Operating Pressure (MOP) of Line 8230 from 870 pounds per square inch gage (psig) to 780 psig. The Line 8230 is a 15.8-mile-long, 20-inch-diameter lateral line, located in Clare County, Michigan. Natural gas is received on Line 8230 from the ANR mainline system at the Lincoln Compressor Station, and delivered at the Alpena and Harrison meter stations.

ANR states that due to an increase in population along certain discrete sections of Line 8230 in 2010, ANR was required, pursuant to Part 192 of the U.S. Department of Transportation (DOT) regulations, to either upgrade the pipe in those sections or to lower the Maximum Allowable Operating Pressure, or MAOP, in those sections by January 12, 2012.

ANR has determined that it will not pursue an upgrade of the pipe in the affected sections, and therefore, ANR proposes to change the MOP of Line 8230 from 870 psig to 780 psig. ANR affirms that the MOP change will not adversely affect the quality or quantity of service otherwise provided to the existing transportation customers served from this line, and that there will be no termination or reduction in firm service to any existing customers as a result of the proposed lower MOP. ANR asserts that the lower MOP will insure the continued safe operation of the pipeline, will eliminate expenditures that would be required for the replacement of pipe, and will eliminate any potential environmental impacts that may result from pipe replacement, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Linda Farquhar, Manager, Project Determinations & Regulatory Administration, ANR Pipeline Company, 700 Louisiana Street, Suite 700, Houston, Texas 77002–2700, by telephone at (832) 320–5685, by facsimile at (832) 320–6487, or by email at *linda_farquhar@transcanada.com.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the

completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

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 commenters 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 commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters, 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.

Dated: April 13, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07972 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6281–041]

Five Bears Hydro, Inc. and Five Bears Hydro, LLC; Notice of Application for Transfer of License and Soliciting Comments, Motions to Intervene, and Protests

On March 24, 2017, Five Bears Hydro, Inc. (transferor) and Five Bears Hydro, LLC (transferee) filed an application for the transfer of license of the Five Bears Power Project No. 6281. The project is located on Ward Creek, a tributary to the Feather River in Plumas County, California. The project occupies land of the United States within the Plumas National Forest.

The transferor and transferee seek Commission approval to transfer the license for the Five Bears Power Project from transferor to the transferee.

Applicant's Contacts: Mr. Dan R. Skowronski, Esquire, Saul Ewing LLP, 500 E. Pratt Street, 8th Floor, Baltimore, MD 21202, Phone: 410–332–8675, Email: *dskowronski@saul.com;* Mr. Michael Hill, General Counsel, EDF Inc., 5404 Wisconsin Avenue., Suite 400, Chevy Chase, MD 20815, Phone: 240–744–8029, Email: *michael.hill@edf-inc.com;* Ms. Bethanie Haynes, Associate Counsel, EDF Inc., 5404 Wisconsin Avenue, Suite 400, Chevy Chase, MD 20815, Phone: 240–744–8018, Email: *bethanie.haynes@edf-inc.com;* and Mr. Joseph Sanchez, President and Secretary, Five Bears Hydro, Inc., 5404 Wisconsin Avenue, Suite 400, Chevy Chase, MD 20815, Phone: 240–744–8014, Email: *joseph.sanchez@edf-inc.com.*

FERC Contact: Patricia W. Gillis, (202) 502–8735, *patricia.gillis@ferc.gov.*

Deadline for filing comments, motions to intervene, and protests: 30 days from the date that the Commission issues this notice. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests 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–6281–041.

Dated: April 13, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07996 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC17–11–000]

Commission Information Collection Activities (FERC–549B); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–549B (Gas Pipeline Rates: Capacity Reports and Index of Customers).

DATES: Comments on the collection of information are due June 19, 2017.

ADDRESSES: You may submit comments (identified by Docket No. IC17–11–000) by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–549B (Gas Pipeline Rates: Capacity Reports and Index of Customers).

OMB Control No.: 1902–0169.

Type of Request: Three-year extension of the FERC–549B information collection requirements with no changes to the current reporting requirements.

Abstract: The information collected under the requirements of FERC–549B includes both the Index of Customers

(IOC) report under Commission regulations at 18 Code of Federal Regulations (CFR) 284.13(c) and three capacity reporting requirements. One of these is in Commission regulations at 18 CFR 284.13(b) and requires reports on firm and interruptible services. The second is at 18 CFR 284.13(d)(1) and requires pipelines make information on capacity and flow information available on their Internet Web sites. The third is at 18 CFR 284.13(d)(2) and requires an annual filing of peak day capacity.

Capacity Reports Under 284.13(b) and 284.13(d)(1)

On April 4, 1992, in Order No. 636 (RM91–11–000), the Commission established a capacity release mechanism under which shippers could release firm transportation and storage capacity on either a short- or long-term basis to other shippers wanting to obtain capacity. Pipelines posted available firm and interruptible capacity information on their electronic bulletin boards (EBBs) to inform potential shippers.

On August 3, 1992, in Order No. 636–A (RM91–11–002), the Commission determined through staff audits, that the efficiency of the capacity release mechanism could be enhanced by standardizing the content and format of capacity release information and the methods by which shippers accessed this information, which pipelines posted to their EBBs.

On March 29, 1995, through Order 577 (RM95–5–000), the Commission amended § 284.243(h) of its regulations to allow shippers the ability to release capacity without having to comply with the Commission's advance posting and bidding requirements.

On February 9, 2000, in Order No. 637 (RM98–10–000), to create greater substitution between different forms of capacity and to enhance competition across the pipeline grid, the Commission revised its capacity release regulations regarding scheduling, segmentation and flexible point rights, penalties, and reporting requirements. This resulted in more reliable capacity information availability and price data that shippers needed to make informed decisions in a competitive market as well as to improve shipper's and the Commission's ability to monitor the market for potential abuses.

Peak Day Annual Capacity Report Under 284.13(d)(2)

18 CFR 284.13(d)(2) requires an annual peak day capacity report of all interstate pipelines, including natural gas storage only companies. This report is generally a short report showing the peak day design capacity or the actual peak day capacity achieved, with a short explanation, if needed. The regulation states:

An interstate pipeline must make an annual filing by March 1 of each year showing the estimated peak day capacity of the pipeline's system, and the estimated storage capacity and maximum daily delivery capability of storage facilities under reasonably representative operating assumptions and the respective assignments of that capacity to the various firm services provided by the pipeline.

This annual report/filing is publicly available, while other more specific interstate pipeline and storage capacity details are filed as CEII, such as the Annual System Flow Diagram (FERC–567) which are not publicly available.

Index of Customers Under 284.13(c)

In Order 581, issued September 28, 1995 (Docket No. RM95–4–000), the Commission established the IOC quarterly information requirement. This Order required the reporting of five data elements in the IOC filing: The customer name, the rate schedule under which service is rendered, the contract effective date, the contract termination date, and the maximum daily contract quantity, for either transportation or storage service, as appropriate.

In a notice issued separate from Order 581 in Docket No. RM95–4–000, issued February 29, 1996, the Commission, through technical conferences with industry, determined that the IOC data reported should be in tab delimited format on diskette and in a form as proscribed in Appendix A of the rulemaking. In a departure from past practice, a three-digit code, instead of a six-digit code, was established to identify the respondent.

In Order 637, issued February 9, 2000 (Docket Nos. RM98–10–000 and RM98–12–000), the Commission required the filing of: The receipt and delivery points held under contract and the zones or segments in which the capacity is held, the common transaction point codes, the contract number, the shipper identification number, an indication whether the contract includes negotiated rates, the names of any agents or asset managers that control capacity in a pipeline rate zone, and any affiliate relationship between the pipeline and the holder of capacity. It was stated in the Order that the changes to the Commission's reporting requirements would enhance the reliability of information about capacity availability and price that shippers need to make informed decisions in a competitive market as well as improve shippers' and the Commission's ability to monitor marketplace behavior to detect, and remedy anti-competitive behavior. Order 637 required a pipeline post the information quarterly on its Internet Web sites instead of on the outdated EBBs.

Type of Respondents: Respondents for this data collection are interstate pipelines subject to FERC regulation under the Natural Gas Act and those entities defined as Hinshaw Pipelines under the Natural Gas Policy Act.

Estimate of Annual Burden: [1] The Commission estimates the annual public reporting burden for the information collection as:

FERC–549B (GAS PIPELINE RATES: CAPACITY REPORTS AND INDEX OF CUSTOMERS)

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response [2]	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1)*(2)=(3)	(4)	(3)*(4)=(5)	(5)÷(1)
Capacity Reports under 284.13(b) & 284.13(d)(1)	185	6	1,110	145 $11,093	160,950 $12,313,230	$66,558

[1] The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

[2] The estimates for cost per response are derived using the following formula: 2017 Average Burden Hours per Response * $76.50 per Hour = Average Cost per Response. The hourly cost figure of $76.50 is the average FERC employee wage plus benefits. We assume that respondents earn at a similar rate.

FERC–549B (GAS PIPELINE RATES: CAPACITY REPORTS AND INDEX OF CUSTOMERS)—Continued

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response [2]	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1)*(2)=(3)	(4)	(3)*(4)=(5)	(5)÷(1)
93049344Peak Day Annual Capacity Report under 284.13(d)(2)	185	1	185	10 $765	1,850 $141,525	$765
Index of Customers under 284.13(c)	185	4	740	3 $230	2,220 $170,200	$920
Total			2,035		165,020 $12,624,955	$68,243

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: April 14, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07979 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3267–000]

Chasm Hydro, Inc.; Notice of Existing Licensee's Notice of Intent To Not File a Subsequent License Application, and Soliciting Pre-Application Documents and Notices of Intent To File a License Application

At least five years before the expiration of a license for a minor water power project not subject to sections 14 and 15 of the Federal Power Act (*i.e.,* a project having an installed capacity of 1.5 megawatts or less), the licensee must file with the Commission a letter that contains an unequivocal statement of the licensee's intent to file or not to file an application for a subsequent license.[1]

If such a licensee informs the Commission that it does not intend to file an application for a new license, nonpower license, or exemption for the project, the licensee may not file an application for a new license, nonpower license, or exemption for the project, either individually or in conjunction with an entity or entities that are not currently licensees of the project.[2]

On March 3, 2017, Chasm Hydro, Inc., the existing licensee for the Ballard Mills Project No. 3267, filed notice of its intent to not file an application for a subsequent license. Therefore, pursuant to section 16.24(b) of the Commission's regulations, Chasm Hydro, Inc. may not file an application for a subsequent license for the project, either individually or in conjunction with an entity or entities that are not currently licensees of the project.

The 255-kilowatt (kW) Ballard Mills project is located on the Salmon River in the Town of Malone, Franklin County, New York. No federal lands are affected. The existing minor license for the project expires on March 31, 2022.

The principal project works consist of: (1) an 8-foot-high, 110-foot-long concrete capped timber crib overflow dam with 2-foot-high flashboards creating a reservoir with a surface area of 10 acres and a volume of 50 acre feet; (2) a 105-foot-long earth embankment dam; (3) a 4.75-foot-wide sluice gate located at the west abutment of the dam; (4) two 8-foot-wide flood sluice gates located between the existing timber crib dam and powerhouse; (5) a 29-foot-long by 20-foot-wide concrete masonry powerhouse with a single horizontal shaft Kaplan turbine-generator unit rated at 255 kW; (6) an abandoned powerhouse structure located at the east abutment of the dam; (7) a 150-foot-long underground cable connecting to a transformer pole; (8) a 0.48/13.2-kilovolt transformer; (9) a 170-foot-long, 13.2-kilovolt overhead transmission line; and (10) appurtenant facilities.

Any party interested in filing a license application for the Ballard Mills Project No. 3267 must first file a Notice of Intent (NOI) [3] and pre-application document (PAD) [4] pursuant to Part 5 of the Commission's regulations. Although the integrated licensing process (ILP) is the default pre-filing process, section 5.3(b) of the Commission's regulations allows a potential license applicant to request to use alternative licensing procedures when it files its NOI.[5]

This notice sets a deadline of 120 days from the date of this notice for interested applicants, other than the existing licensee, to file NOIs, PADs, and requests to use an alternative licensing process.

Applications for a subsequent license from potential (non-licensee) applicants must be filed with the Commission at least 24 months prior to the expiration of the existing license.[6] Because the existing license expires on March 31, 2022, applications for license for this project must be filed by March 31, 2020.[7]

Questions concerning this notice should be directed to Gaylord Hoisington (202) 502–6032 or *gaylord.hoisington@ferc.gov.*

Dated: April 14, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07995 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 16.19(b) (2016) (citing 18 CFR 16.6(b)). Section 16.19(b) applies to licenses not subject to Parts 14 and 15 of the Federal Power Act.

[2] 18 CFR 16.24(b) (2016).

[3] 18 CFR 5.5 (2016).

[4] 18 CFR 5.6 (2016).

[5] 18 CFR 5.3(b) (2016).

[6] 18 CFR 16.20 (2016).

[7] To the extent an interested applicant files an NOI and PAD and elects or is required to use the Commission's ILP, a process plan will be issued within 180 days of this notice, which accelerates the steps of the ILP to allow for filing a subsequent license application by the March 31, 2020 deadline.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC17–83–000]

AEP Texas North Company; AEP Texas Central Company; Notice of Petition for Waiver

Take notice that on April 12, 2017, AEP Texas North Company and AEP Texas Central Company filed a petition for waiver of the requirement to file a FERC Form 3–Q for the quarter ending March 31, 2017 and subsequent quarters, as required by 18 CFR 141.400, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comments: 5:00 p.m. Eastern Time on May 4, 2017.

Dated: April 13, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07973 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2225–021]

Public Utility District No. 1 of Pend Oreille County, Washington; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for amendment to authorize removing Mill Pond Dam by demolishing the dam without building a cofferdam to promote sediment outflow and facilitate sediment transport to the downstream reaches of Sullivan Creek. This is a change from the removal method approved by the Commission in its Order Accepting Surrender of License and Authorizing Disposition of Project Facilities issued March 20, 2013 (142 FERC ¶ 62,232). The project is located on Sullivan Creek near the town of Metaline Falls, Pend Oreille County, Washington. The project occupies federal lands administered by the U.S. Forest Service within the Colville National Forest.

The application, filed with the Commission on January 30, 2017, contains an applicant prepared Supplemental Environmental Assessment in its Exhibit E (pages 13–65). In staff's independent review of the licensee's Exhibit E, staff has decided to adopt the licensee's Supplemental Environmental Assessment and issue it as staff's Environmental Assessment (EA). The EA analyzes the potential environmental impacts of the project plus the proposed mitigation measures and concludes that granting the amendment to licensing would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA is on file with the Commission and is available for public inspection. The EA and supplement 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 at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

A copy of the EA may also be access using this link: *https://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=14548770.*

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.

All comments on the EA and supplement must be filed by May 12, 2017, and should reference Project No. 2225–021. The Commission strongly encourages electronic filing. Please file comments 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. In lieu of electronic filing, please send a paper copy to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

For further information, contact Rebecca Martin at (202) 502–6012 or *Rebecca.Martin@ferc.gov.*

Dated: April 12, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–08001 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP16–28–000]

National Fuel Gas Supply Corporation; Notice of Revised Schedule for Environmental Review of the Line QP, Line Q, and Queen Storage Project

This notice identifies the Federal Energy Regulatory Commission staff's revised schedule for the completion of the environmental assessment (EA) for National Fuel Gas Supply Corporation's (National Fuel) Line QP, Line Q, and Queen Storage Project. The first notice of schedule, issued on January 10, 2017, identified April 13, 2017 as the final EA issuance date. However, additional coordination with cooperating agencies was necessary to meet their National Environmental Policy Act requirements. As a result, staff has revised the schedule for issuance of the EA.

Schedule for Environmental Review

Issuance of EA: June 1, 2017.

90-day Federal Authorization Decision Deadline: August 30, 2017.

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the project's progress.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. 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 (*http://www.ferc.gov/docs-filing/esubscription.asp*).

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC Web site (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP16–28), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: April 13, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07970 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–132–000]

National Fuel Gas Supply Corporation; Notice of Request Under Blanket Authorization

Take notice that on April 5, 2017 National Fuel Gas Supply Corporation (National Fuel), located at 6363 Main Street, Williamsville, New York 14221, filed in Docket No. CP17–132–000, a prior notice request pursuant to sections 157.205, 157.208, and 157.213 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act (NGA), seeking authorization to convert two existing observation wells to injection/withdrawal wells in an area recently added to the Beech Hill reservoir, located in the Beech Hill Storage Field in Allegany County, New York. Additionally, National Fuel proposes to construct and operate two new 4-inch coated steel well lines, totaling approximately 6,000 feet, to connect the wells to the field pipeline system, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to David W. Reitz, Deputy General Counsel for National Fuel, 6363 Main Street, Williamsville, New York 14221, at (716) 857–7949; or email at *reitzd@natfuel.com.* In the alternative, Alice A. Curtiss, Deputy General Counsel for National Fuel may be contacted at (716) 857–7075; or email at *curtissa@natfuel.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

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 commenter's 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 commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, 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 ill 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 via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: April 13, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07971 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD17–11–000]

State Policies and Wholesale Markets Operated by ISO New England Inc., New York Independent System Operator, Inc., and PJM Interconnection, L.L.C.; Supplemental Notice of Technical Conference

As announced in a Notice of Technical Conference issued on March 3, 2017, Federal Energy Regulatory

Commission (Commission) staff will hold a technical conference on Monday, May 1, 2017, and Tuesday, May 2, 2017, to discuss certain matters affecting wholesale energy and capacity markets operated by the Eastern Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs). Each day, the conference will commence at approximately 9:00 a.m. and end at approximately 5:00 p.m. The conference will be held at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Commissioners may participate in the conference.

The agenda for this technical conference is attached. Panelists should submit pre-technical conference statements, not to exceed five pages, on or before April 21, 2017, in the above-referenced docket. In lieu of opening remarks, these statements will be available prior to the conference on the Commission's Web site. As stated in the Notice of Technical Conference, Commission staff seeks to discuss long-term expectations regarding the relative roles of wholesale markets and state policies in the Eastern RTOs/ISOs in shaping the quantity and composition of resources needed to cost-effectively meet future reliability and operational needs. To this end, Commission staff asks that panelists focus their statements on the issues raised in the attached agenda. In addition, a schedule for submitting post-technical conference comments will be discussed at the technical conference.

All interested persons may attend the conference, and registration is not required. However, in-person attendees are encouraged to register on-line at: *https://www.ferc.gov/whats-new/registration/05-01-17-form.asp.*

The technical conference will be transcribed. Transcripts will be available from Ace Reporting Company and may be purchased online at *www.acefederal.com,* or by phone at (202) 347–3700. In addition, there will be a free webcast of the conference. The webcast will allow persons to listen, but not participate and will be accessible at *www.ferc.gov*'s Calendar of Events. The Capitol Connection provides technical support for the webcast and offers the option of listening to the technical conference via phone-bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or call (703) 993–3100.

While this conference is not for the purpose of discussing specific cases, it may address matters at issue in the following Commission proceedings that are pending:

- *ISO New England Inc.: See* ISO New England Inc., Docket No. ER13–2266–000, *et al.;* ISO New England Inc., Docket No. ER17–795–000 and ER17–795–001; and ISO New England Inc., Docket No. ER17–1031–000;
- *New York Independent System Operator, Inc.: See* N.Y. Indep. Sys. Operator, Inc., Docket No. ER16–1404–000; Indep. Power Producers of N.Y., Inc. v. N.Y. Indep. Sys. Operator, Inc., Docket Nos. EL13–62–001 and EL13–62–002; N.Y. Pub. Serv. Comm'n v. N.Y. Indep. Sys. Operator, Inc., Docket No. EL16–92–001; N.Y. Indep. Sys. Operator, Inc., Docket No. ER17–386–002; N.Y. Indep. Sys. Operator, Inc., Docket Nos. ER16–120–001, ER16–120–003, and EL15–37–002;
- *PJM Interconnection, L.L.C.: See* Calpine Corp., *et al.* v. PJM Interconnection, L.L.C., Docket No. EL16–49–000; PJM Interconnection, L.L.C., Docket Nos. ER15–623–009, ER15–623–010, EL15–29–006, and EL15–41–002; PJM Interconnection, L.L.C., Docket Nos. ER14–1461–000, ER14–1461–001, ER14–1461–002, EL14–48–000, ER17–367–000, and ER17–367–001.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a fax to (202) 208–2106 with the requested accommodations.

For further information please contact individuals identified for each topic:

Technical Information: Amr Ibrahim, Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6746, *amr.ibrahim@ferc.gov.*

Legal Information: Gretchen Kershaw, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8213, *gretchen.kershaw@ferc.gov.*

Logistical Information: Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8368, *sarah.mckinley@ferc.gov.*

Dated: April 13, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07968 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 848–037]

Wells Rural Electric Company; Notice Soliciting Scoping Comments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Minor License.

b. *Project No.:* P–848–037.

c. *Date filed:* May 18, 2016.

d. *Applicant:* Wells Rural Electric Company.

e. *Name of Project:* Trout Creek Hydropower Project.

f. *Location:* On Trout Creek, near the town of Wells, Elko County, Nevada. The project's intake structure, pipeline, debris collection box, surge tank, and approximately 1,500 feet of penstock are located on federal land managed by the U.S. Forest Service.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Lonnie Abbott, Manager of Loss Control and Risk Services, Wells Rural Electric Company, P.O. Box 365, Wells, Nevada 89835, (775) 752–1516 or *labbott@wrec.coop.*

i. *FERC Contact:* Alan Mitchnick, (202) 502–6074 or *alan.mitchnick@ferc.gov.*

j. Deadline for filing scoping comments:

The Commission strongly encourages electronic filing. Please file scoping comments 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–848–037.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor 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.

k. This application is not ready for environmental analysis at this time.

l. *The existing Trout Creek project consists of:* (1) An intake structure on a spring feeding Trout Creek; (2) a 14-inch-diameter, 715-foot-long steel pipe; (3) a debris collection box; (4) a 15-inch-diameter, 1,900-foot-long PVC pipe; (4) an 8-foot-diameter, 20-foot-high surge tank; (5) a 16-inch-diameter, 2,125-foot-long penstock; (6) a powerhouse with a 125-kilowatt turbine-generator unit; (7) a 5 to 7-foot-wide, 30-foot-long tailrace; (8) a 4,412-foot-long, 24.9-kilovolt transmission line; and (9) appurtenant facilities. The project is estimated to generate an average of 325,000 kilowatt-hours annually.

m. 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 address the document. For assistance, contact FERC Online Support. A copy is available for inspection and reproduction at the address in item h above.

n. 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.

o. Scoping Process.

The Commission staff intends to prepare a single Environmental Assessment (EA) for the Trout Creek Hydroelectric Project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Commission staff does not propose to conduct any on-site scoping meetings at this time. Instead, we are soliciting comments, recommendations, and information, on Scoping Document 1 (SD1) issued on April 12, 2017.

Copies of SD1 outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list and the applicant's distribution list. Copies of SD1 may be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1–866–208–3676 or for TTY, (202) 502–8659.

