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BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Chapter X

Policy on Ex Parte Presentations in Rulemaking Proceedings

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Policy Guidance and Procedural Rule.

SUMMARY: The Consumer Financial Protection Bureau (CFPB) has adopted the following updated policy on ex parte presentations in rulemaking proceedings. The original policy was posted on the CFPB's Web site on August 16, 2011.

DATES: The substantive amendments made in paragraph (e)(1) of this updated Policy on Ex Parte Presentations in Rulemaking Proceedings apply only to informal rulemaking proceedings where the CFPB has published general notice of proposed rulemaking on or after May 22, 2017. All other revisions apply May 22, 2017, to all CFPB informal rulemaking proceedings subject to the Policy, including rulemakings that have not been finalized.

FOR FURTHER INFORMATION CONTACT: Stephen Hayes, Counsel, Legal Division, 1700 G Street NW., 20552, 202-435-9585.

SUPPLEMENTARY INFORMATION:

I. Background

On August 16, 2011, the CFPB posted on its Web site a Policy on Ex Parte Presentations in Rulemaking Proceedings.¹ This Policy generally requires public disclosure of ex parte presentations made to CFPB decision-making personnel concerning pending rulemakings. Since its publication, the

CFPB's Policy has promoted fairness and transparency in rulemaking proceedings by ensuring that the general public has access to input the CFPB receives during such proceedings. Based on public feedback and the CFPB's implementation experiences, the CFPB has made certain revisions to ensure the Policy operates effectively to foster fairness and transparency in the CFPB's rulemaking proceedings to which the Policy applies. Most of the revisions in the Updated Policy are non-substantive, and do not affect the scope or requirements under the Policy. Instead, they clarify the Policy's provisions and requirements, ensure consistency in terminology throughout the Policy, make technical amendments, and facilitate compliance with the procedures in the Policy. The discussion below provides background on the Policy and describes the revisions.

Under the CFPB's Policy, an "ex parte presentation" means "any written or oral communication" by "any person outside the CFPB that imparts information or argument directed to the merits or outcome of a rulemaking proceeding." These presentations are only covered by the Policy to the extent they are made to "decision-making personnel." The Updated Policy makes certain non-substantive changes to this definition. First, in the Prior Policy, the "decision-making personnel" limitation was contained in paragraph (d), which describes the Policy's disclosure requirements. For clarity, the Updated Policy instead moves that limitation to the definition of "ex parte presentation," in paragraph (b). This change does not affect the scope of disclosure obligations under the Policy.

Second, the Updated Policy makes clear that ex parte presentations can include communications "made in any form, including those made in person, or via mail, telephone, email, or other medium. A communication may be an 'ex parte presentation' even if the person making the communication does not intend or desire it to be publicly disclosed." The CFPB's Policy has always covered these types of communications, but the CFPB has received feedback suggesting that outside parties may not have always understood this scope of coverage. The new clarificatory language addresses that feedback.

The Policy continues to define "ex parte presentations" to not include: (i) "Statements by any person made in a public meeting, hearing, conference, or similar event, or public medium such as a newspaper, magazine, or blog"; (ii) "Communications that are inadvertently or casually made"; (iii) "Inquiries limited to the status of a rulemaking or concerning compliance with procedural requirements"; or (iv) "Communications that occur as part of the CFPB's regular supervisory, monitoring, research, and/or other statutory responsibilities, which communications are only incidentally relevant to, and not intended to influence the outcome of, a rulemaking proceeding." The Updated Policy inserts the word "enforcement" into clause (iv), to make clear that communications that occur as part of the CFPB's regular enforcement activities, if incidentally relevant to, and not intended to influence the outcome of, a rulemaking proceeding, also are not ex parte presentations. These communications have always been excluded from the definition of "ex parte presentation" because they occur as part of the CFPB's regular statutory responsibilities. For clarity, the Updated Policy makes that coverage explicit.

It bears emphasis that comments submitted through the methods set forth in a notice of proposed rulemaking for the submission of comments are not ex parte presentations, and therefore are not subject to the requirements under the Policy. Moreover, the CFPB notes that the Policy addresses the public disclosure obligations for ex parte presentations as set forth in the Policy. Although decision-making personnel may in their discretion consider ex parte presentations in the course of developing a final rule covered by the Policy, the Policy does not require such consideration. As the Policy makes clear, once a proposed rule is published, the CFPB "expects that the primary means of communicating a person's view in the course of a rulemaking will be through the submission of written comments to the rulemaking docket. Ex parte presentations should supplement and not substitute for those submissions."

The Updated Policy also clarifies that it applies only where "the CFPB is required by section 553 of the Administrative Procedure Act (APA) to publish general notice of proposed

¹ This supplementary material refers to the CFPB's Ex Parte Policy posted on August 16, 2011 as the "Prior Policy," and to the updated policy in this document as the "Updated Policy." At times, this document uses the term "Policy" when discussing aspects of the Policy that are unchanged.

rulemaking.” The Prior Policy stated that it applied to informal (notice and comment) rulemaking procedures “conducted in accordance with section 553 of the Administrative Procedure Act, including proceedings in which public comment is sought as a matter of discretion.” The CFPB solicits public feedback on a range of documents and in a variety of ways, many of which are not conducted in accordance with section 553 of the APA. In order to avoid confusion regarding when outside parties must comply with the Policy, this revision makes clear that the Policy does not apply where the CFPB voluntarily seeks comment, but is not legally required to do so in accordance with section 553 of the APA.

The Policy applies once the CFPB has published a proposed rule on its Web site or in the **Federal Register**, whichever is earlier. Input the CFPB receives before a rule is proposed is not covered by the Policy, although parties should keep in mind that their communications with the CFPB might be made public as required by law or for other reasons. The Prior Policy applied until publication of a final rule in the **Federal Register**, or final disposition of the notice of proposed rulemaking or interim final rule. The Updated Policy continues to cease applying upon final disposition of the notice of proposed rulemaking, although the term “interim final rule” is removed, consistent with the revision to the language regarding the applicability of the Policy, because the APA does not require general notice of proposed rulemaking for interim final rules. The Updated Policy makes a minor technical change to the date the Policy ceases to apply to a rulemaking. The Prior Policy ceased to apply upon the date of publication of the final rule in the **Federal Register**. In addition to ceasing to apply on this date, the Updated Policy ceases to apply upon the date of publication of the final rule on the CFPB’s Web site, if earlier than **Federal Register** publication. The CFPB has made this change for consistency with when the Policy applies, which is the earlier of Web site or **Federal Register** publication, and because CFPB rules are considered issued at the time they are posted on the CFPB’s Web site.

The Policy continues to provide that its requirements do not apply to presentations: (i) “to the General Counsel and his or her staff that concern judicial review of a matter that has been decided by the CFPB”; (ii) “by other Federal government agencies, offices, or their staff”; or (iii) “by members of Congress or their staff,” unless “such presentations are of major significance, contain information or argument not

already reflected in the rulemaking docket, and are plainly intended to affect the ultimate outcome of the rulemaking.” The Updated Policy makes two non-substantive clarifications to the Policy, which make explicit: (1) That Federal government agencies include “components of the Federal Reserve System;” and (2) that clauses (ii) and (iii) above apply only when the entities identified in those clauses are acting “in their official capacities.”

The Updated Policy also makes a substantive change to this paragraph, by providing that the Policy’s requirements do not apply to communications “by State attorneys general or their equivalents, State bank regulatory authorities, or State agencies that license, supervise, or examine the offering of consumer financial products or services, including their offices or staff, when acting in their official capacities.” The Updated Policy specifies that “State” means “any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States or any federally recognized Indian tribe.” The CFPB has special partnerships with these sister entities, including certain cooperative supervisory and enforcement relationships, and these entities often have uniquely valuable insights into proposed rulemakings. In the CFPB’s experience, communications from these entities have at times been sensitive, and the CFPB believes that these entities are likely to provide more frank and robust feedback if communications are not subject to the disclosure requirements of the Policy. The Updated Policy therefore includes a tailored exemption from coverage designed to further those objectives, as well as the purposes of the Policy in general.

Next, the Prior Policy directed outside parties to submit summaries of oral ex parte presentations or written ex parte presentations within three business days after a presentation. In response to feedback the CFPB has received regarding difficulties complying with that timing requirement, the Updated Policy extends that period for outside parties from three to ten business days. For clarity, the Updated Policy also instructs that summary memoranda include “the identity of the person(s) preparing the memorandum” and “the date of the memorandum.” The Prior Policy directed outside parties to file ex parte presentation materials directly to the public rulemaking docket at www.regulations.gov, as well as submitting them to the CFPB. In response to feedback regarding technical limitations outside parties have

experienced making submissions to rulemaking dockets on www.regulations.gov after comment periods have closed, the Updated Policy provides that outside parties need not themselves file ex parte materials directly to the public rulemaking docket, and instead instructs them to email required materials to the CFPB’s Executive Secretary and to the CFPB employee point of contact for the presentation, if applicable. The Updated Policy also updates the email and mailing address of the Executive Secretary of the CFPB.

The Prior Policy provided that CFPB staff may require filers to correct inaccuracies or missing information in ex parte materials. The Updated Policy clarifies and supplements that clause, explaining “that CFPB staff may communicate with the presenter regarding the summary memorandum or presentation, including, for example, requiring the submitter to correct any inaccuracies or insert missing information, or regarding treatment of confidential information, as appropriate.” In light of the technical limitations experienced by outside parties making submissions to rulemaking dockets on www.regulations.gov after comment periods have closed, as described above, the Updated Policy provides that CFPB will post ex parte presentations and summary memoranda “on the public rulemaking docket in accordance with [the] policy, including making reasonable efforts to do so within a reasonable period of time before publication of the final rule.”

The Updated Policy clarifies procedures for requesting confidential treatment under the Policy. The Prior Policy provided that where a filer believed that one or more documents or portions thereof should be withheld from public inspection, the filer should electronically request that the information not be made available for public inspection, and it instructed the filer to file with the CFPB’s Executive Secretary confidential and public copies of the documents. The Updated Policy makes several non-substantive clarifications to this paragraph for clarity, and it instructs the submitter to explain why confidential treatment is requested and why such information would be properly withheld from disclosure under the Freedom of Information Act, 5 U.S.C. 552. These changes reflect and clarify practices under the Policy, and the CFPB believes they will facilitate requests for confidentiality.

Finally, the Updated Policy makes non-substantive changes to a provision

reserving CFPB discretion to deviate from the Policy where public interest requires, and it inserts as an example that such discretion may be exercised to apply the Policy “during proceedings other than those described in paragraph (a) [of the Policy], and not to apply the policy during proceedings described in paragraph (a), such as where the CFPB has determined that a rule for which general notice of proposed rulemaking was provided in accordance with section 553 of the APA will not be finalized.”

II. Legal Authority and Effective Date

Section 1022(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) authorizes the CFPB to prescribe rules as may be necessary or appropriate to enable the CFPB to administer and carry out the purposes and objectives of the Federal consumer financial laws, and to prevent evasions of those laws.² In addition, section 1012(a) of the Dodd-Frank Act authorizes the Bureau “to establish the general policies of the Bureau with respect to all executive and administrative functions, including—(1) the establishment of rules for conducting the general business of the Bureau, in a manner not inconsistent with this title * * * .”³

As described above, the Updated Policy makes changes to paragraph (e)(1) by including a clause providing that the Policy’s requirements do not apply to communications “by State attorneys general or their equivalents, State bank regulatory authorities, or State agencies that license, supervise, or examine the offering of consumer financial products or services, including their offices or staff, when acting in their official capacities.” The Updated Policy specifies that “State” means “any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States or any federally recognized Indian tribe.” These substantive revisions apply only to informal rulemaking proceedings subject to the Policy where the CFPB has published general notice of proposed rulemaking at least thirty days after publication of the Updated Policy in the **Federal Register**. All other revisions apply thirty days after the date of publication of this document in the **Federal Register**, to all CFPB informal rulemaking proceedings subject to the Policy, including rulemakings that have not been finalized.

III. Regulatory Requirements

The updated CFPB Policy on Ex Parte Presentations in Rulemaking Proceedings is a policy statement and procedural rule that articulates the CFPB’s policies and expectations for communications with persons outside the CFPB during informal rulemaking proceedings where general notice is required by section 553 of the APA. It is exempt from notice and comment rulemaking requirements under the APA pursuant to 5 U.S.C. 553(b). Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis. 5 U.S.C. 603(a), 604(a). The CFPB has determined that this policy does not impose any new or revise any existing recordkeeping, reporting, or disclosure requirements on covered entities or members of the public that would be collections of information requiring OMB approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

IV. Final Policy

The text of the Policy is as follows:

CFPB Policy on Ex Parte Presentations in Rulemaking Proceedings

(a) Scope.—This policy applies to communications with persons outside the Consumer Financial Protection Bureau during informal rulemaking proceedings where the CFPB is required by section 553 of the Administrative Procedure Act (APA) to publish general notice of proposed rulemaking.

(b) Definitions.—For purposes of this policy, the following definitions apply:

(1) Ex Parte Presentation.—

(A) Except as provided in subparagraph (b)(1)(B), the term “ex parte presentation” means any written or oral communication by any person outside the CFPB to any decision-making personnel that imparts information or argument directed to the merits or outcome of a rulemaking proceeding. Ex parte presentations include such communications made in any form, including those made in person, or via mail, telephone, email, or other medium. A communication may be an “ex parte presentation” even if the person making the communication does not intend or desire it to be publicly disclosed.

(B) Ex parte presentations do not include the following:

(i) Statements by any person made in a public meeting, hearing, conference, or similar event, or public medium such as a newspaper, magazine, or blog;

(ii) Communications that are inadvertently or casually made;

(iii) Inquiries limited to the status of a rulemaking or concerning compliance with procedural requirements; or

(iv) Communications that occur as part of the CFPB’s regular supervisory, enforcement, monitoring, research, and/or other statutory responsibilities, which communications are only incidentally relevant to, and not intended to influence the outcome of, a rulemaking proceeding.

(2) Decision-making personnel.—The term “decision-making personnel” means any employee of the CFPB who is or may reasonably be expected to be involved in formulating a CFPB rule.

(c) Policy.—It is the CFPB’s policy to provide for open development of rules and to encourage full public participation in rulemaking actions. The CFPB encourages decision-making personnel to contact the public directly when factual information is needed to resolve questions of substance and to be receptive, consistent with the limitations on CFPB staff time, to communications from persons affected by or interested in a CFPB rulemaking. However, to promote fairness and reasoned decision-making, the CFPB’s policy is to require public disclosure of ex parte presentations according to CFPB guidelines. The CFPB expects that the primary means of communicating a person’s views in the course of a rulemaking will be through the submission of written comments to the rulemaking docket. Ex parte presentations should supplement and not substitute for those submissions.

(d) Disclosure.—Except as provided in paragraph (e), the following requirements apply from the date of publication in the **Federal Register** (or on the CFPB’s Web site, whichever is earlier) of a notice of proposed rulemaking for public comment until the date of publication in the **Federal Register** (or on the CFPB’s Web site, whichever is earlier) of the final rule or final disposition of the notice of proposed rulemaking:

(1) Oral Ex Parte Presentations.—A person who makes an oral ex parte presentation shall, not later than ten business days after the presentation, submit to the CFPB’s Executive Secretary and the CFPB employee point of contact for the presentation, a memorandum summarizing the presentation. The memorandum must contain the identity of the person(s) preparing the memorandum; the date of the memorandum; a list of all persons attending or otherwise participating in the presentation; the date of the presentation; and a summary of data presented and arguments made during the presentation by the person(s)

² 12 U.S.C. 5512(b).

³ 12 U.S.C. 5492(a).

making the presentation. If the oral ex parte presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's prior written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. CFPB staff may communicate with the presenter regarding the memorandum summarizing the presentation, including, for example, requiring the submitter to correct any inaccuracies or insert missing information, or regarding treatment of confidential information, as appropriate. CFPB staff will post such memoranda on the public rulemaking docket in accordance with this policy, including making reasonable efforts to do so within a reasonable period of time before publication of the final rule.

(2) **Written Ex Parte Presentations.**—A person who makes a written ex parte presentation (including documents shown or given to decision-making personnel during oral ex parte presentations) shall, not later than ten business days after the presentation, submit to the CFPB's Executive Secretary and the CFPB employee point of contact for the presentation, if applicable, a copy of the presentation. CFPB staff may communicate with the presenter regarding the written ex parte presentation. CFPB staff will post written ex parte presentations on the public rulemaking docket in accordance with this policy, including making reasonable efforts to do so within a reasonable period of time before publication of the final rule.

(3) **Submission Requirements.**—

(i) Any memorandum summarizing an oral ex parte presentation or written ex parte presentation (and cover letter, if any) shall identify the proceeding to which it relates, including the docket number, if any, and must be labeled as an ex parte submission.

(ii) All submissions under paragraphs (d)(1) and (2) shall be made electronically by emailing the required materials to the Executive Secretary (at CFPB_expardisclosures@cfpb.gov) and the CFPB employee point of contact for the presentation, if applicable. If electronic submission would present an undue hardship, the submitter must request an exemption from the electronic submission requirement, stating the nature of the hardship, and submit by mail or by hand to the Executive Secretary an original and one

copy of the written ex parte presentation or memorandum summarizing an oral ex parte presentation, with a copy by mail to the CFPB employee point of contact for the presentation, if applicable. (Mail may be sent to the Office of the Executive Secretary, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.)

(iii) In cases where a member of the public believes that one or more of the documents or portions thereof covered by this policy (whether a written ex parte presentation or summary of an oral ex parte presentation) should not be posted on the public rulemaking docket, he or she should submit electronically a request for confidential treatment under this policy. Such requests should explain why confidential treatment is requested and why such information would be properly withheld from disclosure under the Freedom of Information Act, 5 U.S.C. 552. Unless otherwise agreed to with the CFPB, such requests should include a copy of the document(s) containing the confidential information and marked prominently as "Confidential," and a copy of the same document(s) with confidential information redacted and marked "Public Copy."

(iv) CFPB staff may in their discretion elect to prepare written summaries of oral ex parte presentations and post them to the rulemaking docket in lieu of requiring the person who made the ex parte presentation to prepare such summaries.

(e) **Exemptions.**—

(1) The requirements in section (d) do not apply to ex parte presentations (i) to the General Counsel and his or her staff that concern judicial review of a matter that has been decided by the CFPB; (ii) by other Federal government agencies, offices, or their staff (including components of the Federal Reserve System), when acting in their official capacities; (iii) by State attorneys general or their equivalents, State bank regulatory authorities, or State agencies that license, supervise, or examine the offering of consumer financial products or services, including their offices or staff, when acting in their official capacities; or (iv) by members of Congress or their staff, when acting in their official capacities, unless such presentations are of major significance, contain information or argument not already reflected in the rulemaking docket, and are plainly intended to affect the ultimate outcome of the rulemaking. For purposes of this policy, State means any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of

the United States, or any federally recognized Indian tribe. All entities are welcome to post written comments to the rulemaking docket.

(2) The CFPB may properly withhold from the rulemaking docket information exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552.

(f) **CFPB Discretion.**—Where the public interest so requires in particular rulemaking proceedings, the CFPB and its staff retain the discretion to deviate from this ex parte policy set forth above, including to apply this policy during proceedings other than those described in paragraph (a), and not to apply the policy during proceedings described in paragraph (a), such as where the CFPB has determined that a rule for which general notice of proposed rulemaking was provided in accordance with section 553 of the APA will not be finalized.

(g) **Violations.**—Persons who fail to adhere to this policy are subject to such sanctions as may be appropriate. Any person who becomes aware of a possible violation of any of the requirements of this policy may advise the Office of General Counsel of all the facts and circumstances that are known to him or her.

Dated: April 17, 2017.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2017-08096 Filed 4-20-17; 8:45 am]

BILLING CODE 4810-AM-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. **FAA-2016-4674**; Directorate Identifier **2016-SW-001-AD**; Amendment **39-18835**; AD **2017-06-11**]

RIN 2120-AA64

Airworthiness Directives; Airbus Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: We are superseding Emergency Airworthiness Directive (Emergency AD) 2015-24-51 for Airbus Helicopters Model EC120B. Emergency AD 2015-24-51 required inspections of the air conditioning system. This supersedure revises the applicability, some of the terminology, and the

inspection requirements. This AD was prompted by a report of an abnormal noise during flight of a Model EC120B helicopter that resulted in a precautionary landing. We are issuing this AD to prevent an unsafe condition on these products.

DATES: This AD becomes effective May 8, 2017.

We must receive comments on this AD by June 20, 2017.

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

- *Federal eRulemaking Docket:* Go to <http://www.regulations.gov>. Follow the online instructions for sending your comments electronically.

- *Fax:* 202-493-2251.

- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

- *Hand Delivery:* Deliver to the "Mail" address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-4674; 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 AD, the Supplemental Type Certificate (STC), the economic 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 service information identified in this final rule, contact Air Comm Corporation, 1575 West 124th Avenue, Westminster, CO 80234, telephone: (303) 440-4075 (during business hours) or (720) 233-8330 (after hours), email service@aircommcorp.com, Web site <http://www.aircommcorp.com/contact>. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT:

Richard R. Thomas, Aviation Safety Engineer, Denver Aircraft Certification Office, FAA, Technical Operations Center, 26805 East 68th Avenue, Room 214, Denver, CO 80249; telephone (303) 342-1085; fax (303) 342-1088; email richard.r.thomas@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that resulted from adopting this AD. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking during the comment period. We will consider all the comments we receive and may conduct additional rulemaking based on those comments.

Discussion

On November 27, 2015, we issued Emergency AD 2015-24-51, which was made immediately effective to all known U.S. owners and operators of Airbus Helicopters Model EC120B helicopters. Emergency AD 2015-24-51 applied to Model EC120B helicopters with an Air Comm Corporation (Air Comm) air conditioning system installed in accordance with STC No. SR00491DE. Emergency AD 2015-24-51 required, before further flight and at intervals not to exceed 25 hours time-in-service (TIS), manually inspecting the air conditioner compressor drive pulley (pulley) for movement (play) between the pulley and the tail rotor output wheel (wheel). If there was any movement, Emergency AD 2015-24-51 required replacing the pulley and the wheel before further flight. If no play existed, Emergency AD 2015-24-51 required an additional inspection for wear and, if needed, replacing the pulley and the wheel. Emergency AD 2015-24-51 also required reporting information to the FAA to enable us to obtain better insight into the cause of the unsafe condition.

Emergency AD 2015-24-51 was prompted by a report that the operator of an Airbus Helicopters Model EC120B helicopter heard an abnormal noise during flight that gradually became more pronounced, resulting in a precautionary landing. While applying

power to land, the helicopter yawed left. Application of the right pedal did not correct the rotation, requiring the pilot to perform a hovering auto rotation. A preliminary investigation showed that the pulley and wheel mating splines had worn away, allowing the pulley to rotate freely on the wheel. Failure of the pulley and wheel during flight may result in the loss of tail rotor drive and subsequent loss of directional control.

Actions Since AD 2014-24-51 Was Issued

After Emergency AD 2015-24-51 was issued, we received a comment from an operator requesting that we clarify the applicability of the AD. The commenter notes that there are two different configurations for the Air Comm conditioning system, the earlier of which has the output flange that is terminating action in the AD already installed. However, the applicability of Emergency AD 2015-24-51 does not distinguish between the two configurations. Pictures from another operator we received with an inspection report showed this earlier configuration where the compressor is driven by a pulley mounted forward of the rotor brake.

We agree with the request to clarify the applicability. Pulleys installed forward of the rotor brake are not part of the tail rotor drive train and their failure would not result in a loss of directional control. We have revised this AD to apply only to those helicopters with an Air Comm air conditioning kit installed in accordance with STC No. SR00491DE where the compressor is driven by a pulley installed *aft* of the rotor brake. Helicopters that have an Air Comm air conditioning kit installed in accordance with STC No. SR00491DE where the compressor is driven by a pulley *forward* of the rotor brake are excluded from this AD's requirements.

We are replacing the term "tail rotor output pinion" used in Emergency AD 2015-24-51 with "tail rotor output wheel," because it is the more commonly known term for this part.

We also received a comment from an operator stating that if play between the pulley and the wheel is found during the inspection, and if the Air Comm pulley is replaced with an Airbus output flange, the AD should not require that the wheel be replaced if it passes the damage and wear criteria in the Airbus Helicopters maintenance manual. We agree that in the absence of wear, regardless of any play, the wheel should not have to be replaced. We are revising the required actions in this AD to remove the inspection for play and instead require an inspection of the

wheel for damage and wear, using criteria consistent with that in the Airbus Helicopters maintenance manual.

We also obtained additional information from Air Comm about the effect of the terminating action in Emergency AD 2015–24–51 and whether it is necessary to deactivate the airconditioning system. As a result, we are removing from the terminating action the requirement to fully or partially deactivate the air conditioning system. Replacing the Air Comm pulley with Airbus Helicopters output flange part number C632A2158201 partially deactivates the system. With the Air Comm pulley replaced, the system is sufficiently deactivated. Cooling will no longer be available, but the evaporator blowers will remain operable to circulate air. Neither the air conditioning system nor the helicopter will be damaged by removing the compressor drive belt and leaving the circuit breakers engaged.

We also have learned that this AD affects five helicopters of U.S. registry, and not only the two helicopters noted in Emergency AD 2015–24–51.

FAA's Determination

We have reviewed the relevant information and determined that an unsafe condition exists and is likely to exist or develop on other helicopters of this same type design and that air safety and the public interest require adopting the AD requirements as proposed.

Related Service Information

We reviewed Air Comm Service Bulletin SB–EC120–111815, Revision A, dated November 20, 2015. Air Comm reports that the pulley, mounted to the Thomas coupling just aft of the main rotor brake caliper, is an integral piece of the power transmission components for the tail rotor. A field report indicated that the spline joint on the pulley can wear beyond its capability to ensure power transmission to the tail rotor shaft. Given that the installation is flight critical, the Air Comm service bulletin specifies an inspection of the pulley-output wheel interface. If excessive play or wear is found, the aircraft must be made inoperable until unairworthy parts are replaced.

AD Requirements

This AD requires, before further flight and at intervals not to exceed 25 hours TIS, removing the pulley and visually inspecting the pulley splines for wear and inspecting the exposed portion of the wheel splines for cracks, scoring, metal pick-up, and measuring for wear. If any of the splines on the pulley are

not straight, contain any inconsistent cross-sections end-to-end, or contain any localized material deformation or any material loss, this AD requires replacing the pulley before further flight. If there is cracking, any scoring or metal pick-up, or if a measurement shows wear, this AD requires replacing the wheel before further flight.

This AD also requires reporting certain information to the FAA within 10 days.

Replacing the Air Comm pulley with Airbus Helicopters output flange part number C632A2158201 constitutes terminating action for this AD.

Differences Between This AD and the Service Information

The service information specifies recurring inspections after 100 flight hours, while this AD requires recurring inspections at intervals not to exceed 25 hours TIS. The service information requires inspecting the pulley and drive shaft (wheel) splines for excessive wear or chatter and replacing the pulley and wheel if there is any play. This AD requires replacing the pulley if any splines are not straight, have inconsistent cross-sections, or contain material deformation or loss. This AD requires replacing the wheel if cracking, scoring, or metal pick-up are found, or measurement of the splines indicates excessive wear. The service information requests that information be submitted to Air Comm, while this AD requires the inspection results be reported to the FAA.

Costs of Compliance

We estimate that this AD will affect 5 helicopters of U.S. Registry and that labor costs average \$85 a work-hour. Based on these estimates we expect that inspecting the pulley and wheel will take about 7.5 work-hours for a cost of \$638 per helicopter and \$3,190 for the U.S. fleet per inspection cycle. Replacing an Air Comm pulley will cost \$2,380 for parts and 0.5 additional work-hour for a cost of \$2,423 per helicopter. Replacing an Airbus wheel will cost \$19,231 for parts and 10 additional work-hours for a cost of \$20,081 per helicopter. The optional terminating action of installing an Airbus output flange will cost \$2,327 for parts and 0.5 additional work-hour for a cost of \$2,370 per helicopter. Reporting the required inspection information to the FAA will take about 0.5 work-hour for a cost of about \$43 per helicopter and \$215 for the U.S. fleet.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to

respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting required by this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591. ATTN: Information Collection Clearance Officer, AES–200.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments prior to adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we find that the risk to the flying public justifies waiving notice and comment prior to the adoption of this rule because the required corrective actions must be accomplished before further flight.

Since an unsafe condition exists that requires the immediate adoption of this AD, we determined that notice and opportunity for prior public comment before issuing this AD are impracticable and contrary to the public interest and that good cause exists to make this AD effective in less than 30 days.

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, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska 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.

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017-06-11 Airbus Helicopters:
Amendment 39-18835; Docket No. FAA-2016-4674; Directorate Identifier 2016-SW-001-AD.

(a) Applicability

This AD applies to Airbus Helicopters Model EC120B helicopters with an Air Comm Corporation (Air Comm) air conditioning kit installed in accordance with supplemental type certificate (STC) No. SR00491DE, where the compressor is driven by a pulley installed *aft* of the rotor brake, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of an air conditioner compressor drive pulley (pulley) or tail rotor output wheel (wheel), leading to loss of tail rotor drive and helicopter control.

(c) Affected ADs

This AD supersedes Emergency AD 2015-24-51, Directorate Identifier 2015-SW-086-AD, dated November 27, 2015.

(d) Effective Date

This AD becomes effective May 8, 2017.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

(1) Before further flight, and at intervals not to exceed 25 hours time-in-service, disassemble the tail rotor drive system and remove the pulley.

(i) Visually inspect the pulley splines for wear. If any splines are not straight, contain any inconsistent cross-sections end-to-end, or contain any localized material deformation or any material loss, replace the pulley before further flight.

Note 1 to paragraph (f)(1)(i) of this AD: End-to-end (fore-and-aft) movement witness marks and polishing are acceptable as the pulley is allowed to slip fore and aft on the wheel per its intended function.

(ii) Inspect the exposed portion of each wheel spline for cracking, scoring, metal pick-up, and wear by using Figure 1 to paragraph (f)(1)(ii) of this AD. To inspect for wear, position two 3 mm (0.118 inch) rods in all diametrically opposed splines and measure to determine whether there is a minimum of 37.3 mm (1.47 inches) across the outside diameter of the rods. If there is any cracking, scoring or metal pick-up, or if a measurement is less than 37.3 mm, replace the wheel.

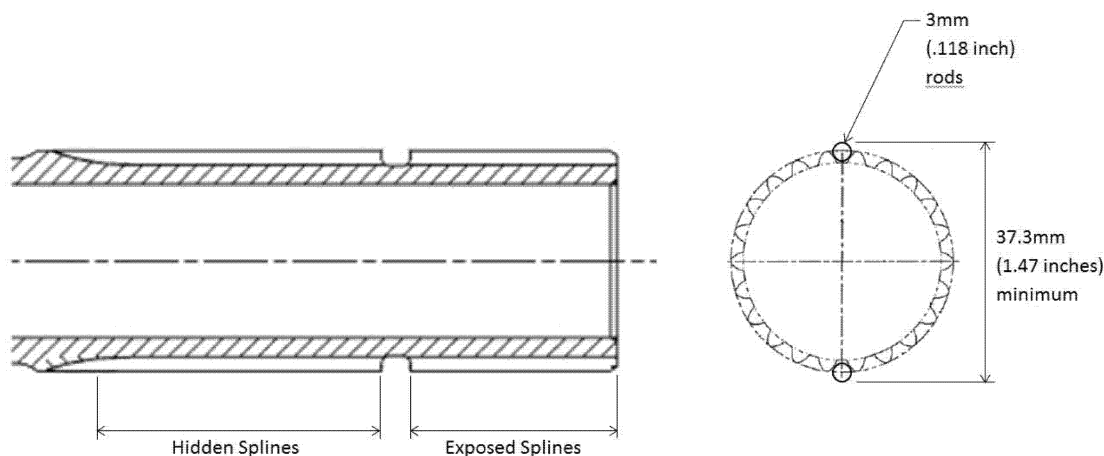


Figure 1 to paragraph (f)(1)(ii)

(2) Within 10 days after completing the initial inspection, report the information requested in Appendix 1 to this AD by mail to the Denver Aircraft Certification Office, FAA, Technical Operations Center, 26805 East 68th Avenue, Room 214, Denver, CO 80249, attn. Richard R. Thomas; by fax to

(303) 342-1088; or by email to richard.r.thomas@faa.gov.

(3) Replacing the Air Comm pulley with Airbus Helicopters output flange part number C632A2158201 constitutes terminating action for this AD.

(g) Special Flight Permits

Special flight permits are prohibited.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Denver Aircraft Certification Office, FAA, may approve

AMOCs for this AD. Send your proposal to: Richard R. Thomas, Aerospace Engineer, Denver Aircraft Certification Office, FAA, Technical Operations Center, 26805 East 68th Avenue, Room 214, Denver, CO 80249; fax (303) 342-1088; email richard.r.thomas@faa.gov.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(i) Additional Information

(i) Air Comm Service Bulletin No. SB-EC120-111815, Revision A, dated November 20, 2015, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact: Air Comm Corporation, 1575 West 124th Avenue, Westminster, CO 80234, telephone: (303) 440-4075 (during business hours) or (720) 233-8330 (after hours); email: service@aircommcorp.com, Web site: <http://www.aircommcorp.com/contact>.

(ii) You may view a copy of Supplemental Type Certificate No. SR00491DE, reissued on November 24, 2014, on the Internet at <http://www.regulations.gov> by searching for and locating it in Docket No. FAA-2016-4674.

(iii) You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177.

(j) Subject

Joint Aircraft Service Component (JASC) Code: 6500, Tail Rotor Drive System.

Issued in Fort Worth, Texas, on February 1, 2017.

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

Appendix 1 to AD 2017-06-11

Please report the following to the Denver Aircraft Certification Office, FAA, Technical Operations Center, by mail to 26805 East 68th Avenue, Room 214, Denver, CO 80249, attn. Richard R. Thomas; by fax to (303) 342-1088; or by email to richard.r.thomas@faa.gov:

(1) Condition of the splined joint. Document any damage found with photographs.

(2) Flight hours since the air-conditioning kit was installed.

(3) Aircraft serial number.

(4) Pulley serial number (etched on the pulley's face).

(5) Output wheel serial number from main gearbox, MAIN MODULE hard card.

(6) Primary operating location of the aircraft.

(7) Approximate average percentage of time the air conditioner is used.

(8) Operator and maintenance facility contact information.

(9) If parts are replaced, will air conditioning system remain fully or partially operable?

[FR Doc. 2017-07777 Filed 4-20-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2017-0051; Directorate Identifier 2016-CE-043-AD; Amendment 39-18858; AD 2017-08-09]

RIN 2120-AA64

Airworthiness Directives; DG Flugzeugbau GmbH

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for DG Flugzeugbau GmbH Model DG-500MB gliders that are equipped with a Solo 2625 02 engine modified with a fuel injection system following the instructions of Solo Kleinmotoren GmbH Technische Mitteilung (TM)/Service Bulletin (SB) 4600-3 "Fuel Injection System" and identified as Solo 2625 02i. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as possible in-flight engine shut-down and engine fire due to failure of the connecting stud for the two fuel injector mounts of the engine redundancy system. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective May 26, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of May 26, 2017.

ADDRESSES: You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0051; or in person at Document 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 service information identified in this AD, contact Solo Kleinmotoren GmbH, Postfach 600152, 71050

Sindelfingen, Germany; telephone: +49 703 1301-0; fax: +49 703 1301-136; email: aircraft@solo-germany.com; Internet: <http://aircraft.solo-online.com>. You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4165; fax: (816) 329-4090; email: jim.rutherford@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to DG Flugzeugbau GmbH Model DG-500MB gliders. The NPRM was published in the **Federal Register** on February 7, 2017 (82 FR 9535). The NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. The MCAI states:

An occurrence was reported involving a failure of the connecting stud for the two fuel injector mounts of the engine redundancy system.

This condition, if not corrected, could lead to an uncommanded in-flight engine shut-down and engine fire, possibly resulting in loss of control of the aeroplane.

To address this unsafe condition, Solo Kleinmotoren GmbH issued SB/TM 4600-5 to provide instructions for reinforcement and securing of the injector mounts.

For the reason described above, this AD requires modification of the engine redundancy system.

Solo Kleinmotoren GmbH SB/TM 4600-3 (currently at issue 2, dated 03 December 2012) will be revised to incorporate the modification required by SB/TM 4600-5 for future Solo 2625 02i engines.

The MCAI can be found in the AD docket on the Internet at: <https://www.regulations.gov/document?D=FAA-2017-0051-0002>.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial

changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

We reviewed Solo Kleinmotoren GmbH Technische Mitteilung (English translation: Service Bulletin), Nr. 4600–5, Ausgabe 2 (English translation: Issue 2), dated December 12, 2014. The service information describes procedures for changing the fuel injector mounts of the engine redundancy system and securing the connection of the lower to the upper mount. 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 of the AD.

Costs of Compliance

We estimate that this AD will affect 3 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$67 per product.

Based on these figures, we estimate the cost of this AD on U.S. operators to be \$456, or \$152 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this AD will not have federalism implications under

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

For the reasons discussed above, I certify 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.

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–2017–0051; 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 the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new AD:

2017–08–09 DG Flugzeugbau GmbH:
Amendment 39–18858; Docket No. FAA–2017–0051; Directorate Identifier 2016–CE–043–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective May 26, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to DG Flugzeugbau GmbH DG–500MB gliders, all serial numbers, that are:

- (1) Equipped with a Solo 2625 02 engine modified with a fuel injection system following the instructions of Solo Kleinmotoren GmbH Service Bulletin (SB)/ Technische Mitteilung (TM) 4600–3 "Fuel Injection System" and identified as Solo 2625 02i; and
- (2) certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 72: Engine.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as failure of the connecting stud for the two fuel injector mounts of the engine redundancy system on gliders equipped with a Solo 2625 02i engine. We are issuing this AD to prevent such failure that could lead to the potential of an in-flight shut-down and engine fire and result in loss of control.

(f) Actions and Compliance

Unless already done, within the next 60 days after May 26, 2017 (the effective date of this AD), modify the engine redundancy system following the actions in Solo Kleinmotoren GmbH Technische Mitteilung (English translation: Service Bulletin), Nr. 4600–5, Ausgabe 2 (English translation: Issue 2), dated December 12, 2014.

Note 1 to paragraph (f) of this AD: This service information contains German to English translation. The EASA used the English translation in referencing the document. For enforceability purposes, we will refer to the Solo Kleinmotoren service information as it appears on the document.

(g) Credit for Actions Accomplished in Accordance With Previous Service Information

This AD allows credit for modification of the engine redundancy system as required in paragraph (f) of this AD if done before the effective date of this AD following Solo Kleinmotoren GmbH Technische Mitteilung (English translation: Service Bulletin), Nr. 4600–5, Ausgabe 1 (English translation: Issue 1), dated November 24, 2014.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

- (1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: jim.rutherford@faa.gov.

Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product*: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(i) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2014-0269, dated December 11, 2014 for related information. The MCAI can be found in the AD docket on the Internet at: <https://www.regulations.gov/document?D=FAA-2017-0051-0002>.

(j) Material Incorporated by Reference

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

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

(i) Solo Kleinmotoren GmbH Technische Mitteilung (English translation: Service Bulletin), Nr. 4600-5, Ausgabe 2 (English translation: Issue 2), dated December 12, 2014.

(ii) Reserved.

(3) For Solo Kleinmotoren GmbH service information identified in this AD, contact Solo Kleinmotoren GmbH, Postfach 600152, 71050 Sindelfingen, Germany; telephone: +49 703 1301-0; fax: +49 703 1301-136; email: aircraft@solo-germany.com; Internet: <http://aircraft.solo-online.com>.

(4) You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148. In addition, you can access this service information on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0051.

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

Issued in Kansas City, Missouri, on April 11, 2017.

Brian A. Yanez,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017-07776 Filed 4-20-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2017-0134]

Special Local Regulations; Conch Republic Navy Parade and Battle, Key West, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the special local regulations for the Conch Republic Navy Parade and Battle in Key West, Florida, from 6:30 p.m. until 8:00 p.m. on April 28, 2017. Our regulation for Recurring Marine Events in Captain of the Port Key West Zone identifies the regulated area for this event. During the enforcement period no person or vessel may enter into, transit through, anchor in, or remain within the regulated area without approval from the Captain of the Port Key West or a designated representative.

DATES: The regulations in 33 CFR 100.701 Table 1(c)(7) will be enforced from 6:30 p.m. until 8:00 p.m. on April 28, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Scott Ledee, Sector Key West Waterways Management Department, Coast Guard; telephone (305) 292-8768, email Scott.G.Ledee@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations in 33 CFR 100.701 from 6:30 p.m. until 8:00 p.m. on April 28, 2017, for the annual Conch Republic Navy Parade and Battle in Key West, Florida. This action is being taken to provide for the safety of life on the navigable waters of the Key West Harbor during the simulated battle event. Our regulation for Recurring Marine Events in Captain of the Port Key West Zone, § 100.701, Table 1, item (c)(7), specifies the location of the regulated area for the reenactment of the battle within the Key West Harbor.