Dated: April 12, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07998 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17–64–000]

Energy Storage Association v. PJM Interconnection, L.L.C.; Notice of Complaint

Take notice that on April 13, 2017, pursuant to sections 205 and 206 of the Federal Power Act, 16 U.S.C. 824d and 825e, and Rules 206 and 212 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206(b)(10), Energy Storage Association (ESA or Complainant) filed a formal complaint against PJM Interconnection, L.L.C. (PJM or Respondent) alleging that PJM's unilateral change to its frequency regulation market was a discriminatory action taken against existing energy storage resources that participate in the market and resulted in financial harm to ESA's members, all as more fully explained in the complaint.

Complainant certifies that copies of the complaint were served on the contacts for Respondent as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on May 15, 2017.

Dated: April 14, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–07978 Filed 4–19–17; 8:45 am]

BILLING CODE 6717–01–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities

AGENCY: Equal Employment Opportunity Commission

ACTION: Notice of Information Collection—Extension Without Change: Elementary-Secondary Staff Information Report (EEO–5).

SUMMARY: In accordance with the Paperwork Reduction Act (PRA), the Equal Employment Opportunity Commission (EEOC or Commission) announces that it intends to submit to the Office of Management and Budget (OMB) a request for a three-year extension without change of the Elementary-Secondary Staff Information Report (EEO–5).

DATES: Written comments on this notice must be submitted on or before June 19, 2017.

ADDRESSES: Comments should be sent to Bernadette Wilson, Acting Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street NE., Washington, DC 20507. As a convenience to commenters, the Executive Secretariat will accept comments totaling six or fewer pages by facsimile (''FAX'') machine. This limitation is necessary to assure access to the equipment. The telephone number of the fax receiver is (202) 663–4114. (This is not a toll-free number.) Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663–4070 (voice) or (202) 663–4074 (TTY). (These

are not toll-free telephone numbers.) Instead of sending written comments to EEOC, you may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments. All comments received through this portal will be posted without change, including any personal information you provide, except as noted below. The EEOC reserves the right to refrain from posting comments, including those that contain obscene, indecent, or profane language; that contain threats or defamatory statements; that contain hate speech directed at race, color, sex, national origin, age, religion, disability, or genetic information; or that promote or endorse services or products. All comments received, including any personal information provided, also will be available for public inspection during normal business hours by appointment only at the EEOC Headquarters Library, 131 M Street NE., Washington, DC 20507. Upon request, individuals who require assistance viewing comments will be provided appropriate aids such as readers or print magnifiers. To schedule an appointment, contact EEOC Library staff at (202) 663–4630 (voice). (This is not a toll-free number.) Appointments may also be scheduled by emailing *eeoclibrary@eeoc.gov.*

FOR FURTHER INFORMATION CONTACT: Ronald Edwards, Director, Program Research and Surveys Division, Equal Employment Opportunity Commission, 131 M Street NE., Room 4SW30F, Washington, DC 20507; (202) 663–4949 (voice) or *ronald.edwards@eeoc.gov.* Requests for this notice in an alternative format should be made to the Office of Communications and Legislative Affairs at (202) 663–4191 (voice), (202) 663–4494 (TTY), or email at: *newsroom@eeoc.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 and OMB regulation 5 CFR 1320.8(d)(1), the Commission solicits public comment to enable it to:

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

(2) Evaluate the accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of Information Collection

Collection Title: Elementary-Secondary Staff Information Report (EEO–5).

OMB-Number: 3046–0003.

Frequency of Report: Biennial.

Type of Respondent: Certain public elementary and secondary school districts.

Description of Affected Public: Certain public elementary and secondary school districts.

Number of Responses: 6,024.[1]

Reporting Hours (biennial): 102,839.32.

Respondent Cost Burden (biennial): $0.

Federal Cost: $190,000.

Number of Forms: 1.

Form Number: EEOC Form 168A.

Abstract: Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–8(c), requires employers to make and keep records relevant to a determination of whether unlawful employment practices have been or are being committed, to preserve such records, and to produce reports as the Commission prescribes by regulation or order. Accordingly, the EEOC issued regulations prescribing the reporting requirements for elementary and secondary public school districts. The EEOC uses EEO–5 data to investigate charges of employment discrimination against elementary and secondary public school districts. The data also are used for research. The data are shared with the Department of Education (Office for Civil Rights) and the Department of Justice. Pursuant to Section 709(d) of Title VII of the Civil Rights Act of 1964, as amended, EEO–5 data also are shared with state and local Fair Employment Practices Agencies (FEPAs).

Burden Statement: The EEOC has updated its methodology for calculating annual burden to reflect the different staff responsible for preparing and filing the EEO–5. The EEOC's revised burden estimate reflects that the bulk of the work in biennially preparing an EEO–5 report is performed by computer support specialists, executive administrative staff, and payroll and human resource professionals; the revised estimate also includes time spent by school district finance professionals and superintendents who, in a few cases, may consult briefly during the reporting process. The revised estimates reflect input obtained by the EEOC during a limited survey of school districts with varying resource levels and student populations. The school districts provided information on the types of employees that participate in preparation of the EEO–5 report and the amount of time spent by each type of employee. After accounting for the time spent by the various employees who have a role in preparing an EEO–5, the EEOC estimates that a school district will spend 17.07 hours to prepare the report, and estimates that the aggregate biennial hour burden for all respondents is 102,839.32. The cost associated with the burden hours was calculated using median hourly wage rates obtained from the Department of Labor[2] for each job identified above as participating in the submission of the survey; the burden hour cost per school district will be approximately $539.57, while the estimated total biennial burden cost for all 6,024 school districts will be $3,250,361.25 (See Table 1[3]).

TABLE 1—ESTIMATE OF BURDEN FOR EEO–5 REPORT

	Hourly wage rate	Burden hours per district	Burden hour cost per district[4]	Total burden hours[5]	Total burden hour cost[6]
	N = 6,024				
Computer Support Specialist (IT Professional/Data Processing Specialist)	25.21	3.4286	86.4343	20,653.7143	520,680.1371

[1] This number represents the number of filers from the most recently completed EEO–5 survey in 2014.

[2] Median hourly wage rates were obtained from the Bureau of Labor Statistics (see U.S. Dept. of Labor, Bureau of Labor Statistics, Occupational Outlook Handbook, *http://www/bls.gov/ooh/*).

[3] Figures shown in table have been rounded.

TABLE 1—ESTIMATE OF BURDEN FOR EEO–5 REPORT—Continued

	Hourly wage rate	Burden hours per district	Burden hour cost per district [4]	Total burden hours [5]	Total burden hour cost [6]
Director of School Finance (Financial Managers)	56.73	0.1429	8.1043	860.5714	48,820.2171
Executive Clerical Staff	26.66	2.9286	78.0757	17,641.7143	470,328.1029
Human Resource Specialist	28.06	5.4286	152.3257	32,701.7143	917,610.1029
Payroll Specialist	20.26	1.4286	28.9429	8,605.7143	174,351.7714
Senior Human Resource Managers	50.21	3.4286	172.1486	20,653.7143	1,037,022.9943
Superintendent (School Management Occupations	47.38	0.2857	13.5371	1,721.1429	81,547.7486
Sub Total	.....	17.0716	539.5686	102,839.3184	3,250,361.2464

The EEOC has made electronic filing much easier for respondents required to file the EEO–5 Report. As a result, more respondents are using this filing method. This development, along with the greater availability of human resource information software, is expected to significantly reduce the actual burden of reporting. The Commission continues to develop more reliable estimates of reporting burdens given the significant increase in electronic filing and explore new approaches to make such reporting even less burdensome. In order to help reduce survey burden, respondents are encouraged to reportdata electronically, whenever possible.

Dated: April 14, 2017.

For the Commission.

Victoria A. Lipnic,

Acting Chair.

[FR Doc. 2017–07990 Filed 4–19–17; 8:45 am]

BILLING CODE 6570–01–P

FEDERAL COMMUNICATIONS COMMISSION

Open Commission Meeting, Thursday, April 20, 2017

April 13, 2017.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, April 20, 2017 which is scheduled to commence at 10:30 a.m. in Room TW–C305, at 445 12th Street SW., Washington, DC.

Item No.	Bureau	Subject
1	Wireline Competition	Title: Connect America Fund (WC Docket No. 10–90); ETC Annual Reports and Certifications (WC Docket No. 14–58); Developing a Unified Intercarrier Compensation Regime (CC Docket No. 01–92) Summary: The Commission will consider an Order on Reconsideration that would amend the construction project limitation within section 54.303 of the Commission's rules to permit carriers to report, for universal service purposes, capital expenses per location up to the established per-location per-project limit, rather than disallowing all capital expenses associated with construction projects in excess of the limit.
2	Wireline Competition	Title: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment (WC Docket No. 17–84) Summary: The Commission will consider a Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment that would propose to remove regulatory barriers to infrastructure investment, suggest changes to speed the transition from copper networks and legacy services to next-generation networks and services dependent on fiber, and propose to reform Commission regulations that are raising costs and slowing, rather than facilitating, broadband deployment.
3	Wireless Tele-Communications	Title: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment (WT Docket No. 17–79); Revising the Historic Preservation Review Process for Wireless Facility Deployments (WT Docket No. 15–180) Summary: The Commission will consider a Notice of Proposed Rulemaking and Notice of Inquiry that commences an examination of the regulatory impediments to wireless network infrastructure investment and deployment, and how the Commission may remove or reduce such impediments consistent with the law and the public interest.
4	Wireline Competition	Title: Business Data Services in an Internet Protocol Environment (WC Docket No. 16–143); Technology Transitions (GN Docket No. 13–5); Special Access for Price Cap Local Exchange Carriers (WC Docket No. 05–25); AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services (RM–10593) Summary: The Commission will consider a Report and Order that recognizes the strong competition present in the business data services market and modernizes the Commission's regulatory structure accordingly to bring ever new and exciting technologies, products, and services to businesses and consumers.

[4] The figures in this column were calculated by multiplying the figures in the Hourly Wage Rate column by those in the Burden Hours Per District Column.

[5] The figures in this column were calculated by multiplying the figures in the Burden Hours Per District column by 6,024, the total number of respondents.

[6] The figures in this column were calculated by multiplying the figures in the Burden Hour Cost Per District column by 6,024, the total number of respondents.

Item No.	Bureau	Subject
5	Media	Title: Amendment of section 73.3555(e) of the Commission's Rules, National Television Multiple Ownership Rule (MB Docket No. 13–236) Summary: The Commission will consider an Order on Reconsideration to reinstate the UHF discount used to calculate compliance with the national television audience reach cap.
6	Media	Title: Noncommercial Educational Station Fundraising for Third-Party Non-Profit Organizations (MB Docket No. 12–106) Summary: The Commission will consider a Report and Order that would adopt rules permitting NCE stations not funded by the Corporation for Public Broadcasting to alter or suspend regular programming in order to conduct fundraising for third-party non-profit organizations so long as such stations do not spend more than one percent of their total annual airtime on such activities.
7	Media	Title: Promoting Diversification of Ownership in the Broadcasting Services (MB Docket No. 07–294); Amendment of part 1 of the Commission's Rules, Concerning Practice and Procedure, Amendment of CORES Registration System (MD Docket No. 10–234) Summary: The Commission will consider an Order on Reconsideration that would allow noncommercial broadcasters greater flexibility to use a Special Use FRN for ownership reporting purposes and avoid the need to submit personal information to the Commission.
*	* * * * * * *	
Consent Agenda		
The Commission will consider the following subjects listed below as a consent agenda and these items will not be presented individually:		
1	Media	Title: WLPC, LLC, Application For Renewal of License For Class A Television Station WLPC–CD, Detroit, Michigan Kingdom of God, Inc., DWKOG–LP, Indianapolis, Indiana Summary: The Commission will consider an Order on Reconsideration concerning the expiration of WKOG–LP's license.
2	Media	Title: Threshold Communications, Application for Construction Permit, KVNW(FM), Napavine, Washington Summary: The Commission will consider a Memorandum Opinion and Order concerning the grant of an application for a construction permit for a new FM station.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC Live Web page at *www.fcc.gov/live.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services, call (703) 993–3100 or go to *www.capitolconnection.gmu.edu.*

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2017–07949 Filed 4–19–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:04 a.m. on Tuesday, April 18, 2017, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision, corporate, and resolution activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Thomas M. Hoenig, seconded by Director Thomas J. Curry (Comptroller of the Currency), concurred in by Director Richard Cordray (Director, Consumer Financial Protection Bureau), and Chairman Martin J. Gruenberg, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B).

Dated: April 18, 2017.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–08088 Filed 4–18–17; 4:15 pm]

BILLING CODE P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, April 25, 2017 at 10:00 a.m. and its continuation at the conclusion of the open meeting on April 27, 2017

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance matters pursuant to 52 U.S.C. 30109.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2017–08144 Filed 4–18–17; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

April 17, 2017.

TIME AND DATE: 10:00 a.m., Thursday, May 11, 2017.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Mach Mining, LLC.,* Docket No. LAKE 2014–746. (Issues include whether the Judge erred in upholding citations for coal accumulations, designations that the violations were ''significant and substantial,'' and designations that the violations resulted from high negligence).

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

PHONE NUMBER FOR LISTENING TO ARGUMENT: 1 (866) 867–4769, Passcode: 129–339.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2017–08054 Filed 4–18–17; 11:15 am]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 4, 2017.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Charles Wesley Smith, Jr., Charles Wesley Smith, Sr., Edward Davis Smith, and Hutchinson-Traylor Insurance Agency,* all of LaGrange, Georgia; to retain the voting shares of LBC Bancshares, Inc., and thereby indirectly retain voting shares of Calumet Bank, both of LaGrange, Georgia.

B. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Nicholas Steven Wilcox, Wayzata, Minnesota;* to acquire voting shares of Wilcox Bancshares, Inc., Grand Rapids, Minnesota, and join the Wilcox family shareholder group. Wilcox Bancshares controls Grand Rapids State Bank, Grand Rapids, Minnesota, and Minnesota Lakes Bank, Delano, Minnesota.

Board of Governors of the Federal Reserve System, April 13, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–08003 Filed 4–19–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Solicitation for Nominations for Members of the U.S. Preventive Services Task Force (USPSTF)

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Solicits nominations for new members of the USPSTF.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) invites nominations of individuals qualified to serve as members of the U.S. Preventive Services Task Force (USPSTF).

DATES: All nominations submitted in writing or electronically will be considered for appointment to the USPSTF. Nominations must be received by June 15th of a given year to be considered for appointment to begin in January of the following year.

Arrangement for Public Inspection

Nominations and applications are kept on file at the Center for Evidence and Practice Improvement, AHRQ, and are available for review during business hours. AHRQ does not reply to individual nominations, but considers all nominations in selecting members. Information regarded as private and personal, such as a nominee's social security number, home and email addresses, home telephone and fax numbers, or names of family members will not be disclosed to the public in accord with the Freedom of Information Act. 5 U.S.C. 552(b)(6); 45 CFR 5.31(f).

Nomination Submissions

Nominations may be submitted in writing or electronically, but should include:

1. The applicant's current curriculum vitae and contact information, including mailing address, email address, and telephone number; and

2. A letter explaining how this individual meets the qualification requirements and how he or she would contribute to the USPSTF. The letter should also attest to the nominee's willingness to serve as a member of the USPSTF.

AHRQ will later ask people under serious consideration for USPSTF membership to provide detailed information that will permit evaluation of possible significant conflicts of interest. Such information will concern matters such as financial holdings, consultancies, non-financial scientific interests, and research grants or contracts.

To obtain a diversity of perspectives, AHRQ particularly encourages nominations of women, members of minority populations, and p with disabilities. Interested individuals can nominate themselves. Organizations and individuals may nominate one or more people qualified for membership on the USPSTF at any time. Individuals nominated prior to May 15, 2016, who continue to have interest in serving on the USPSTF should be re-nominated.

Qualification Requirements

To qualify for the USPSTF and support its mission, an applicant or nominee should, at a minimum, demonstrate knowledge, expertise and national leadership in the following areas:

1. The critical evaluation of research published in peer-reviewed literature and in the methods of evidence review;

2. Clinical prevention, health promotion and primary health care; and

3. Implementation of evidence-based recommendations in clinical practice including at the clinician-patient level, practice level, and health-system level.

Additionally, the Task Force benefits from members with expertise in the following areas:

- Public health
- Health equity and the reduction of health disparities
- Application of science to health policy
- Behavioral medicine
- Communication of scientific findings to multiple audiences including health care professionals, policy makers and the general public.

Candidates with experience and skills in any of these areas should highlight them in their nomination materials.

Applicants must have no substantial conflicts of interest, whether financial, professional, or intellectual, that would impair the scientific integrity of the work of the USPSTF and must be willing to complete regular conflict of interest disclosures.

Applicants must have the ability to work collaboratively with a team of diverse professionals who support the mission of the USPSTF. Applicants must have adequate time to contribute substantively to the work products of the USPSTF.

ADDRESSES: Submit your responses either in writing or electronically to: Lydia Hill, ATTN: USPSTF Nominations, Center for Evidence and Practice Improvement, Agency for Healthcare Research and Quality, 5600 Fishers Lane, Mailstop: 06E53A, Rockville, Maryland 20857, *USPSTF membernominations@ahrq.hhs.gov.*

Nominee Selection

Nominated individuals will be selected for the USPSTF on the basis of how well they meet the required qualifications and the current expertise needs of the USPSTF. It is anticipated that new members will be invited to serve on the USPSTF beginning in January, 2018. All nominated individuals will be considered; however, strongest consideration will be given to individuals with demonstrated training and expertise in the areas of Pediatrics, Nursing, Behavioral Health, Obstetrics and Gynecology and Preventive Medicine. AHRQ will retain and may consider for future vacancies nominations received this year and not selected during this cycle.

Some USPSTF members without primary health care clinical experience may be selected based on their expertise in methodological issues such as meta-analysis, analytic modeling or clinical epidemiology. For individuals with clinical expertise in primary health care, additional qualifications in methodology would enhance their candidacy.

FOR FURTHER INFORMATION CONTACT: Lydia Hill at *USPSTFmember nominations@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under Title IX of the Public Health Service Act, AHRQ is charged with enhancing the quality, appropriateness, and effectiveness of health care services and access to such services. 42 U.S.C. 299(b). AHRQ accomplishes these goals through scientific research and promotion of improvements in clinical practice, including clinical prevention of diseases and other health conditions. See 42 U.S.C. 299(b).

The USPSTF, an independent body of experts in prevention and evidence-based medicine, works to improve the health of all Americans by making evidence-based recommendations about the effectiveness of clinical preventive services and health promotion. The recommendations made by the USPSTF address clinical preventive services for adults and children, and include screening tests, counseling services, and preventive medications.

The USPSTF was first established in 1984 under the auspices of the U.S. Public Health Service. Currently, the USPSTF is convened by the Director of AHRQ, and AHRQ provides ongoing scientific, administrative, and dissemination support for the USPSTF's operation. USPSTF members serve four year terms. New members are selected each year to replace those members who are completing their appointments.

The USPSTF is charged with rigorously evaluating the effectiveness, appropriateness and cost-effectiveness of clinical preventive services and formulating or updating recommendations regarding the appropriate provision of preventive services. See 42 U.S.C. 299b–4(a)(1). Current USPSTF recommendations and associated evidence reviews are available on the Internet (*www.uspreventiveservicestaskforce.org*).

USPSTF members currently meet three times a year for two days in the Washington, DC area. A significant portion of the USPSTF's work occurs between meetings during conference calls and via email discussions. Member duties include prioritizing topics, designing research plans, reviewing and commenting on systematic evidence reviews of evidence, discussing and making recommendations on preventive services, reviewing stakeholder comments, drafting final recommendation documents, and participating in workgroups on specific topics and methods. Members can expect to receive frequent emails, can expect to participate in multiple conference calls each month, and can expect to have periodic interaction with stakeholders. AHRQ estimates that members devote approximately 200 hours a year outside of in-person meetings to their USPSTF duties. The members are all volunteers and do not receive any compensation beyond support for travel to in person meetings.

Sharon B. Arnold,

Acting Director.

[FR Doc. 2017–07991 Filed 4–19–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–17–17IZ]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of

information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) 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; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Youth Outreach Generic Clearance for the National Center for Health Statistics (NCHS)—NEW—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NCHS is authorized to collect data under Section 306 of the Public Health Service Act (42 U.S.C. 242k). NCHS has a history of reaching out to young people to encourage their interest in Science, Technology, Engineering and Math (STEM). Examples of past involvement include adopting local schools, speaking at local colleges, conducting a Statistics Day for high school students, and, most recently, conducting the first NCHS Data Detectives Camp for middle school students.

The success of these programs has inspired NCHS leadership and staff to want to look for new and continuing opportunities to positively impact the lives of young people and expand their interest, understanding of, and involvement in the sciences. NCHS requests approval for a New Generic Clearance mechanism to collect information that will be analyzed to inform future NCHS planning activities. These activities might include, hosting the Data Detectives Camp annually or bi-annually; hosting Statistics Day annually; creating youth poster sessions for professional conferences (such as the NCHS National Conference on Health Statistics or the American Statistical Association Conference); hosting a statistical or health sciences fair or other STEM related competitions; organizing a STEM Career Day or similar activity; developing web-based sites or materials with youth focus as well as other programs developed to meet future youth outreach needs, particularly activities that encourage STEM.

Information will be collected using a combination of methodologies appropriate to each program. These may include: Registration forms, letters of recommendation, evaluation forms; mail surveys; focus groups; automated and electronic technology (*e.g.*, email, Web-based surveys); and telephone surveys.

OMB approval is requested for three years to conduct the Youth Outreach Generic Clearance for the National Center for Health Statistics (NCHS). Participation is voluntary and there are no costs to respondents other than their time. The total estimated annualized burden hours are 1,750.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Type of research	Number of respondents	Number of responses/ respondent	Average burden/ response (in hours)
Students	Questionnaires/Applications	800	1	30/60
Parents	Applicants Questionnaires/Applications	800	1	30/60
School Officials/Community Representatives	Applications, Recommendations and Other applicant-supporting documentation.	1200	1	30/60
Student/Youth; Parent/Guardian; School Officials; Other.	Focus Groups	50	1	60/60
Student/Youth; Parent/Guardian; School Officials; Other.	Other Program Surveys	600	1	30/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–07961 Filed 4–19–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–17–0006]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) 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; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Statement in Support of Application for Waiver of Inadmissibility under Immigration and Nationality Act (0920–0006)—Extension—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 212(a)(1) of the Immigration and Nationality Act states that aliens with specific health related conditions are ineligible for admission into the United States. The Attorney General may waive application of this inadmissibility on health-related grounds if an application for waiver is filed and approved by the consular office considering the application for visa. CDC uses this application primarily to collect information to establish and maintain records of waiver applicants in order to notify the U.S. Citizenship and Immigration Services when terms, conditions and controls imposed by waiver are not met.

CDC is requesting approval from OMB to collect this data for another three years. Based on a review of the number of waivers processed by CDC over the last three years, CDC does not request a change in the amount of burden. The annualized burden for this data collection is 100 hours.

Respondents must mail these documents to CDC, and this entails an additional cost. CDC estimates that respondents will spend a maximum of $15 per year on postal fees, for a total of $3,000 annually.

ESTIMATE OF ANNUALIZED BURDEN HOURS

Type of respondent	Form	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Physician	CDC 4.422–1	200	1	10/60
Physician	CDC 4.422–1a	200	1	20/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–07962 Filed 4–19–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 Day–17–17BM]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) 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; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Measuring Well-Being for Total Worker Health—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

As mandated in the Occupational Safety and Health Act of 1970 (Pub. L. 91–596), the mission of the National Institute for Occupational Safety and Health (NIOSH) is to conduct research and investigations on work-related disease and injury and to disseminate information for preventing identified workplace hazards (Sections 20(a)(1) and (d), Attachment 1).

Organizations work to cultivate well-being to improve employee safety and health. Well-being can contribute to physical health and conversely, its absence may foster disease and mental disorders. Yet, in order to invest in employee well-being it is necessary to define and measure it. The Total Worker Health® (TWH) Program within the National Institute for Occupational Safety and Health (NIOSH) has made worker well-being a key aspect of its mission. TWH is defined as policies, programs, and practices that integrate protection from work-related safety and health hazards with promotion of injury and illness prevention efforts to advance worker well-being. Through an

integrated approach, its end goal is not only the lack of disease or injury, but also a culture of safety and health and an enhancement of overall well-being (NIOSH, 2016). Measuring worker well-being is the first step towards improving workplace policies, programs, and practices to promote prevention of disease and injury

The TWH Program's interest in the concept of worker well-being is consistent with other efforts across the nation. Well-being is now a common feature across the public health literature, as it reflects the expanded goals to create the conditions for health and foster a culture of health rather than to simply treat injury and illness (EASHW, 2013; City of Santa Monica, 2016; OECD, 2016). However, while the concept of well-being has been considered by many disciplines throughout history, there has been no consistent definition or consensus around measurement and application. The ambiguity around this very broad concept creates challenges for any program or initiative that aims to advance the well-being of individual workers or workplaces. Through a comprehensive and multidisciplinary literature review, this project developed a conceptual framework of worker well-being that provided the basis for development of a worker well-being survey instrument.

For this study, data is being collected from a nationwide online panel of employed adults. The survey includes questions on five domains of worker well-being including: Worker evaluation and experiences with work, workplace physical environment and safety climate, organizational policies and culture, worker health status, and experiences outside of work (external context). The instrument will be programmed into a web-based survey that will be administered online to an existing nationwide survey panel (KnowledgePanel®) hosted by our vendor, GfK. The field period for data collection will be about 3 weeks. The provided instrument is intended to offer a comprehensive assessment and measurement of worker well-being across multiple domains; however the instrument itself has not yet been rigorously tested on its psychometric properties. Such work is necessary to ensure that the survey is considered a validated instrument that can be used to collect accurate and reliable data on worker well-being.

The total estimated burden hours is 342. There are no costs to the respondent other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
GfK Panel Members	Worker Well-Being	1,025	1	20/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–07959 Filed 4–19–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–17–17FB]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) 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; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Understanding Relationship Dynamics and Conflict Survey—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Intimate partner violence (IPV) is a substantial public health problem in the United States. Over a third of women and over a quarter of men have experienced rape, physical violence, and/or stalking by an intimate partner (Black, et al., 2011). Recognition of the importance and prevalence of this issue has fueled research to examine the causes, correlates, and outcomes of IPV over the past several decades.

The proposed data collection will be used to identify classes of IPV perpetrators based on shared characteristics such as their personal attributes, risk factors, relationship characteristics, and characteristics of the violence they commit. The study will collect information to ascertain which factors or groups of factors may influence violence perpetration that occurs within adult intimate partner relationships.

Data will be collected through an online screener of up to 8,600 respondents and survey of 2,000 Mechanical Turk (MT) workers and an

in-person survey of 210 incarcerated individuals. A purposive sample of participants will be chosen from each group. Gay and lesbian individuals will be oversampled in the MT group. The incarcerated group will be equally stratified if individuals are intimate partner violence (IPV) offenders or not. Data analysis will include a combination of Factor Analysis and Latent Profile Analysis.

OMB approval is requested for two years for this new collection. Findings from this data collection will be used to understand and identify classes of intimate partner violence (IPV) perpetrators based on shared characteristics such as their personal attributes, risk factors, relationship characteristics, and characteristics of the violence they commit.

The estimated annual burden hours are 1,322. There are no costs to respondents.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Mechanical Turk Survey Respondents	Screener Survey	4,300	1	5/60
Mechanical Turk Survey Respondents	Understanding Relationship Dynamics and Conflict Survey.	1,000	1	50/60
Incarcerated Survey Respondents	Understanding Relationship Dynamics and Conflict Survey.	105	1	1.25

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–07960 Filed 4–19–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–17ABE; Docket No. CDC–2017–0034]

Proposed Data Collection Submitted for Public Comment and Recommendations

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

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection plan titled ''Developmental Projects to Improve the National Health and Nutrition Examination Survey and Related Programs Generic.'' This generic clearance request covers projects that will help evaluate and improve upon issues such as survey design and operations, as well as examine the feasibility and challenges that may arise with developing future content for the National Health and Nutrition Examination Survey (NHANES) (OMB# 0920–0950, expires December 31, 2019) or similar studies.

DATES: Written comments must be received on or before June 19, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0034 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

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; (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.

Proposed Project

Developmental Projects to Improve the National Health and Nutrition Examination Survey and Related Programs Generic—New—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall collect statistics on the extent and nature of illness and disability; environmental, social and other health hazards; and determinants of health of the population of the United States. The Division of Health and Nutrition Examination Surveys (DHNES) has conducted national surveys and related projects periodically between 1970 and 1994, and continuously since 1999.

The mission of DHNES programs is to produce descriptive statistics which measure the health and nutrition status of the general population. The continuous operation of DHNES programs presents unique challenges in testing new survey content and activities, such as outreach or participant screening etc.

This generic request covers developmental projects to help evaluate and enhance DHNES existing and proposed data collection activities to increase research capacity and improve data quality. The information collected through this Generic Information Collection Request will not be used to make generalizable statements about the population of interest or to inform public policy; however, methodological findings from these projects may be reported.

The purpose and use of projects under this NHANES generic clearance would include developmental projects necessary for activities such as testing new procedures, equipment, and approaches that are going to be folded into NHANES; designing and testing examination components or survey questions; creating new studies including biomonitoring and clinical measures; creating new cohorts, including a pregnancy and/or a birth—24 month cohort; testing of the cognitive and interpretive aspects of survey methodology; feasibility testing of proposed new components or modifications to existing components; testing of human-computer interfaces/usability; assessing the acceptability of proposed NHANES components among likely participants; testing alternative approaches to existing NHANES procedures, including activities related to improving nonresponse; testing the use of or variations/adjustments in incentives; testing content of Web based surveys; testing the feasibility of obtaining bodily fluid specimens (blood, urine, semen, saliva, breastmilk) and tissue sample (swabs); testing digital imaging technology and related procedures (*e.g.,* retinal scan, liver ultrasound, Dual-energy X-ray absorptiometry (DEXA), prescription and over-the-counter dietary supplements bottles); testing the feasibility of and procedure/processes for accessing participant's medical records from healthcare settings (*e.g.,* hospitals and physician offices); testing the feasibility and protocols for home examination measurements; testing survey materials and procedures to improve response rates, including changes to advance materials and protocols, changes to the incentive structure, introduction of new and timely outreach and awareness procedures including the use of social media; conducting crossover studies; creating and testing digital survey materials; conducting customer satisfaction assessments.

The types of participants covered by the NHANES generic may include current or past NHANES participants; family or household members of NHANES participants; individuals eligible to be participants in NHANES, but who did not screen into the actual survey; convenience samples; volunteers; subject matter experts or consultants such as survey methodologist, academic researchers, clinicians or other health care providers; NHANES data or Web site users; members of the general public or individuals abroad who would be part of a collaborative development project or projects between NCHS and related public health agencies in the U.S. and/or abroad.

The type of participant involved in a given developmental project would be determined by the nature of the project. The details of each project will be included in the specific information collection requests under this generic plan.

There is no cost to respondents other than their time. A three year clearance is requested.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Individuals, Households, Volunteers, and NHANES participants.	Developmental Projects, Special Study, Focus Group documents.	5,500	1	3	16,500
Subject Matter Experts	Focus Group/ Developmental Project Documents.	15	1	1	15
NHANES Web and Data users	Customer Satisfaction/ Usability Documents.	1,100	2	5/60	183
Total					16,698

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–07963 Filed 4–19–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1619]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (PRA).

DATES: Fax written comments on the collection of information by May 22, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0606. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements—21 CFR Part 111; OMB Control Number 0910–0606—Extension

On October 25, 1994, the Dietary Supplement Health and Education Act (DSHEA) (Pub. L. 103–417) was signed into law. DSHEA, among other things, amended the Federal Food, Drug, and Cosmetic Act (the FD&C Act) by adding section 402(g) of the FD&C Act (21 U.S.C. 342(g)). Section 402(g)(2) of the FD&C Act provides, in part, that the Secretary of Health and Human Services may, by regulation, prescribe good manufacturing practices for dietary supplements. Section 402(g) of the FD&C Act also stipulates that such regulations will be modeled after current good manufacturing practice (CGMP) regulations for food and may not impose standards for which there are no current, and generally available, analytical methodology. Section 402(g)(1) of the FD&C Act states that a dietary supplement is adulterated if ''it has been prepared, packed, or held under conditions that do not meet current good manufacturing practice regulations.'' Under section 701(a) of the FD&C Act (21 U.S.C. 371(a)), FDA may issue regulations necessary for the efficient enforcement of the FD&C Act. In the **Federal Register** of June 25, 2007 (72 FR 34752), (the June 25, 2007, final rule), FDA published a final rule that established, in part 111 (21 CFR part 111), the minimum CGMP necessary for activities related to manufacturing, packaging, labeling, or holding dietary supplements to ensure the quality of the dietary supplement.

Records are an indispensable component of CGMP. The records required by FDA's regulations in part 111 provide the foundation for the planning, control, and improvement processes that constitute a quality control system. Implementation of these processes in a manufacturing operation serves as the backbone to CGMP. The records show what is to be manufactured; what was, in fact, manufactured; and whether the controls that the manufacturer put in place to ensure the identity, purity, strength, and composition and limits on contaminants and to prevent adulteration were effective. Further, records will show whether and what deviations from control processes occurred, facilitate evaluation and corrective action concerning these deviations (including, where necessary, whether associated batches of product should be recalled from the marketplace), and enable a manufacturer to assure that the corrective action was effective. In addition, by establishing recordkeeping requirements, FDA can ensure that industry follows CGMP during manufacturing, packaging, labeling, or holding operations. The regulations in part 111 establish the minimum manufacturing practices necessary to ensure that dietary supplements are manufactured, packaged, labeled, or held in a manner that will ensure the quality of the dietary supplements during manufacturing, packaging, labeling or holding operations.

The recordkeeping requirements of the regulations include establishing written procedures and maintaining records pertaining to: (1) Personnel; (2) sanitation; (3) calibration of instruments and controls; (4) calibration, inspection, or checks of automated, mechanical, or electronic equipment; (5) maintaining, cleaning, and sanitizing equipment and utensils and other contact surfaces; (6) water used that may become a component of the dietary supplement; (7) production and process controls; (8) quality control; (9) components, packaging, labels and product received for packaging and labeling; (10) master manufacturing and batch production; (11) laboratory operations; (12) manufacturing operations; (13) packaging and labeling operations; (14) holding and distributing operations; (15) returned dietary supplements; and (16) product complaints.

Description of Respondents: Manufacturers, dietary supplement manufacturers, packagers and repackagers, labelers and re-labelers, holders, distributors, warehousers, exporters, importers, large businesses, and small businesses engaged in the dietary supplement industry.

The recordkeeping requirements of the regulations in part 111 are set forth in each subpart. In table 1, we list the annual burdens associated with recordkeeping, as described in the June 25, 2007, final rule. For some provisions listed in table 1, we did not estimate the number of records per recordkeeper because recordkeeping occasions consist of frequent brief entries of dates, temperatures, monitoring results, or documentation that specific actions were taken. Information might be recorded a few times a day, week, or month. When the records burden involves frequent brief entries, we entered 1 as the default for the number of records per recordkeeper. For example, many of the records listed under § 111.35 in table 1, such as § 111.35(b)(2) (documentation, in individual equipment logs, of the date of the use, maintenance, cleaning, and sanitizing of equipment), involve many

short sporadic entries over the course of the year, varying across equipment and plants in the industry. We did not attempt to estimate the actual number of recordkeeping occasions for these provisions, but instead entered an estimate of the average number of hours per year. We entered the default value of 1 as the number of records per recordkeeper for these and similar provisions. For § 111.35, the entry for number of records is 1 as a default representing a large number of brief recordkeeping occasions.

In many rows of table 1, we list a burden under a single provision that covers the written procedures or records described in several provisions. For example, the burden of the batch production records listed in table 1 under § 111.260 includes the burden for records listed under § 111.255 because the batch production records must include those records.

The number of records for batch production records (and other records kept on a batch basis in table 1) equals the annual number of batches. The estimated burden for records kept by batch includes both records kept for every batch and records kept for some but not all batches. We use the annual number of batches as the number of records that will not necessarily be kept for every batch, such as test results or material review and disposition records, because such records are part of records, if they are necessary, that will be kept for every batch.

In the **Federal Register** of September 29, 2016 (81 FR 66967), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received comments from two commenters.

(Comment 1) One commenter had concerns about whether the processes being used to assess the contents of supplements are genuine and accurate and how this is regulated; whether records regarding labeling indicate what is actually contained in a supplement; and whether these records will be available to the public.

These comments appear to address PRA issues of practical utility and ways to enhance the quality, utility, and clarity of the information to be collected.

(Response 1) In this collection of information, FDA is evaluating the burden of retaining records and making them available to regulatory officials, but not the burden for proactively submitting them to FDA. FDA reviews the records maintained while conducting an investigation (*e.g.,* during a facility inspection and during the followup communication until a particular investigation is closed out). The investigation of a particular firm by FDA is exempt from the PRA and is not included as part of the burden estimate. The required elements of labeling are part of different regulations and do not apply to this collection of information. The commenter also discussed the safety of a particular product but CGMP regulations deal with establishing a quality product, not necessarily a safe product. Finally, the commenter discussed allowing the records maintained to be made public. These records are required to be maintained by the firm and are not proactively submitted to FDA, but they are required to be made available to FDA during inspections. If FDA obtains these records during the investigation of a firm, the public can submit a Freedom of Information Act request but the document they would typically receive would be redacted because the records are the property of the firm.

(Comment 2) The second commenter stated that the labeling on dietary supplement products should be consistent and FDA regulated, the term ''healthy'' should be required to have a standard meaning, and ''healthy'' should not be allowed to be used unless it meets FDA requirements of the term.

(Response 2) The recordkeeping for CGMPs has nothing to do with the required elements of food and dietary supplement labeling, which are covered under FDA's labeling regulations. FDA recently published, on May 27, 2016, a final rule for Nutrition (and Supplement) Facts Labels (81 FR 33741), and is currently reviewing new requirements for labeling your food ''healthy''. This information collection for CGMP addresses recordkeeping for specifications for a label and labeling operations.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
111.14, Records of personnel practices, including documentation of training.	15,000	4	60,000	1	60,000
111.23, Records of physical plant sanitation practices, including pest control and water quality.	15,000	1	15,000	0.2 (12 minutes)	3,000
111.35, Records of equipment and utensils calibration and sanitation practices.	400	1	400	12.5	5,000
111.95, Records of production and process control systems.	250	1	250	45	11,250
111.140, Records that quality control personnel must make and keep.	240	1,163	279,120	1	279,120
111.180, Records associated with components, packaging, labels, and product received for packaging and labeling as a dietary supplement.	240	1,163	279,120	1	279,120
111.210, Requirements for what the master manufacturing record must include.	240	1	240	2.5	600
111.260, Requirements for what the batch record must include.	145	1,408	204,160	1	204,160
111.325, Records that quality control personnel must make and keep for laboratory operations.	120	1	120	15	1,800
111.375, Records of the written procedures established for manufacturing operations.	260	1	260	2	520
111.430, Records of the written procedures for packaging and labeling operations.	50	1	50	12.6	630
111.475, Records of product distribution and procedures for holding and distributing operations.	15,000	1	15,000	0.4 (24 minutes)	6,000

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]—Continued

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
111.535, Records for returned dietary supplements ...	110	4	440	13.5	5,940
111.570, Records regarding product complaints	240	600	144,000	0.5 (30 minutes)	72,000
Total	.....	.....	.....	.....	929,140

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The average burden per recordkeeping estimates in table 1 are based on those in the June 25, 2007, final rule, which were based on our institutional experience with other CGMP requirements and on data provided by Research Triangle Institute in the ''Survey of Manufacturing Practices in the Dietary Supplement Industry'' cited in that rule.

The estimates in table 1 of the number of firms affected by each provision of part 111 are based on the percentage of manufacturers, packagers, labelers, holders, distributors, and warehousers that reported in the survey that they have not established written SOPs or do not maintain records that were later required by the June 25, 2007, final rule. Because we do not have survey results for general warehouses, we entered the approximate number of facilities in that category for those provisions covering general facilities. For the dietary supplement industry, the survey estimated that 1,460 firms would be covered by the final rule, including manufacturers, packagers, labelers, holders, distributors, and warehousers. The time estimates include the burden involved in documenting that certain requirements are performed and in recordkeeping. We used an estimated annual batch production of 1,408 batches per year to estimate the burden of requirements that are related to the number of batches produced annually, such as § 111.260, ''What must the batch production record include?'' The estimate of 1,408 batches per year is near the midpoint of the number of annual batches reported by survey firms.

The length of time that CGMP records must be maintained is set forth in § 111.605. Table 1 reflects the estimated burdens for written procedures, record maintenance, periodically reviewing records to determine if they may be discarded, and for any associated documentation for that activity for records that are required under part 111. We have not included a separate estimate of burden for those sections that require maintaining records in accordance with § 111.605, but have included those burdens under specific provisions for keeping records. For example, § 111.255(a) requires that the batch production records be prepared every time a batch is manufactured, and § 111.255(d) requires that batch production records be kept in accordance with § 111.605. The estimated burdens for both § 111.255(a) and (d) are included under § 111.260, what the batch record must include.

Dated: April 14, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–07965 Filed 4–19–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

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

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the program in general, contact the Clerk, United States Court of Federal Claims, 717 Madison Place NW., Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 08N146B, Rockville, MD 20857; (301) 443–6593, or visit our Web site at: *http://www.hrsa.gov/vaccinecompensation/index.html.*

SUPPLEMENTARY INFORMATION: The program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.'' Set forth below is a list of petitions received by HRSA on March 1, 2017, through March 31, 2017. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner

and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

a. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by'' one of the vaccines referred to in the Table, or

b. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, 5600 Fishers Lane, 08N146B, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of HHS) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the program.

Dated: April 13, 2017.

James Macrae,

Acting Administrator.

List of Petitions Filed

1. Cooper J. Humphries, Genesco, Illinois, Court of Federal Claims No: 17–0288V.
2. Amall Ali, New York, New York, Court of Federal Claims No: 17–0289V.
3. Dayna Sotirhos, Floral Park, New York, Court of Federal Claims No: 17–0290V.
4. Janee Morris, Atlanta, Georgia, Court of Federal Claims No: 17–0291V.
5. Carol Bedewi, Denville, New Jersey, Court of Federal Claims No: 17–0292V.
6. Lonne Martinec, Houston, Texas, Court of Federal Claims No: 17–0293V.
7. The Estate of HS, Deceased, New York, New York, Court of Federal Claims No: 17–0294V.
8. Brenda Faulk on behalf of B. B., Houston, Texas, Court of Federal Claims No: 17–0295V.
9. Lyn Geer, Washington, District of Columbia, Court of Federal Claims No: 17–0296V.
10. Britton Miller, Cleveland, Ohio, Court of Federal Claims No: 17–0297V.
11. Jackie Crook, Burlington, North Carolina, Court of Federal Claims No: 17–0298V.
12. Lucy Filipovic, Des Plaines, Illinois, Court of Federal Claims No: 17–0299V.
13. Sean Tierney on behalf of R. T., Royal Oak, Michigan, Court of Federal Claims No: 17–0300V.
14. Corey L. Crockett, Fredericksburg, Virginia, Court of Federal Claims No: 17–0301V.
15. Edwin J. Smith, Layton, Utah, Court of Federal Claims No: 17–0302V.
16. Lora Belle Brown, Colorado Springs, Colorado, Court of Federal Claims No: 17–0303V.
17. Lisa Sorrow, Abbeville, South Carolina, Court of Federal Claims No: 17–0304V.
18. Yvonne Shawgo, Butler, Pennsylvania, Court of Federal Claims No: 17–0306V.
19. Emilie Wolf on behalf of The Estate of Matthew Wolf, Deceased, Boston, Massachusetts, Court of Federal Claims No: 17–0308V.
20. Jennifer L. Call, Easton, Maryland, Court of Federal Claims No: 17–0311V.
21. Lauren Meehan, Newtown, Connecticut, Court of Federal Claims No: 17–0316V.
22. Douglas T. Lester, Greensboro, North Carolina, Court of Federal Claims No: 17–0317V.
23. Joanne McMaster, Hyannis, Massachusetts, Court of Federal Claims No: 17–0319V.
24. Jane Bennett, Steamboat Springs, Colorado, Court of Federal Claims No: 17–0320V.
25. Donna Parker, Germantown, Tennessee, Court of Federal Claims No: 17–0321V.
26. Mark Greenberg, Northfield, New Jersey, Court of Federal Claims No: 17–0322V.
27. James J. Roy and Mary Ann Boger on behalf of Paul E. Roy, Fort Wayne, Indiana, Court of Federal Claims No: 17–0323V.
28. Candace Dempsey, Tulsa, Oklahoma, Court of Federal Claims No: 17–0324V.
29. Sharon LaBounty, Worcester, Massachusetts, Court of Federal Claims No: 17–0325V.
30. Larry Thompson, Oklahoma City, Oklahoma, Court of Federal Claims No: 17–0326V.
31. Skye Robertson on behalf of D. R.-O., Kailua, Hawaii, Court of Federal Claims No: 17–0327V.
32. Jerry Ford, Virginia, Minnesota, Court of Federal Claims No: 17–0328V.
33. Mary Caspers, Boston, Massachusetts, Court of Federal Claims No: 17–0329V.
34. Jennifer Flora Brantley, Houston, Texas, Court of Federal Claims No: 17–0330V.
35. Laurie Andrews, Grand Rapids, Michigan, Court of Federal Claims No: 17–0331V.
36. Carmen Gonzalez, Dallas, Texas, Court of Federal Claims No: 17–0332V.
37. Leanna Gerritsen-Smith, Buellton, California, Court of Federal Claims No: 17–0334V.
38. Alan Phillips, Hamilton, New York, Court of Federal Claims No: 17–0337V.
39. Ellen Halm, Atlanta, Georgia, Court of Federal Claims No: 17–0338V.
40. Maurice Goodgame, Birmingham, Alabama, Court of Federal Claims No: 17–0339V.
41. Alicia Debusca, Fairmont, Minnesota, Court of Federal Claims No: 17–0341V.
42. Linda King, Bowling Green, Kentucky, Court of Federal Claims No: 17–0342V.
43. Laura Brodbeck, Wellesley Hills, Massachusetts, Court of Federal Claims No: 17–0344V.
44. Billie K. Damet, Olathe, Kansas, Court of Federal Claims No: 17–0345V.
45. Sheri Hoeger, Folsom, California, Court of Federal Claims No: 17–0346V.
46. Carole Miller, Gibsonia, Pennsylvania, Court of Federal Claims No: 17–0349V.
47. Eva S. Reed, Fridley, Minnesota, Court of Federal Claims No: 17–0352V.
48. Nicole Hooper, Wichita Falls, Texas, Court of Federal Claims No: 17–0355V.
49. Imogene Haynes-Bleau, Roseville, California, Court of Federal Claims No: 17–0356V.
50. Anita Jones, Columbus, Ohio, Court of Federal Claims No: 17–0358V.