During the enforcement period, no person or vessel may enter, transit through, anchor within, or remain within the established regulated areas without approval from the Captain of the Port Key West or designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice of enforcement is issued under authority of 33 CFR 100.701 and 5 U.S.C. 552(a). The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives. If the Captain of the Port Key West determines that the regulated area need not be enforced for the full duration stated in this publication, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: April 13, 2017.

J.A. Janszen,

Captain, U.S. Coast Guard, Captain of the Port Key West.

[FR Doc. 2017-08036 Filed 4-20-17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2017-0214]

RIN 1625-AA00

Safety Zone; Navy UNDET, Apra Outer Harbor and Piti, GU

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for underwater detonation operations in the waters of Apra Outer Harbor and Piti, Guam. This rule is effective from 8 a.m. until 4 p.m. on April 27th through April 28th, 2017. The Coast Guard believes this safety zone regulation is necessary to protect all persons and vessels that would otherwise transit or be within the affected areas from possible safety hazards associated with underwater detonation operations. Entry of vessels or persons into these zones is prohibited, unless specifically authorized by the Captain of the Port Guam.

DATES: This rule is effective from 8 a.m. until 4 p.m. on April 27 through April 28, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2017-0214 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 Chief Kristina Gauthier, Sector Guam, U.S. Coast Guard; telephone (671) 355-4866, email Kristina.M.Gauthier@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
 DHS Department of Homeland Security
 E.O. Executive order
 FR Federal Register
 NPRM Notice of proposed rulemaking
 Pub. L. Public Law
 § Section
 UNDET Underwater detonation
 U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and contrary to public interest. The Coast Guard received notice of this operation on March 9, 2017, only 49 days before the operation is scheduled. As a result, the Coast Guard did not have time to issue a notice of proposed rulemaking. Thus, delaying the effective date of this rule to wait for a comment period to run would be impracticable because it would inhibit the Coast Guard’s ability to protect vessels and waterway users from the hazards associated with this operation.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Due to the late notice and inherent danger in underwater exercises, delaying the effective period of this safety zone would be contrary to the public interest.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Guam (COTP) has determined that potential hazards associated with the U.S. Navy training exercise, which include detonation of underwater explosives, will be a safety concern for anyone within a 700-yard radius above and below the surface on April 27, 2017 and a 1400-yard radius

above and below the surface on April 28, 2017. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the exercise. Mariners and divers approaching too close to such exercises could potentially expose the mariner to floating debris or other hazardous conditions.

IV. Discussion of the Rule

This rule establishes safety zones from 8 a.m. through 4 p.m. on April 27th through April 28th, 2017. The safety zones will cover all navigable waters within a 700-yard radius above and below the surface on April 27, 2017 and a 1400-yard radius above and below the surface on April 28, 2017 of vessels and machinery being used by Navy. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the underwater detonation exercise. No vessel or person will be permitted to enter the safety zones without obtaining permission from the COTP or a designated representative.

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

This regulatory action determination is based on the size, location, and duration of the safety zone. Vessel traffic will be able to safely transit around these safety zones, which will impact a small designated area of waters off of Piti, Guam, for eight hours for one day and in Apra Outer Harbor for eight hours for one day. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zones and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section 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 above.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting 8 hours a day for 2 days that will prohibit entry within a 700-yard radius above and below the surface on April 27, 2017 and a 1400-yard radius above and below the surface on April 28, 2017 of vessels and machinery being used by Navy personnel. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. 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 165

Harbors, Marine Safety, Navigation (water), Reporting and record-keeping requirements, Security measures, Waterways.

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

- 2. Add § 165.T14–0214 to read as follows:

§ 165. T14–0274 Safety Zone; Navy UNDET, Apra Outer Harbor and Piti, GU.

(a) *Location.* The following areas, within the Guam Captain of the Port (COTP) Zone (See 33 CFR 3.70–15), from the surface of the water to the ocean floor, are safety zones:

(1) *Apra Outer Harbor, Guam April 27, 2017.* All waters above and below the surface bounded by a circle with a 700-yard radius centered at 13 degrees 27 minutes 71 seconds North Latitude and 144 degrees 38 minutes 50 seconds East Longitude, (NAD 1983).

(2) *Piti Guam April 28, 2017.* All waters above and below the surface bounded by a circle with a 1400-yard radius centered at 13 degrees 29 minutes 05 seconds North Latitude and 144 degrees 40 minutes 06 seconds East Longitude, (NAD 1983).

(b) *Effective period.* This section is effective from 8 a.m. through 4 p.m. April 27 through April 28, 2017.

(c) *Regulations.* The general regulations governing safety zones contained in 33 CFR 165.23 apply. Entry into or movement within these zones are prohibited unless authorized by the COTP or a designated representative thereof.

(d) *Enforcement.* Any Coast Guard commissioned, warrant, or petty officer, and any other COTP representative

permitted by law, may enforce these temporary safety zones.

(e) *Waiver.* The COTP may waive any of the requirements of this section for any person, vessel, or class of vessel upon finding that application of the safety zone is unnecessary or impractical for the purpose of maritime security.

(f) *Penalties.* Vessels or persons violating this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Dated: March 30, 2017.

James B. Pruett,

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

[FR Doc. 2017–08125 Filed 4–20–17; 8:45 am]

BILLING CODE 9110–04–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3020

[Docket Nos. MC2010–21 and CP2010–36]

Update to Product Lists

AGENCY: Postal Regulatory Commission.
ACTION: Final rule.

SUMMARY: The Commission is updating the product lists. This action reflects a publication policy adopted by Commission order. The referenced policy assumes periodic updates. The updates are identified in the body of this document. The product list, which is re-published in its entirety, includes these updates.

DATES: *Effective Date:* April 21, 2017.

Applicability Dates: January 4, 2017, Priority Mail Contract 280 (MC2017–60 and CP2017–88); January 4, 2017, Priority Mail Express & Priority Mail Contract 39 (MC2017–63 and CP2017–91); January 4, 2017, Priority Mail Contract 281 (MC2017–61 and CP2017–89); January 4, 2017, Priority Mail Contract 279 (MC2017–59 and CP2017–87); January 4, 2017, First-Class Package Service Contract 71 (MC2017–62 and CP2017–90); January 5, 2017, Parcel Select Contract 18 (MC2017–65 and CP2017–93); January 5, 2017, Priority Mail Express & Priority Mail Contract 41 (MC2017–67 and CP2017–95); January 5, 2017, Priority Mail Contract 282 (MC2017–68 and CP2017–96); January 5, 2017, Parcel Select Contract 19 (MC2017–66 and CP2017–94); January 5, 2017, Priority Mail Express & Priority Mail Contract 40 (MC2017–64 and CP2017–92); January 6, 2017, First-Class Package Service Contract 72 (MC2017–70 and CP2017–98); January 6, 2017, Priority Mail Contract 283 (MC2017–69 and CP2017–97); January 9, 2017,

Priority Mail Express & Priority Mail Contract 42 (MC2017-73 and CP2017-100); January 10, 2017, Priority Mail Contract 284 (MC2017-74 and CP2017-101); January 10, 2017, Priority Mail Contract 285 (MC2017-75 and CP2017-102); January 11, 2017, Priority Mail Contract 286 (MC2017-76 and CP2017-103); January 11, 2017, Global Expedited Package Services—Non-Published Rates Contract 11 (MC2017-72 and CP2017-99); January 17, 2017, Inbound Market Dominant PRIME Tracked Service Agreement (MC2017-71 and R2017-3); January 26, 2017, Parcel Select Contract 20 (MC2017-78 and CP2017-105); January 30, 2017, Priority Mail Contract 288 (MC2017-79 and CP2017-106); January 30, 2017, Priority Mail Contract 287 (MC2017-77 and CP2017-104); February 6, 2017, Priority Mail Contract 289 (MC2017-81 and CP2017-107); February 9, 2017, Priority Mail Express & Priority Mail Contract 43 (MC2017-83 and CP2017-112); February 14, 2017, Priority Mail Contract 290 (MC2017-84 and CP2017-113); February 14, 2017, Priority Mail Contract 293 (MC2017-87 and CP2017-116); February 14, 2017, Priority Mail Contract 292 (MC2017-86 and CP2017-115); February 14, 2017, Priority Mail Contract 291 (MC2017-85 and CP2017-114); February 14, 2017, Parcel Select & Parcel Return Service Contract 6 (MC2017-88 and CP2017-117); February 14, 2017, Parcel Select Contract 21 (MC2017-90 and CP2017-119); February 14, 2017, First-Class Package Service Contract 73 (MC2017-89 and CP2017-118); February 16, 2017, Alternative Delivery Provider 1 Contracts (MC2017-82 and CP2017-111); February 24, 2017, Priority Mail Contract 294 (MC2017-91 and CP2017-125); February 24, 2017, Priority Mail Express Contract 45 (MC2017-92 and CP2017-126); March 14, 2017, Priority Mail Contract 295 (MC2017-93 and CP2017-128); March 14, 2017, Priority Mail Contract 296 (MC2017-94 and CP2017-129); March 27, 2017, Priority Mail Express, Priority Mail & First-Class Package Service Contract 15 (MC2017-97 and CP2017-137); March 28, 2017, Priority Mail Contract 297 (MC2017-95 and CP2017-135); March 28, 2017, First-Class Package Service Contract 74 (MC2017-96 and CP2017-136); March 29, 2017, Priority Mail Contract 298 (MC2017-98 and CP2017-144); March 29, 2017, Priority Mail Express & Priority Mail Contract 44 (MC2017-99 and CP2017-145); November 15, 2016, Notice of Market-Dominant (Price Adjustment) (R2017-1); November 18, 2016, Competitive Products Price

Changes Rates of General Applicability (CP2017-20).

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6800.

SUPPLEMENTARY INFORMATION: This document identifies updates to the market dominant and the competitive product lists, which appear as 39 CFR Appendix A to Subpart A of Part 3020—Market Dominant Product List and 39 CFR Appendix B to Subpart A of Part 3020—Competitive Product List, respectively. Publication of the updated product lists in the **Federal Register** is addressed in the Postal Accountability and Enhancement Act (PAEA) of 2006.

Authorization. The Commission process for periodic publication of updates was established in Docket Nos. MC2010-21 and CP2010-36, Order No. 445, April 22, 2010, at 8.

Changes. The product lists are being updated by publishing replacements in their entirety of 39 CFR Appendix A to Subpart A of Part 3020—Market Dominant Product List and 39 CFR Appendix B to Subpart A of Part 3020—Competitive Product List. The following products are being added, removed, or moved within the product lists:

Market Dominant Product List

1. Inbound Market Dominant PRIME Tracked Service Agreement (MC2017-71 and R2017-3) (Order No. 3755), added January 17, 2017.
2. Notice of Market-Dominant (Price Adjustment) (R2017-1) (Order No. 3610), added November 15, 2016.

Competitive Product List

1. Priority Mail Contract 280 (MC2017-60 and CP2017-88) (Order No. 3719), added January 4, 2017.
2. Priority Mail Express & Priority Mail Contract 39 (MC2017-63 and CP2017-91) (Order No. 3720), added January 4, 2017.
3. Priority Mail Contract 281 (MC2017-61 and CP2017-89) (Order No. 3721), added January 4, 2017.
4. Priority Mail Contract 279 (MC2017-59 and CP2017-87) (Order No. 3722), added January 4, 2017.
5. First-Class Package Service Contract 71 (MC2017-62 and CP2017-90) (Order No. 3723), added January 4, 2017.
6. Parcel Select Contract 18 (MC2017-65 and CP2017-93) (Order No. 3724), added January 5, 2017.
7. Priority Mail Express & Priority Mail Contract 41 (MC2017-67 and CP2017-95) (Order No. 3725), added January 5, 2017.
8. Priority Mail Contract 282 (MC2017-68 and CP2017-96) (Order No. 3726), added January 5, 2017.

9. Parcel Select Contract 19 (MC2017-66 and CP2017-94) (Order No. 3727), added January 5, 2017.

10. Priority Mail Express & Priority Mail Contract 40 (MC2017-64 and CP2017-92) (Order No. 3728), added January 5, 2017.

11. First-Class Package Service Contract 72 (MC2017-70 and CP2017-98) (Order No. 3729), added January 6, 2017.

12. Priority Mail Contract 283 (MC2017-69 and CP2017-97) (Order No. 3730), added January 6, 2017.

13. Priority Mail Express & Priority Mail Contract 42 (MC2017-73 and CP2017-100) (Order No. 3732), added January 9, 2017.

14. Priority Mail Contract 284 (MC2017-74 and CP2017-101) (Order No. 3738), added January 10, 2017.

15. Priority Mail Contract 285 (MC2017-75 and CP2017-102) (Order No. 3739), added January 10, 2017.

16. Priority Mail Contract 286 (MC2017-76 and CP2017-103) (Order No. 3745), added January 11, 2017.

17. Global Expedited Package Services (GEPS)—Non-Published Rates 11 (MC2017-72 and CP2017-99) (Order No. 3746), added January 11, 2017.

18. Parcel Select Contract 20 (MC2017-78 and CP2017-105) (Order No. 3759), added January 26, 2017.

19. Priority Mail Contract 288 (MC2017-79 and CP2017-106) (Order No. 3762), added January 30, 2017.

20. Priority Mail Contract 287 (MC2017-77 and CP2017-104) (Order No. 3764), added January 30, 2017.

21. Priority Mail Contract 289 (MC2017-81 and CP2017-107) (Order No. 3774), added February 6, 2017.

22. Priority Mail Express & Priority Mail Contract 43 (MC2017-83 and CP2017-112) (Order No. 3779), added February 9, 2017.

23. Priority Mail Contract 290 (MC2017-84 and CP2017-113) (Order No. 3781), added February 14, 2017.

24. Priority Mail Contract 293 (MC2017-87 and CP2017-116) (Order No. 3782), added February 14, 2017.

25. Priority Mail Contract 292 (MC2017-86 and CP2017-115) (Order No. 3783), added February 14, 2017.

26. Priority Mail Contract 291 (MC2017-85 and CP2017-114) (Order No. 3784), added February 14, 2017.

27. Parcel Select & Parcel Return Service Contract 6 (MC2017-88 and CP2017-117) (Order No. 3785), added February 14, 2017.

28. Parcel Select Contract 21 (MC2017-90 and CP2017-119) (Order No. 3786), added February 14, 2017.

29. First-Class Package Service Contract 73 (MC2017-89 and CP2017-118) (Order No. 3787), added February 14, 2017.

30. Alternative Delivery Provider 1 Contracts (MC2017–82 and CP2017–111) (Order No. 3793), added February 16, 2017.

31. Priority Mail Contract 294 (MC2017–91 and CP2017–125) (Order No. 3801), added February 24, 2017.

32. Priority Mail Express Contract 45 (MC2017–92 and CP2017–126) (Order No. 3802), added February 24, 2017.

33. Priority Mail Contract 295 (MC2017–93 and CP2017–128) (Order No. 3814), added March 14, 2017.

34. Priority Mail Contract 296 (MC2017–94 and CP2017–129) (Order No. 3815), added March 14, 2017.

35. Priority Mail Express, Priority Mail & First-Class Package Service Contract 15 (MC2017–97 and CP2017–137) (Order No. 3830), added March 27, 2017.

36. Priority Mail Contract 297 (MC2017–95 and CP2017–135) (Order No. 3832), added March 28, 2017.

37. First-Class Package Service Contract 74 (MC2017–96 and CP2017–136) (Order No. 3833), added March 28, 2017.

38. Priority Mail Contract 298 (MC2017–98 and CP2017–144) (Order No. 3836), added March 29, 2017.

39. Priority Mail Express & Priority Mail Contract 44 (MC2017–99 and CP2017–145) (Order No. 3837), added March 29, 2017.

40. Competitive Products Price Changes Rates of General Applicability (CP2017–20) (Order No. 3622), added November 18, 2016.

The following negotiated service agreements have expired and are being deleted from the Competitive Product List:

1. Priority Mail Express Contract 8 (MC2010–16 and CP2010–16) (Order No. 379).

2. Priority Mail Express Contract 17 (MC2014–13 and CP2014–17) (Order No. 1947).

3. Priority Mail Express Contract 18 (MC2014–25 and CP2014–48) (Order No. 2072).

4. Priority Mail Express Contract 22 (MC2015–15 and CP2015–19) (Order No. 2307).

5. Priority Mail Express Contract 24 (MC2015–21 and CP2015–26) (Order No. 2311).

6. Priority Mail Express Contract 25 (MC2015–22 and CP2015–28) (Order No. 2318).

7. Priority Mail Express Contract 33 (MC2016–87 and CP2016–112) (Order No. 3136).

8. Priority Mail Contract 24 (MC2010–15 and CP2010–15) (Order No. 378).

9. Priority Mail Contract 65 (MC2013–63 and CP2013–83) (Order No. 1854).

10. Priority Mail Contract 73 (MC2014–11 and CP2014–15) (Order No. 1949).

11. Priority Mail Contract 74 (MC2014–15 and CP2014–24) (Order No. 1960).

12. Priority Mail Contract 75 (MC2014–16 and CP2014–25) (Order No. 1979).

13. Priority Mail Contract 76 (MC2014–17 and CP2014–26) (Order No. 1978).

14. Priority Mail Contract 79 (MC2014–20 and CP2014–33) (Order No. 2016).

15. Priority Mail Contract 83 (MC2014–31 and CP2014–56) (Order No. 2126).

16. Priority Mail Contract 84 (MC2014–33 and CP2014–59) (Order No. 2143).

17. Priority Mail Contract 86 (MC2014–35 and CP2014–61) (Order No. 2138).

18. Priority Mail Contract 89 (MC2014–39 and CP2014–72) (Order No. 2175).

19. Priority Mail Contract 91 (MC2014–45 and CP2014–81) (Order No. 2205).

20. Priority Mail Contract 97 (MC2015–5 and CP2015–6) (Order No. 2239).

21. Priority Mail Contract 100 (MC2015–10 and CP2015–13) (Order No. 2274).

22. Priority Mail Contract 101 (MC2015–11 and CP2015–14) (Order No. 2272).

23. Priority Mail Contract 102 (MC2015–13 and CP2015–16) (Order No. 2288).

24. Priority Mail Contract 103 (MC2015–17 and CP2015–21) (Order No. 2305).

25. Priority Mail Contract 105 (MC2015–20 and CP2015–25) (Order No. 2317).

26. Priority Mail Contract 108 (MC2015–27 and CP2015–36) (Order No. 2353).

27. Priority Mail Contract 109 (MC2015–28 and CP2015–37) (Order No. 2362).

28. Priority Mail Contract 112 (MC2015–32 and CP2015–42) (Order No. 2373).

29. Priority Mail Contract 114 (MC2015–34 and CP2015–45) (Order No. 2404).

30. Priority Mail Contract 116 (MC2015–36 and CP2015–47) (Order No. 2401).

31. Priority Mail Contract 118 (MC2015–38 and CP2015–49) (Order No. 2405).

32. Priority Mail Contract 120 (MC2015–40 and CP2015–51) (Order No. 2403).

33. Priority Mail Contract 122 (MC2015–46 and CP2015–57) (Order No. 2451).

34. Priority Mail Contract 124 (MC2015–53 and CP2015–81) (Order No. 2534).

35. Priority Mail Contract 128 (MC2015–61 and CP2015–92) (Order No. 2592).

36. Priority Mail Contract 129 (MC2015–62 and CP2015–93) (Order No. 2582).

37. Priority Mail Contract 135 (MC2015–71 and CP2015–109) (Order No. 2636).

38. Priority Mail Contract 139 (MC2015–76 and CP2015–120) (Order No. 2651).

39. Priority Mail Contract 142 (MC2015–82 and CP2015–138) (Order No. 2738).

40. Priority Mail Contract 143 (MC2015–83 and CP2015–139) (Order No. 2737).

41. Priority Mail Contract 147 (MC2016–4 and CP2016–4) (Order No. 2764).

42. Priority Mail Contract 151 (MC2016–12 and CP2016–14) (Order No. 2802).

43. Priority Mail Contract 162 (MC2016–31 and CP2016–37) (Order No. 2907).

44. Priority Mail Contract 165 (MC2016–39 and CP2016–48) (Order No. 3069).

45. Priority Mail Contract 173 (MC2016–50 and CP2016–65) (Order No. 3009).

46. Priority Mail Contract 182 (MC2016–68 and CP2016–83) (Order No. 3004).

47. Priority Mail Contract 184 (MC2016–66 and CP2016–81) (Order No. 2996).

48. Priority Mail Contract 187 (MC2016–79 and CP2016–104) (Order No. 3112).

49. Priority Mail Express & Priority Mail Contract 16 (MC2015–2 and CP2015–4) (Order No. 2232).

50. First-Class Package Service Contract 35 (MC2014–14 and CP2014–23) (Order No. 1975).

51. First-Class Package Service Contract 56 (MC2016–154 and CP2016–217) (Order No. 3391).

52. First-Class Package Service Contract 58 (MC2016–170 and CP2016–248) (Order No. 3452).

53. Priority Mail Express, Priority Mail & First-Class Package Service Contract 3 (MC2014–27 and CP2014–53) (Order No. 2106).