51. Tommie Humbert, Jr, Washington, District of Columbia, Court of Federal Claims No: 17–0360V.
52. Sarah D. Murray on behalf of C. E. M., Kennebunk, Maine, Court of Federal Claims No: 17–0361V.
53. Matthew L. Bonk, Georgetown, Texas, Court of Federal Claims No: 17–0364V.
54. Patricia Lopez, Harlingen, Texas, Court of Federal Claims No: 17–0365V.
55. Selina Villafranca on behalf of N. L. V., San Benito, Texas, Court of Federal Claims No: 17–0366V.
56. Leticia Palencia on behalf of C. A. P., Austin, Texas, Court of Federal Claims No: 17–0367V.
57. Loren Lynette Machuca on behalf of J. A. M., Austin, Texas, Court of Federal Claims No: 17–0368V.
58. Sandra Lopez on behalf of T. Y. D., Austin, Texas, Court of Federal Claims No: 17–0369V.
59. Guadalupe Gonzalez, Jr., Austin, Texas, Court of Federal Claims No: 17–0370V.
60. Margarita Gonzalez-Monterrey on behalf of M. N. G., Austin, Texas, Court of Federal Claims No: 17–0371V.
61. Sandra Lopez on behalf of J. D., San Benito, Texas, Court of Federal Claims No: 17–0372V.
62. Joanna Villalobos on behalf of A. D., Harlingen, Texas, Court of Federal Claims No: 17–0373V.
63. Maria Covarrubias on behalf of M. M. M., Harlingen, Texas, Court of Federal Claims No: 17–0374V.
64. Marta Saenz on behalf of R. U. S., Houston, Texas, Court of Federal Claims No: 17–0375V.
65. Larry Pierce, Austin, Texas, Court of Federal Claims No: 17–0376V.
66. Maria Pool on behalf of S. P. P., Harlingen, Texas, Court of Federal Claims No: 17–0377V.
67. Diana C. Villareal, Austin, Texas, Court of Federal Claims No: 17–0378V.
68. Maria D. Sanchez, Brownsville, Texas, Court of Federal Claims No: 17–0379V.
69. Brelda Segura on behalf of J. A. L., Austin, Texas, Court of Federal Claims No: 17–0380V.
70. Armando Fidencio Orta, Austin, Texas, Court of Federal Claims No: 17–0381V.
71. Leticia Palencia on behalf of A. H. P., Harlingen, Texas, Court of Federal Claims No: 17–0382V.
72. Mario A. Flores, Jr., Harlingen, Texas, Court of Federal Claims No: 17–0383V.
73. Dania Pedraza on behalf of N. Q., Brownsville, Texas, Court of Federal Claims No: 17–0384V.
74. Rigoberto Garza, Jr., Brownsville, Texas, Court of Federal Claims No: 17–0385V.
75. Cynthia I. Gomez, Austin, Texas, Court of Federal Claims No: 17–0386V.
76. Veronica Vela on behalf of B. V., Harlingen, Texas, Court of Federal Claims No: 17–0387V.
77. Amadeo Tolento, Jr., Harlingen, Texas, Court of Federal Claims No: 17–0388V.
78. John Lowe, Tempe, Arizona, Court of Federal Claims No: 17–0389V.
79. Theresa Mullis, Boston, Massachusetts, Court of Federal Claims No: 17–0390V.
80. Suzanne Hulett, Boston, Massachusetts, Court of Federal Claims No: 17–0392V.
81. Carolyn Green, Chicago, Illinois, Court of Federal Claims No: 17–0395V.
82. Jeanne Weber, Exton, Pennsylvania, Court of Federal Claims No: 17–0396V.
83. James Baumann, Bethel, Maine, Court of Federal Claims No: 17–0397V.
84. Karen Crawford, Montclair, New Jersey, Court of Federal Claims No: 17–0398V.
85. Joanna Weber, Huntersville, North Carolina, Court of Federal Claims No: 17–0399V.
86. Norma Soltys, Austin, Texas, Court of Federal Claims No: 17–0401V.
87. Todd Boylan on behalf of L. K. B., Wayne, Pennsylvania, Court of Federal Claims No: 17–0402V.
88. Anna Conte, Beckley, West Virginia, Court of Federal Claims No: 17–0403V.
89. Ashley Loftis, Washington, District of Columbia, Court of Federal Claims No: 17–0404V.
90. Alexander Cohen, Millburn, New Jersey, Court of Federal Claims No: 17–0406V.
91. Ronald Wagner, Dubois, Pennsylvania, Court of Federal Claims No: 17–0407V.
92. Dorothy E. Cooper, Greensboro, North Carolina, Court of Federal Claims No: 17–0408V.
93. Myra Brown, Dover, Delaware, Court of Federal Claims No: 17–0409V.
94. Zachary Schneider, Atlanta, Georgia, Court of Federal Claims No: 17–0410V.
95. Rose Johnson, Plymouth, Minnesota, Court of Federal Claims No: 17–0411V.
96. Teresa Tinley, Covington, Georgia, Court of Federal Claims No: 17–0413V.
97. Jacqueline Deberry, Deerfield, Illinois, Court of Federal Claims No: 17–0415V.
98. Britta Lassmann, Boston, Massachusetts, Court of Federal Claims No: 17–0416V.
99. Heewon Kim, Staten Island, New York, Court of Federal Claims No: 17–0418V.
100. Edward Horne, Rincon, Georgia, Court of Federal Claims No: 17–0419V.
101. James Cox, Valley View, Pennsylvania, Court of Federal Claims No: 17–0420V.
102. Krystal Alcott, Orlando, Florida, Court of Federal Claims No: 17–0424V.
103. Brahm Arya, Washington, District of Columbia, Court of Federal Claims No: 17–0425V.
104. Sailaja Peddada, Sacramento, California, Court of Federal Claims No: 17–0426V.
105. Gayle Dillenbeck, Hanover Park, Illinois, Court of Federal Claims No: 17–0428V.
106. Leanne Knapp, Collegeville, Pennsylvania, Court of Federal Claims No: 17–0429V.
107. Dennis Ducheneau, Boston, Massachusetts, Court of Federal Claims No: 17–0431V.
108. Marie Curri, Boston, Massachusetts, Court of Federal Claims No: 17–0432V.
109. Lisa A. Lindman, Fort Bragg, North Carolina, Court of Federal Claims No: 17–0434V.
110. Jeffrey M. Shur, Rochester, New York, Court of Federal Claims No: 17–0435V.
111. Mary Brodie, Athens, Georgia, Court of Federal Claims No: 17–0437V.
112. Kathleen Campbell, San Antonio, Texas, Court of Federal Claims No: 17–0438V.
113. Rosalia Parrea on behalf of M. T., Edinburgh, Texas, Court of Federal Claims No: 17–0440V.
114. Guadalupe Hernandez on behalf of A. C., Harlingen, Texas, Court of Federal Claims No: 17–0442V.
115. Samantha Ledesma on behalf of S. L., Pasadena, Texas, Court of Federal Claims No: 17–0443V.
116. Kerry Leigh and Benjamin Leigh on behalf of E. L., Boston, Massachusetts, Court of Federal Claims No: 17–0444V.
117. Betty Chally, Fayetteville, Georgia, Court of Federal Claims No: 17–0448V.
118. Crystal Moreno on behalf of L. V., Harlingen, Texas, Court of Federal Claims No: 17–0450V.
119. Larry Wolford, Grundy, Virginia, Court of Federal Claims No: 17–0451V.
120. Billy Watson, Birmingham, Alabama, Court of Federal Claims No: 17–0453V.

121. Dustin Mobley, Washington, District of Columbia, Court of Federal Claims No: 17–0454V.
122. Gary Schneider, Dana Point, California, Court of Federal Claims No: 17–0456V.
123. Jackie Mills on behalf of L. M., Portage, Michigan, Court of Federal Claims No: 17–0457V.
124. Joseph Charneco, Boca Raton, Florida, Court of Federal Claims No: 17–0458V.
125. Anita Schmitter, Ann Arbor, Michigan, Court of Federal Claims No: 17–0459V.
126. Mariah Corbett on behalf of N. C., Deceased, Longs, South Carolina Court of Federal Claims No: 17–0460V.
127. Hugh Gose, Seymour, Tennessee, Court of Federal Claims No: 17–0461V.
128. Jane Elise Delzer, Waukesha, Wisconsin, Court of Federal Claims No: 17–0462V.
129. Sharyn Lynn Lobell, Ponchatoula, Louisiana, Court of Federal Claims No: 17–0463V.
130. Sharon Kabelitz, Washington, District of Columbia, Court of Federal Claims No: 17–0466V.
131. Charles Huggins, Watkinsville, Georgia, Court of Federal Claims No: 17–0467V.
132. Barbara Jayne, Washington, District of Columbia, Court of Federal Claims No: 17–0469V.

[FR Doc. 2017–07989 Filed 4–19–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Secretary's Advisory Committee on Human Research Protections

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Health.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act,, notice is hereby given that the Secretary's Advisory Committee on Human Research Protections (SACHRP) will hold a meeting that will be open to the public. Information about SACHRP and the full meeting agenda will be posted on the SACHRP Web site at: *http://www.dhhs.gov/ohrp/sachrp-committee/meetings/index.html.*

DATES: The meeting will be held on Thursday, May 25, from 8:30 a.m. until 5:00 p.m., and Friday, May 26 from 8:30 a.m. until 4:30 p.m. Please note: this meeting was originally scheduled to be held March 15–16, but was postponed due to a predicted snow storm.

ADDRESSES: Fishers Lane Conference Center, Terrace Level, 5635 Fishers Lane, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Julia Gorey, J.D., Executive Director, SACHRP; U.S. Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, Maryland 20852; telephone: 240–453–8141; fax: 240–453–6909; email address: *SACHRP@hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, SACHRP was established to provide expert advice and recommendations to the Secretary of Health and Human Services, through the Assistant Secretary for Health, on issues and topics pertaining to or associated with the protection of human research subjects.

The Subpart A Subcommittee (SAS) was established by SACHRP in October 2006 and is charged with developing recommendations for consideration by SACHRP regarding the application of subpart A of 45 CFR part 46 in the current research environment.

The Subcommittee on Harmonization (SOH) was established by SACHRP at its July 2009 meeting and charged with identifying and prioritizing areas in which regulations and/or guidelines for human subjects research adopted by various agencies or offices within HHS would benefit from harmonization, consistency, clarity, simplification and/or coordination.

The SACHRP meeting will be open to the public at 8:30 a.m., on Thursday, May 25, 2017, followed by opening remarks from Dr. Jerry Menikoff, Director of OHRP and Executive Secretary of SACHRP, and Dr. Stephen Rosenfeld, SACHRP Chair. Dr. Menikoff will then lead a discussion focusing on selected sections of the new Common Rule, which was published January 19, 2017, with an effective date of January 19, 2018 (see *https://www.gpo.gov/fdsys/pkg/FR-2017-01-19/html/2017-01058.htm*).

The SOH will present their recommendations for consideration of the new Common Rule's compliance dates and transition provisions, as well as for the interpretation and implementation of the new broad consent provision.

The SAS will discuss their report on the interpretation of the new exemption involving benign behavioral interventions.

The Thursday meeting will adjourn at approximately 5:00 p.m.

The Friday, May 26, meeting will begin at 8:30 a.m. with recommendations from the SOH on the FDA Draft Guidance ''Use of Real-World Evidence to Support Regulatory Decision-Making for Medical Devices,'' issued July 27, 2016. SOH will also present recommendations on the return of incidental findings to research subjects. The SAS will present recommendations surrounding the new Common Rule's expedited review requirements.

The meeting will adjourn at 4:30 p.m. May 26, 2017. Time for public comment sessions will be allotted both days. Note that public comment must be relevant to issues being addressed by the SACHRP.

Public attendance at the meeting is limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the designated SACHRP point of contact at the address/phone number listed above at least one week prior to the meeting. On-site registration is required for participation in the live public comment session. Individuals who would like to submit written statements as public comment should email or fax their comments to SACHRP at *SACHRP@hhs.gov* at least five business days prior to the meeting.

Dated: April 17, 2017.

Julia G. Gorey,

Executive Director, Secretary's Advisory Committee on Human Research Protections.

[FR Doc. 2017–08017 Filed 4–19–17; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Preparedness and Response Science Board; Call for Nominees

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Office of the Secretary seeks application submissions from qualified individuals for consideration for membership on the National Preparedness and Response Science Board (NPRSB). Terms of eight members expire December 31, 2017; therefore, the Secretary must appoint eight new voting members. Nominees shall represent the following categories: Industry, academia, health care consumer organizations, and organizations representing other appropriate

stakeholders. Please visit the NPRSB Web site at *https://www.phe.gov/nprsb* for all application submission information and instructions. If interested, please submit your application by the deadline of June 7, 2017, at 11:59 p.m.

FOR FURTHER INFORMATION CONTACT: CDR Evelyn Seel, MPH, Designated Federal Official, National Preparedness and Response Science Board, Office of the Assistant Secretary for Preparedness and Response, U.S. Department of Health and Human Services, Thomas P. O'Neill Federal Building, Room Number 22H11, 200 C St. SW., Washington, DC 20024; Office: 202–205–7960, Email address: *evelyn.seel@hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 319M of the Public Health Service (PHS) Act (42 U.S.C. 247d–7f) and section 222 of the PHS Act (42 U.S.C. 217a), the Department of Health and Human Services (HHS) established the NPRSB. The Board shall provide expert advice and guidance to the Secretary on scientific, technical, and other matters of special interest to HHS regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate. The Board may also provide advice and guidance to the Secretary and/or the Assistant Secretary for Preparedness and Response (ASPR) on other matters related to public health emergency preparedness and response.

Description of Duties: The Board shall advise the Secretary and/or ASPR on current and future trends, challenges, and opportunities presented by advances in biological and life sciences, biotechnology, and genetic engineering with respect to threats posed by naturally occurring infectious diseases and chemical, biological, radiological, and nuclear agents. At the request of the Secretary and/or ASPR, the Board shall review and consider any information and findings received from the working groups established under 42 U.S.C. 247d–7f(b). At the request of the Secretary and/or ASPR, the Board shall provide recommendations and findings for expanded, intensified, and coordinated biodefense research and development activities. The Secretary and/or ASPR may assign additional advisory duties concerning public health emergency preparedness and response at his/her discretion.

Structure: The Board shall consist of 13 voting members, including the chairperson; additionally, there may be non-voting ex officio members. Pursuant to 42 U.S.C. 247d–7f(a), the Secretary shall appoint members and the Chairperson from among the nation's preeminent scientific, public health, and medical experts, as follows: (a) Such federal officials as the Secretary determines are necessary to support the functions of the Board; (b) four individuals from the pharmaceutical, biotechnology, and device industries; (c) four academicians; and, (d) five other members as determined appropriate by the Secretary and/or ASPR, one of whom must be a practicing health care professional, one of whom must be from an organization representing health care consumers, one of whom must have pediatric subject matter expertise, and one of whom shall be a state, tribal, territorial, or local public health official. The Secretary will appoint additional members for category (d), above, from among emergency medical responders and organizations representing other appropriate stakeholders. A member of the Board described in (b), (c), or (d) in the above paragraph shall serve for a term of three years, except that the Secretary may adjust the terms of the initial Board appointees in order to provide for a staggered term of appointment of all members. The Secretary shall appoint members who are not full-time or permanent part-time federal employees as special government employees.

Dated: April 14, 2017.

George W. Korch Jr.,

Acting Assistant Secretary for Preparedness and Response.

[FR Doc. 2017–08005 Filed 4–19–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel RFA–OD–15–004—Tobacco Regulatory Sciences Small Grant Program for New Investigators (R03).

Date: May 15, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Hotel Reston, 11810 Sunrise Valley Dr., Herndon, VA 20191.

Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, (301) 806–2515, *chatterm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Risk Prevention and Health Behavior AREA Review.

Date: May 15, 2017.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: John H. Newman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3222, MSC 7808, Bethesda, MD 20892, (301) 435–0628, *newmanjh@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group, Nuclear and Cytoplasmic Structure/Function and Dynamics Study Section.

Date: May 18, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: David Balasundaram, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5189, MSC 7840, Bethesda, MD 20892, 301–435–1022, *balasundaramd@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 14, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–07931 Filed 4–19–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID CLINICAL TRIAL PLANNING GRANT (R34).

Date: May 18, 2017.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Jay R. Radke, Ph.D., AIDS Review Branch, Scientific Review Program, Division of Extramural Activities, Room #3G11B, National Institutes of Health, NIAID, 5601 Fishers Lane MSC–9823, Bethesda, MD 20892–9823, (240) 669–5046, *jay.radke@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID Peer Review Meeting.

Date: May 18, 2017.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Kelly Y. Poe, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3F40B, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, 240–669–5036, *poeky@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 14, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–07934 Filed 4–19–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Eye Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Eye Council

Date: June 15, 2017

Open: 8:30 a.m. to 1:00 p.m.

Agenda: Following opening remarks by the Director, NEI, there will be presentations by the staff of the Institute and discussions concerning Institute programs.

Place: National Eye Institute, NIH, 5635 Fishers Lane, Terrace Level Conference Rooms, Rockville, MD 20852.

Closed: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Eye Institute, NIH, 5635 Fishers Lane, Terrace Level Conference Rooms, Rockville, MD 20852.

Contact Person: Paul A. Sheehy, Ph.D., Executive Secretary, Division of Extramural, Research National Eye Institute, National Institutes of Health, 5635 Fishers Lane, Suite 12300, Bethesda, MD 20892, 301–451–2020, *ps32h@nih.gov.*

Information is also available on the Institute's/Center's home page: *www.nei.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: April 14, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–07932 Filed 4–19–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel, NEI Loan Repayment Program (LRP) Applications.

Date: April 26, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health 5635 Fishers Lane, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Brian Hoshaw, Ph.D., Scientific Review Officer National Eye Institute National Institutes of Health, Division of Extramural Research 5635 Fishers Lane, Suite 1300, Rockville, MD 20892, 301–451–2020, *hoshawb@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: April 14, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–07933 Filed 4–19–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID Clinical Trial Implementation Cooperative Agreement (U01).

Date: May 11, 2017.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Jay R. Radke, Ph.D., AIDS Review Branch, Scientific Review Program, Division of Extramural Activities, Room #3G11B, National Institutes of Health, NIAID, 5601 Fishers Lane MSC–9823, Bethesda, MD 20892–9823, (240) 669–5046, *jay.radke@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 14, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–07935 Filed 4–19–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the NIH Clinical Center Research Hospital Board, on Friday, April 28, 2017, 8:30 a.m. to April 28, 2017: 5:00 p.m., National Institutes of Health, Building 31, Conference Room 6C6, Bethesda, Maryland 20892 which was published in the **Federal Register** on Thursday, April 13, 2017, 82 FR 17847.

The meeting notice is amended to change the time of the closed session. The closed session that was previously announced being held from 3:20 p.m. to 5:00 p.m. to discuss the identification of candidates for leadership roles will now be held from 11:45 a.m. to 12:30 p.m.

Dated: April 14, 2017.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–07939 Filed 4–19–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the infor mation 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: State Targeted Response to the Opioid Crisis Grant Program Reports—NEW

The Substance Abuse and Mental Health Services Administration (SAMHSA) is authorized under Section 1003 of the 21st Century Cures Act, as amended, to support a grant program, for up to 2 years, that addresses the supplemental activities pertaining to opioids currently undertaken by the state agency or territory and will support a comprehensive response to the opioid epidemic. The State Targeted Response to the Opioid Crisis Grant (Opioid STR) program addresses Healthy People 2020, Substance Abuse Topic Area HP 2020–SA.The primary purpose of Opioid STR is to address the opioid crisis by increasing access to treatment, reducing unmet treatment need, and reducing opioid overdose related deaths through the provision of prevention, treatment and recovery activities for opioid use disorder (OUD) (including prescription opioids as well as illicit drugs such as heroin).

There will be up to 59 (states and jurisdictions) award recipients in this program. All funded states and jurisdictions will be asked to report on their implementation and performance through an online data collection system. Award recipients will report performance on the following measures specific to this program: Number of people who receive OUD treatment, number of people who receive OUD recovery services, number of providers implementing medication-assisted treatment, and the number of OUD prevention and treatment providers trained, to include NPs, PAs, as well as physicians, nurses, counselors, social workers, case managers, etc.

This information will be collected at the mid-point and conclusion of each grant award year.

Additionally, each award recipient will describe the purposes for which the grant funds received were expended and the activities under the program, and the ultimate recipients of amounts provided to the grantee in the grants.

ANNUALIZED ESTIMATED BURDEN HOURS FOR THE PROGRESS REPORT

Respondent	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
State and Jurisdictions	57	2	114	8.0	912

Link for the tables: *https://www.samhsa.gov/sites/default/files/grants/pdf/ti-17-014-tables.pdf.*

Send all comments via email to *OpioidSTR@samhsa.hhs.gov.* Comments should be received by June 19, 2017.

Summer King,

Statistician.

[FR Doc. 2017–07947 Filed 4–19–17; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Treatment; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration's (SAMHSA's) Center for Substance Abuse Treatment (CSAT) National Advisory Council will meet on May 2, 2017, 1:00 p.m.–2:00 p.m. (EDT) in a closed teleconference meeting.

The meeting will include discussions and evaluations of grant applications reviewed by SAMHSA's Initial Review Groups, and involve an examination of confidential financial and business information as well as personal information concerning the applicants. Therefore, the meeting will be closed to the public as determined by the SAMHSA Acting Deputy Assistant Secretary for Mental Health and Substance Use in accordance with Title 5 U.S.C. § 552b(c)(4) and (6) and Title 5 U.S.C. App. 2, § 10(d).

Meeting information and a roster of Council members may be obtained by accessing the SAMHSA Committee Web site at *http://www.samhsa.gov/about-us/advisory-councils/csat-national-advisory-council* or by contacting the CSAT National Advisory Council Designated Federal Officer; Tracy Goss (see contact information below).

Council Name: SAMHSA's Center for Substance Abuse Treatment National Advisory Council.

Date/Time/Type: May 2, 2017, 1:00 p.m.–2:00 p.m. EDT, CLOSED.

Place: SAMHSA, 5600 Fishers Lane, Rockville, Maryland 20857.

Contact: Tracy Goss, Designated Federal Officer, CSAT National Advisory Council, 5600 Fishers Lane, Rockville, Maryland 20857 (mail), Telephone: (240) 276–0759, Fax: (240) 276–2252, Email: *tracy.goss@samhsa.hhs.gov.*

Summer King,

Statistician, SAMHSA.

[FR Doc. 2017–08006 Filed 4–19–17; 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: 2018 National Survey on Drug Use and Health (OMB No. 0930–0110)—Revision

The National Survey on Drug Use and Health (NSDUH) is a survey of the U.S. civilian, non-institutionalized population aged 12 years old or older. The data are used to determine the prevalence of use of tobacco products, alcohol, illicit substances, and illicit use of prescription drugs. The results are used by SAMHSA, the Office of National Drug Control Policy (ONDCP), federal government agencies, and other organizations and researchers to establish policy, direct program activities, and better allocate resources.

While NSDUH must be updated periodically to reflect changing substance use and mental health issues and to continue producing current data, for the 2018 NSDUH only the following minor changes are planned: (1) At the request of ONDCP, re-inserted the marijuana marketplace module, previously included in the 2014 NSDUH (as well as prior years), into the respondent-administered portion of the 2018 questionnaire; (2) the addition of four new questions, asked only of respondents age 18 and older, about the perception of problems with and recovery from drug/alcohol and mental health problems; and (3) included other minor wording changes to improve the flow of the interview, increase respondent comprehension or to be consistent with text in other questions.

The marijuana marketplace module consists of a series of questions that seek to gather data such as the location, quantity, cost and type of marijuana being purchased across the nation. This module is unchanged from the version last included in the 2014 NSDUH. As with all NSDUH/NHSDA surveys conducted since 1999, the sample size of the survey for 2018 will be sufficient to permit prevalence estimates for each of the fifty states and the District of Columbia. Prior to 2002, the NSDUH was referred to as the National Household Survey on Drug Abuse (NHSDA).

The total annual burden estimate is shown below.

ANNUALIZED ESTIMATED BURDEN FOR 2018 NSDUH

Instrument	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
Household Screening	133,586	1	133,586	0.083	11,088
Interview	67,507	1	67,507	1.000	67,507
Screening Verification	4,008	1	4,008	0.067	269
Interview Verification	10,126	1	10,126	0.067	678
Total	133,586		215,227		79,542

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 15E57B, 5600 Fishers Lane, Rockville, MD 20857 *OR* email a copy at *summer.king@samhsa.hhs.gov.*

Written comments should be received by June 19, 2017.

Summer King,

Statistician.

[FR Doc. 2017–08010 Filed 4–19–17; 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: State Targeted Response to the Opioid Crisis (Opioid STR) Evaluation—NEW

The Substance Abuse and Mental Health Services Administration (SAMHSA) plans to award up to 59 grants to states and territories to help address the national opioid crisis by increasing access to treatment, reducing unmet treatment needs, and reducing opioid overdose related deaths through the provision of prevention, treatment, and recovery activities for opioid use disorder (OUD).

SAMHSA's Center for Behavioral Health Statistics and Quality (CBHSQ) will be conducting a cross-site evaluation of the Opioid STR grant program. The proposed data collection is necessary to evaluate how the Opioid STR state/territory grantees plan and implement prevention, treatment and recovery services. Additionally, a subset of communities/programs will be selected to participate in supplemental evaluation activities designed to provide detailed information related to the implementation of services at the program/community level, as well as the impacts of the program on client outcomes.

SAMHSA has developed a set of interview protocols and survey measures that will collect information from all state/territory grantees (up to 59), and subset (up to 20) programs/communities that provide services and activities funded by the grant. In addition, SAMHSA's Performance Accountability and Reporting System (SPARS) will be used to collect individual-level data using CSAT's Government Performance and Results Act (GPRA) for Discretionary Grant Programs Client Outcome Measure (OMB No. 0930–0208) from individuals receiving services from participating communities/programs.

Specific data collected as part of the Opioid STR evaluation include the following:

State Survey: The State Survey will be administered to State Project Directors/Program Managers to collect information about the state/territory's planned and implemented activities to address opioid misuse, using Opioid STR funding. The State Survey will be administered three (3) times, in September/October 2017, March/April 2018, and March/April 2019.

Community/Program Survey: The Community/Program Survey will be administered to Community/Program Directors or Program Managers to collect information about the community/program's readiness to implement activities that address opioid misuse, their actual implementation of activities that address opioid misuse, and initial outcomes of their implemented activities. The Community/Program Survey will be administered three (3) times, in September/October 2017, March/April 2018, and March/April 2019.

Community/Program Interview Protocol: The Community/Program Interview Protocol will be used with up to two (2) Community/Program Directors or Program Managers during in-person site visits to each participating community/program. Interviews will collect in-depth information about the community's/program's implementation of activities to address opioid misuse, using Opioid STR funding.

CSAT GPRA Client Outcome Measure: The CSAT GPRA Client Outcome Measure will be used with each client served in the Communities/Programs to collect data about client's progress as a result of receiving services. This data will be collected at three time intervals: intake to services, 6 month follow-up, and at discharge.

ESTIMATES OF ANNUALIZED HOUR BURDEN FOR THE OPIOID STR MEASURES

SAMHSA program instruments	Number of respondents	Responses per respondent	Total responses	Hours per response	Total annual burden hours
State Project Directors/Program Managers					
Opioid STR State Instruments Baseline Survey	59	1	59	4	236
Opioid STR State Instruments Time 2 Survey	59	1	59	4	236
Opioid STR State Instruments Time 3 Survey	59	1	59	4	236
Community/Program Directors/Managers					
Opioid STR Community-Program Baseline Interview Protocol	40	1	40	1.5	60
Opioid STR Community-Program Follow-up Interview Protocol	40	1	40	1.5	60
Opioid STR Community-Program Baseline Survey	20	1	20	3	60
Opioid STR Community-Program Time 2 Survey	20	1	20	3	60
Opioid STR Community-Program Baseline Time 3 Survey	20	1	20	3	60
Individual clients					
Baseline Interview	1,000	1	1,000	.52	520
Follow-up Interview [1]	800	1	800	.52	416
Discharge Interview [2]	520	1	520	.52	270.4
Total	1,099		2,637		2,214.4

Notes:
1. It is estimated that 80% of baseline clients will complete this interview.
2. It is estimated that 52% of baseline clients will complete this interview.

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 19, 2017.

Summer King,

Statistician.

[FR Doc. 2017–07948 Filed 4–19–17; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615—NEW]

Agency Information Collection Activities; New Collection: Citizenship and Integration Direct Services Grant Program

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until May 22, 2017. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806. (This is not a toll-free number.) All submissions received must include the agency name and the OMB Control Number 1615—NEW.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on January 10, 2017, at 82 FR 3018, allowing for a 60-day public comment period. USCIS received three comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2016–0002 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* New Collection.

(2) *Title of the Form/Collection:* Citizenship and Integration Direct Services Grant Program.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form G–1482; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Not-for-profit institutions. The USCIS Office of Citizenship (OoC) will use the information collected during the grant application period to determine the number of, and amounts for, approved grant applications. In recent years USCIS has been authorized to expend funds that are collected for adjudication and naturalization services and deposited into the Immigration Examination Fee Account for the Citizenship and Integration Grant Program (CIGP). The USCIS Office of Citizenship will use the data being collected from grant recipients after funding awards have been made to conduct an ongoing evaluation of citizenship education and naturalization outcomes for program participants.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection G–1482 is 300 and the estimated hour burden per response is 40 hours. The estimated total number of respondents for the post award evaluation is 85 and the estimated hour burden per response is 28 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 42,940 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $2,524,872.

Dated: April 11, 2017.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017–07955 Filed 4–19–17; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0037]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Refugee/Asylee Relative Petition

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until May 22, 2017. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806. (This is not a toll-free number.) All submissions received must include the agency name and the OMB Control Number 1615–0037.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377. (This is not a toll-free number; comments are not accepted via telephone message.) Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on January 18, 2017, at 82 FR 5590, allowing for a 60-day public comment period. USCIS did receive one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0030 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Refugee/Asylee Relative Petition.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–730; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–730 is used by a refugee or asylee to file on behalf of his or her spouse and/or children for follow-to-join benefits provided that the relationship to the refugee/asylee existed prior to their admission to the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–730 is 6,039 and the estimated hour burden per response is .667 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total number of respondents for the information collection I–730 is 6,039 and the estimated hour burden per response is .667 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $739,778.

Dated: April 11, 2017.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017–07956 Filed 4–19–17; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2017–N006: FXES11130100000C4–178–FF01E00000]

Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews for 138 Species in Hawaii, Oregon, Washington, and California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of initiation of reviews; request for information.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are initiating 5-year status reviews for 138 species in Hawaii, Oregon, Washington, and California under the Endangered Species Act of 1973, as amended (Act). A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any new information on these species that has become available since the last review.

DATES: To ensure consideration in our reviews, we are requesting submission of new information no later than June 19, 2017. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: Submit information on any of the 133 species in Hawaii (see table under What Species Are Under Review?) via U.S. mail to: Field Supervisor; Attention: 5-Year Review; U.S. Fish and Wildlife Service; Pacific Islands Fish and Wildlife Office; 300 Ala Moana Blvd., Room 3–122, Honolulu, HI 96850.

For the marbled murrelet, submit information via U.S. mail to: Field Supervisor; Attention: 5-Year Review; U.S. Fish and Wildlife Service; Washington Fish and Wildlife Office; 510 Desmond Dr. SE., Suite 102, Lacey, WA 98503, or by email to *mamu5yrreview@fws.gov.*

For the Oregon silverspot butterfly, Malheur wire-lettuce, large-flowered woolly meadowfoam, and Cook's lomatium, submit information via U.S. mail to: Field Supervisor; Attention: 5-Year Review; U.S. Fish and Wildlife Service; Oregon Fish and Wildlife Office; 2600 SE 98th Ave., Suite 100; Portland, OR 97266.

FOR FURTHER INFORMATION CONTACT: Gregory Koob, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office (see **ADDRESSES**), 808–792–9400 (for species in Hawaii); Deanna Lynch, U.S. Fish and Wildlife Service, Washington Fish and Wildlife Office, 360–753–9440 (for marbled murrelet); or Michele Zwartjes, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 503–231–6179 (for Oregon silverspot butterfly, Malheur wire-lettuce, large-flowered woolly meadowfoam, and Cook's lomatium). Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Why do we conduct 5-year reviews?

Under the Act (16 U.S.C. 1531 *et seq.*), we maintain Lists of Endangered and Threatened Wildlife and Plants (which we collectively refer to as the List) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for animals) and 17.12 (for plants). Section 4(c)(2) of the Act requires us to review each listed species' status at least once every 5 years. For additional information about 5-year reviews, go to *http://www.fws.gov/endangered/what-we-do/recovery-overview.html,* scroll down to ''Learn More about 5-Year Reviews,'' and click on the ''5-Year Reviews'' link.

What information do we consider in the review?

A 5-year review considers all new information available at the time of the review. In conducting these reviews, we consider the best scientific and commercial data that has become available since the listing determination or most recent status review, such as:

(A) Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

(B) Habitat conditions, including but not limited to amount, distribution, and suitability;

(C) Conservation measures that have been implemented that benefit the species;

(D) Threat status and trends in relation to the five listing factors (as defined in section 4(a)(1) of the Act); and

(E) Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Any new information will be considered during the 5-year review and will also be useful in evaluating the ongoing recovery programs for these species.

What species are under review?

This notice announces our active review of the 138 species listed in the table below.

SPECIES FOR WHICH THE U.S. FISH AND WILDLIFE SERVICE IS INITIATING 5-YEAR STATUS REVIEWS

Common name	Scientific name	Status	Where listed	Final listing rule (**Federal Register** citation and publication date)
		ANIMALS		
Marbled murrelet	*Brachyramphus marmoratus*	Threatened	U.S.A. (CA, OR, WA).	57 FR 45337; 10/01/1992.
Oahu elepaio	*Chasiempis ibidis*	Endangered	U.S.A. (HI)	65 FR 20769; 04/18/2000.
Oahu creeper	*Paroreomyza maculata*	Endangered	U.S.A. (HI)	35 FR 16047; 10/13/1970.
Oahu tree snail	*Achatinella abbreviata*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella apexfulva*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella bellula*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella buddii*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella bulimoides*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella byronii*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella caesia*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella casta*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella cestus*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella concavospira*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella curta*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella decipiens*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella decora*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella dimorpha*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella elegans*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella fulgens*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella fuscobasis*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella juddii*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella juncea*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella lehuiensis*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella leucorrhaphe*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella lila*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella livida*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella lorata*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella mustelina*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella papyracea*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella phaeozona*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella pulcherrima*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella pupukanioe*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella rosea*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella sowerbyana*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella spaldingi*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella stewartii*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella swiftii*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella taeniolata*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella thaanumi*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella turgida*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella valida*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella viridans*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella vittata*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Oahu tree snail	*Achatinella vulpina*	Endangered	U.S.A. (HI)	46 FR 3178; 01/13/1981.
Hawaiian picture-wing fly	*Drosophila aglaia*	Endangered	U.S.A. (HI)	71 FR 26851; 05/09/2006.
Hawaiian picture-wing fly	*Drosophila hemipeza*	Endangered	U.S.A. (HI)	71 FR 26851; 05/09/2006.
Hawaiian picture-wing fly	*Drosophila montgomeryi*	Endangered	U.S.A. (HI)	71 FR 26851; 05/09/2006.
Hawaiian picture-wing fly	*Drosophila obatai*	Endangered	U.S.A. (HI)	71 FR 26851; 05/09/2006.
Hawaiian picture-wing fly	*Drosophila substenoptera*	Endangered	U.S.A. (HI)	71 FR 26851; 05/09/2006.
Hawaiian picture-wing fly	*Drosophila tarphytrichia*	Endangered	U.S.A. (HI)	71 FR 26851; 05/09/2006.
Crimson Hawaiian damselfly	*Megalagrion leptodemas*	Endangered	U.S.A. (HI)	77 FR 57647; 09/18/2012.
Blackline Hawaiian damselfly	*Megalagrion nigrohamatum nigrolineatum.*	Endangered	U.S.A. (HI)	77 FR 57647; 09/18/2012.
Oceanic Hawaiian damselfly	*Megalagrion oceanicum*	Endangered	U.S.A. (HI)	77 FR 57647; 09/18/2012.
Oregon silverspot butterfly	*Speyeria zerene hippolyta*	Threatened	U.S.A. (CA, OR, WA).	45 FR 44938; 07/02/1980.
		PLANTS		
No common name	*Abutilon sandwicense*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
No common name	*Asplenium dielfalcatum*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
No common name	*Asplenium unisorum*	Endangered	U.S.A. (HI)	59 FR 32937; 06/27/1994.
Kookoolau	*Bidens amplectens*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
Haha	*Cyanea acuminata*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
Haha	*Cyanea calycina*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
Haha	*Cyanea crispa*	Endangered	U.S.A. (HI)	59 FR 14493; 03/28/1994.
Haha	*Cyanea grimesiana* ssp. *obatae*	Endangered	U.S.A. (HI)	59 FR 32937; 06/27/1994.

SPECIES FOR WHICH THE U.S. FISH AND WILDLIFE SERVICE IS INITIATING 5-YEAR STATUS REVIEWS—Continued

Common name	Scientific name	Status	Where listed	Final listing rule (**Federal Register** citation and publication date)
Haha	*Cyanea humboldtiana*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
Haha	*Cyanea koolauensis*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
Haha	*Cyanea lanceolata*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
Haha	*Cyanea longiflora*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
Haha	*Cyanea pinnatifida*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
Haha	*Cyanea purpurellifolia*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
Haha	*Cyanea st.-johnii*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
No common name	*Cyanea superba*	Endangered	U.S.A. (HI)	56 FR 46239; 09/11/1991.
Haha	*Cyanea truncata*	Endangered	U.S.A. (HI)	59 FR 14493; 03/28/1994.
Haiwale	*Cyrtandra crenata*	Endangered	U.S.A. (HI)	59 FR 14493; 03/28/1994.
Haiwale	*Cyrtandra dentata*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
Haiwale	*Cyrtandra gracilis*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
Haiwale	*Cyrtandra kaulantha*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
Haiwale	*Cyrtandra polyantha*	Endangered	U.S.A. (HI)	59 FR 14493; 03/28/1994.
Haiwale	*Cyrtandra sessilis*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
Haiwale	*Cyrtandra subumbellata*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
Haiwale	*Cyrtandra viridiflora*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
Haiwale	*Cyrtandra waiolani*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
Oha	*Delissea subcordata*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
No common name	*Doryopteris takeuchii*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
Naenae	*Dubautia herbstobatae*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
Fosberg's love grass	*Eragrostis fosbergii*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
Nioi	*Eugenia koolauensis*	Endangered	U.S.A. (HI)	59 FR 14493; 03/28/1994.
Akoko	*Euphorbia celastroides* var. *kaenana*.	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
Akoko	*Euphorbia deppeana*	Endangered	U.S.A. (HI)	59 FR 14493; 03/28/1994.
Akoko	*Euphorbia herbstii*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
Akoko	*Euphorbia kuwaleana*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
Akoko	*Euphorbia rockii*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
Ewa Plains akoko	*Euphorbia skottsbergii* var. *skottsbergii*.	Endangered	U.S.A. (HI)	47 FR 36849; 08/24/1982.
Nanu	*Gardenia mannii*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
No common name	*Kadua degeneri*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
No common name	*Kadua parvula*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
Hulumoa	*Korthalsella degeneri*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
Kamakahala	*Labordia cyrtandrae*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
Anaunau	*Lepidium arbuscula*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
Large-flowered woolly meadowfoam.	*Limnanthes floccosa* ssp. *grandiflora*.	Endangered	U.S.A. (OR)	67 FR 68004; 11/07/2002.
Nehe	*Lipochaeta lobata* ssp. *leptophylla*.	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
No common name	*Lobelia koolauensis*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
No common name	*Lobelia monostachya*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
No common name	*Lobelia oahuensis*	Endangered	U.S.A. (HI)	59 FR 14493; 03/28/1994.
Cook's lomatium	*Lomatium cookii*	Endangered	U.S.A. (OR)	67 FR 68004; 11/07/2002.
Nehe	*Melanthera tenuifolia*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
Alani	*Melicope christophersenii*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
Alani	*Melicope hiiakae*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
Alani	*Melicope lydgatei*	Endangered	U.S.A. (HI)	59 FR 14493; 03/28/1994.
Alani	*Melicope makahae*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
Alani	*Melicope reflexa*	Endangered	U.S.A. (HI)	57 FR 46339; 10/08/1992.
Alani	*Melicope saint-johnii*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
Kolea	*Myrsine juddii*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
No common name	*Neraudia angulata*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
No common name	*Phyllostegia hirsuta*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
No common name	*Phyllostegia kaalaensis*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
No common name	*Phyllostegia mollis*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
No common name	*Platydesma cornuta* var. *cornuta*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
No common name	*Platydesma cornuta* var. *decurrens*.	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
Hala pepe	*Pleomele forbesii*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
Ohe ohe	*Polyscias gymnocarpa*	Endangered	U.S.A. (HI)	59 FR 14493; 03/28/1994.
No common name	*Polyscias lydgatei*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
Loulu	*Pritchardia kaalae*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
Kopiko	*Psychotria hexandra* ssp. *oahuensis*.	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
Kaulu	*Pteralyxia macrocarpa*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.
No common name	*Sanicula mariversa*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
Diamond Head schiedea	*Schiedea adamantis*	Endangered	U.S.A. (HI)	56 FR 49643; 09/30/1991.
No common name	*Schiedea kaalae*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.

SPECIES FOR WHICH THE U.S. FISH AND WILDLIFE SERVICE IS INITIATING 5-YEAR STATUS REVIEWS—Continued

Common name	Scientific name	Status	Where listed	Final listing rule (**Federal Register** citation and publication date)
Maolioli	*Schiedea kealiae*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
No common name	*Schiedea obovata*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
No common name	*Schiedea trinervis*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
No common name	*Silene perlmanii*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
No common name	*Stenogyne kanehoana*	Endangered	U.S.A. (HI)	57 FR 20595; 05/13/1992.
Malheur wire-lettuce	*Stephanomeria malheurensis*	Endangered	U.S.A. (OR)	47 FR 50885; 11/10/1982.
No common name	*Tetramolopium filiforme*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
No common name	*Trematolobelia singularis*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
Opuhe	*Urera kaalae*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
Pamakani	*Viola chamissoniana* ssp. *chamissoniana.*	Endangered	U.S.A. (HI)	56 FR 55785; 10/29/1991.
No common name	*Viola oahuensis*	Endangered	U.S.A. (HI)	61 FR 53107; 10/10/1996.
Ae	*Zanthoxylum oahuense*	Endangered	U.S.A. (HI)	77 FR 57745; 09/18/2012.

Request for New Information

To ensure that a 5-year review is complete and based on the best available scientific and commercial information, we request new information from all sources. See What Information Do We Consider in Our Review? for specific criteria. If you submit information, please support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

If you wish to provide information for any species listed above, please submit your comments and materials to the appropriate contact in the Pacific Islands Fish and Wildlife Office, Oregon Fish and Wildlife Office, or Washington Fish and Wildlife Office (see **ADDRESSES**).

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the offices where the comments are submitted.

Completed and Active Reviews

A list of all completed and currently active 5-year reviews addressing species for which the Pacific Region of the Service has lead responsibility is available at *http://www.fws.gov/pacific/ecoservices/endangered/recovery/5year.html.*

Authority

This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 13, 2017.

Theresa E. Rabot,

Acting, Regional Director, Pacific Region, U.S. Fish and Wildlife Service.

[FR Doc. 2017–07940 Filed 4–19–17; 8:45 am]

BILLING CODE 4333–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1314 (Final)]

Phosphor Copper From Korea

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of phosphor copper from Korea, provided for in subheading 7405.00.10 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'').

Background

The Commission, pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)), instituted this investigation effective March 9, 2016, following receipt of a petition filed with the Commission and Commerce by Metallurgical Products Company, West Chester, Pennsylvania. The Commission scheduled the final phase of the investigation following notification of a preliminary determination by Commerce that imports of phosphor copper from Korea were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of November 9, 2016 (*81 FR 78852*). The hearing was held in Washington, DC, on February 28, 2017, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made this determination pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determination in this investigation on April 17, 2017. The views of the Commission are contained in USITC Publication 4681 (April 2017), entitled *Phosphor Copper from Korea: Investigation No. 731–TA–1314 (Final).*

By order of the Commission.

Issued: April 17, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–07992 Filed 4–19–17; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 17–6]

Richard Jay Blackburn, D.O.; Decision and Order

On September 27, 2016, the Assistant Administrator, Diversion Control Division, issued an Order to Show Cause to Richard Jay Blackburn, D.O. (Respondent), of Ravenwood, West Virginia. Show Cause Order, at 1. The Show Cause Order proposed the denial of Respondent's application for a DEA Certificate of Registration as a practitioner on two grounds. First, the Order alleged that Respondent does not possess authority to dispense controlled substances in West Virginia, the State in which he has applied for a DEA registration. *Id.* (citing 21 U.S.C. 824(a)(3)). Second, the Order alleged that Respondent materially falsified his application for a DEA registration. *Id.* (citing 21 U.S.C. 824(a)(1)).

As for the jurisdictional basis of the proceeding, the Show Cause Order alleged that Respondent had previously held Certificate of Registration BB5953686 for schedule II through V controlled substances, at the address of Equinox LLC, d/b/a Medex PLC, 705 Washington St., Ravenwood, West Virginia, that this registration expired on July 31, 2016, and that Respondent did not file a timely renewal application. *Id.* The Order then alleged that on August 31, 2016, Respondent submitted an application to renew the above registration, and that as the registration had expired and could not be renewed, his application is ''being treated'' as an ''application for a new DEA registration.'' *Id.* at 2.