54. Priority Mail Express, Priority Mail & First-Class Package Service Contract 4 (MC2014–43 and CP2014–76) (Order No. 2183).

55. Priority Mail & First-Class Package Service Contract 3 (MC2015–45 and CP2015–56) (Order No. 2430).

56. Priority Mail & First-Class Package Service Contract 12 (MC2016–70 and CP2016–85) (Order No. 2998).

57. Priority Mail & First-Class Package Service Contract 14 (MC2016–88 and CP2016–113) (Order No. 3139).

Updated product lists. The referenced changes to the product lists are incorporated into 39 CFR Appendix A to Subpart A of Part 3020—Market Dominant Product List and 39 CFR Appendix B to Subpart A of Part 3020—Competitive Product List.

List of Subjects in 39 CFR Part 3020

Administrative practice and procedure, Postal Service.

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

PART 3020—PRODUCT LISTS

■ 1. The authority citation for part 3020 continues to read as follows:

Authority: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 2. Revise Appendix A of Subpart A of Part 3020—Market Dominant Product List and Appendix B of Subpart A of Part 3020—Competitive Product List to read as follows:

Appendix A to Subpart A of Part 3020—Market Dominant Product List

(An asterisk (*) indicates an organizational class or group, not a Postal Service product.)

Part A—Market Dominant Products

1000 Market Dominant Product List

First-Class Mail*

Single-Piece Letters/Postcards

Presorted Letters/Postcards

Flats

Parcels

Outbound Single-Piece First-Class Mail

International

Inbound Letter Post

USPS Marketing Mail (Commercial and Nonprofit)*

High Density and Saturation Letters

High Density and Saturation Flats/Parcels

Carrier Route

Letters

Flats

Parcels

Every Door Direct Mail—Retail

Periodicals*

In-County Periodicals

Outside County Periodicals

Package Services*

Alaska Bypass Service

Bound Printed Matter Flats

Bound Printed Matter Parcels

Media Mail/Library Mail

Special Services*

Ancillary Services

International Ancillary Services

Address Management Services

Caller Service

Credit Card Authentication

International Reply Coupon Service

International Business Reply Mail Service

Money Orders

Post Office Box Service

Customized Postage

Stamp Fulfillment Services

Negotiated Service Agreements*

Domestic*

PHI Acquisitions, Inc. Negotiated Service

Agreement

International*

Inbound Market Dominant Multi-Service

Agreements with Foreign Postal

Operators 1

Inbound Market Dominant Express Service

Agreement 1

Inbound Market Dominant Registered

Service Agreement 1

Inbound Market Dominant PRIME Tracked

Service Agreement

Nonpostal Services*

Alliances with the Private Sector to Defray

Cost of Key Postal Functions

Philatelic Sales

Market Tests*

Appendix B to Subpart A of Part 3020—Competitive Product List

Part B—Competitive Products

2000 Competitive Product List

Domestic Products*

Priority Mail Express

Priority Mail

Parcel Select

Parcel Return Service

First-Class Package Service

USPS Retail Ground

International Products*

Outbound International Expedited Services

Inbound Parcel Post (at UPU rates)

Outbound Priority Mail International

International Priority Airmail (IPA)

International Surface Air List (ISAL)

International Direct Sacks—M-Bags

Outbound Single-Piece First-Class Package

International Service

Negotiated Service Agreements*

Domestic*

Priority Mail Express Contract 16

Priority Mail Express Contract 19

Priority Mail Express Contract 20

Priority Mail Express Contract 21

Priority Mail Express Contract 23

Priority Mail Express Contract 26

Priority Mail Express Contract 27

Priority Mail Express Contract 28

Priority Mail Express Contract 29

Priority Mail Express Contract 30

Priority Mail Express Contract 31

Priority Mail Express Contract 32

Priority Mail Express Contract 34

Priority Mail Express Contract 35

Priority Mail Express Contract 36

Priority Mail Express Contract 37

Priority Mail Express Contract 38

Priority Mail Express Contract 39

Priority Mail Express Contract 40

Priority Mail Express Contract 41

Priority Mail Express Contract 42

Priority Mail Express Contract 43

Priority Mail Express Contract 44

Priority Mail Express Contract 45

Parcel Return Service Contract 5

Parcel Return Service Contract 6

Parcel Return Service Contract 7

Parcel Return Service Contract 8

Parcel Return Service Contract 9

Parcel Return Service Contract 10

Priority Mail Contract 59

Priority Mail Contract 63

Priority Mail Contract 64

Priority Mail Contract 67

Priority Mail Contract 77

Priority Mail Contract 78

Priority Mail Contract 80

Priority Mail Contract 81

Priority Mail Contract 82

Priority Mail Contract 85

Priority Mail Contract 87

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Priority Mail Contract 136

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Priority Mail Contract 148

Priority Mail Contract 149

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Priority Mail Contract 160

Priority Mail Contract 161

Priority Mail Contract 163

Priority Mail Contract 164

Priority Mail Contract 166

Priority Mail Contract 167

Priority Mail Contract 168

Priority Mail Contract 169

Priority Mail Contract 170

Priority Mail Contract 171

- First-Class Package Service Contract 61
 First-Class Package Service Contract 62
 First-Class Package Service Contract 63
 First-Class Package Service Contract 64
 First-Class Package Service Contract 65
 First-Class Package Service Contract 66
 First-Class Package Service Contract 67
 First-Class Package Service Contract 68
 First-Class Package Service Contract 69
 First-Class Package Service Contract 70
 First-Class Package Service Contract 71
 First-Class Package Service Contract 72
 First-Class Package Service Contract 73
 First-Class Package Service Contract 74
 Priority Mail Express, Priority Mail & First-Class Package Service Contract 2
 Priority Mail Express, Priority Mail & First-Class Package Service Contract 5
 Priority Mail Express, Priority Mail & First-Class Package Service Contract 6
 Priority Mail Express, Priority Mail & First-Class Package Service Contract 7
 Priority Mail Express, Priority Mail & First-Class Package Service Contract 8
 Priority Mail Express, Priority Mail & First-Class Package Service Contract 9
 Priority Mail Express, Priority Mail & First-Class Package Service Contract 10
 Priority Mail Express, Priority Mail & First-Class Package Service Contract 11
 Priority Mail Express, Priority Mail & First-Class Package Service Contract 12
 Priority Mail Express, Priority Mail & First-Class Package Service Contract 13
 Priority Mail Express, Priority Mail & First-Class Package Service Contract 14
 Priority Mail Express, Priority Mail & First-Class Package Service Contract 15
 Priority Mail & First-Class Package Service Contract 2
 Priority Mail & First-Class Package Service Contract 4
 Priority Mail & First-Class Package Service Contract 6
 Priority Mail & First-Class Package Service Contract 7
 Priority Mail & First-Class Package Service Contract 8
 Priority Mail & First-Class Package Service Contract 9
 Priority Mail & First-Class Package Service Contract 10
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 Priority Mail & First-Class Package Service Contract 38
 Priority Mail & First-Class Package Service Contract 39
 Priority Mail & First-Class Package Service Contract 40
 Priority Mail & First-Class Package Service Contract 41
 Priority Mail & First-Class Package Service Contract 42
 Priority Mail & Parcel Select Contract 1
 Priority Mail & Parcel Select Contract 2
 Outbound International*
 Global Expedited Package Services (GEPS) Contracts
 GEPS 3
 GEPS 5
 GEPS 6
 GEPS 7
 Global Bulk Economy (GBE) Contracts
 Global Plus Contracts
 Global Plus 1C
 Global Plus 1D
 Global Plus 2C
 Global Plus 3
 Global Reseller Expedited Package Contracts
 Global Reseller Expedited Package Services 1
 Global Reseller Expedited Package Services 2
 Global Reseller Expedited Package Services 3
 Global Reseller Expedited Package Services 4
 Global Expedited Package Services (GEPS)—Non-Published Rates
 Global Expedited Package Services (GEPS)—Non-Published Rates 2
 Global Expedited Package Services (GEPS)—Non-Published Rates 3
 Global Expedited Package Services (GEPS)—Non-Published Rates 4
 Global Expedited Package Services (GEPS)—Non-Published Rates 5
 Global Expedited Package Services (GEPS)—Non-Published Rates 6
 Global Expedited Package Services (GEPS)—Non-Published Rates 7
 Global Expedited Package Services (GEPS)—Non-Published Rates 8
 Global Expedited Package Services (GEPS)—Non-Published Rates 9
 Global Expedited Package Services (GEPS)—Non-Published Rates 10
 Global Expedited Package Services (GEPS)—Non-Published Rates 11
 Priority Mail International Regional Rate Boxes—Non-Published Rates
 Outbound Competitive International Merchandise Return Service Agreement with Royal Mail Group, Ltd.
 Priority Mail International Regional Rate Boxes Contracts
 Priority Mail International Regional Rate Boxes Contracts 1
 Competitive International Merchandise Return Service Agreements with Foreign Postal Operators
 Competitive International Merchandise Return Service Agreements with Foreign Postal Operators 1
 Competitive International Merchandise Return Service Agreements with Foreign Postal Operators 2
 Alternative Delivery Provider (ADP) Contracts
 ADP 1
 Inbound International*
 International Business Reply Service (IBRS) Competitive Contracts
 International Business Reply Service Competitive Contract 1
 International Business Reply Service Competitive Contract 3
 Inbound Direct Entry Contracts with Customers
 Inbound Direct Entry Contracts with Foreign Postal Administrations
 Inbound Direct Entry Contracts with Foreign Postal Administrations
 Inbound Direct Entry Contracts with Foreign Postal Administrations 1
 Inbound EMS
 Inbound EMS 2
 Inbound Air Parcel Post (at non-UPU rates)
 Royal Mail Group Inbound Air Parcel Post Agreement
 Inbound Competitive Multi-Service Agreements with Foreign Postal Operators
 Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1
 Special Services*
 Address Enhancement Services
 Greeting Cards, Gift Cards, and Stationery
 International Ancillary Services
 International Money Transfer Service—Outbound
 International Money Transfer Service—Inbound
 Premium Forwarding Service
 Shipping and Mailing Supplies
 Post Office Box Service
 Competitive Ancillary Services
 Nonpostal Services*
 Advertising
 Licensing of Intellectual Property other than Officially Licensed Retail Products (OLRP)
 Mail Service Promotion
 Officially Licensed Retail Products (OLRP)
 Passport Photo Service
 Photocopying Service
 Rental, Leasing, Licensing or other Non-Sale Disposition of Tangible Property

Training Facilities and Related Services
USPS Electronic Postmark (EPM) Program
Market Tests*
Customized Delivery
Global eCommerce Marketplace (GeM)

Stacy L. Ruble,
Secretary.

[FR Doc. 2017-08118 Filed 4-20-17; 8:45 am]

BILLING CODE 7710-FW-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 161031999-7314-02]

RIN 0648-BG41

International Fisheries; Pacific Tuna Fisheries; 2017 and 2018 Commercial Fishing Restrictions for Pacific Bluefin Tuna in the Eastern Pacific Ocean

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

ACTION: Final rule.

SUMMARY: The National Marine Fisheries Service (NMFS) is issuing regulations under the Tuna Conventions Act to implement Inter-American Tropical Tuna Commission (IATTC or the Commission) Resolution C-16-08, which establishes limits on the U.S. commercial catch of Pacific bluefin tuna from waters of the IATTC Convention Area for 2017 and 2018. This action is necessary for the United States to satisfy its obligations as a member of the IATTC.

DATES: The final rule is effective May 22, 2017.

ADDRESSES: Copies of the Regulatory Impact Review (RIR) and other supporting documents are available via the Federal eRulemaking Portal: <http://www.regulations.gov>, docket NOAA-NMFS-2016-0141, or contact with the Regional Administrator, Barry A. Thom, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232-1274, or RegionalAdministrator.WCRHMS@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Celia Barroso, NMFS, Celia.Barroso@noaa.gov, 562-432-1850.

SUPPLEMENTARY INFORMATION:

Background

On January 18, 2017, NMFS published a proposed rule in the **Federal Register** (82 FR 5508) to revise regulations at 50 CFR part 300, subpart

C, to implement IATTC Resolution C-16-08, "Measures for the Conservation and Management of Bluefin Tuna in the Eastern Pacific Ocean." This resolution, which contains commercial catch limits applicable to 2017 and 2018, was adopted by the IATTC at its resumed 90th meeting in October 2016. The proposed trip limits are not in the resolution and were based on a recommendation from the Pacific Fishery Management Council (Council) at its November 2016 meeting. Additionally, these are the same trip limits established by a final rule implementing the previous IATTC resolution on Pacific bluefin tuna (Resolution C-14-06) which expired on December 31, 2016. The public comment period was open until February 17, 2017.

The final rule is implemented under the authority of the Tuna Conventions Act (16 U.S.C. 951 *et seq.*), which directs the Secretary of Commerce, after approval by the Secretary of State, to promulgate regulations as may be necessary to implement resolutions adopted by the IATTC. This authority has been delegated to NMFS.

The proposed rule contains additional background information, including information on the IATTC, the international obligations of the United States as an IATTC member, and the need for regulations. Public comments received are addressed below. The regulatory text in this final rule is unchanged from the regulatory text of the proposed rule.

New Regulations

This final rule establishes catch limits for U.S. commercial vessels that catch Pacific bluefin tuna in the Convention Area (defined as the area bounded by the coast of the Americas, the 50° N. and 50° S. parallels, the 150° W. meridian, and the waters of the eastern Pacific Ocean (EPO)) for 2017 and 2018. In 2017, the catch limit for the entire U.S. fleet is 425 metric tons (mt) with an initial trip limit¹ of 25 mt per vessel. When NMFS anticipates that the total catch for the fleet has reached 375 mt, it will impose a 2-mt trip limit for each vessel that will be in effect until the total catch for 2017 reaches 425 mt. For calendar year 2018, NMFS will announce the catch limit in a **Federal Register** notice. NMFS will calculate the 2018 catch limit to ensure compliance with Resolution C-16-08 (*i.e.*, not to exceed 425 mt in either year). The 2018

catch limit will be calculated as the remainder from the 2017 catch limit (*i.e.*, how much of 425 mt was not caught) added to 175 mt, except as follows: (1) If 175 mt or less is caught in 2017, then the 2018 catch limit is 425 mt; or (2) if greater than 425 mt is caught in 2017, then the catch limit in 2018 will be further reduced by the amount in excess of 425 mt (*i.e.*, the remainder of the 600 mt limit for 2017-2018). In 2018, the fishery will also be subject to an initial 25-mt trip limit until catch is within 50 mt of the 2018 catch limit, after which a 2-mt trip limit will be imposed.

When NMFS determines that the catch limit is expected to be reached in 2017 or 2018 (based on landings receipts, data submitted in logbooks, and other available fishery information), it will prohibit commercial fishing for, or retention of, Pacific bluefin tuna for the remainder of the calendar year. NMFS will publish a notice in the **Federal Register** announcing that the targeting, retaining, transshipping, or landing for Pacific bluefin tuna will be prohibited on a specified effective date through the end of that calendar year. Upon that effective date, a commercial fishing vessel of the United States may not be used to target, retain on board, transship, or land Pacific bluefin tuna captured in the Convention Area during the period specified in the announcement, with the exception that any Pacific bluefin tuna already on board a fishing vessel on the effective date may be retained on board, transshipped, and/or landed, to the extent authorized by applicable laws and regulations, provided that they are landed within 14 days after the effective date.

Catch Monitoring, Catch Limit Announcements

NMFS will provide updates on Pacific bluefin tuna catch in the Convention Area to the public via the IATTC listserv and the West Coast Region Web site:

[http://](http://www.westcoast.fisheries.noaa.gov/fisheries/migratory_species/bluefin_tuna_harvest_status.html)

www.westcoast.fisheries.noaa.gov/fisheries/migratory_species/bluefin_tuna_harvest_status.html. Additionally, NMFS will report preliminary estimates of Pacific bluefin tuna catch more frequently than in monthly intervals if and when commercial catch approaches the limits to help participants in the U.S. commercial fishery plan for the possibility of catch limits being reached. In 2017, NMFS will publish up to two

Federal Register notices imposing inseason management measures after the final rule is issued. First, NMFS will publish a notice when the commercial 2-mt trip limit is imposed (*i.e.*, catch is

¹ "Trip limit" is defined in 50 CFR 300.21 as the total allowable amount of a species by weight of fish that may be retained on board, transshipped, or landed during a single fishing trip.

expected to reach 375 mt). Second, NMFS will publish a notice closing the entire commercial fishery when NMFS determines that the catch limit is expected to be met.

In 2018, NMFS will publish up to three notices in the **Federal Register**. The first notice will announce the 2018 catch limit. A second notice will announce the 2-*mt* trip limit when NMFS determines that the commercial catch is expected to be within 50 *mt* of the catch limit. NMFS will publish a third notice in the **Federal Register** when it determines that the catch limit is expected to be reached.

Public Comments and Responses

NMFS received two written comments. Both commenters supported the proposed catch limits, while one of the commenters also suggested a moratorium on commercial fishing for Pacific bluefin tuna in either 2017 or 2018. NMFS notes that a fishing moratorium on commercial fishing for Pacific bluefin tuna is beyond the scope of this rule, which implements an international agreement to establish catch limits; however, in 2016, NMFS responded to a petition that, among other requests, called for a prohibition on fishing for Pacific bluefin tuna under the Magnuson-Stevens Fishery Conservation and Management Act (81 FR 39213, June 16, 2016). Please see NMFS' response here: <https://www.federalregister.gov/documents/2016/06/16/2016-14239/pacific-bluefin-tuna-in-the-eastern-pacific-ocean-response-to-petition-for-rulemaking>.

Classification

The NMFS Assistant Administrator has determined that this rule is consistent with the Tuna Conventions Act and other applicable laws.

This rule was determined to be not significant for purposes of Executive Order 12866.

Although there are no new collection-of-information requirements associated with this action that are subject to the Paperwork Reduction Act, existing collection-of-information requirements associated with the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species still apply. These requirements have been approved by the Office of Management and Budget under Control Number 0648-0204. Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection-of-information subject to the requirements of the PRA, unless that collection-of-

information displays a currently valid OMB control number.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding the certification. Therefore, the certification published with the proposed rule—that this rule is not expected to have a significant economic impact on a substantial number of small entities—is still valid. As a result, a regulatory flexibility analysis was not required and none was prepared.

List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Fish, Fisheries, Fishing, Marine resources, Reporting and recordkeeping requirements, Treaties.

Dated: April 18, 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 is amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart C—Eastern Pacific Tuna Fisheries

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

Authority: 16 U.S.C. 951 *et seq.*

■ 2. In § 300.24, revise paragraph (u) to read as follows:

§ 300.24 Prohibitions.

* * * * *

(u) Use a United States commercial fishing vessel in the Convention Area to target, retain on board, transship, or land Pacific bluefin tuna in contravention of § 300.25(g)(3) through (5).

* * * * *

■ 3. In § 300.25, revise paragraph (g) to read as follows:

§ 300.25 Eastern Pacific fisheries management.

* * * * *

(g) *Pacific bluefin tuna* (*Thunnus orientalis*) commercial catch limits in the eastern Pacific Ocean for 2017–2018. The following is applicable to the U.S. commercial fishery for Pacific

bluefin tuna in the Convention Area in the years 2017 and 2018.

(1) For the calendar year 2017, all commercial fishing vessels of the United States combined may capture, retain, transship, or land no more than 425 metric tons in the Convention Area.

(2) In 2018, NMFS will publish a notice in the **Federal Register** announcing the 2018 catch limit. For the calendar year 2018, all commercial fishing vessels of the United States combined may capture, retain on board, transship, or land no more than the 2018 annual catch limit. The 2018 catch limit is calculated by adding any amount of the 425 metric ton catch limit that was not caught in 2017, as determined by NMFS, to 175 metric tons, except as follows:

(i) If 175 metric tons or less are caught in 2017, as determined by NMFS, then the 2018 catch limit is 425 metric tons; or,

(ii) If greater than 425 metric tons are caught in 2017, as determined by NMFS, then the 2018 catch limit is calculated by subtracting the amount caught in 2017 from 600 metric tons.

(3) In 2017 and 2018, a 25 metric ton trip limit will be in effect until NMFS anticipates that catch will be within 50 metric tons of the catch limit, after which a 2 metric ton trip limit will be in effect upon publication of a notice in the **Federal Register** by NMFS.

(4) After NMFS determines that the catch limits under paragraphs (g)(1) and (g)(2) of this section are expected to be reached by a future date, NMFS will publish a fishing closure notice in the **Federal Register** announcing the effective date that targeting, retaining on board, transshipping, or landing Pacific bluefin tuna in the Convention Area shall be prohibited as described in paragraph (g)(5) of this section.

(5) Beginning on the date announced in the fishing closure notice published under paragraph (g)(4) of this section through the end of the calendar year, a commercial fishing vessel of the United States may not be used to target, retain on board, transship, or land Pacific bluefin tuna captured in the Convention Area, with the exception that any Pacific bluefin tuna already on board a fishing vessel on the effective date of the notice may be retained on board, transshipped, and/or landed, to the extent authorized by applicable laws and regulations, provided such Pacific bluefin tuna is landed within 14 days after the effective date published in the fishing closure notice.

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[FR Doc. 2017-08117 Filed 4-20-17; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 150630567–7360–02]

RIN 0648–BF26

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Amendment 18

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

ACTION: Final rule.

SUMMARY: This final rule implements Amendment 18 to the Northeast Multispecies Fishery Management Plan. The New England Fishery Management Council developed Amendment 18 to promote fleet diversity and in the groundfish fishery, prevent the acquisition of excessive shares of permits, and enhance sector management. This action limits the number of permits and annual groundfish allocation that an entity can hold. This action also removes several effort restrictions to increase operational flexibility for fishermen on limited access handgear vessels.

DATES: This rule is effective May 22, 2017, except for the amendments to §§ 648.82(b) and 648.87(c), which will be effective on May 1, 2017.

ADDRESSES: Copies of Amendment 18, including the Environmental Impact Statement, the Regulatory Impact Review, and the Initial Regulatory Flexibility Analysis prepared in support of the proposed rule are available from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The supporting documents are also accessible via the Internet at: <http://www.nefmc.org/management-plans/northeast-multispecies> or <http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies>.

A copy of the record of decision for the Final Environmental Impact Statement can be obtained from the NOAA Fisheries Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to the Greater Atlantic

Regional Fisheries Office (address above) or the Office of Management and Budget by email OIRA_Submission@omb.eop.gov, or fax to (202) 395–7285.

FOR FURTHER INFORMATION CONTACT: William Whitmore, Fishery Policy Analyst, phone: 978–281–9182; email: William.Whitmore@noaa.gov.

SUPPLEMENTARY INFORMATION:**Background**

This action approves and implements the management measures in Amendment 18 to the Northeast (NE) Multispecies Fishery Management Plan (FMP). The measures for this action were explained in a notice of availability published on December 6, 2016 (81 FR 87862), and a proposed rule that published on December 20, 2016 (81 FR 92761). NMFS approved Amendment 18 on March 6, 2017.

Summary of Approved Measures*1. Accumulation Limits***Accumulation Limit Guidelines**

Amendment 18 includes several general measures detailing how permit accumulation limits are applied.

- Accumulation limits apply to individuals, permit banks, and other entities, including groundfish sectors, at the individual permit and potential sector contribution (PSC) level.
- Accumulation limits do not apply to the amount of annual groundfish allocated to a sector, technically referred to as a sector's annual catch entitlement, or ACE.
- Accumulation limits may be modified in a future framework due to changes from a Federal permit buyback or buyout.
- If an entity held permits or PSC on the control date (April 7, 2011) that exceed the accumulation limits, it is exempt from the accumulation limit, but is restricted to holding no more permits or PSC than it held as of the control date. The grandfathered holdings may be fished or leased by the entity but are not transferrable. Current analyses show that no entity exceeds the control date accumulation limits.
- There is no calculation of partial ownership when considering accumulation limits. Any entity that is a partial owner is assumed to have full-ownership when calculating permit and PSC accumulation limits.

Excessive Shares

This action imposes accumulation limits to prevent the acquisition of excessive shares. For Amendment 18 analyses purposes, an excessive share of fishing privileges was interpreted as a share of PSC that would allow an entity

to influence the market to its advantage (*i.e.*, exert market power). Based on this analysis, it was determined that no entity currently holds excessive shares. Also, analysis showed that the accumulation limits and the associated measures established in this action should sufficiently prevent an entity from acquiring an excessive share of fishing permits and exerting market power over the fishery. The limits were also designed, though, to avoid placing adverse impacts on fishing entities that would reduce operational flexibility and market efficiency.

Limiting the Number of Permits

This action limits an entity to holding no more than 5 percent of all limited access groundfish permits. An entity is prohibited from acquiring a permit that would result in it exceeding the 5-percent permit cap. As of February 21, 2017, there were 1,335 limited access permits in the fishery; a 5-percent cap would limit an entity to 67 permits. The most permits held by any entity was 50. Based on this information, this permit cap is unlikely to immediately restrict any entity.

Limiting the Potential Sector Contribution

This action also limits an entity to holding no more than an aggregated average of all allocated groundfish stocks to 15.5 PSC. With 15 groundfish stocks currently allocated to the fishery, the total PSC across all stocks used by an individual or an entity can be no more than 232.5 (an average PSC of 15.5 percent per stock multiplied by 15 stocks). This allows an entity to hold PSC for a single stock in excess of 15.5 percent, so long as the total holdings used do not exceed 232.5. If the number of allocated groundfish stocks increases or decreases in the future, then this aggregate number (232.5) would increase or decrease by 15.5 per stock. As of February 21, 2017, no entity holds more than 141 PSC. Based on this information, the PSC limit is unlikely to immediately restrict any entity.

Compared to other PSC limits that the Council considered, this option is the least restrictive because there is no stock-specific limit. Further, an entity would be permitted to purchase a vessel permit during a fishing year that would result in exceeding the aggregate 232.5 PSC limit. In this case, the entity must render at least one permit unusable (or “shelve” the permit) so that the entity is not operating above the PSC limit the following fishing year. Any permit that is shelved may not be enrolled in a sector, fished, or leased, but could be sold. An entity is prohibited from

purchasing additional permits once it exceeds the PSC limit. This is intended to provide operational flexibility for permit holders while still restricting them to the overall accumulation limit. This measure balances restrictions that are expected to sufficiently prevent excessive shares while avoiding adverse effects on market efficiency and flexibility.

Additional information on these accumulation limits is available in the Amendment 18 environmental impact statement and the proposed rule.

Effect of Combined Accumulation Limits

The combination of the PSC limit and 5 percent permit cap raises the difficulty and cost of acquiring enough permits and PSC for any one entity in the groundfish fishery to exert market power over the fishery. Analyses in Amendment 18 conclude that no entity currently has an excessive share of permits. Analyses also show that the maximum allocation an entity could acquire would be around 20 PSC for the majority of stocks, though PSC for certain stocks, such as Georges Bank winter flounder, could be acquired at higher levels than other stocks. Any payoff from obtaining excessive shares would not be realized for many years, if at all. Therefore, the combination of an aggregate PSC limit of 232.5 and a 5-percent permit cap should be sufficient to prevent market power from being exerted.

Transfer of Permits by an Individual Entity That Has Exceeded the PSC Limit

We expressed concern in the proposed rule that Amendment 18 does not include permit transfer restrictions on an individual entity that has exceeded the permit accumulation limit. We determined this could potentially create an unintended loophole that would allow transfers to related parties. Such transfers could result in family members controlling permits or PSC in excess of the limits. We argued this was inconsistent with the Council's intent for Amendment 18 to limit an entity's holdings to a level that would prevent exerting market power. We requested public comment on a restriction we proposed that would require permit transfers from an entity with a PSC greater than the PSC limit to be made via an "arm's-length" transaction. For example, an arm's-length transaction would be a permit transfer in the ordinary course of business between independent and unrelated entities, which would result in the owner who exceeded the limit maintaining no

interest in or control over the transferred permit and its PSC.

We view this restriction to be consistent with the Council's intent and the goals and objectives for the Amendment. This measure also improves the enforceability of the PSC accumulation limit. As a result, using our authority under section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), we are adding regulations to require that a permit transfer for individuals that have exceeded the accumulation limit to be by an arm's-length transaction.

Future Changes to Accumulation Limits

Accumulation limits can be modified through a future framework adjustment if a vessel/permit buyback or buyout were enacted in the groundfish fishery. However, any other changes to the accumulation limits would require an amendment to the FMP. We encourage the Council to revisit the accumulation limits established in this Amendment if unanticipated developments adversely affect the goals and objectives of this Amendment. For example, a substantial reduction in the number of NE multispecies limited access permits (due to permit holders relinquishing their permits) could dramatically reduce the permit cap.

Ownership Interest

In order for an accumulation limit to be developed and applied, it is necessary to first define the ownership interest that will be limited. A unique definition of ownership interest as applied to the groundfish fishery is added in section 50 CFR 648.2 of the regulations. To identify ownership interests and account for accumulation limits in the groundfish fishery, a permit holder is required to identify all persons who hold an ownership interest in a particular permit when submitting a groundfish permit application or renewal form for that permit.

2. Handgear A Measures

To reduce effort controls and increase flexibility for small boat fishermen, this action removes or modifies several management measures affecting limited access permitted handgear vessels (Handgear A vessels).

First, this action removes the March 1–20 spawning-block closure for all Handgear A vessels. Fishing effort by Handgear A vessels is restricted by a very small annual catch limit, and vessels are subject to other spawning closures. This measure makes the regulations for Handgear A vessels more consistent with vessels fishing in

sectors, which account for most of the groundfish fishing effort and are already exempt from the 20-day spawning block. This measure is not anticipated to have any substantial biological consequences and will provide additional fishing opportunities for Handgear A vessels.

Handgear A vessels are no longer required to carry a standard fish tote on board. This requirement was initially implemented to aid in the sorting and weighing of fish by both fishermen and enforcement personnel. However, enforcement no longer uses totes for at-sea weight and volume estimates, so the requirement for vessels to carry a tote is no longer necessary.

Lastly, this action allows a sector to request an exemption from the requirement for Handgear A vessels to use a Vessel Monitoring System (VMS). Handgear A fishermen enrolled in a sector are currently required to utilize a VMS; however, installing and utilizing a VMS system makes enrolling in a sector cost prohibitive for these small vessels. Any sector interested in utilizing this exemption is required to submit an exemption request to us for approval. If a sector exemption were approved, a Handgear A vessel fishing within a sector utilizing the exemption would declare its trips through the interactive voice response call-in system instead of through a VMS. This measure is intended to encourage Handgear A vessels to enroll in a sector by reducing operating expenses. Sectors receive regulatory exemptions and larger allocations that could provide additional flexibility and fishing opportunities to Handgear A vessels.

Measures That Can Be Addressed in a Future Framework

This action allows two measures analyzed in Amendment 18 to be implemented through a future framework action. The Council explored establishing a separate, optional allocation for the Handgear A fishery. Additionally, there was some interest in considering separate management measures for an inshore/offshore Gulf of Maine (GOM) boundary, including separate allocations for inshore and offshore GOM cod. However, because current catch limits for key groundfish stocks, including GOM cod, are so low, further sub-dividing allocations for Handgear A, as well as inshore and offshore GOM cod, were controversial and would be difficult to develop and implement at this time. As a result, the Council elected to potentially consider these measures in a future framework.

In addition, several regulatory clarifications are included at § 648.90 to

better delineate the responsibilities of the groundfish plan development team (PDT) as well as which Council management measures could be modified in a future framework.

Comments and Responses on Amendment 18 and the Measures Proposed in the Amendment 18 Proposed Rule

We received 15 comments during the public comment period on the Amendment 18 proposed rule. We specifically requested comments on the Council's proposed measures in Amendment 18 and whether they are consistent with the NE Multispecies FMP, the Magnuson-Stevens Act and its National Standards, and other applicable law. Eight commenters, including the Associated Fisheries of Maine (AFM), Environmental Defense Fund (EDF), Northwest Atlantic Marine Alliance (NAMA), Massachusetts Division of Marine Fisheries (MADMF), Penobscot East Resource Center (PERC), Conservation Law Foundation (CLF), and a few commercial fishermen wrote in general opposition to the measures proposed in Amendment 18. The Northeast Seafood Coalition (NSC) and Gloucester Fishermen's Community Preservation Fund (GFCPF) supported the Amendment. We consolidated responses to similar comments and our responses are below.

Comments on the Amendment 18 Environmental Impact Statement

Comment 1: One commenter suggested including more details on information and opinions expressed by fishing stakeholders during the Amendment 18 public meeting sessions. This commenter also suggested that the pros and cons of sector management and Amendment 18 be linked more clearly.

Response: Ample information and documentation was available to the Council, NMFS, and the public during this decision making process. In addition to topical summaries in section 3.4 of Amendment 18, Appendix II has a 30-page summary of the public hearings, including both oral and written comments on the Amendment. Responses to those public comments are included in Appendix III and provide an adequate description of stakeholder concerns. Section 7.6.1.2 of Amendment 18 includes a social impact analysis that reviews the impacts on fishermen and fishing communities. The influence and interactions of sector management with the groundfish fishery and fishing communities were also described in the Compass Lexecon report summarized in the Amendment and the proposed rule. This report is also publically available

online at http://archive.nefmc.org/nemulti/planamen/Amend%2018/compass_lexecon/NEMFC%20Report%20Final.pdf.

Comment 2: One commenter argued that there is minimal discussion on how the accumulation limits and catch caps will affect the future viability of the fleet, and that more should be included.

Response: Analyses of the social and economic impacts of the accumulation limits are included in section 7.6.2 of Amendment 18, as well as the regulatory impact review, in Section 9.11. These analyses include a discussion of both the short and long-term impacts of the alternatives, which are also summarized in Table 1 of the Amendment.

Amendment 18 Goals and Objectives

Comment 3: Many commenters, including those that generally supported and opposed the Amendment, argued that the proposed management measures would not meet the goals and objectives of Amendment 18. The general concern was that consolidation would still occur and that fleet diversity would not be promoted as a result.

Response: Management measures in Amendment 18 do address the goals and objectives of the Amendment.

Accumulation limits address goals 1, 3, and 4 of the Amendment by making it unlikely an entity could gain an excessive share of the fishery and exert market power over other fishermen and stakeholders. A detailed discussion of the goals and objectives was provided in the Amendment and the preamble to the proposed rule. The goals and objectives include promoting fleet diversity, upholding a resilient and stable fishery, and preventing any individual or entity from acquiring or controlling an excessive share of the fishery. Amendment 18 acknowledges that it is likely additional consolidation may occur with these accumulation limits in place. However, it is not expected to occur to the extent where an entity could acquire an excessive share and exert market power over other entities. Curbing consolidation helps to maintain diversity even to a limited degree. While other measures considered were more restrictive, the measures adopted by the Council achieve the goals and objectives. As a result, establishing accumulation limits promotes a more diverse and stable groundfish fishery. Comments 5–14 below provide a detailed discussion on the accumulation limits.

Measures modifying and removing limited access handgear fishery restrictions address goals 1, 2, and 3 within the Amendment.

Comment 4: Several members of the fishing industry and industry organizations contend that increasing operational flexibility, reducing business expenses such as at-sea monitoring costs, allocating higher and more stable catch limits, reducing input controls, and controlling groundfish catch from other fisheries would be more effective management measures to address the long-term sustainability of the groundfish fleet.

Response: The Council's intent for Amendment 18 was to develop accumulation limits for the groundfish fishery to prevent an entity from acquiring an excessive share. This was explained in the **Federal Register** notice that established a control date for such limits (67 FR 19305; April 7, 2011) and announced at public scoping hearings (76 FR 79153; December 21, 2011), as well as in the proposed rule for this action (81 FR 92763; December 20, 2016). As explained in Comment 3, the approved management measures meet the goals and objectives of the Amendment.

The actions suggested by several members of the fishing industry could also promote the Amendment 18 goals objectives and are worth future consideration by the Council.

Accumulation Limits

Comment 5: Several commenters were critical of the excessive-shares report developed by Compass Lexecon.

Response: The Council contracted Compass Lexecon to provide an independent review of excessive permit shares in the groundfish fishery. Preliminary results of the analysis were presented to the Council's Groundfish Committee at a number of its meetings so that the Committee and the public could comment. The final report was also peer reviewed, which allowed for additional opportunities for the public to provide input and comment on the analysis. The Council considered the final Compass Lexecon report, the peer review reports, public comments on the analysis, and other analyses conducted in support of the Amendment, when making its decision on Amendment 18 accumulation limit alternatives. The peer reviewer reports can be found here at <https://www.st.nmfs.noaa.gov/science-quality-assurance/cie-peer-reviews/cie-review-2014>.

Comment 6: Most opponents, including MADMF, CLF, EDF, NAMA, and PERC, contend that the proposed accumulation limits are too high and will foster further consolidation, which, in turn, reduces fleet diversity. Several commenters expressed concern that some entities could take advantage of

low allocations and permit prices to acquire additional permits to exert market power over the fishery. On the other hand, supporters of the Amendment, such as NSC, argue that the higher accumulation limits are necessary to offset constraining quotas, and that a lower accumulation limit would have penalized permit holders for what they had already acquired.

Response: Since the approval of Amendment 16 and the expansion of sectors in the groundfish fishery, many industry members and stakeholders have become increasingly concerned about fleet consolidation and the resulting negative impacts on fishing vessels and fishing communities. Amendment 18 was developed to address these concerns.

Some fishing industry members and organizations argued for more restrictive accumulation limits. Several organizations, such as CLF, viewed the establishment of accumulation limits as an opportunity to readjust the allocations from Amendment 16. For example, some suggested stock-specific PSC limits ranging from 2.5 to 10 PSC, and one commenter proposed reducing the permit cap from 5 to 2.5 percent. These limits are much more restrictive than the PSC many entities currently have and could have adversely affected an entity's ability to adapt to changing conditions. Also, limits as restrictive as these could have forced divestiture by reallocating PSC from larger businesses to smaller.

During the development of Amendment 18, annual catch limits for many groundfish stocks were significantly reduced. Since there was less quota affiliated with each permit, some fishermen acquired more permits and PSC to sustain fishing operations and remain viable. Many entities and organizations argued that more restrictive accumulation limits would have negatively affected many businesses by adversely affecting the market for permits and PSC.

The Council had to balance the need for accumulation limits with the need to provide operational flexibility to the fleet. Understanding that no entity currently holds an excessive share of the fishery, the Council selected the alternative that provides the most operational flexibility to the fleet while substantially reducing the risk of an entity acquiring an excessive share of permits. If conditions or circumstances in the fishery change, the Council can re-visit the accumulation limits established through this action if necessary.

Comment 7: Several commenters provided hypothetical mathematical

scenarios where entities could acquire large allocations for one or more stocks and potentially have an excessive share of permits. For example, an entity could acquire a PSC of 50 for stock A, a PSC of 30 for stock B, a PSC of 30 for stock C, and small allocations of other stocks and still be under the PSC limit. Critics contend that this would allow an entity to acquire an excessive share.

Response: While the accumulation limit measures may mathematically allow an entity to acquire an excessive share of groundfish permits, it is very unlikely this will occur. These "worst case" scenarios were described in a "deterministic analysis" in Amendment 18 (Section 9.11.1.4.1). This analysis examined how much PSC an entity could acquire under the accumulation limits if it were able to purchase the permits with the most PSC for a particular stock. For example, an entity could acquire either 40 PSC of GOM cod or 73 PSC of Georges Bank winter flounder, before reaching an accumulation limit. However, as explained in the Amendment and its supporting analyses, the deterministic analysis is not necessarily a realistic scenario because of the high costs and logistical difficulty of acquiring the specific permits that contain the highest PSC for a specific stock that could allow an entity to exert market power.

Amendment 18 also includes a probabilistic analysis, which is a model designed to predict the likelihood that an individual could strategically acquire permits that have high levels of PSC while remaining under the permit cap. The probabilistic analysis concludes that this would be very difficult. Under the probabilistic analysis, the median accumulation for all stocks was below 20 PSC. The Amendment 18 economic discussion concludes that the probabilistic analysis is much more realistic than the potential PSC limits projected under the deterministic analysis. The review also explains that even without the accumulation limits, acquiring the necessary permits to hold an excessive share would be extremely complex, expensive, and time consuming. This may explain why no entity currently holds an excessive share of permits, despite years without any limitations.

The Compass Lexecon report used by the Council to research excessive shares in the groundfish fishery also found a substantial "competitive fringe" in several groundfish stocks. A competitive fringe is a large group of permit holders who hold a relatively small amount of PSC. If the permit holders in the competitive fringe are efficient, then they are likely to remain in the fishery

and help preserve a competitive market structure. In a fishery where there is a competitive fringe, an entity could acquire a high PSC of a given stock yet be unable to exert market power. The Compass Lexecon report concluded that "an excessive-share cap of about 15 percent would be sufficient to ensure low concentration for ACE regardless of the level of the competitive fringe. The large competitive fringe for some species could allow for a higher share cap, should the [Council] choose to recommend separate caps for different species."