As to the loss of state authority grounds for denial, the Show Cause Order alleged that on October 20, 2014, the West Virginia Board of Osteopathic Medicine filed a complaint alleging that Respondent had ''engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public by pre-signing prescriptions and allowing [office] employees to complete the rest of the information in violation of 24 C.S.R. 1.18.1.cc.'' *Id.* The Order then alleged that on June 1, 2016, Respondent surrendered his osteopath's license ''[t]o avoid a hearing on the merits of'' the Board's complaint. *Id.* The Order thus alleged that ''[o]n June 15, 2016, the Board accept [his] surrender, ordering [his] medical license null and void,'' and that ''[a]s a result, [Respondent] currently lack[s] authority to handle controlled substances in West Virginia, the [S]tate in which [he is] registered with . . . DEA.'' *Id.* (citing 21 U.S.C. 802(21) and 824(a)(3)).

As to the material falsification grounds, the Show Cause Order alleged that the application stated that: ''You MUST be currently authorized to prescribe, distribute, dispense, conduct research, or otherwise handle controlled substances in the schedules for which you are applying under the laws of the state or jurisdiction in which you are operating or propose to operate.'' *Id.* The Order alleged that on his application, Respondent represented that he ''currently possessed medical license number '34.006104,' issued by the [S]tate of West Virginia,'' when this license number was not issued by West Virginia but was ''issued by the [S]tate of Ohio,'' and that his representation that this license ''was issued by a West Virginia authority was a materially false representation.'' *Id.* (citing 21 U.S.C. 824(a)(1) and 843(a)(4)(A)).

The Show Cause Order then alleged that Respondent provided additional false information on his application ''by claiming that [his] West Virginia state license was valid until July 1, 2017, when in fact [this] license was ordered null and void on June 15, 2016.'' *Id.* at 3 (citations omitted). The Order further alleged that Respondent provided still more false information when he provided a ''No'' answer to the application's question: ''Has the applicant ever surrendered (for cause) or had a state professional license or controlled substance registration revoked[,] suspended, denied, restricted, or placed on probation, or is any such action pending?'' *Id.* The Order alleged that this information was false because he had surrendered his medical license for cause on June 1, 2016. *Id.* (citations omitted).[1]

On October 19, 2016, the Show Cause Order was served on Respondent, and on October 31, 2016, Respondent requested a hearing on the allegations. The matter was placed on the docket of the Office of Administrative Law Judges and assigned to ALJ Charles Wm. Dorman. Thereafter, the ALJ ordered the Government to file evidence supporting the allegation that Respondent lacks state authority and its accompanying motion no later than 2 p.m. on November 28, 2016. Briefing Schedule for Lack of State Authority Allegations, at 1. In the same order, the ALJ directed that if the Government moved for summary disposition, Respondent's reply was due by 2 p.m. on December 9, 2016.[2] *Id.*

On November 28, 2016, the Government filed a ''Motion for Partial Summary Disposition.'' Therein, the Government sought summary disposition on both the issues of whether ''Respondent lacks state authority in West Virginia'' and whether he ''materially falsified his [a]pplication.'' Motion for Partial Summ. Disp., at 1. The Government also requested the ''opportunity to reply to any dispute regarding the material facts at issue.'' *Id.*

As support for granting its motion on the lack of state authority ground, the Government attached a copy of the October 20, 2014 Complaint issued by the West Virginia Board of Osteopathic Medicine to Respondent, which made the allegation referenced in the Show Cause Order. Attachment 1 to Motion for Partial Summ. Disp., at 1. As further support for its motion, the Government attached a copy of a letter from the attorney who represented Respondent in the West Virginia Board matter addressed to Ms. Jennifer K. Akers, Assistant Attorney General, West Virginia Board of Osteopathic Medicine. Attachment 2, at 1. The letter, which makes reference to the Board's complaint, states that Respondent ''hereby surrenders his license to practice medicine in the [S]tate of West Virginia'' and expresses his counsel's ''understanding that the hearing on June 9th will be cancelled.'' *Id.* Of further note, the letter indicates that a copy was provided to Respondent.

The Government also attached the Board's ''Order Accepting Surrender of License.'' Attachment 3, at 1. The Order states that ''[o]n June 6, 2016, [it] considered the above styled complaint and Respondent's offer via letter dated June 1, 2016, to surrender his license to practice osteopathic medicine *in lieu of further proceedings before the Board, including the June 9, 2016, administrative hearing.*'' *Id.* (emphasis

[1] The Show Cause Order also notified Respondent of his right to request a hearing on the allegations or to submit a written statement while waiving his right to a hearing, the procedure for electing either option, and the consequence of failing to elect either option. Show Cause Order at 3–4. In addition, the Show Cause Order notified Respondent of his right to submit a Corrective Action Plan, *see* 21 U.S.C. 824(c)(2)(C), and the procedure for doing so.

[2] In the same order, the ALJ, noting that the Government had not filed a certificate of service, directed the Government to provide evidence as to when the Show Cause Order was served. As the Government represented that service was not accomplished until October 19, 2016, Respondent's hearing request was timely. *See* Gov. Notice of Service of Order to Show Cause, at 1. In its filing, the Government also noted that while it would comply with the ALJ's Order with respect to the loss of state authority allegations, it was requesting a hearing ''on those allegations unrelated to Respondent's lack of state authority'' because ''the OSC contains allegations that are not amenable to resolution via summary disposition.'' *Id.*

added). The Order also states that ''after consideration of the facts and circumstances and the representation of Respondent, the Board does hereby *accept* the Respondent's voluntary surrender of his license to practice osteopathic medicine in the [S]tate of West Virginia.'' *Id.* The Order, which is dated June 15, 2016, further states that ''[i]t is further *ordered* that the license number 1455 previously issued by the Board to [Respondent] is and shall henceforth be *null* and *void*.'' *Id.*

Finally, the Government attached a printout dated November 23, 2016 from the Board's License Verification Web page. Attachment 4, at 1–2. The printout lists the status of Respondent's license as ''[e]xpired'' with an expiration date of June 15, 2016; it also lists Respondent's state controlled substance license number as having an expiration date of June 30, 2016.[3] *Id.* at 1.

In its motion, the Government argued that ''there is no dispute that Respondent lacks state authority to handle controlled substances in West Virginia.'' Motion for Partial Summ. Disp., at 6. It cited multiple authorities in support of its contention that Respondent's application should be denied because he does not have authority to dispense controlled substances in West Virginia, the State in which he applied for registration. *Id.* at 4–6 (citations omitted).

As noted above, the Government also sought summary disposition on the allegation that Respondent materially falsified his application. *Id.* The Government argued that there is no dispute that Respondent ''answered 'No' to the [application] question of whether he had ever surrendered (for cause) a state medical license,'' contending that ''[t]his answer is clearly false.'' *Id.* The Government also argued that there is no dispute that ''surrender was 'for cause' '' as ''the surrender letter explicitly requested confirmation that a state medical board hearing on the allegations against [him] would be cancelled.'' *Id.* at 6. And the Government maintained that Respondent's false answer was material as it was ''capable of affecting the decision of whether to grant [the] application.'' *Id.* at 7 (citing *Mikhayl Soliman,* 81 FR 47826, 47829 (2016)); *see also id.* (citing *Kungys* v. *United States,* 485 U.S. 759, 770 (1988) (other citation omitted); *United States* v. *Wells,* 519 U.S. 482, 489 (1997) (quoting *Kungys,* 485 U.S. at 770)).

Respondent did not file a reply to the Government's motion. Order Granting Summ. Disposition and Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision (R.D.), at 2–3. The ALJ thus deemed the Government's motion as unopposed. *Id.* at 3. Finding it ''undisputed that the Respondent lacks state authorization to handle controlled substances in West Virginia, the [S]tate in which [he] seeks to be registered with the'' Agency, the ALJ applied the Agency's longstanding rule that ''in order to maintain a DEA registration, a registrant must possess state authority to dispense controlled substances,'' and granted the Government's motion with respect to this ground. *Id.* at 3–4.

The ALJ, however, declined to grant the Government's motion as to the material falsification ground. *See id.* at 4 n.3. The basis of the ALJ's declination was that in ''[i]n his Request for Hearing, the Respondent specifically asserted that 'any irregularities in his application were done by mistake.' '' *Id.* (quoting Resp. Hearing Req., at 2). The ALJ explained that ''[b]ecause the Respondent specifically denied the material falsification allegation, I decline to make any determination concerning the Government's allegation that the Respondent materially falsified his current . . . application.'' *Id.*

The Government took exception to the ALJ's declination to rule on the material falsification allegation. *See* Gov. Exceptions to Order Granting Summary Disposition Motion. It argues that ''[i]t is indisputable that Respondent surrendered his state medical license as a consequence of the'' complaint brought against him by the West Virginia Board. *Id.* at 4. It then argues that it is undisputed that Respondent answered ''No'' to the application question: ''Has the applicant ever surrendered (for cause) or had a professional license or controlled substance registration suspended, denied, restricted, or placed on probation, or is any such action pending?'' *Id.* at 4–5. And the Government argues that there is no dispute that Respondent's answer was false. *Id.* at 5.

Continuing, the Government argues that while the evidence shows that Respondent's West Virginia license number was 1455, Respondent listed on the application that he held State License Number 34.006104, and that the State of issuance was West Virginia. *Id.* It then argues that ''when Respondent filed his Application, he was without any authority in West Virginia to handle controlled substances, meaning that any number he provided to DEA purporting to indicate he was authorized to practice medicine in West Virginia would be a material falsification'' of his application. *Id.* at 6.

The Government further argues that the ALJ erred because his ''Briefing Order directed the Government to address the lack of state authority allegations without opportunity to be heard on its material falsification allegations,'' noting that it ''also included evidence in its Motion for Partial Summary Disposition on Respondent's material falsification.'' *Id.* The Government argues that the ALJ ''did not consider evidence on Respondent's material falsification, nor did [he] address the Government's request for findings as to those facts'' and that it ''is entitled to be heard on its allegations of misconduct.'' *Id.* at 6–7. The Government then argues that ''although the ALJ[ ] did not address this evidence or consider it as grounds for denying Respondent's application, [I] should make findings that Respondent materially falsified his Application and those findings should be the primary basis for any denial of Respondent's Application.'' *Id.* at 7. The Government thus requests that I either ''issue a final order finding that Respondent provided materially false information in his [a]pplication'' and cite this as a basis for denying his application, or remand the matter ''to the ALJ to make findings and give the Government [the] opportunity to be heard on the'' material falsification allegations. *Id.* at 10.

Having considered the entire record, including the ALJ's Recommended Decision, I adopt the ALJ's finding that ''Respondent lacks state authorization to handle controlled substances in West Virginia, the [S]tate in which the Respondent seeks to be registered with the DEA.'' R.D. 3. I further adopt the ALJ's recommendation that I deny his application for this reason. *Id.* As for the Government's Exceptions, notwithstanding that it initially took the position that the material falsification allegations ''are not amenable to resolution via summary disposition,'' for reasons explained below, I agree with the Government that it was entitled to summary disposition on this ground as well. I make the following factual findings.

Findings of Fact

Respondent is an osteopathic physician who previously held License No. 1455 issued by the West Virginia Board of Osteopathic Medicine. Gov. Mot. for Partial Summ. Disp., at Attachment 1. However, on October 20,

[3] As additional exhibits, the Government included a copy of Respondent's expired DEA registration, Appendix A, a Certification of Registration History, Appendix C, and a Declaration from a DEA Special Agent (S/A), who was the lead Special Agent, and who attested to the authenticity of the various documents submitted as Attachments 1–4. Appendix B, at 1–2.

2014, the Board issued Respondent a complaint alleging that he ''engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public by pre-signing prescriptions and allowing employees in his office to complete the rest of the information in violation of 24 C.S.R. 1.18.1cc.'' *Id.*

On June 1, 2016, Respondent's counsel wrote to an Assistant Attorney General for the Board by which Respondent ''surrender[ed] his license to practice medicine in the [S]tate of West Virginia.'' Attachment 2. Respondent's counsel further noted that ''[i]t is my understanding that the hearing on June 9th will be cancelled.'' *Id.* Respondent's counsel sent a copy of his letter to Respondent. *Id.*

On June 6, 2016, the Board considered the complaint it had issued to Respondent and his ''offer via letter dated June 1, 2016, to surrender his license to practice osteopathic medicine in lieu of further proceedings before the Board, including the June 9, 2016 administrative hearing.'' Attachment 3. By Order entered on June 15, 2016, the Board accepted ''the Respondent's voluntary surrender of his license to practice osteopathic medicine in the [S]tate of West Virginia'' and ordered that his license ''shall henceforth be null and void.'' *Id.* Respondent's license remains in this status as of the date of this Decision and Order. Attachment 4.

Respondent previously held DEA Certificate of Registration No. BB5953686, pursuant to which he was authorized to dispense controlled substances in schedules II through V, at the registered location of Equinox, LLC, d/b/a Medex, PLLC, 705 Washington St., Ravenswood, West Virginia. Appendix A. This registration expired on July 31, 2016. *Id.*

On August 31, 2016, Respondent applied for a practitioner's registration seeking authority to dispense controlled substances in schedules II through V, at the same address as where he was previously registered. In section four of the application, Respondent was asked: ''Are you currently authorized to prescribe, distribute, dispense, conduct research, or otherwise handle the controlled substances in the schedules for which you are applying under the laws of the state or jurisdiction in which you are operating or proposing to operate?'' Appendix C, at 3. This question then required Respondent to provide his ''State License No.,'' the State, and the ''Expire Date'' of his license. *Id.* Respondent answered these questions, listing ''34.006104'' as his license number, ''WV'' or West Virginia as the State, and ''07–01–2017'' as the expiration date of his license. *Id.* I find that each of these answers was false, as Respondent no longer held a West Virginia license as of the date he applied for registration and was no longer then ''currently authorized to prescribe . . . dispenser, or otherwise handle . . . controlled substances'' in West Virginia.

On the application, Respondent was also required to answer four questions. Question Three asked: ''Has the applicant ever surrendered (for cause) or had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?'' *Id.* Respondent answered: ''N'' for no. I find that this answer was false.

Discussion

Section 303(f) of the Controlled Substances Act provides that ''[t]he Attorney General shall register practitioners . . . to dispense . . . controlled substances in schedules II, III, IV, or V, . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the States in which he practices.'' Section 303(f) further provides that ''[t]he Attorney General may deny an application for such registration . . . if the Attorney General determines that the issuance of such registration would be inconsistent with the public interest.'' 21 U.S.C. 823(f). In making the public interest determination, the CSA requires the consideration of the following factors:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The Applicant's experience in dispensing * * * controlled substances.

(3) The Applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety.

Id.

''These factors are . . . considered in the disjunctive.'' *Robert A. Leslie, M.D.,* 68 FR 15227, 15230 (2003). I ''may rely on any one or a combination of factors, and may give each factor the weight [I] deem[ ] appropriate in determining whether . . . an application for registration [should be] denied.'' *Id.* Moreover, while I am required to consider each of the factors, I ''need not make explicit findings as to each one.'' *MacKay* v. *DEA,* 664 F.3d 808, 816 (10th Cir. 2011) (quoting *Volkman,* 567 F.3d 215, 222 (6th Cir. 2009) (quoting *Hoxie,* 419 F.3d 477, 482 (6th Cir. 2005))).[4]

Also, pursuant to section 304(a)(1), the Attorney General is authorized to suspend or revoke a registration ''upon a finding that the registrant . . . has materially falsified any application filed pursuant to or required by this subchapter.'' 21 U.S.C. 824(a)(1). And consistent with the implicit authority to deny an application for a practitioner's registration if the applicant is not ''authorized to dispense . . . controlled substances under the laws of the State in which he practices,'' section 304(a)(3) explicitly authorizes the Attorney General to suspend or revoke a registration ''upon a finding that the registrant . . . has had his State license or registration suspended, revoked, or denied by competent State authority and is longer authorized by State law to engage in the . . . distribution or dispensing of controlled substances.'' *Id.* § 824(a)(3).

It is well established that the various grounds for revocation or suspension of an existing registration that Congress enumerated in section 304(a), 21 U.S.C. 824(a), are also properly considered in deciding whether to grant or deny an application under section 303. *See The Lawsons, Inc.,* 72 FR 74334, 74337 (2007); *Anthony D. Funches,* 64 FR 14267, 14268 (1999); *Alan R. Schankman,* 63 FR 45260 (1998); *Kuen H. Chen,* 58 FR 65401, 65402 (1993). Thus, both the allegation that Respondent materially falsified his application and the allegation that he is not authorized to dispense controlled substances in West Virginia, the State in which he seeks registration, are properly considered in this proceeding and each provides an independent and adequate ground for denying an application. *See Samuel S. Jackson,* 72 FR 23848, 23852 (2007); *The Lawsons,* 72 FR at 74338; *cf. Bobby Watts, M.D.,* 58 FR 46995 (1993).

The Government has ''[t]he burden of proving that the requirements for . . . registration . . . are not satisfied.'' 21 CFR 1301.44(d). Having considered the record including the ALJ's R.D., and the Government's Exceptions, I conclude that the Government was entitled to summary disposition on both grounds. Because Respondent did not file an opposition to the Government's motion with respect to either ground, nor a response to the Government's

[4] ''In short, this is not a contest in which score is kept; the Agency is not required to mechanically count up the factors and determine how many favor the Government and how many favor the registrant. Rather, it is an inquiry which focuses on protecting the public interest; what matters is the seriousness of the registrant's misconduct.'' *Jayam Krishna-Iyer,* 74 FR 459, 462 (2009).

Exceptions, I conclude that Respondent has waived his right to present evidence refuting both the Government's *prima facie* showing on the material falsification ground as well as on the issue of remediation.[5] Therefore, I deny his application.

Respondent's Lack of State Authority

Under the Controlled Substances Act (CSA), a practitioner must be currently authorized to handle controlled substances in ''the jurisdiction in which he practices'' in order to obtain and maintain a DEA registration. This rule derives from two provisions of the CSA. *See* 21 U.S.C. 802(21) (''[t]he term 'practitioner' means a physician . . . licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice''). *See also id.* § 823(f) (''The Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'').

Thus, DEA has long held that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., Frederick Marsh Blanton,* 43 FR 27616, 27617 (1978) (''State authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance and maintenance of a Federal controlled substances registration.''); *see also James L. Hooper,* 76 FR 71371 (2011), *pet. for rev. denied,* 481 Fed. Appx. 826 (4th Cir. 2012); 21 U.S.C. 824(a)(3).

Here, it is undisputed that Respondent surrendered his West Virginia osteopathic license and is thus no longer authorized to dispense controlled substances in the State in which he has applied for registration. Accordingly, Respondent does not meet the CSA's essential prerequisite for obtaining a practitioner's registration. This provides reason alone to deny his application. *See* 21 U.S.C. 823(f), 824(a)(3), 802(21).

The Material Falsification

As explained above, the ALJ declined to rule on the Government's motion for summary disposition with respect to the material falsification allegation, reasoning that in his hearing request, Respondent's counsel ''asserted that 'any irregularities in his application were done by mistake.' '' R.D. 4 n.3 (quoting Resp. Hrng. Req., at 2). I disagree with the ALJ that this assertion, which was unsupported by any evidence, is sufficient to create a triable issue of fact and conclude that the Government was entitled to summary disposition on this issue as well.

As I explained in *Rezik A. Saqer,* 81 FR 22122 (2016), ''numerous courts, including the Supreme Court, have held that even when a statute directs an agency to provide a party with a hearing, the agency can nonetheless resolve the matter on summary disposition when there are no material facts in dispute.'' *Id.* at 22124 (citing *Veg-Mix, Inc.* v. *Department of Agriculture,* 832 F.2d 601, 607 (D.C. Cir. 1987)). As the D.C. Circuit explained in *Veg-Mix,* ''[c]ommon sense suggests the futility of hearings where there is no factual dispute of substance.'' 832 F.2d at 607. *See also NLRB* v. *International Ass'n of Bridge, Structural and Ornamental Ironworkers,* 549 F.2d 634, 639 (9th Cir. 1977) (''It is settled law that when no fact question is involved or the facts are agreed, a plenary, adversary administrative proceeding involving evidence, cross-examination of witnesses, etc., is not obligatory, even though a pertinent statute prescribes a hearing.' '') (quoting *United States* v. *Consolidated Mines & Smelting Co., Ltd.,* 455 F.2d 432, 453 (9th Cir. 1971)).

As found above, the evidence shows that Respondent surrendered his state license in response to the complaint filed by the State Board and to avoid going to a hearing on the allegations. Thus, Respondent clearly surrendered his license ''for cause'' within the meaning of the application question which asked if he had ''ever surrendered (for cause) or had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?'' *Cf. JM Pharmacy Group, Inc., d/b/a Farmacia Nueva and Best Pharma Corp.,* 80 FR 28667, 28668–69 (2015) (holding that pharmacy surrendered its registration ''for cause'' when its principal did so in response to allegations of misconduct and was advised that if he did not surrender, the Agency would ''initiate proceedings to revoke'' its registration); 21 CFR 1301.76(a) (prohibiting a registrant from employing ''any person . . . who, at any time, . . . has surrendered a DEA registration for cause'' and defining ''the term 'for cause' [to] mean[ ] a surrender in lieu of, or as a consequence of, any federal or state administrative . . . action resulting from an investigation of the individual's handling of controlled substances'').

The evidence also shows that within three months of his having surrendered his state license, Respondent provided a ''No'' answer to question three on his DEA application, which asked if he had ''ever surrendered (for cause)'' his state professional license. By itself, Respondent's provision of this answer constitutes a material falsification of his application because it was capable of affecting or influencing the Agency's decision as to whether to grant his application. *Kungys* v. *United States,* 485 U.S. 759, 770 (1988) (other citation omitted); *United States* v. *Wells,* 519 U.S. 482, 489 (1997) (quoting *Kungys,* 485 U.S. at 770).

As explained above, with respect to an applicant for a practitioner's registration, the CSA imposes the prerequisite requirement that the applicant be ''authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(f); *see also Blanton,* 43 FR at 27617 (''State authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance and maintenance of a Federal controlled substances registration.'').

Certainly, if Respondent had truthfully disclosed that he had surrendered his state license, Agency personnel who reviewed the application would have known that they needed to check with the State Board to determine whether his license had been reinstated. Moreover, they would have determined that Respondent's state license is ''null and void,'' thus rendering him ineligible to be registered.

Respondent committed additional material falsifications when he represented that he was ''currently authorized to prescribe . . . dispense, or otherwise handle . . . controlled substances . . . under the laws of the state . . . in which [he was] propos[ing] to operate'' when he listed a state license number, which he represented was issued by the State of West Virginia and would not expire until July 1, 2017. Each of these representations was false and materially so because it was capable of influencing the Agency's determination as to whether Respondent was currently authorized to handle controlled substances and thus met the prerequisite for obtaining a registration.

In support of its motion, the Government provided reliable and probative evidence including a copy of the Board's complaint, the letter from Respondent's counsel to the Board surrendering his state license, the

[5] Because the CSA requires that a practitioner possess state authority in order to be registered as a practitioner, where the Government's case is based solely on a practitioner's lack of state authority, evidence of remediation is irrelevant.