While the Compass Lexecon recommendation was stock-specific, the report did not include a permit cap in addition to the PSC cap. The Amendment 18 analyses conclude that combining the PSC limit and permit cap should prevent an entity from acquiring an excessive share of permits.

Comment 8: Several commenters, including EDF and CLF, argue the Amendment violates National Standards 4 and 8 because the accumulation limits do nothing to prevent consolidation of the fleet and do not manage fishing access consistent with historical activities.

Response: We have carefully reviewed the provisions in Amendment 18 and have determined that the Amendment is consistent with both National Standards 4 and 8. Amendment 18 is designed to fairly and equitably prevent the acquisition of excessive shares as the fishery consolidates. No measures in it are designed to prevent the status quo from continuing or an expansion from occurring as stocks recover. By putting in place measures designed to prevent the acquisition of excessive shares while providing for operational flexibility, this action minimizes to the extent practicable the adverse economic effects that could accompany such restrictions on the purchase and sales of groundfish permits, their PSC, and fishing vessels. An explanation of how Amendment 18 meets National Standards 4 and 8 is provided in Section 9.1.1 of Amendment 18.

Amendment 18 suggests that further consolidation is anticipated, even with the accumulation limits, but not to the extent where an entity could acquire an excessive share of the fishery. Consolidation could occur at a greater rate without the accumulation limits established through this action. Importantly, the Amendment 18 analysis concludes that fishing communities would be worse off if the proposed accumulation limits were not implemented because entities would remain unconstrained in their ability to acquire permits and PSC, including

potentially acquiring an excessive share of the fishery. We encourage the Council to continue developing additional management measures that mitigate fleet consolidation and promote fleet diversity.

Comment 9: Several commenters, including MADMF, EDF, CLF, and PERC suggested that PSC limits should be species or stock-specific instead of the aggregate PSC limit adopted in this action. Others, like the GFCPF and NSC argued that the PSC limits need to be aggregate because groundfish permits include all groundfish stocks and are not severable.

Response: The Council considered these concerns when developing this Amendment. In its report, Compass Lexecon suggested that PSC limits should be stock specific. Four of the six PSC limit alternatives were stock-specific alternatives. However, proponents of an aggregate limit explained that groundfish permits are aggregate permits, with each permit containing a PSC for each allocated stock. A stock-specific PSC limit would restrict the ability for an entity to acquire additional PSC in more than one stock, which is a challenge in a multispecies fishery. Because of this, the Council concluded that the stock-specific limits may be overly restrictive given the current circumstances in the fishery and not necessary at this time. As explained above, the Amendment 18 economic analysis concluded that the aggregate PSC limit, along with the permit cap, should deter an entity from acquiring an excessive share of permits.

Comment 10: One commenter suggested that accumulation limits should include limiting a sector's annual catch entitlement (ACE) at the species or stock level.

Response: The accumulation limits in this action do not apply to a sector's ACE. Available analyses show that there is no need for an excessive share cap on sector-affiliated ACE because the sectors themselves do not control how member vessels use ACE. Since the implementation of Amendment 16, each sector has reallocated its ACE to its members in a manner consistent with each member's PSC. If a groundfish sector were to modify its operations in a manner where it began to exercise control over how vessel operators used ACE, it could be worthwhile to consider an ACE limit.

Also, there are no specific regulations that prevent one sector from dividing into multiple sectors. If an ACE limit was adopted and a sector was at risk of reaching that limit, the members could simply break into two separate sectors

to avoid the limit, but continue operating collaboratively.

For these reasons, establishing an accumulation limit for sector ACE is not necessary at this time and was not included in Amendment 18.

Comment 11: EDF suggested that fishing associations and permit banks should have different PSC caps than individual entities.

Response: The Council discussed this idea in detail but was never able to clearly define a permit bank due to the difficulty of identifying and distinguishing different types of owners and permit banks. For example, the difference between an individual or organization that holds multiple permits and a permit bank is not easily defined. Some, such as EDF, argued that non-profits (particularly environmental non-government organizations) should have a higher PSC limit to promote permit banking operations, while opponents were concerned that granting non-profits higher PSC limits could reduce fishermen's access to ACE and reduce fishing opportunities and landings. Due to these complications, the Council elected not to focus on this aspect and selected a single PSC and permit limit for all permit holders.

Comment 12: CLF contends that an entity should not be able to exceed the PSC limit and "shelve" a permit. It argues that this measure would allow an entity to choose which permit to shelve so that it could target PSC for a particular species with a higher likelihood of achieving market power. CLF also suggested that shelving a permit has a similar economic effect on the fishery as fishing it because other fishermen are unable to utilize the shelved PSC.

Response: This measure was selected by the Council because it provides fishermen more flexibility when purchasing aggregated multispecies permits, for reasons similar to those explained in Comment 9. The challenge fishermen encounter is that each permit has PSC for all groundfish stocks. A fisherman looking to acquire a specific permit with a higher PSC in a stock they want or need to target may be unable to do so because of PSCs from other stocks on the permit. This measure was designed to give fishermen the flexibility to shift target species or permits while remaining under the PSC limit. To prevent an entity from trying to acquire an excessive share of permits, vessel owners are not able to acquire an additional permit if they have shelved a permit. The PSC affiliated with a "shelved" permit is unusable and is not redistributed to the fishery.

However, we understand some of the concerns expressed by CLF. Although the Council was focused on maintaining flexibility, we recommend that the Council discuss and reconsider the ability for an entity to exceed the PSC limit then "shelve" a permit.

Comment 13: One commenter requested that NMFS specifically codify the 5-percent permit cap at 69 permits, which is 5 percent of the approximately 1,373 total limited access NE multispecies permits.

Response: This comment is in direct response to our concern expressed in the proposed rule—that an unanticipated dramatic drop in limited access permits (due to permit holders relinquishing their permits) could substantially reduce the permit cap. For example, when Amendment 18 was developed, there were approximately 1,373 limited access groundfish permits, which would result in a 5-percent permit cap of 69 permits. As of February 21, 2017, there were 1,335 limited access groundfish permits, which sets a permit cap at 67 permits. A more substantial reduction could greatly reduce the permit cap. As we explained in the proposed rule, this issue could be discussed and addressed by the Council in a future action, if necessary. We are not including regulations specifying a specific number of permits for the permit cap because we determined it would not be consistent with the Council's intent to limit the degree of consolidation.

Comment 14: Three commenters supported, and two commenters opposed, our suggestion that permit transfers for entities who have exceeded the PSC limit and "shelved" permits should be transferred via an "arm's-length" transaction. Those commenters in opposition suggested that the measure should first be considered and discussed by the Council.

Response: As explained in the preamble above, the arm's-length transaction requirement closes a loophole to the PSC limit restriction. Without this additional restriction, a loophole could allow an entity to indirectly acquire an excessive share of the fishery through collusion of permit holdings. This measure improves the enforceability of the PSC accumulation limit and ensures that the limit is a real limit, not just a limit on paper. Without the arm's-length transfer requirement, an entity could undermine the intent of the accumulation limits by transferring a permit to a family member or other entity the transferor controls indirectly. The Council did not provide public comment on this measure; however, we determined that ensuring the limits are

effective is consistent with the Council's intent and the goals and objectives of Amendment 18. For these reasons, we are implementing this requirement.

Other Measures

Comment 15: The Northeast Hook Fishermen's Association wrote in support of the Handgear A management measures.

Response: We agree that these measures will provide additional operating flexibility for Handgear A vessels and have approved these measures. The Council should continue to consider management measures that will provide increased flexibility and additional fishing opportunities for handgear vessels.

Comment 16: Two commenters argued there is a greater need for market transparency in the groundfish fishery and urged the Council and NMFS to make ACE trade data more transparent. They expressed concern that a lack of market and trade information is detrimental to some fishermen who may be undervaluing their allocations or unknowingly overpaying for quota. It was suggested that trade data could be aggregated in a manner so that confidential information is not released.

Response: The Council considered an alternative in Amendment 18 to exempt ACE disposition data from confidentiality restrictions. Under this alternative, value associated with the movement of ACE within and between sectors would have been considered non-confidential and made available to the public. Consistent with current data submission timeframes, price data on trades made between sectors would have been made available during the fishing year. Price data on the movement of ACE within sectors would have been made available after the end of the fishing year.

Under the Magnuson-Stevens Act, only data required to be submitted to NMFS for a determination in a limited access program can be released. The Council did not select this alternative as preferred because NMFS determined that ACE price data are not submitted to NMFS for a determination in the sector catch-share program, and, therefore, may not be released under the Magnuson-Stevens Act data confidentiality provisions. Because these data are confidential per the Magnuson-Stevens Act requirement, neither the Council nor NMFS can release pricing behavior and ACE usage at the level of detail requested.

Comment 17: NAMA and PERC suggested that Amendment 18 should have included inshore and offshore management measures for the GOM.

These groups requested that a short-term task force be established to develop inshore and offshore fishery management measures.

Response: We agree that inshore and offshore management measures are worth further consideration. As explained in Amendment 18 and the proposed rule for this action, the Council considered, but decided not to pursue, development of distinct inshore and offshore fishery management measures for vessels fishing in the GOM. The Council spent considerable time debating these issues and elected to potentially pursue the measures in a future framework adjustment. Requests to establish a short-term task force should be brought to the Council and its Groundfish Oversight Committee.

Comment 18: EDF expressed concern that establishing the Redfish Exemption Area would increase misreporting and suggested that any vessel targeting redfish in an exemption area be required to have 100-percent monitoring coverage, or be monitored electronically.

Response: The Council chose not to adopt the Redfish Exemption Area in Amendment 18. However, groundfish sector vessels have a regulatory exemption from minimum mesh size requirements so they can better target redfish. A proposed rule soliciting public comment on sector operations plans and exemptions for the 2017–2018 fishing years will be published in spring 2017. Comments on the Redfish Exemption Area should be made through that action.

Comment 19: Two commenters were critical of how the Council managed the public comment process during the development of Amendment 18, arguing that the Council often disregards fishermen's concerns. One organization wrote in support of the Council process.

Response: We disagree that the Council mismanaged the public comment process. The public had ample opportunities to comment on Amendment 18 and its proposed management measures. Amendment 18 was developed over several years during dozens of public meetings. All of the management measures were developed with public comment. The public was able to comment on the scope of the Amendment, review draft and final environmental impact statements, critique the Amendment itself, and respond to proposed regulations. The Council and NMFS followed public comment processes required by the National Environmental Policy Act, the Magnuson-Stevens Act, and the Administrative Procedure Act (APA).

Changes From the Proposed Rule

As explained in the preamble of this rule and in Comment 14 above, using our authority under section 305(d) of the Magnuson-Stevens Act, we added a regulatory measure at 50 CFR 648(a)(1)(i)(N)(4) that requires permit transfers for individuals that exceed the accumulation limit to be made by an arm's-length transaction. The arm's-length requirement was discussed in the preamble of the proposed rule.

The regulatory text proposed at § 648.4(a)(1)(i)(N) was revised to better clarify how the grandfather provision is applied to the accumulation limits implemented through this action.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that the management measures implemented in this final rule are necessary for the conservation and management of the NE multispecies fishery and consistent with the Magnuson-Stevens Act, and other applicable law.

The Council prepared, and NMFS filed, a final environmental impact statement (FEIS) for this action with the Environmental Protection Agency (EPA). The EPA published a notice of availability for the FEIS on October 14, 2016 (81 FR 71094).

In approving the Amendment on March 6, 2017, NMFS issued a record of decision (ROD) identifying the selected alternative. A copy of the ROD is available from NMFS (see **ADDRESSES**).

This final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

This final rule does not contain policies with Federalism or "takings" implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

This rule includes two regulatory modifications that will increase the operational flexibility for Handgear A vessels. Because these regulatory changes relieve regulatory restrictions, these measures are not subject to the 30-day delayed effectiveness provision of the APA pursuant to 5 U.S.C. 553(d)(1). Currently, Handgear A vessels are required to carry a standard fish tote on board. Because enforcement no longer use totes for at-sea weight and volume estimates, the requirement for vessels to carry a tote is unnecessary and is being removed. This action also allows a groundfish sector to request an exemption from requiring Handgear A vessels to utilize a vessel monitoring system (VMS). Currently, all sector

vessels are required to use a VMS while fishing. Handgear vessels have argued that this requirement is cost prohibitive. If an exemption were requested and approved, Handgear A vessels enrolled in a sector with the exemption would no longer be required to purchase a VMS. This measure increases the feasibility for a Handgear A vessel to enroll in a sector by reducing its operating expenses.

Final Regulatory Flexibility Analysis

Section 604 of the Regulatory Flexibility Act (RFA) requires an agency to prepare a final regulatory flexibility analysis (FRFA) after being required by that section or any other law to publish a general notice of proposed rulemaking and when an agency promulgates a final rule under section 553 of Title 5 of the U.S. Code. The FRFA describes the economic impact of this action on small entities. The FRFA includes a summary of significant issues raised by public comments, the analyses contained in Amendment 18 and its accompanying FEIS/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (IRFA), the IRFA summary in the proposed rule, as well as the summary provided below. A statement of the necessity for and objectives of this action are contained in Amendment 18 and in the preamble to this final rule, and is not repeated here. A copy of this analysis is available from the Council (see **ADDRESSES**).

A Summary of the Significant Issues Raised by the Public in Response to the IRFA, a Summary of the Agency's Assessment of Such Issues, and a Statement of Any Changes Made in the Final Rule as a Result of Such Comments

Our responses to all of the comments received on the proposed rule, including those that raised significant issues with the proposed action, or commented on the economic analyses summarized in the IRFA and below, can be found in the Comments and Responses section of this rule. Comment 2 suggested that additional analyses detailing how permit caps will affect the future viability of the fleet was needed. Comment 5 explained that several commenters were critical of an independent report and analyses utilized by the Council to develop Amendment 18 accumulation limits. Comment 6 summarized that most opponents to the Amendment contend that the accumulation limits will promote additional consolidation and reduced fleet diversity. Detailed responses are provided to each of these specific comments and are not repeated here. There were no other comments

directly related to the IRFA; the Chief Counsel for the Office of Advocacy of the Small Business Administration (SBA) did not file any comments. No changes to the proposed rule measures were necessary as a result of these public comments.

Description and Estimate of the Number of Small Entities to Which This Rule Will Apply

On December 29, 2015, NMFS issued a final rule establishing a small business size standard of \$11 million in annual gross receipts for all businesses primarily engaged in the commercial fishing industry (NAICS 11411) for Regulatory Flexibility Act (RFA) compliance purposes only (80 FR 81194, December 29, 2015). The \$11 million standard became effective on July 1, 2016, and is to be used in place of the SBA's current standards of \$20.5 million, \$5.5 million, and \$7.5 million for the finfish (NAICS 114111), shellfish (NAICS 114112), and other marine fishing (NAICS 114119) sectors, respectively, of the U.S. commercial fishing industry in all NMFS rules subject to the RFA after July 1, 2016.

Pursuant to the RFA, and prior to July 1, 2016, an IRFA was developed for this regulatory action using SBA's size standards. NMFS has reviewed the analyses prepared for this regulatory action in light of the new size standard. Under the previously-used SBA's size standards, all of the commercial finfish and other marine fishing businesses were considered small, while 12 of the 237 shellfish businesses were determined to be large (Tables 1 and 2).

The new standard could result in a few more commercial shellfish businesses being considered small. However, taking the size standard change into consideration, NMFS has identified no additional significant alternatives that accomplish statutory objectives and minimize economic impacts of the proposed rule on small entities. Further, the new size standard does not affect the decision to prepare a FRFA as opposed to a certification for this regulatory action.

Analyses in Tables 2 and 3 below reveal that no groundfish-dependent entities exceeded the previous SBA standard of \$5.5 million in gross sales, with the mean gross sale per entity being less than \$2 million. It is therefore unlikely that any finfish, or more specifically, groundfish-dependent vessels, would be considered a large business under the new NMFS size standard.

Amendment 18 regulates commercial fish harvesting entities engaged in the NE multispecies limited access fishery.

A description of the specific entities that are likely to be impacted is included below for informational purposes, followed by a discussion of those regulated entities likely to be impacted by the proposed regulations. For the purposes of the RFA analysis, the ownership entities, not the individual vessels, are considered the regulated entities.

Individually-permitted vessels may hold permits for several fisheries, harvesting species of fish that are regulated by several different FMPs, even beyond those affected by Amendment 18. Furthermore, multiple permitted vessels and/or permits may be owned by entities affiliated by stock ownership, common management, identity of interest, contractual relationships, or economic dependency. For this analysis, ownership entities are defined by those entities with common ownership personnel as listed on permit application documentation. Only permits with identical ownership personnel are categorized as an ownership entity. For example, if five permits have the same seven personnel listed as co-owners on their application paperwork, those seven personnel form one ownership entity, covering those five permits. If one or several of the seven owners also own additional vessels, with sub-sets of the original seven personnel or with new co-owners, those ownership arrangements are deemed to be separate ownership entities for the purpose of this analysis.

Ownership entities are identified on June 1 of each year based on the list of all permit numbers for the most recent complete calendar year that have applied for any type of NE Federal fishing permit. At the time of the Amendment 18 analyses, the ownership data set was based on calendar year 2014 permits and contained gross sales associated with those permits for calendar years 2012 through 2014.

On June 1, 2015, there were 661 commercial business entities potentially regulated by this action. Entities permitted to operate in the NE multispecies limited access fishery are described in Tables 1 and 2. As of June 1, 2015, there were 1,147 individual limited access permits. The 34 for-hire businesses included here are entities affiliated with limited access commercial groundfish permits, but derive greater than 50 percent of their gross sales from party/charter operations. All are small businesses (average gross revenues from 2012–14 are less than \$7.5 million). The remaining 75 entities had no revenue and are classified as small.

These totals may mask some diversity among the entities. Many, if not most, of these ownership entities maintain diversified harvest portfolios, obtaining gross sales from many fisheries and are not dependent on any one. However, not all are equally diversified. Those that depend most heavily on sales from harvesting species affected directly by Amendment 18 are most likely to be affected. By defining dependence as

deriving greater than 50 percent of gross sales from sales of regulated species associated with a specific fishery, those ownership groups most likely to be affected by the proposed regulations can be identified. Using this threshold, 61 entities are groundfish-dependent; all of which are small under both the SBA and NMFS size standards (Table 3).

TABLE 1—ENTITIES REGULATED BY AMENDMENT 18

Type	Number	Number small
Primarily finfish	315	315
Primarily shellfish	237	225
Primarily for-hire	34	34
No Revenue	75	75
Total	661	649

TABLE 2—DESCRIPTION OF REGULATED ENTITIES BY GROSS SALES

Sales category	Number	Number small	Mean gross sales	Median gross sales	Mean permits per entity	Max permits per entity
<\$50K	186	186	\$10,597	\$1,954	1.3	30
50–100K	71	71	76,466	78,736	1.3	3
100–500K	225	225	244,672	219,731	1.3	4
500K–1mil	91	91	734,423	720,668	1.7	7
1–5.5mil	74	73	1,899,461	1,498,138	2.4	11
5.5mil+	14	3	11,900,790	7,383,522	12.4	28

TABLE 3—IMPACTED GROUND FISH-DEPENDENT REGULATED COMMERCIAL GROUND FISH ENTITIES BY GROSS SALES

Sales	Entities (number)	Large businesses (number)	Average fishing permits owned per entity (number)	Maximum fishing permits per entity (number)	Median gross sales per entity	Mean gross sales per entity	Median groundfish sales per entity	Mean groundfish sales per entity
<\$50K	6	0	1.0	1	\$10,116	\$20,316	\$8,831	\$16,476
50–100K	7	0	1.1	2	72,052	67,390	56,221	49,341
100–500K	22	0	1.6	4	226,938	240,833	116,018	172,331
500K–1mil	13	0	1.2	2	698,226	718,231	398,548	491,838
1–5.5mil	13	0	2.2	4	1,553,597	1,854,052	1,292,445	1,403,896
Total ownership entities	61	0	.....	.....	.....	.....	.....	.....

Description of Projected Reporting, Record Keeping, and Other Compliance Requirements

This final rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) and which is under review by OMB under control number 0648–0202. This revision requires any entity that has exceeded the PSC limit to render one or more permits “unusable” so that the entity would be operating within the allocation limit. If an entity exceeds the PSC limit, the entity would be required to complete a “Permit Shelving Form” and render one or more permits unusable.