Board's Order accepting the surrender and declaring the license null and void effective June 15, 2016, a printout from the Board's Web site showing that his license had expired on June 15, 2016, and Respondent's August 31, 2016 DEA application which contained the various false statements. This evidence is sufficient to show that Respondent knowingly falsified his application by representing that his license had not been subject to discipline by the State Board and that he was, at the time of his application, not currently authorized to handle controlled substances in the State where he sought registration.

By contrast, Respondent did not even respond to the Government's motion,[6] let alone offer any evidence to support the assertion made in his hearing request which characterizes the false statements as irregularities and mistakes.[7] Thus, I conclude that there is no dispute as to the material fact that Respondent materially falsified his August 31, 2016 application and that he did so knowingly.

Accordingly, I conclude that the Government was entitled to summary disposition on the allegation that Respondent materially falsified his August 31, 2016 application for a new DEA registration. This provides an additional and independent basis apart from his lack of state authority for denying his application.

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 28 CFR 0.100(b), I order that the application of Richard Jay Blackburn, D.O., for a DEA Certificate of Registration as a practitioner, be, and it hereby is, denied. This Order is effective immediately.

Dated: April 14, 2017.

Chuck Rosenberg,

Acting Administrator.

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BILLING CODE 4410–09–P

[6] While the ALJ's November 1, 2016, order setting the briefing schedule for the lack of state authority allegation addressed only the timing of ''any motion for summary disposition on these grounds,'' the Government's Motion for Partial Summary Disposition provided Respondent with ample notice that it was seeking a ruling on the material falsification allegation as well. Notably, the opening paragraph of the motion states that ''[t]he Government respectfully requests that the ALJ grant the Government's request for summary disposition on two issues: That Respondent lacks state authority in West Virginia [and] that Respondent materially falsified his Application for a DEA registration. Motion, at 1.

Moreover, the Government set forth various facts which it asserted were undisputed, including Respondent's answers which provided a license number for a purported West Virginia license, which he then represented would not expire until July 1, 2017, as well as his ''No'' answer to Question three on the application. Later, the Government devoted a separate section of its motion to arguing that Respondent made false statements on his application by failing to disclose that he had surrendered his state license for cause, that this was a material falsification under the *Kungys* standard, and that it was entitled to summary disposition on this issue. *Id.* at 6–7. Yet Respondent offered no response to the Motion.

Also, in its Exceptions to the ALJ's R.D., the Government took issue with the ALJ's failure to grant its motion with respect to the material falsification allegations. *See generally* Gov. Exceptions. Here again, Respondent offered no response. *See* 21 CFR 1316.66(c) (providing for ''the filing of a response to the exceptions filed by another party'').

[7] While the ''usual rule [is] that all doubts are resolved against the moving party,'' as a leading authority explains, ''[i]f the movant presents credible evidence that, if not controverted at trial, would entitle the movant to a . . . judgment as a matter of law that evidence must be accepted as true on a summary-judgment motion when the party opposing the motion does not offer counter-affidavits or other evidentiary material supporting the opposing contention that an issue of fact remains, or does not show a good reason . . . why he is unable to present facts justifying opposition to the motion.'' 10A, Charles Alan Wright, *et al., Federal Practice and Procedure Civ.* § 2727.1 (4th ed. 2017). Here, as Respondent did not even respond to the Government's motion, let alone offer any evidence to create a triable issue of fact, the Government was clearly entitled to summary disposition on the allegation.

DEPARTMENT OF JUSTICE

[OMB Number 1110–0005]

Agency Information Collection Activities; Proposed eCollection; eComments Requested Age, Sex, Race, and Ethnicity of Persons Arrested Under 18 Years of Age; Age, Sex, Race, and Ethnicity of Persons Arrested 18 Years of Age and Over

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-day notice.

SUMMARY: Department of Justice (DOJ), Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published allowing for a 60 day comment period.

DATES: Comments on the information collection published in the **Federal Register** at 82 FR 11060, on February 17, 2017 are encouraged and will be accepted until May 22, 2017.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, CJIS Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–3566. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Age, Sex, Race, and Ethnicity of Persons Arrested Under 18 Years of Age; and Age, Sex, Race, and Ethnicity of Persons Arrested 18 Years of Age and Over

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection: Agency form number:* 1–708 and 1–708a. Sponsoring component: Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* City, county, state, federal, and tribal law enforcement agencies. Abstract: Under Title 28, U.S.

Code, Section 534, Acquisition, Preservation, and Exchange of Identification Records; and Appointment of Officials, 1930, this collection requests the number of arrests from city, county, state, tribal, and federal law enforcement agencies in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of arrest data and to publish these statistics in Crime in the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* There are approximately 11,791 law enforcement agency respondents; calculated estimates indicate 12 minutes for form 1–708a and 15 minutes for form 1–708 per month. The total annual burden hour per respondent is 5 hours and 24 minutes.

Total Annual Hour Burden:

15 minutes = 12 minutes × 12 months
= 324/60 = 5 hours and 24 minutes

(6) An estimate of the total public burden (in hours) associated with the collection: There are approximately 63,671 hours, annual burden, associated with this information collection.

1-708a: 11,791 respondents x 12 responses/year = 141,492 total annual responses

$$\frac{141{,}492 \times 12 \text{ minutes}}{60 \text{ minutes (1 hour)}} = 28{,}298 \text{ total annual hour burden}$$

1-708: 11,791 respondents x 12 responses/year = 141,492 total annual responses

$$\frac{141{,}492 \times 15 \text{ minutes}}{60 \text{ minutes (1 hour)}} = 35{,}373 \text{ total annual hour burden}$$

Total annual hour burden: 28,298 + 35,373 = 63,671

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 3E.405B, Washington, DC 20530.

Dated: April 17, 2017.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–08024 Filed 4–19–17; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0008]

Agency Information Collection Activities; Proposed eCollection; eComments Requested Monthly Return of Arson Offenses Known to Law Enforcement

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-day Notice.

SUMMARY: Department of Justice (DOJ), Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published allowing for a 60 day comment period.

DATES: Comments on the information collection originally published in the **Federal Register** at 82 FR 11061, on February 17, 2017 are encouraged and will be accepted until May 22, 2017.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Mrs. Amy Blasher, Unit Chief, Federal Bureau of Investigation, CJIS Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–3566. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this Information Collection:

(1) Type of Information Collection: Extension of a currently approved collection.

(2) Title of the Form/Collection: Monthly Return of Arson Offenses Known to Law Enforcement.

(3) Agency form number, if any, and the applicable component of the Department sponsoring the collection: Agency form number: 1110–0008. Sponsoring component: Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: City, county, state, federal, and tribal law enforcement agencies. Abstract: Under Title 28, U.S. Code, Section 534, Acquisition,

Preservation, and Exchange of Identification Records; Appointment of Officials, 1930, and the Anti-Arson Act of 1982, this collection requests the number of arson form city, county, state, tribal, and federal law enforcement agencies in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of crime data and to publish these statistics in the Semiannual report and Crime in the United States.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: There are approximately 10,039 law enforcement agency respondents that submit monthly for a total of 120,468 responses with an estimated response time of 9 minutes per response.

(6) An estimate of the total public burden (in hours) associated with the collection: There are an estimated 18,070 hours, annual burden, associated with this information collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 3E.405B, Washington, DC 20530.

Dated: April 17, 2017.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–08026 Filed 4–19–17; 8:45 am]

BILLING CODE 4410–02–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting: Board of Directors and its Six Committees

AGENCY: Legal Services Corporation.

ACTION: Change notice.

SUMMARY: On April 17, 2017, the Legal Services Corporation (LSC) published a notice in the **Federal Register** titled ''Board of Directors and its Six Committees will meet on April 23–25, 2017, Eastern Daylight Time (EDT)''. A correction to change the Institutional Advancement Committee's Open Session Agenda by adding an additional item to the agenda item #5 Consider and act on *Resolution 2017–XXX*, Minnesota Charitable Organization Annual Report Form; all other items remain consecutively the same.

DATES: This change is effective April 17, 2017.

FOR FURTHER INFORMATION CONTACT: Katherine Ward, Executive Assistant to the Vice President for Legal Affairs and General Counsel, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007; (202) 295–1500; *kward@lsc.gov.*

SUPPLEMENTARY INFORMATION: This document changes the notice by revising the Institutional Advancement Committee's Open Session Agenda by adding an additional item to the agenda.

Changes in the Meeting: Adding an additional Item to the Institutional Advancement Committee's Open Session Agenda.

—Item #5 of the Agenda: Consider and act on *Resolution 2017–XXX*, Minnesota Charitable Organization Annual Report Form

Dated: April 18, 2017.

Katherine Ward,

Executive Assistant to the Vice President for Legal Affairs and General Counsel.

[FR Doc. 2017–08074 Filed 4–18–17; 4:15 pm]

BILLING CODE 7050–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Social, Behavioral and Economic Sciences; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Social, Behavioral and Economic Sciences (#1171).

Dates and Times:

May 18, 2017; 9:00 a.m. to 5:00 p.m.
May 19, 2017; 9:00 a.m. to 1:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Stafford I, Room 1235, Arlington, VA 22230.

Type of Meeting: Open.

Contact Person: Dr. Deborah Olster, Office of the Assistant Director, Directorate for Social, Behavioral and Economic Sciences, National Science Foundation, 4201 Wilson Boulevard, Room 905, Arlington, Virginia 22230, 703–292–8700.

Summary of Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation on major goals and policies pertaining to Social, Behavioral and Economic Sciences Directorate (SBE) programs and activities.

Agenda

Thursday, May 18, 2017; 9 a.m.–5 p.m.

SBE Directorate and Division Updates
Future Data Challenges for Social and Economic Statistics
Future of NSF-Supported Social Science Surveys
Meeting with NSF Leadership

Friday, May 19, 2017; 9 a.m.–1 p.m.

NSF ''Big Idea'' for Future Investment: Harnessing the Data Revolution
Update on the Committee on Equal Opportunities in Science and Engineering Activities
NSF Legislative/Budget Update
Science Communications and Outreach
Future Meetings, Assignments and Concluding Remarks

Dated: April 17, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–07964 Filed 4–19–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0168; NRC–2016–0167]

Request for a License Amendment to Export Radioactive Waste: Perma-Fix Northwest, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Opening of comment period on application to Amend License to Export Radioactive Waste.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is opening the opportunity for public comment; and opening the opportunity to request a hearing or a petition to intervene for an amendment application to export radioactive waste filed by Perma-Fix Northwest, Inc. (Perma-Fix).

DATES: The comment period for the ''Request to Amend a License to Export Radioactive Waste'' has been opened. Comments should be filed no later than May 22, 2017. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for NRC–2016–0167 for the ''Request for a License to Export Radioactive Waste''. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Email comments to: Hearingdocket@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact the Office of the Secretary at 301–415–1677.

• *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

• *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

• *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Andrea Jones, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–287–9072, email: *Andrea.Jones2@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0167, when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

• NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2016–0167, in your comment submission.

The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

On January 5, 2017, NRC received applications from Perma-Fix Northwest, Inc. (Perma-Fix) requesting amendment 05 to both a specific import license (IW022) and a specific export license (XW012) for import and export, respectively, of radioactive waste. (ADAMS Accession Nos. ML17005A377 and ML17005A373, respectively).[1] Notice of receipt of the applications were provided in **Federal Register** notices issued on March 6, 2017 and March 7, 2017 (82 FR 12640–12641 and 82 FR 12858, respectively).

On March 22, 2017, the NRC returned the import amendment application without further action [ADAMS Accession No. ML17082A001]. The reason for the return of the application is that the material proposed for import does not meet the definition of radioactive waste in 10 CFR 110.2, because Perma-Fix will not be importing any of the material for ultimate disposal in the U.S. As such, the requested import activities are authorized under an NRC general import license pursuant to 10 CFR 110.27.

Given the return without action of Perma-Fix's import amendment application, the only regulatory action pending before the NRC is Perma-Fix's application to amend its specific export license (XW012) for the export of low-level radioactive waste to Canada. The export license amendment is requested to change the point of contact; change the foreign supplier name; remove references to the waste classification as defined in 10 CFR 61.55 and references to Table A2 values of 49 CFR 173.435; and extend the date of expiration from September 30, 2017, to September 30, 2022.

The NRC is noticing the request to amend the license to export radioactive waste; opening the opportunity for public comment; and opening the opportunity to file a request for a hearing or petition for leave to intervene on XW012 for an additional 30 days after publication of this notice in the **Federal Register** (FR). Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

A request for a hearing or petition for leave to intervene may be filed with the NRC electronically in accordance with NRC's E-Filing rule promulgated in August 2007 (72 FR 49139; August 28, 2007). Information about filing electronically is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* To ensure timely electronic filing, at least 5 days prior to the filing deadline, the petitioner/requestor should contact the Office of the Secretary by email at *hearingdocket@nrc.gov,* or by calling 301–415–1677, to request a digital ID certificate and allow for the creation of an electronic docket.

In addition to a request for hearing or petition for leave to intervene, written comments, in accordance with 10 CFR 110.81, should be submitted within thirty days after publication of this notice in the **Federal Register** to Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemaking and Adjudications.

The information concerning this application for an export license follows.

[1] The NRC previously returned without action earlier-filed Perma-Fix applications to amend the same import and export licenses because the prior applications were unclear as to the material proposed to be imported and exported. [ADAMS Accession No. ML16291A466].

NRC EXPORT LICENSE AMENDMENT APPLICATION

[Description of material]

Name of Applicant, date of application, date received, application No., docket No., ADAMS Accession No.	Material type	Total quantity	End use	Country of destination
Perma-Fix Northwest, Inc, January 5, 2017, XW012/05, 11005699, ML17005A373.	Class A, B, or C radioactive waste.	No to exceed 5,500 tons.	Amend to: (1) Change the licensee's point of contact; (2) change the foreign suppliers name from Atomic Energy of Canada Limited to Canadian Nuclear Laboratories; (3) remove reference to Waste Classification as defined in 10 CFR 61.55 and reference to Table A2 values of 49 CFR 173.435 from the waste description; and (4) change the date of expiration from September 30, 2017 to September 30, 2022.	Canada.

Dated at Rockville, Maryland, this 12th day of April 2017.

For the Nuclear Regulatory Commission.

David L. Skeen,

Deputy Director, Office of International Programs.

[FR Doc. 2017–07824 Filed 4–19–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–247 and 50–286; NRC–2017–0074]

Entergy Nuclear Operations, Inc., Indian Point Nuclear Generating, Units No. 2 and 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice, Director's decision regarding petition.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued a director's decision with regard to a petition dated June 30, 2016, filed by Mr. David A. Lochbaum of the Union of Concerned Scientists (the petitioner), requesting that the NRC take enforcement action against Entergy Nuclear Operations, Inc., the licensee for Indian Point Nuclear Generating, Units No. 2 and 3 (Indian Point 2 and 3). The petitioner's requests and the director's decision are included in the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: Please refer to Docket ID NRC–2017–0074 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0074. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.*
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a director's decision DD–17–01 (ADAMS Accession No. ML17065A030) on a petition filed by the petitioner on June 30, 2016 (ADAMS Accession No. ML16187A186). The petition was supplemented by letter dated January 10, 2017 (ADAMS Accession No. ML17011A012).

In response to degradation of reactor vessel baffle-former bolts (BFBs) identified at Indian Point 2 during its spring 2016 refueling outage, the petitioner requested the NRC to:

(1) Issue an order requiring the licensee to inspect the reactor vessel BFBs and install the downflow to upflow modification at Indian Point 2 during its next refueling outage (*i.e.,* spring 2018).

(2) Issue a demand for information requiring the licensee to submit an operability determination to the NRC regarding continued operation of Indian Point 3 until its reactor vessel BFBs can be inspected according to the Electric Power Research Institute Materials Reliability Program Topical Report MRP–227–A, ''Materials Reliability Program: Pressurized Water Reactor Internals Inspection and Evaluation Guidelines'' (ADAMS Package Accession No. ML120170453).

(3) Issue a demand for Information requiring the licensee to submit an evaluation of the performance, role, and operating experience of the Indian Point metal impact monitoring system in detecting and responding to indications of loose parts (such as broken baffle bolt heads and locking tab bars) within the reactor coolant system.

As the basis for this request, the petitioner cited Licensee Event Report 2016–004–00, ''Unanalyzed Condition due to Degraded Reactor Baffle-Former Bolts,'' submitted by the licensee on May 31, 2016 (ADAMS Accession No. ML16159A219), that describes an event where there was an unanalyzed condition due to degraded reactor vessel BFBs at Indian Point 2, which is reportable under § 50.73(a)(2)(ii)(B) of title 10 of the *Code of Federal Regulations* (10 CFR). The petitioner states that (1) an order is the proper means for ensuring that the bolts are inspected and that the downflow to upflow modification is installed during the next refueling outage at Indian Point 2, (2) Indian Point 3 is potentially operating with degraded BFBs and an operability determination is the mechanism established by the NRC to properly evaluate such situations, and (3) the metal impact monitoring system as described in the updated final safety analysis report has the potential to act as an alternate monitoring system to

identify degraded BFBs, yet neither the NRC nor the licensee have referred to this system in publicly available documents relating to this issue.

On July 28, 2016, the petitioner and the licensee met with the NRC's Petition Review Board. The meeting provided the petitioner and the licensee an opportunity to provide additional information and to clarify issues cited in the petition. The transcript for that meeting is available in ADAMS under Accession No. ML16215A391.

In the supplemental letter dated January 10, 2017, the petitioner withdrew the first two requested enforcement actions, citing the plant shutdown agreement reached between the licensee and the State of New York, and documents released by the NRC in response to a Freedom of Information Act request (FOIA/PA–2016–0457).

The NRC sent a copy of the proposed director's decision to the petitioner and the licensee for comment on January 11, 2017 (ADAMS Accession Nos. ML16320A269 and ML16320A273, respectively). The petitioner and the licensee were asked to provide comments within 30 days on any part of the proposed director's decision that was considered to be erroneous or any issues in the petition that were not addressed. Comments were received from the petitioner and the licensee and are addressed in the final director's decision. In the licensee's response dated February 9, 2017 (ADAMS Accession No. ML17045A470), new information was provided to the NRC staff that was not available when the proposed director's decision was issued for comment. The licensee's response (1) provided detailed information on the enhanced BFB inspection plans for the remaining refueling outages, (2) provided the results of the BFB failure analysis performed at the Westinghouse hot lab testing facility, and (3) informed the NRC staff that the licensee had changed its commitment and would not perform the downflow to upflow modification at either of the Indian Point operating units.

Notwithstanding the fact that the petitioner withdrew the first two requested enforcement actions, the Director of the Office of Nuclear Reactor Regulation has determined that the petitioner's request to (1) issue an order requiring that Indian Point 2 inspect the BFBs during the spring 2018 refueling outage would have been denied because the licensee committed to take this action, and the staff retains the option to take enforcement actions if necessary, (2) issue a demand for information requiring Indian Point 3 to perform an operability determination was effectively met inasmuch as the licensee performed the evaluation and made it available to NRC inspectors as part of the NRC's reactor oversight program, and (3) issue a demand for information requiring the licensee to provide an evaluation of the operating history of the metal impact monitoring system be denied because the system has no operability or regulatory requirements, loose baffle-former bolt heads would be expected to remain in place due to the tight clearances between the baffle plate and fuel assemblies, thus making bolt failures very difficult to monitor using this system, and the staff finds no basis to require such information for a nonsafety system. The reasons for this decision are explained in the director's decision (DD–17–01) pursuant to 10 CFR 2.206 of the Commission's regulations.

The NRC will file a copy of the director's decision with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206. As provided by this regulation, the director's decision will constitute the final action of the Commission 25 days after the date of the decision unless the Commission, on its own motion, institutes a review of the director's decision in that time.

Dated at Rockville, Maryland, this 13th day of April 2017.

For the Nuclear Regulatory Commission.

William M. Dean,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–08015 Filed 4–19–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2017–164; MC2017–114 and CP2017–165; MC2017–115 and CP2017–166; MC2017–116 and CP2017–167; MC2017–117 and CP2017–168; MC2017–118 and CP2017–169]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 24, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2017–164; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* April 14, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* April 24, 2017.

2. *Docket No(s).:* MC2017–114 and CP2017–165; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 46 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* April 14, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Kenneth R. Moeller; *Comments Due:* April 24, 2017.

3. *Docket No(s).:* MC2017–115 and CP2017–166; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 308 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* April 14, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr; *Comments Due:* April 24, 2017.

4. *Docket No(s).:* MC2017–116 and CP2017–167; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 309 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* April 14, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr; *Comments Due:* April 24, 2017.

5. *Docket No(s).:* MC2017–117 and CP2017–168; *Filing Title:* Request of the United States Postal Service to Add First-Class Package Service Contract 76 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* April 14, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Katalin K. Clendenin; *Comments Due:* April 24, 2017.

6. *Docket No(s).:* MC2017–118 and CP2017–169; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Express Contract 47 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* April 14, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Katalin K. Clendenin; *Comments Due:* April 24, 2017.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–08016 Filed 4–19–17; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80462; File No. SR–CBOE–2017–033]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule

April 14, 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 April 10, 2017, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule with respect to the Frequent Trader program.[3] By way of background, the Frequent Trader Program offers transaction fee rebates to registered Customers, Professional Customers and Voluntary Professionals (origin codes ''C'' and ''W'') (collectively ''Customers'') that meet certain volume thresholds in CBOE VIX Volatility Index options (''VIX options''), Russell 2000 Index (''RUT'') options, and S&P 500 Index options (''SPX''), weekly S&P 500 options (''SPXW'') and p.m.-settled SPX Index options (''SPXpm'') (collectively referred to as ''SPX options'') provided the Customer registers for the program. The Exchange proposes to amend the Frequent Trader Program to increase the (i) volume thresholds and (ii) rebates for VIX options. Specifically, the proposed changes will be as follows:

VIX

Tier	Monthly contracts traded		Fee rebate	
	Current	Proposed	Current (percent)	Proposed (percent)
1	10,000–49,000	10,000–99,999	3	5
2	50,000–99,000	100,000–299,999	6	15
3	100,000 and above	300,000 and above	9	25

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange initially filed the proposed fee change on April 3, 2017 (SR–CBOE–2017–027). On April 10, 2017, the Exchange withdrew that filing and submitted this filing.

The Exchange believes the proposed changes incentivizes the sending of Customer orders to the Exchange while maintaining an incremental incentive for Customers to strive for the highest tier level.

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.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [5] 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. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[6] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders.

The Exchange believes it's reasonable to increase the Frequent Trader rebates for VIX because it provides Customers an opportunity to receive increased rebates for reaching certain qualifying volume thresholds that they would not otherwise receive. The proposed rule change is designed to encourage greater Customer VIX options trading, which, along with bringing greater VIX options trading opportunities to all market participants, would bring in more fees to the Exchange, and such fees can be used to recoup the Exchange's costs and expenditures from maintaining VIX options. The Exchange believes it's also reasonable to increase the qualifying volume thresholds for VIX as it still allows the Exchange to maintain an incremental incentive for Customers to strive for the highest tier level and because the Exchange has increased the rebates for each of the tiers. The Exchange believes it's equitable and not unfairly discriminatory to establish higher rebates under the Frequent Trader Program for VIX as compared to SPX and RUT options because the Exchange would like to encourage more VIX trading. The Exchange believes that the proposed change is not unfairly discriminatory because it will apply to all Frequent Trader Customers.

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 because, while the rebates apply only to Customers, the proposed change is designed to encourage increased Customer VIX options volume, which provides greater trading opportunities for all market participants. The Exchange believes that the proposed rule change will not cause an unnecessary burden on intermarket competition because VIX is only traded on CBOE. To the extent that the proposed changes make CBOE a more attractive marketplace for market participants at other exchanges, such market participants are welcome 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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [7] and paragraph (f) of Rule 19b–4 [8] 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–2017–033 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–2017–033. 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–2017–033 and should be submitted on or before May 11, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Brent J. Fields,

Secretary.

[FR Doc. 2017–07954 Filed 4–19–17; 8:45 am]

BILLING CODE 8011–01–P

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80461; File No. SR–BatsBZX–2016–60]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change to Bats BZX Rule 14.13, Company Listing Fees, and to the Bats BZX Fee Schedule

April 14, 2017.

On September 29, 2016, Bats BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend (1) the fees set forth in BZX Rule 14.13 applicable to securities listed on the Exchange, and (2) the fee schedule applicable to Members [3] and non-Members of the Exchange pursuant to Exchange Rules 15.1(a) and (c). BZX designated the proposed rule change as immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[4] On October 14, 2016, the Commission published notice of filing of the proposed rule change and pursuant to Section 19(b)(3)(C) of the Act: (1) temporarily suspended the proposed rule change; and (2) instituted proceedings to determine whether to approve or disapprove the proposal. The notice was published for comment in the **Federal Register** on October 20, 2016.[5] The Commission has received three comment letters on the proposal.[6]

Section 19(b)(2) of the Act [7] provides that, after instituting proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may, however, extend the period for issuing an order approving or disapproving the proposed rule change by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on October 20, 2016.[8] The 180th day after publication of the notice in the **Federal Register** is April 18, 2017 and June 17, 2017 is an additional 60 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider this proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[9] designates June 17, 2017 as the date by which the Commission should either approve or disapprove the proposed rule change(File No. SR–BatsBZX–2016–60).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Brent J. Fields,

Secretary.

[FR Doc. 2017–07953 Filed 4–19–17; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A Member is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* BZX Rule 1.5(n).

[4] 15 U.S.C. 78s(b)(3)(A).

[5] *See* Securities Exchange Act Release No. 79103, 81 FR 72624 (Oct. 14, 2016).

[6] *See* letter to Brent J. Fields, Secretary, Commission, from Kyle Murray, Assistant General Counsel, Bats Global Markets, Inc., dated November 22, 2016; letter to Brent J. Fields, Secretary, Commission, from Douglas A. Cifu, Chief Executive Officer, Virtu Financial, Inc., dated December 20, 2016; and letter to Brent J. Fields, Secretary, Commission, from Andrew Madar, Senior Associate General Counsel, Nasdaq Stock Market LLC, dated January 27, 2017. Comment letters are available at: *https://www.sec.gov/comments/sr-batsbzx-2016-60/batsbzx201660.shtml.*

[7] 15 U.S.C. 78s(b)(2).

[8] *See supra* note 5.

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(57).

DEPARTMENT OF STATE

[Public Notice 9969]

U.S. Advisory Commission on Public Diplomacy; Notice of Meeting

The U.S. Advisory Commission on Public Diplomacy will hold a public meeting from 10:30 a.m. until 12:30 p.m., Tuesday, May 9, 2017 at George Washington University's Elliot School for International Affairs (Lindner Commons, 1957 E Street NW., Washington, DC 20052).

The meeting will be on ''Echo Chambers, Artificial Intelligence, and Bot-Driven Disinformation: New Challenges in Public Diplomacy.'' This session will examine how public diplomacy practitioners need to adjust strategies and tactics for the modern information ecosystem, including understanding echo chambers, automated disinformation, algorithmic bias, and the proliferation and diversity of foreign propaganda efforts.

The meeting will feature former Chairman of the House Permanent Select Committee on Intelligence (2011–15), Congressman Mike Rogers, as well as a panel of experts on artificial intelligence, political communication, and social media.

This meeting is open to the public, Members and staff of Congress, the State Department, Defense Department, the media, and other governmental and non-governmental organizations. To attend and make any requests for reasonable accommodation, email Michelle Bowen at *BowenMC1@state.gov* by 5 p.m. on Wednesday, May 3, 2017. Please arrive for the meeting by 10:15 a.m. to allow for a prompt meeting start.

The United States Advisory Commission on Public Diplomacy appraises U.S. Government activities intended to understand, inform, and influence foreign publics. The Advisory Commission may conduct studies, inquiries, and meetings, as it deems necessary. It may assemble and disseminate information and issue reports and other publications, subject to the approval of the Chairperson, in consultation with the Executive Director. The Advisory Commission may undertake foreign travel in pursuit of its studies and coordinate, sponsor, or oversee projects, studies, events, or other activities that it deems desirable and necessary in fulfilling its functions.

The Commission consists of seven members appointed by the President, by and with the advice and consent of the Senate. The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor, business, and professional backgrounds. Not more than four members shall be from any one political party. The President designates a member to chair the Commission.

The current members of the Commission are: Mr. Sim Farar of California, Chairman; Mr. William Hybl of Colorado, Vice Chairman; Ambassador Lyndon Olson of Texas, Vice Chairman; Ambassador Penne Korth-Peacock of Texas; Anne Terman Wedner of Illinois; and Ms. Georgette Mosbacher of New York. One seat on the Commission is currently vacant.

To request further information about the meeting or the U.S. Advisory Commission on Public Diplomacy, you

may contact its Executive Director, Dr. Shawn Powers, at *PowersSM@state.gov.*

Shawn Powers,

Executive Director, Advisory Commission on Public Diplomacy, Department of State.

[FR Doc. 2017–08009 Filed 4–19–17; 8:45 am]

BILLING CODE 4710–45–P

DEPARTMENT OF STATE

[Public Notice: 9809]

60-Day Notice of Proposed Information Collection: J–1 Visa Waiver Recommendation Application

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to June 19, 2017.

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

- *Web:* Persons with access to the Internet may comment on this notice by going to *www.Regulations.gov*. You can search for the document by entering ''Docket Number: DOS–2016–0077'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: PRA_BurdenComments@state.gov*.
- You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Hector Perez-Casillas, who may be reached at *PRA_BurdenComments@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* J–1 Visa Waiver Recommendation Application.
- *OMB Control Number:* 1405–0135.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Visa Office (CA/VO/L/R).
- *Form Number:* DS–3035.
- *Respondents:* J–1 visa holders applying for a waiver of the two-year foreign residence requirement.
- *Estimated Number of Respondents:* 7,628.
- *Estimated Number of Responses:* 7,628.
- *Average Time per Response:* 1 hour.
- *Total Estimated Burden Time:* 7,628 annual hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

Form DS–3035 is used to determine the eligibility of a J–1 visa holder for a waiver of the two-year foreign residence requirement.

Methodology

Applicants will complete the DS–3035 online at *travel.state.gov.* Applicant's information will be downloaded into a barcode, and then be immediately issued a waiver case number and further instructions. Next, applicants must print their online form with the barcode. Please note that the barcode must be printed in black and white only. After the form is completed and printed out, applicants must mail their waiver application and fee payment to: Department of State J–1, Waiver, P.O. Box 979037, St. Louis, MO 63197–9000.

Karin King,

Acting Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2017–07967 Filed 4–19–17; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Third Drone Advisory Committee (DAC) Meeting

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

ACTION: Third DAC Meeting.

SUMMARY: The FAA is issuing this notice to advise the public of the Third DAC Meeting.

DATES: The meeting will be held on May 3, 2017, 09:00 a.m.–04:00 p.m. EDT.

ADDRESSES: The meeting will be held at the Air Line Pilots Association Headquarters, 535 Herndon Parkway, Herndon, VA 20170.

FOR FURTHER INFORMATION CONTACT: Al Secen at *asecen@rtca.org* or 202–330–0647, or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC, 20036, or by telephone at 202–833–9339, fax at 202–833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given of the Third DAC Meeting. The DAC is a component of RTCA, which is a Federal Advisory Committee. The agenda will likely include, but may not be limited to, the following:

Wednesday, May 3, 2017

- Official Statement of the Designated Federal Official
- Welcome and Introductions, Review of the Second DAC Meeting
- Approval of Minutes from the Second DAC Meeting
- FAA Update
- DAC Subcommittee (SC) Co-Chairs Statement
- Report out of DACSC Task Group (TG) 1 (Roles and Responsibilities)
- Discussion of TG1 Recommendations
- Report out of DACSC TG2 (Access to Airspace)
- Discussion of TG2 Recommendations
- TG3 (UAS Funding) Update
- New Assignments/Agenda Topics
- Adjourn

Attendance is open to the interested public but limited to space availability.

With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC on April 12, 2017.

Christopher W. Harm,

Unmanned Aircraft Systems (UAS) Stakeholder and Committee Liaison, AUS–10, UAS Integration Office, FAA.

[FR Doc. 2017–07945 Filed 4–19–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2017–24]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petitions or their final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before May 10, 2017.

ADDRESSES: You may send comments identified by Docket Number FAA–2017–0056 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Joshua Parker, (202) 267–1538, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on April 14, 2017.

Dale Bouffiou,

Deputy Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2017–0056.

Petitioner: Leonardo Helicopters.

Sections of 14 CFR Affected: 14 CFR 43.3(h); 43.15(b);

61.163(a)(3);

91.103(b)(1); 91.126(b); 91.129(e)(1)–(3); 91.131(a)(2); 91.146(b)(5); 91.151(b); 91.155(b); 91.157(b)(5); 91.167(a)(3); 91.169(b)(2) & (c)(1)(i) & (ii); 91.175(f)(2)(iii) & (4)(i); 91.205(d)(3)(i) & (ii); 91.207(e); 91.223(a)(c); 91.409(e); 91.411(a); 91.501(a); 91.503(a); 91.507; 91.509(a) & (b)(4); 91.511(a); 91.513(a) & (f)(1) & (2); 91.515(a); 91.517(a) & (b); 91.519(a); 91.521(a); 91.525(a); 91.527(a), (b)(3), & (c); 91.531(a)(1); 91.603; 91.609(c)(3), (h), (i)(3) & (j); 91.1037; 91.1045(b); 91.1101(b)(6)(iv), (b)(6)(iv)(B) & (b)(6)(iv)(D); 91.1439(a)(2)(i), (ii), & (vi);

97.3;

110.2;

119.1(e)(2), (e)(4)(v), (e)(7) & (e)(7)(iii); 119.23(b); 119.25;

133.1; 133.11; 133.13; 133.17; 133.19; 133.21(a); 133.23; 133.25; 133.27; 133.33; 133.35; 133.39; 133.41; 133.43(a); 133.45; 133.47; 133.49; 133.51;

135.1(a)(9); 135.4(a)(3); 135.23(r)(7); 135.65(c); 135.151(a), (b), (g) & (h); 135.154(a)(2) & (c); 135.158(a); 135.159(a)(1) & (2); 135.170(c)(2); 135.168; 135.203(a) & (b); 135.205(a) & (b); 135.207; 135.227(c)(2), (c)(3), (d), & (e); 135.243(a)(2), (b)(3), (b)(4) & (c)(3) & (4); 135.247(a)(3), (a)(3)(i), (a)(3)(i)(B)–(D) & (a)(3)(ii)(B); 135.271; 135.293(a)(9), (b), (c) & (h); 135.297(c)(1)(i) & (ii); 135.336(b)(1); 135.345(b)(6)(iv) & (b)(6)(iv)(D); 135.361(a); 135.363(b) & (f); 135.379(a); 135.385(a) & (b); 135.387(a) & (b); 135.413(b)(1); 135.421(a) & (b); 135.427(b); 135.439(a)(2)(i), (ii) & (vi), (b)(1), (b)(2); 135.601(a), (b)(1)(i) & (ii) & (b)(2); 135.603; 135.605(a), (b) & (c); 135.607; 135.609(a); 135.611(a) & (b); 135.617(a) & (c); 135.619(a), (b), & (g)(1); 135.621(a) & (b);

and 142.11(d)(2)(iii)

Description of Relief Sought: AgustaWestland Philadelphia Corporation (AWPC) seeks an exemption on behalf of all potential AW609 operators for exemption from certain prescriptive terms within certain sections of 14 CFR. The AW609 is a tiltrotor aircraft manufactured by Augusta Westland. Because the AW609 opearates as a helicopter for takeoff and landing, and as an airplane for other flight, AWPC asserts that potential operators of the AW609, require exemption(s) from those sections of 14 CFR that reference ''airplane,'' ''airplanes,'' ''rotorcraft,'' ''rotor,'' ''fixed-wing,'' ''fixed-wing aircraft,'' ''copter,'' ''helicopter,'' ''AFM, propeller and airplane/rotorcraft flight manuals''. AWPC describes the AW609 as a vertical take-off and landing (VTOL) aircraft that is essentially a helicopter from a flight characteristics and performance standpoint. AWPC believes that relief through the exemption process will enable sales of tiltrotor aircraft, which will contribute to the balance-of-trade, the gross domestic product and economic health of the United States. AWPC also asserts the level of safety is not compromised in comparison to similar helicopter operations, and that granting this relief is in the public's interest and maintains that an acceptable equivalent level of safety will exist by substituting the term tiltrotor or aircraft for helicopter and other specific terms that exist in the regulations listed above.

[FR Doc. 2017–07944 Filed 4–19–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2016–0015]

Emergency Route Working Group—Notice of Public Meeting

AGENCY: Federal Highway Administration (FHWA); DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a meeting of the Emergency Route Working Group (ERWG). The Federal Advisory Committee Act requires that notice of such meetings be published in the **Federal Register**.

DATES: The public meeting will be held on Wednesday, May 10, 2017, from 8:30 a.m. to 5 p.m., e.t., and Thursday, May 11, 2017, from 8:30 a.m. to 1 p.m.

ADDRESSES: Both sessions of this public meeting will be held at U.S. Department of Transportation, 1200 New Jersey Ave., Conference Center, Washington, DC 20590.

Due to the limited amount of parking around DOT Headquarters, use of public transit is strongly advised. The DOT is served by the Navy Yard Metrorail Station (Green line). The closest exit to DOT Headquarters is the Navy Yard exit. Train and bus schedules are available at Metrorail's Web site at: *http://www.wmata.com/rider_tools/tripplanner/tripplanner_form_solo.cfm.*

FOR FURTHER INFORMATION CONTACT: Crystal Jones, FHWA Office of Freight Management and Operations, (202) 366–2976, or via email at *Crystal.Jones@dot.gov* or *erwg@dot.gov.* For legal questions, contact Seetha Srinivasan, FHWA Office of the Chief Counsel, (202) 366–4099 or via email at *Seetha.Srinivasan@dot.gov.* Office hours for FHWA 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 from the **Federal Register**'s home page at: *http://www.archives.gov;* the Government Publishing Office's database at: *https://www.gpo.gov/fdsys/;* or the specific docket page at: *www.regulations.gov.*

Background

Purpose of the Committee: Section 5502 of the Fixing America's Surface Transportation (FAST) Act (Pub. L. 114–94) requires DOT to establish an emergency route working group to determine best practices for expeditious State approval of special permits for vehicles involved in emergency response and recovery. Pursuant to the Federal Advisory Committee Act (FACA), FHWA's Office of Freight Management and Operations is announcing a public meeting of the Emergency Route Working Group (ERWG). The public meeting will be held on Wednesday, May 10, 2017, from 8:30 a.m. to 5p.m., e.t., and Thursday, May 11, 2017, from 8:30 a.m. to 1 p.m. These meetings are being conducted to develop recommendations for the DOT Secretary on issues and associated best practices to encourage expeditious State approval of special permits for vehicles involved in emergency response and recovery.

Tentative Agenda: The agenda will include a topical discussion on considerations for best practices; including whether:

(1) Impediments currently exist that prevent expeditious State approval of special permits for vehicles involved in emergency response and recovery;

(2) it is possible to pre-identify and establish emergency routes between States through which infrastructure repair materials could be delivered following a natural disaster or emergency;

(3) a State could pre-designate an emergency route identified under paragraph (2) as a certified emergency route if a motor vehicle that exceeds the otherwise applicable Federal and State truck size and weight limits may safely operate along such route during periods of declared emergency and recovery from such periods; and

(4) an online map could be created to identify each pre-designated emergency route under paragraph (3), including information on specific vehicle limitations, obligations, and notification requirements along that route.

Wednesday, May 10, 2017

- 8:30 a.m.–9 Opening Remarks
- 9–11:30 Recommendations and Advice (Utilities perspective)
- 11:30–1 p.m. Lunch
- 1–3:30 Recommendations and Advice (Federal perspective)
- 3:30 Break
- 3:30–4:30 Recommendations and Advice (State Department of Transportation and enforcement perspective)
- 4:30 p.m. Wrap-up and Adjournment for the day

Thursday, May 11, 2017:

- 8:30 a.m.–9 Opening Remarks
- 9:00–10:30 Recommendations and Advice (State Department of Transportation and enforcement perspective, continued from May 10)
- 10:00–12 p.m. ERWG Report to the DOT Secretary (Outline Discussion)
- 12:00–12:30 Outstanding Issues and topics for additional deliberation
- 12:30 p.m. Wrap-up and Adjournment

Public Participation: Both sessions of this meeting are open to the public. The Designated Federal Officer and the Chair of the Committee will conduct the meeting to facilitate the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting by submitting an electronic copy of that statement to *erwg@dot.gov* or the specific docket page at: *www.regulations.gov.* If you would like to make oral statements regarding any of the items on the agenda, you should contact Crystal Jones at the phone number listed above or email your request to *erwg@dot.gov.* You must make your request for an oral statement at least 5 business days prior to the meeting. Reasonable provisions will be made to include any such presentation on the agenda. Public comment will be limited to 3 minutes per speaker, per topic.

Minutes: An electronic copy of the minutes from this meeting will be available for download within 60 days of the conclusion of the meeting at: *http://ops.fhwa.dot.gov/fastact/erwg/index.htm.*

Authority: Section 5502 of Pub. L. 114–94; 5 U.S.C. Appendix 2; 41 CFR 102–3.65; 49 CFR 1.85.

Issued on: April 17, 2017.

Walter C. Waidelich, Jr.,

Acting Deputy Administrator, Federal Highway Administration.

[FR Doc. 2017–08025 Filed 4–19–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0010; Notice 1]

Sumitomo Rubber USA, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

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

ACTION: Receipt of petition.

SUMMARY: Sumitomo Rubber USA, LLC (SRUSA), has determined that certain Sumitomo Kelly brand commercial truck tires do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New Pneumatic Tires for Motor Vehicles with a GVWR of more than 4,536 kilograms (10,000*

pounds) and Motorcycles. SRUSA filed a noncompliance report dated January 3, 2017. SRUSA also petitioned NHTSA on January 31, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is May 22, 2017.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to 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 comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview: Sumitomo Rubber USA, LLC (SRUSA), has determined that certain Sumitomo Kelly brand commercial truck tires do not fully comply with S6.5 of Federal Motor Vehicle Safety Standard (FMVSS) No. 101, *New Pneumatic Tires for Motor Vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and Motorcycles.* SRUSA filed a noncompliance report dated January 3, 2017, and amended on January 25, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* SRUSA also petitioned NHTSA on January 31, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of SRUSA's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Tires Involved: Affected are approximately 138 Sumitomo Kelly KDA size 11R22.5 commercial truck tires manufactured between December 4, 2016, and December 17, 2016.

III. Noncompliance: SRUSA explains that the noncompliance is that the required markings on the sidewall of the subject tires were inadvertently omitted and therefore do not comply with paragraph S6.5 of FMVSS No. 119.

IV. Rule Text: Paragraph S6.5 of FMVSS No. 119 states in pertinent part:

> S6.5 *Tire markings.* Except as specified in this paragraph, each tire shall be marked on each sidewall with the information specified in paragraphs (a) through (j) of this section. The markings shall be placed between the maximum section width (exclusive of sidewall decorations or curb ribs) and the bead on at least one sidewall, unless the maximum section width of the tire is located in an area which is not more than one-fourth of the distance from the bead to the shoulder of the tire . . .

V. Summary of SRUSA's Petition: SRUSA described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, SRUSA submitted the following reasoning:

SRUSA submits that the condition described above is inconsequential as it relates to motor vehicle safety. The tires were manufactured as designed and meet or exceed all performance requirements of applicable Federal motor vehicle safety standards. All of the subject tires are marked with the correct information; however, the information appears only on one sidewall. Therefore, the noncompliant condition does not affect motor vehicle safety because the required information is still visible and available to the consumer on one sidewall of the tire. Additionally, SRUSA is not aware of any customer complaints related to this condition. The affected tire mold was immediately corrected and no additional tires were or will be manufactured with this noncompliance.

NHTSA previously granted petitions for similar noncompliance conditions related to tire information on tires because of surveys that show most consumers do not base tire purchases on tire information found on the tire sidewall.

Moreover, the absence of the markings on one sidewall has no impact on the operational performance of the tires at issue or on the safety of the vehicles on which these tires may be mounted.

SRUSA concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

In a supplemental email dated February 24, 2017, SRUSA stated that the subject tires are not Asymmetric tires and is not labeled as ''OUTERSIDE'' or ''OUTER.'' SRUSA also stated that there is no specific outboard or inner sidewall, thus, the tires may be mounted either way.

To view SRUSA's petition, analyses, and any supplemental documentation in its entirety you can visit *https://www.regulations.gov* by following the online instructions for accessing the dockets and by using the docket ID number for this petition show in the heading of this notice.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of

inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject tires that SRUSA no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant tires under their control after SRUSA notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8)

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–08008 Filed 4–19–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Cemeteries and Memorials; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C., App. 2, that the Advisory Committee on Cemeteries and Memorials will meet May 9–10, 2017, at 1100 First Street NE., Conference Room 104, Washington, DC 20002. On May 9th and May 10th, the meeting will begin each day at 8:30 a.m. and conclude at approximately 5:00 p.m. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of national cemeteries, soldiers' lots and plots, the selection of new national cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits.

On May 9, 2017, the Committee will receive Ethics training and updates on National Cemetery Administration issues. On May 10, 2017, the Committee will discuss prior recommendations and new charges from the Interim Under Secretary for Memorial Affairs. The Committee will also discuss future meeting sites and potential agenda topics at future meetings.

Time will be allocated for receiving oral presentations from the public each day. Any member of the public wishing to attend the meeting should contact Ms. Christine Hamilton, Designated Federal Officer, at (202) 461–5680. The Committee will also accept written comments. Comments may be transmitted electronically to the Committee at *Christine.hamilton1@va.gov* or mailed to the National Cemetery Administration (40A1), 810 Vermont Avenue NW., Washington, DC 20420. In the public's communications with the Committee, the writers must identify themselves and state the organizations, associations, or persons they represent.

Because the meeting is being held in a government building, a photo I.D. must be presented at the security desk as part of the clearance process. Due to an increase in security protocols, and in order to prevent delays in clearance processing, you should allow an additional 15 minutes before the meeting begins.

Dated: April 17, 2017.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–08021 Filed 4–19–17; 8:45 am]

BILLING CODE 8320–01–P

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