Public reporting burden for the permit shelving form is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If two entities had to complete a “Permit Shelving Form,” the burden estimate

would be 1 hr and cost \$1. Currently, no entity exceeds the PSC allocation limit; the most PSC any entity holds is approximately 140 PSC, and the limit is 232.5 PSC. As a result, it is unlikely that any entity would reach this threshold, or that this action would directly affect fishing operations.

Send comments regarding these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see ADDRESSES) and by email to *OIRA_Submission@omb.eop.gov*, or fax to 202–395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

Description of the Steps the Agency Has Taken To Minimize Significant Economic Impact on Small Entities Consistent With the Stated Objectives of Applicable Statutes

This FRFA is intended to analyze how small entities would be affected by the Amendment 18 management measures. This action is expected to have minimal, if any, impact on regulated small entities. The vast majority (649 out of 661) of potentially regulated entities are classified as small businesses by SBA and NMFS business size standards.

In general, the small entities regulated by this action will be unaffected. The majority of limited access groundfish permit holders possess permits and PSC in far smaller quantities than the proposed accumulation limits. However, individuals who comprise a part of, or the entirety of, these small entities could be restricted in the number of permits or the amount of PSC shares they wish to accumulate in the future, which could affect potential revenue.

The PSC limit alternative that was selected for this action provided the most flexibility of all the alternatives proposed. Vessel permit holders can continue to accumulate permits in a manner that allows them to maximize fishing opportunities within their portfolio.

Several stock-specific PSC limit alternatives considered in the Amendment were not selected because the Council determined the alternatives would have been too restrictive. For example, limiting an ownership entity to an accumulation limit equivalent to the PSC held as of the control date could have forced divestiture in the fishery and would have prevented ownership entities from growing. Similarly, establishing a specific accumulation limit for a specific groundfish stock could have reduced opportunities for entities to expand into other fisheries and restrict operational flexibility. Additional information on these alternatives is available in section 4.1 of the Amendment.

Handgear A permit holders will be largely unaffected by the limited access handgear measures. As explained in the preamble, the Handgear A management measures approved in this action actually remove regulatory restrictions, increasing operational flexibility and fishing opportunities.

Several management measures and alternatives were considered but not selected by the Council. Other alternatives may be considered in a future framework, as explained in the preamble above. Additional information on these alternatives and justifications for the Council's decision are explained in section 4 of the Amendment.

Small Entities Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a letter to permit holders that also serves as small entity compliance guide (the guide) was prepared. Copies of this final rule are available from the Greater Atlantic Regional Fisheries Office, and the guide, (i.e., bulletin), will be sent to all holders of permits for the NE multispecies fishery. The guide and this final rule will be available upon request.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 17, 2017.

Alan D. Risenhoover,

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

For the reasons stated in the preamble, NMFS amends 50 CFR part 648 as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.2, add a definition for "Ownership interest" in alphabetical order to read as follows:

§ 648.2 Definitions.

* * * * *

Ownership interest, in the NE multispecies fishery, includes, but is not limited to holding share(s) or stock in any corporation, any partnership interest, or membership in a limited liability company, or personal ownership, in whole or in part, of a vessel issued a limited access NE multispecies permit or confirmation of permit history (CPH), including any ownership interest in any entity or its subsidiaries or partners, no matter how far removed.

* * * * *

■ 3. In § 648.4, add paragraph (a)(1)(i)(N) and revise paragraph (c)(2)(i) to read as follows:

§ 648.4 Vessel permits.

(a) * * *

(1) * * *

(i) * * *

(N) *Accumulation limits*—(1) 5-percent permit/CPH restriction. Any person with an ownership interest in the NE multispecies fishery is not eligible to be issued a limited access NE multispecies permit or CPH for a vessel if the issuance results in the person having an ownership interest in excess of 5 percent of all limited access NE multispecies permits and CPH that are issued as of the date the permit/CPH application is received by the NMFS.

(2) *PSC limit*. Any person with an ownership interest in the NE multispecies fishery is not eligible to be issued a limited access NE multispecies permit or CPH for a vessel that results in that person's average potential sector contribution (PSC) exceeding a share of 15.5 for all the allocated stocks in aggregate, except as provided in paragraph (a)(1)(i)(N)(4) of this section.

(3) *Grandfather provision*. Paragraphs (a)(1)(i)(N)(1) and (2) of this section do not apply to a limited access NE multispecies permit or CPH if held on April 7, 2011. Any additional limited access NE multispecies permit or CPH that a person acquires after April 7, 2011, are subject to the accumulation limits specified within this section.

(4) Any person can be issued one limited access NE multispecies permit or CPH that results in that person's total PSC exceeding the PSC limit as described in this section. That person must identify to NMFS on or before March 31 of each year, vessel permits or CPH that will be rendered unusable the upcoming fishing year so that the person's total PSC for the upcoming fishing year is an amount equal to or below the PSC limit. Beginning on May 1, the permits or CPH rendered unusable may not be fished, leased, or enrolled in a sector by that person for the remainder of the fishing year, but may be transferred by that person. The transfer of a permit or CPH rendered unusable shall be made through an arm's-length transaction (for example, to an independent and unrelated entity that does not share an ownership interest with that person).

* * * * *

(c) * * *

(2) *Vessel permit information requirements*. (i) An application for a permit issued under this section, in addition to the information specified in paragraph (c)(1) of this section, also must contain at least the following information, and any other information required by the Regional Administrator: Vessel name, owner name or name of the owner's authorized representative, mailing address, and telephone number; USCG documentation number and a copy of the vessel's current USCG documentation or, for a vessel not required to be documented under title 46 U.S.C., the vessel's state registration number and a copy of the current state registration; a copy of the vessel's current party/charter boat license (if applicable); home port and principal port of landing, length overall, GRT, NT, engine horsepower, year the vessel was built, type of construction, type of propulsion, approximate fish hold capacity, type of fishing gear used by the vessel, number of crew, number of party or charter passengers licensed to be carried (if applicable), permit category; if the owner is a corporation, a copy of the current Certificate of Incorporation or other corporate papers showing the date of incorporation and the names of the current officers of the corporation, and the names and

addresses of all persons holding any ownership interest in a NE multispecies permit or CPH or shareholders owning 25 percent or more of the corporation's shares for other fishery permits; if the owner is a partnership, a copy of the current Partnership Agreement and the names and addresses of all partners; permit number of any current or, if expired, previous Federal fishery permit issued to the vessel.

* * * * *

■ 4. In § 648.14:

- a. Add paragraphs (k)(2)(v) and (vi);
- b. Revise paragraph (k)(9)(i); and
- c. Add paragraph (k)(9)(ii)(N).

The additions and revisions read as follows:

§ 648.14 Prohibitions.

* * * * *

- (k) * * *
- (2) * * *

(v) Fish for, possess, land fish, enroll in a sector, or lease a permit or confirmation of permit history (CPH) as a lessor or lessee, with a permit that has been rendered unusable as specified in § 648.4(a)(1)(i)(N).

(vi) Acquire a limited access NE multispecies permit that would result in a permit holder exceeding any of the ownership accumulation limits specified in § 648.4(a)(1)(i)(N), unless authorized under § 648.4(a)(1)(i)(N).

* * * * *

- (9) * * *

(i) If operating under the provisions of a limited access NE multispecies Handgear A permit south of the GOM Regulated Mesh Area, as defined at § 648.80(a)(1), fail to declare the vessel operator's intent to fish in this area via VMS or fail to obtain or retain on board a letter of authorization from the Regional Administrator, as required by § 648.82(b)(6)(iii).

* * * * *

- (ii) * * *

(N) Act as a lessor or lessee of NE multispecies DAS to or from a limited access permit that has been rendered unusable as specified in § 648.4(a)(1)(i)(N).

* * * * *

■ 5. In § 648.82, revise paragraphs (b)(6) and (g) to read as follows:

§ 648.82 Effort control program for NE multispecies limited access vessels.

* * * * *

- (b) * * *

(6) *Handgear A category.* A vessel qualified and electing to fish under the Handgear A category, as described in § 648.4(a)(1)(i)(A), may retain, per trip, up to 300 lb (135 kg) of cod, one Atlantic halibut, and the daily

possession limit for other regulated species and ocean pout, as specified under § 648.86. If either the GOM or GB cod trip limit applicable to a vessel fishing under a NE multispecies DAS permit, as specified in § 648.86(b)(1) and (2), respectively, is reduced below 300 lb (135 kg) per DAS by NMFS, the cod trip limit specified in this paragraph (b)(6) shall be adjusted to be the same as the applicable cod trip limit specified for NE multispecies DAS permits. For example, if the GOM cod trip limit for NE multispecies DAS vessels was reduced to 250 lb (113.4 kg) per DAS, then the cod trip limit for a vessel issued a Handgear A category permit that is fishing in the GOM Regulated Mesh Area would also be reduced to 250 lb (113.4 kg). Qualified vessels electing to fish under the Handgear A category are subject to the following restrictions:

(i) The vessel must not use or possess on board gear other than handgear while in possession of, fishing for, or landing NE multispecies;

(ii) Tub-trawls must be hand-hauled only, with a maximum of 250 hooks; and

(iii) *Declaration.* For any such vessel that is not required to use VMS pursuant to § 648.10(b)(4), to fish for GB cod south of the GOM Regulated Mesh Area, as defined at § 648.80(a)(1), a vessel owner or operator must obtain, and retain on board, a letter of authorization from the Regional Administrator stating an intent to fish south of the GOM Regulated Mesh Area and may not fish in any other area for a minimum of seven consecutive days from the effective date of the letter of authorization. For any such vessel that is required, or elects, to use VMS pursuant to § 648.10(b)(4), to fish for GB cod south of the GOM Regulated Mesh Area, as defined at § 648.80(a)(1), a vessel owner or operator must declare an intent to fish south of the GOM Regulated Mesh Area on each trip through the VMS prior to leaving port, in accordance with instructions provided by the Regional Administrator. Such vessels may transit the GOM Regulated Mesh Area, as defined at § 648.80(a)(1), provided that their gear is stowed and not available for immediate use as defined in § 648.2.

* * * * *

(g) *Spawning season restrictions.* A vessel issued a valid Small Vessel category permit specified in paragraph (b)(5) of this section, or a vessel issued an open access Handgear B permit, as specified in § 648.88(a), may not fish for, possess, or land regulated species or ocean pout from March 1 through March

20 of each year. A common pool vessel must declare out and be out of the NE multispecies DAS program, and a sector must declare that the vessel will not fish with gear capable of catching NE multispecies (*i.e.*, gear that is not defined as exempted gear under this part), for a 20-day period between March 1 and May 31 of each calendar year, using the notification requirements specified in § 648.10. A vessel fishing under a Day gillnet category designation is prohibited from fishing with gillnet gear capable of catching NE multispecies during its declared 20-day spawning block, unless the vessel is fishing in an exempted fishery, as described in § 648.80. If a vessel owner has not declared and been out of the fishery for a 20-day period between March 1 and May 31 of each calendar year on or before May 12 of each year, the vessel is prohibited from fishing for, possessing or landing any regulated species, ocean pout, or non-exempt species during the period from May 12 through May 31.

* * * * *

■ 6. In § 648.87, revise paragraph (c)(2)(i) introductory text to read as follows:

§ 648.87 Sector allocation.

* * * * *

- (c) * * *
- (2) * * *

(i) *Regulations that may not be exempted for sector participants.* The Regional Administrator may not exempt participants in a sector from the following Federal fishing regulations: Specific times and areas within the NE multispecies year-round closure areas; permitting restrictions (*e.g.*, vessel upgrades, etc.); gear restrictions designed to minimize habitat impacts (*e.g.*, roller gear restrictions, etc.); reporting requirements; and AMS specified in § 648.90(a)(5)(i)(D). For the purposes of this paragraph (c)(2)(i), the DAS reporting requirements specified in § 648.82, the SAP-specific reporting requirements specified in § 648.85, VMS requirements for Handgear A category permitted vessels as specified in § 648.10, and the reporting requirements associated with a dockside monitoring program are not considered reporting requirements, and the Regional Administrator may exempt sector participants from these requirements as part of the approval of yearly operations plans. For the purpose of this paragraph (c)(2)(i), the Regional Administrator may not grant sector participants exemptions from the NE multispecies year-round closures areas defined as Essential Fish Habitat Closure Areas as defined in

§ 648.81(h); the Fippennies Ledge Area as defined in paragraph (c)(2)(i)(A) of this section; Closed Area I and Closed Area II, as defined in § 648.81(a) and (b), respectively, during the period February 16 through April 30; and the Western GOM Closure Area, as defined at § 648.81(e), where it overlaps with GOM Cod Protection Closures I through III, as defined in § 648.81(f)(4). This list may be modified through a framework adjustment, as specified in § 648.90.

* * * * *

■ 7. In § 648.90, revise paragraphs (a)(2)(i) through (iii) to read as follows:

§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.

* * * * *

(a) * * *

(2) *Biennial review.* (i) At a minimum, the NE multispecies PDT shall meet on or before September 30 every other year to perform a review of the fishery, using the most current scientific information available provided primarily from the NEFSC. Data provided by states, ASMFC, the USCG, and other sources may also be considered by the PDT. The PDT shall review available data pertaining to: Catch and landings, discards, DAS allocations, DAS use, sector operations, and other measures of fishing effort; survey results; stock status; current estimates of fishing mortality and overfishing levels; social and economic impacts; enforcement issues; and any other relevant information. The PDT may also review the performance of different user groups or fleet sectors.

(ii) Based on this review, the PDT shall recommend ACLs for the upcoming fishing year(s), as described in paragraph (a)(4) of this section, and develop options for consideration by the Council, if necessary, on any changes, adjustments, or additions to DAS allocations, closed areas, or other measures necessary to rebuild overfished stocks and achieve the FMP goals and objectives, which may include a preferred option. The range of options developed by the PDT may include any of the management measures in the FMP, including, but not limited to: ACLs, which must be based on the projected fishing mortality levels required to meet the goals and objectives outlined in the FMP for the 12 regulated species and ocean pout if able to be determined; identifying and distributing ACLs and other sub-components of the ACLs among various segments of the fishery; AMs; DAS changes; possession limits; gear restrictions; closed areas; permitting restrictions; minimum fish sizes;

recreational fishing measures; describing and identifying EFH; fishing gear management measures to protect EFH; designating habitat areas of particular concern within EFH; and changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs. The PDT must demonstrate through analyses and documentation that the options it develops are expected to meet the FMP goals and objectives.

(iii) In addition, the PDT may develop ranges of options for any of the management measures in the FMP and the following conditions that may be adjusted through a framework adjustment to achieve FMP goals and objectives including, but not limited to: Revisions to DAS measures, including DAS allocations (such as the distribution of DAS among the four categories of DAS), future uses for Category C DAS, and DAS baselines, adjustments for steaming time, etc.; accumulation limits due to a permit buyout or buyback; modifications to capacity measures, such as changes to the DAS transfer or DAS leasing measures; calculation of area-specific ACLs (including sub-ACLs for specific stocks and areas (e.g., Gulf of Maine cod)), area management boundaries, and adoption of area-specific management measures including the delineation of inshore/offshore fishing practices, gear restrictions, declaration time periods; sector allocation requirements and specifications, including the establishment of a new sector, the disapproval of an existing sector, the allowable percent of ACL available to a sector through a sector allocation, an optional sub-ACL specific to Handgear A permitted vessels, and the calculation of PSCs; sector administration provisions, including at-sea and dockside monitoring measures; sector reporting requirements; state-operated permit bank administrative provisions; measures to implement the U.S./Canada Resource Sharing Understanding, including any specified TACs (hard or target); changes to administrative measures; additional uses for Regular B DAS; reporting requirements; declaration requirements pertaining to when and what time period a vessel must declare into or out of a fishery management area; the GOM Inshore Conservation and Management Stewardship Plan; adjustments to the Handgear A or B permits; gear requirements to improve selectivity,

reduce bycatch, and/or reduce impacts of the fishery on EFH; SAP modifications; revisions to the ABC control rule and status determination criteria, including, but not limited to, changes in the target fishing mortality rates, minimum biomass thresholds, numerical estimates of parameter values, and the use of a proxy for biomass may be made either through a biennial adjustment or framework adjustment; changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs; and any other measures currently included in the FMP.

* * * * *

[FR Doc. 2017-08035 Filed 4-20-17; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 160422356-7283-02]

RIN 0648-XE587

Pacific Island Fisheries; 2016 Annual Catch Limits and Accountability Measures

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

ACTION: Final specifications.

SUMMARY: In this final rule, NMFS specifies the 2016 annual catch limits (ACLs) for Pacific Island bottomfish, crustacean, precious coral, and coral reef ecosystem fisheries, and accountability measures (AMs) to correct or mitigate any overages of catch limits. The final ACLs and AMs are effective for fishing year 2016. The fishing year for each fishery begins on January 1 and ends on December 31, except for precious coral fisheries, which begin July 1 and end on June 30 the following year. Although the 2016 fishing year has ended for most stocks, we will evaluate 2016 catches against these final ACLs when data become available in mid-2017. The ACL and AM specifications support the long-term sustainability of fishery resources of the U.S. Pacific Islands.

DATES: The final specifications are effective May 22, 2017. The final

specifications are applicable from January 1, 2016, through December 31, 2016.

ADDRESSES: Copies of the fishery ecosystem plans (FEPs) are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel. 808-522-8220, fax 808-522-8226, or www.wpcouncil.org. Copies of the environmental assessments and findings of no significant impact for this action, identified by NOAA-NMFS-2016-0049, are available from www.regulations.gov, or from Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

FOR FURTHER INFORMATION CONTACT: Matt Dunlap, NMFS PIR Sustainable Fisheries, 808-725-5177.

SUPPLEMENTARY INFORMATION: NMFS is specifying the 2016 ACLs for bottomfish, crustacean, precious coral, and coral reef ecosystem management unit species (MUS) in American Samoa, Guam, the CNMI, and Hawaii. NMFS proposed these specifications on January 18, 2017 (82 FR 5517), and the final specifications do not differ from those proposed. The 2016 fishing year began on January 1 and ended on December 31, except for precious coral fisheries, which began on July 1, 2016, and ends on June 30, 2017. Except for bottomfish in American Samoa, Guam, and the CNMI, and Guam jacks, Hawaii crabs, and Hawaii octopus, the final 2016 ACLs are identical to those that NMFS specified for 2015 (80 FR 52415, August 31, 2015). For bottomfish in American Samoa, Guam, and the Northern Mariana Islands, the 2016 ACLs are based on new estimates of maximum sustainable yield contained in a 2016 stock assessment updated by the NMFS Pacific Islands Fisheries Science Center (PIFSC). This stock assessment update represents the best scientific information available for specifying ACLs.

For Guam jacks, Hawaii crabs, and Hawaii octopus, NMFS and the Council determined that the average 2013-2015

catch for each of these three stock complexes exceeded their respective 2015 ACLs. Specifically, average 2013-2015 catch for Guam jacks was 37,399 lb and exceeded the 2015 ACL of 29,300 lb by 8,099 lb. For Hawaii crabs, average 2013-2015 catch was 40,363 lb and exceeded the 2015 ACL of 33,500 lb by 6,863 lb. For Hawaii octopus, average 2013-2015 catch was 40,237 lb and exceeded the 2015 ACL of 35,700 lb by 4,537 lb. In accordance with the 2015 AMs (80 FR 52415, August 31, 2015), and in consideration of the best available scientific information available, NMFS proposes to reduce the 2016 ACLs from the 2015 ACL by the amount of the 2015 overages for each of the three stocks. As a result, the final ACL for Guam jacks is 21,201 lb, 26,637 lb for Hawaii crabs, and 31,163 lb for Hawaii mollusks.

In addition, NMFS prepared an updated environmental assessment for Pacific Island crustacean and precious coral fisheries; in December 2015, NMFS and the Council received new information on the historical and projected stock status of Kona crab in Hawaii. The information indicates that the Hawaii Kona crab stock was likely to be overfished as of 2006. However, an independent review identified data gaps and methodological concerns with the 2015 stock assessment. The PIFSC also noted concerns with the data used in the recent stock assessment, but found that the assessment provided useful information regarding stock status within the last decade. Because of the uncertainty in the projected stock status and structure of Hawaii Kona crab after 2006, the Council did not account for the information in the stock assessment, along with the other relevant information that they considered in recommending the 2016 Hawaii Kona crab ACL. For this reason, NMFS will not set a 2016 ACL for Hawaii Kona crab. Instead, NMFS will continue to work with the Council and other partners to review the available data and to set a 2017 acceptable biological catch and ACL for the Hawaii Kona crab stock, consistent with the Magnuson-

Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

NMFS is also not specifying ACLs for MUS that are currently subject to Federal fishing moratoria or prohibitions. These MUS include all species of gold coral (78 FR 32181, May 29, 2013), the three Hawaii seamount groundfish (pelagic armorhead, alfonsin, and raftfish (75 FR 69015, November 10, 2010), and deepwater precious corals at the Westpac Bed Refugia (75 FR 2198, January 14, 2010). The current prohibitions on fishing for these MUS serve as the functional equivalent of an ACL of zero.

Additionally, NMFS is not specifying ACLs for bottomfish, crustacean, precious coral, or coral reef ecosystem MUS identified in the Pacific Remote Islands Area (PRIA) FEP. This is because fishing is prohibited in the EEZ within 12 nm of emergent land, unless authorized by the U.S. Fish and Wildlife Service (USFWS) (78 FR 32996, June 3, 2013). To date, NMFS has not received fishery data that would support any such approvals. In addition, there is no suitable habitat for these stocks beyond the 12 nm no-fishing zone, except at Kingman Reef, where fishing for these resources does not occur. Therefore, the current prohibitions on fishing serve as the functional equivalent of an ACL of zero. However, NMFS will continue to monitor authorized fishing within the Pacific Remote Islands Monument in consultation with the U.S. Fish and Wildlife Service, and may develop additional fishing requirements, including monument-specific catch limits for species that may require them.

NMFS is also not specifying ACLs for pelagic MUS at this time, because NMFS previously determined that pelagic species are subject to international fishery agreements or have a life cycle of approximately one year and, therefore, are statutorily excepted from the ACL requirements.

2016 Annual Catch Limit Specifications

Tables 1-4 list the final 2016 ACL specifications.

TABLE 1—AMERICAN SAMOA

Fishery	Management unit species	ACL specification (lb)
Bottomfish	Bottomfish multi-species stock complex	106,000
	Deepwater shrimp	80,000
	Spiny lobster	4,845
	Slipper lobster	30
	Kona crab	3,200
Precious Coral	Black coral	790
	Precious corals in the American Samoa Exploratory Area	2,205

TABLE 1—AMERICAN SAMOA—Continued

Fishery	Management unit species	ACL specification (lb)
Coral Reef Ecosystem	<i>Selar crumenophthalmus</i> —atule, bigeye scad	37,400
	Acanthuridae—surgeonfish	129,400
	Carangidae—jacks	19,900
	Carcharhinidae—reef sharks	1,615
	Crustaceans—crabs	4,300
	Holocentridae—squirrelfish	15,100
	Kyphosidae—rudderfishes	2,000
	Labridae—wrasses	16,200
	Lethrinidae—emperors	19,600
	Lutjanidae—snappers	63,100
	Mollusks—turbo snail; octopus; giant clams	18,400
	Mugilidae—mulletts	4,600
	Mullidae—goatfishes	11,900
	Scaridae—parrotfish	272,000
	Serranidae—groupers	25,300
	Siganidae—rabbitfishes	200
	<i>Bolbometopon muricatum</i> —bumphead parrotfish	235
<i>Cheilinus undulatus</i> —Humphead (Napoleon) wrasse	1,743	
All other CREMUS combined	18,400	

TABLE 2—MARIANA ARCHIPELAGO—GUAM

Fishery	Management unit species	ACL specification (lb)
Bottomfish	Bottomfish multi-species stock complex	66,000.
Crustaceans	Deepwater shrimp	48,488.
	Spiny lobster	3,135.
	Slipper lobster	20.
Precious Coral	Kona crab	1,900.
	Black coral	700.
	Precious corals in the Guam Exploratory Area	2,205.
Coral Reef Ecosystem	<i>Selar crumenophthalmus</i> —atulai, bigeye scad	50,200.
	Acanthuridae—surgeonfish	97,600.
	Carangidae—jacks	21,201.
	Carcharhinidae—reef sharks	1,900.
	Crustaceans—crabs	7,300.
	Holocentridae—squirrelfish	11,400.
	Kyphosidae—chubs/rudderfish	9,600.
	Labridae—wrasses	25,200.
	Lethrinidae—emperors	53,000.
	Lutjanidae—snappers	18,000.
	Mollusks—octopus	23,800.
	Mugilidae—mulletts	17,900.
	Mullidae—goatfish	15,300.
	Scaridae—parrotfish	71,600.
	Serranidae—groupers	22,500.
	Siganidae—rabbitfish	18,600.
	<i>Bolbometopon muricatum</i> —bumphead parrotfish	797 (CNMI and Guam combined).
<i>Cheilinus undulatus</i> —humphead (Napoleon) wrasse	1,960.	
All other CREMUS combined	185,000.	

TABLE 3—MARIANA ARCHIPELAGO—CNMI

Fishery	Management unit species	ACL specification (lb)
Bottomfish	Bottomfish multi-species stock complex	228,000.
Crustacean	Deepwater shrimp	275,570.
	Spiny lobster	7,410.
	Slipper lobster	60.
	Kona crab	6,300.
Precious Coral	Black coral	2,100.
	Precious corals in the CNMI Exploratory Area	2,205.
Coral Reef Ecosystem	<i>Selar crumenophthalmus</i> —Atulai, bigeye scad	77,400.
	Acanthuridae—surgeonfish	302,600.
	Carangidae—jacks	44,900.
	Carcharhinidae—reef sharks	5,600.
	Crustaceans—crabs	4,400.

TABLE 3—MARIANA ARCHIPELAGO—CNMI—Continued

Fishery	Management unit species	ACL specification (lb)
	Holocentridae—squirrelfishes	66,100.
	Kyphosidae—rudderfishes	22,700.
	Labridae—wrasses	55,100.
	Lethrinidae—emperors	53,700.
	Lutjanidae—snappers	190,400.
	Mollusks—turbo snail; octopus; giant clams	9,800.
	Mugilidae—mullets	4,500.
	Mullidae—goatfish	28,400.
	Scaridae—parrotfish	144,000.
	Serranidae—groupers	86,900.
	Siganidae—rabbitfish	10,200.
	<i>Bolbometopon muricatum</i> —Bumphead parrotfish	797 (CNMI and Guam combined).
	<i>Cheilinus undulatus</i> —Humphead (Napoleon) wrasse	2,009.
	All other CREMUS combined	7,300.

TABLE 4—HAWAII

Fishery	Management unit species	ACL specification (lb)
Bottomfish	Non-Deep 7 bottomfish	178,000
Crustacean	Deepwater shrimp	250,773
	Spiny lobster	15,000
	Slipper lobster	280
	Kona crab	None
Precious Coral	Auau Channel black coral	5,512
	Makapuu Bed—Pink coral	2,205
	Makapuu Bed—Bamboo coral	551
	180 Fathom Bank—Pink coral	489
	180 Fathom Bank—Bamboo coral	123
	Brooks Bank—Pink coral	979
	Brooks Bank—Bamboo coral	245
	Kaena Point Bed—Pink coral	148
	Kaena Point Bed—Bamboo coral	37
	Keahole Bed—Pink coral	148
	Keahole Bed—Bamboo coral	37
	Precious corals in the Hawaii Exploratory Area	2,205
Coral Reef Ecosystem	<i>Selar crumenophthalmus</i> —akule, bigeye scad	988,000
	<i>Decapterus macarellus</i> —opelu, mackerel scad	438,000
	Acanthuridae—surgeonfishes	342,000
	Carangidae—jacks	161,200
	Carcharhinidae—reef sharks	9,310
	Crustaceans—crabs	26,637
	Holocentridae—squirrelfishes	148,000
	Kyphosidae—rudderfishes	105,000
	Labridae—wrasses	205,000
	Lethrinidae—emperors	35,500
	Lutjanidae—snappers	330,300
	Mollusks—octopus	31,163
	Mugilidae—mullets	19,200
	Mullidae—goatfishes	165,000
	Scaridae—parrotfishes	239,000
	Serranidae—groupers	128,400
	All other CREMUS combined	485,000

Accountability Measures

Federal logbook entries and required catch reporting from fisheries in Federal waters are not sufficient to monitor and track catches towards the ACL specifications accurately. This is because most fishing for bottomfish, crustacean, precious coral, and coral reef ecosystem MUS occurs in state waters, generally 0–3 nm from shore.

For these reasons, NMFS will apply a moving 3-year average catch to evaluate fishery performance against the ACLs. Specifically, NMFS and the Council will use the average catch during fishing year 2014, 2015, and 2016 to evaluate fishery performance against the appropriate 2016 ACL. At the end of each fishing year, the Council will review catches relative to each ACL. If NMFS and the Council determine that

the three-year average catch for the fishery exceeds the specified ACL, NMFS and the Council will reduce the ACL for that fishery by the amount of the overage in the subsequent year.

You may find additional background information on this action in the preamble to the proposed specifications published on January 18, 2017 (82 FR 5517).

Comments and Responses

The comment period for the proposed specifications ended on February 2, 2017. NMFS received three comments and responds, as follows:

Comment 1: The commenter supports annual catch limits and strict limits to end fishing practices that incur bycatch.

Response: NMFS and the Council consider the effects to target and non-target species (including bycatch) when setting ACLs and AMs. The fisheries affected by this action, in general, have very little bycatch.

Comment 2: The commenter supports ACLs because maintaining catch limits keeps the ecology in balance and sustains the financial future of catches for years to come.

Response: NMFS agrees.

Comment 3: The Natural Resources Defense Council (NRDC) questioned the NMFS interpretation of the Magnuson-Stevens Act statutory exception to the ACL requirements for fish stocks managed under international agreements. The NRDC interpretation is that the international exception was not permanent; rather the ACLs would take effect in either 2010 or 2011, depending on a stock's overfishing status. The NRDC expressed the notion that, if a stock is managed under an international agreement, then the start date could be adjusted to match the start date for hard-cap management provided by the international agreement. The NRDC requested that NMFS set ACLs for all stocks in the region, including those

subject to management under international fishery agreements.

Response: NMFS disagrees with the NRDC interpretation of the statute and stands by our interpretation that confirms the ACL exception for stocks managed by international agreements, as described in previous final actions revising the National Standard guidelines (74 FR 3178, January 16, 2009; 81 FR 71858, October 18, 2016). As the commenter observed, the text of the statute's "international exception" is vague. NMFS has considered public comment on different possible interpretations, including looking specifically at the interpretation advanced by some commenters that the exception only pertains to the 2010–2011 timing requirements. Having considered the text of the exception and other relevant provisions of the Magnuson-Stevens Act, NMFS decided in 2009, and again in 2016, not to interpret the exception as applying only to the timing of the ACL and AM requirements. Based on the NRDC comments on this proposed rule, NMFS has identified no new considerations or issues that warrant re-examination of the approach it adopted in 2009 and confirmed in 2016 when revising National Standard guidelines.

Changes From the Proposed Specifications

There are no changes in the final specifications from the proposed specifications.

Classification

The Regional Administrator, NMFS PIR, determined that this action is necessary for the conservation and management of Pacific Island fisheries, and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed specification stage that this action would not have a significant economic impact on a substantial number of small entities. NMFS published the factual basis for certification in the proposed specifications, and does not repeat it here. NMFS did not receive comments regarding this certification. As a result, a final regulatory flexibility analysis is not required, and one was not prepared.

This action is exempt from review under Executive Order 12866.

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

Dated: April 18, 2017.

Alan D. Risenhoover,

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

[FR Doc. 2017–08116 Filed 4–20–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 82, No. 76

Friday, April 21, 2017

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1051

[Docket No. AO-15-0071; AMS-DA-14-0095]

Proposed California Federal Milk Marketing Order; Producer Ballots

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Request for public comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), this notice announces the Agricultural Marketing Service's (AMS) intention to request approval from the Office of Management and Budget for a new information collection: Proposed California Federal Milk Marketing Order; Referendum Procedures.

DATES: Pursuant to the Paperwork Reduction Act, comments on the information collection burden that would result from the conduct of a referendum must be received by June 20, 2017.

ADDRESSES: Comments should reference the docket number, title of action, date, and page number of this issue of the *Federal Register* and can be viewed and submitted at the Federal eRulemaking portal: <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Erin Taylor, Acting Director, Order Formulation and Enforcement Division, USDA/AMS/Dairy Program, STOP 0231, Room 2969-S, 1400 Independence Ave. SW., Washington, DC 20250-0231, (202) 720-7311, email address: erin.taylor@ams.usda.gov.

SUPPLEMENTARY INFORMATION: This announcement is issued pursuant to the PRA. This document invites comments on the proposed ballots to be used in conducting a referendum to determine whether the issuance of a Federal Milk Marketing Order (FMMO) regulating the handling of milk in California is favored by producers and cooperative associations. The Recommended

Decision on the issuance of a FMMO in California was published in the *Federal Register* on February 14, 2017 (82 FR 10634). The Agricultural Marketing Service (AMS) is accepting comments on this Recommended Decision until May 15, 2017, and, following review, will issue a Final Decision on promulgating a California FMMO. Sections 900.300 through 900.311 of title 7 of the CFR outline procedures to conduct a referendum to determine producer approval of FMMO promulgation or amendatory proceedings. These referendum procedures would apply to the proposed California FMMO, should the Final Decision continue to recommend its adoption. AMS would conduct the referendum using the proposed ballot forms for which this document invites comments. Once these ballots are approved, they will also be used to determine producer approval for future FMMO promulgation and amendatory proceedings, including any subsequent referenda under the proposed California FMMO.

In accordance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) that implement the Paperwork Reduction Act (44 U.S.C. 3501-3520) (PRA), the information collection requirements associated with the FMMO program have been previously approved by OMB and assigned OMB No. 0581-0032 collection, "Report Forms under the Federal Milk Marketing Order Program."

7 U.S.C. 608c(9) provides two options for determining industry approval of a new FMMO: (1) By two-thirds of those persons voting; or (2) by two-thirds of the milk represented in the referendum. The AMAA lays out the statutory authority for conducting a referendum to determine industry approval of a new FMMO. 7 CFR 900.300 outlines procedures for conducting a referendum, to include: Definitions; associations eligible to vote; conduct of referendum; who may vote; duties of referendum agent; notice of the referendum; time for voting; tabulation of ballots; confidential information; supplementary instructions; and submittals or requests. This document invites comments for the proposed ballots used to conduct a producer referendum regarding promulgation of a California FMMO. Upon approval, these

ballots will also be used to determine producer and cooperative association approval for future FMMO promulgation and amendatory proceedings, including any subsequent referenda under the proposed California FMMO.

In accordance with the PRA, this document announces AMS' intention to request approval, from the Office of Management and Budget (OMB), for an information collection totaling 363.25 hours for the requirements contained in the ballots to carry out the referendum procedures for promulgating a California FMMO.

A new information collection package is being submitted to OMB for approval of 363.25 total burden hours to cover this new collection for conducting a producer referendum on the proposed California FMMO. Upon OMB's approval of this new information collection, AMS intends to merge this new information collection into the approved OMB No. 0581-0032 collection.

In accordance with 5 CFR part 1320, we have included below a description of the collection and recordkeeping requirements and an estimate of the annual burden on entities who would participate in the California producer referendum. As with all mandatory regulatory programs, reporting and recordkeeping burdens are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. The PRA provides authority for this action.

Title: Proposed California Federal Milk Marketing Order; Referendum Procedures.

OMB Number: 0581-NEW.

Expiration Date of Approval: Three years from date of approval.

Type of Request: This is a NEW collection.

Abstract: FMMO regulations (7 CFR 900.300 through 900.311) authorized under the AMAA of 1937, as amended (7 U.S.C. 601-674, and 7253), outline procedures for conducting referenda to determine producer approval of milk marketing orders. These referendum procedures would be used to determine approval for the proposed California FMMO.

The information collection requirements in this document concern the ballots to carry out a referendum to determine industry approval of the

proposed California FMMO. Upon issuance of a Final Decision, producers and/or cooperative associations potentially affected by the proposed California FMMO would be authorized to vote in the referendum regarding their support of the Final Decision. Under this referendum, cooperative associations would be able to elect to bloc vote on behalf of their members; in this case, cooperative associations would submit to AMS a Cooperative Ballot in addition to a Certificate of Resolution and an Intent to Bloc Vote indicating the cooperative association's decision to vote on behalf of its members. Cooperative associations that either check "no" or who do not return their Intent to Bloc Vote form to AMS promptly would be designated as not bloc voting on behalf of their members. In this case, a Milk Producer's Ballot would be sent to each producer associated with that cooperative. Producers who are not associated with a cooperative would be sent a Milk Producer's Ballot to indicate their support for or against the promulgation of the proposed California FMMO. These same ballots will be used by USDA to carry out future referendum procedures to determine support for promulgation or amendatory proceedings in other FMMO rulemakings.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.25 hours per response.

Respondents: Milk producers and cooperative associations.

Estimated Number of Respondents: 1,443.

Estimated Total Annual Responses: 1,453.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 363.25.

As with all FMMOs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry. USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this document. USDA has performed this initial RFA analysis regarding the impact of this document on small businesses.

An estimated 1,453 responses would provide information to AMS. The estimated cost of providing the information to AMS by respondents would be \$12,205.20. This total has been estimated by multiplying 363.25 total hours required for reporting and recordkeeping by \$33.60, the average mean hourly earnings of Farmers, Ranchers, and Other Agricultural

Managers, as denoted by the U.S. Department of Labor Statistics National Compensation Survey.

The proposed California FMMO's referendum procedures have been carefully reviewed, and every effort has been made to minimize any unnecessary recordkeeping costs or requirements, including efforts to utilize procedures already administered by USDA.

Request for Public Comment Under the Paperwork Reduction Act

Comments are invited on: (1) 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; (2) ways to enhance the quality, utility, and clarity of the information to be collected; and (3) ways to 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.

Comments concerning the information collection requirements contained in this action should reference OMB No. 0581-NEW. In addition, the docket number, date, and page number of this issue of the **Federal Register** also should be referenced. Comments should be sent to the same addresses referenced in the **ADDRESSES** section of this document.

A 60-day comment period is provided to allow interested persons to comment on this proposed information collection. All written comments received will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: April 17, 2017.

Bruce Summers,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2017-08033 Filed 4-20-17; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2017-0343; Directorate Identifier 2017-CE-005-AD]

RIN 2120-AA64

Airworthiness Directives; DG Flugzeugbau GmbH Gliders

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all DG Flugzeugbau GmbH Models DG-400, DG-500M, DG-500MB, DG-800A, and DG-800B gliders. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a manufacturing defect in certain textile fabric covered fuel hoses, which could cause the fuel hose to fail. We are issuing this proposed AD to require actions 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 by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* (202) 493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact DG Flugzeugbau GmbH, Otto-Lilienthal Weg 2, D-76646 Bruchsal, Germany; telephone: +49 (0)7251 3202-0; email: info@dg-flugzeugbau.de; Internet: http://www.dg-flugzeugbau.de/en/?noredirect=en_US. You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

For service information identified in this proposed AD, contact DG Flugzeugbau GmbH, Otto-Lilienthal Weg 2, D-76646 Bruchsal, Germany; telephone: +49 (0)7251 3202-0; email: info@dg-flugzeugbau.de; Internet: http://www.dg-flugzeugbau.de/en/?noredirect=en_US. You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

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-2017-0343; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the

ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4165; fax: (816) 329-4090; email: jim.rutherford@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2017-0343; Directorate Identifier 2017-CE-005-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://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 European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No.: 2016-0259, dated December 21, 2016 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

During service and annual inspection, DG found that some fuel hoses with textile fabric covering, installed from the beginning of the year 2015, had become weak or untight with time. The suspected root cause for this premature degradation is a manufacturing defect of a certain batch of fuel hoses.

This condition, if not detected and corrected, may lead to kinking of the fuel hoses, possibly resulting in a reduced fuel supply and consequent partial or total loss of available power.

To address this unsafe condition, DG-Flugzeugbau published Technical Note TN 800-44, 500-10, DG-SS-02 providing inspection and replacement instructions.

For the reason described above, this AD requires inspection and replacement of the affected fuel hoses.

You may examine the MCAI on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0343.

Related Service Information Under 1 CFR Part 51

DG Flugzeugbau GmbH has issued Technical note No. 800-44, 500-10, DG-SS-02, are all dated November 9, 2016, and co-published as one document. The service information describes procedures for inspecting and replacing the fuel hoses. 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 of this NPRM.

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 this State of Design Authority, they have 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 and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD will affect 59 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with each inspection required by this proposed AD. The average labor rate is \$85 per work-hour.

Based on these figures, we estimate the inspection cost of this proposed AD on U.S. operators to be \$10,030, or \$170 per product.

In addition, we estimate that each replacement action required by this proposed AD would take about 8 work-hours and require parts costing \$500. Based on these figures, we estimate the replacement cost of this proposed AD on U.S. operators to be \$69,620, or \$1,180 per product.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in “Subtitle VII, Part A, Subpart III, section 44701: General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations

for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this 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 AD:

DG Flugzeugbau GmbH: Docket No. FAA-2017-0343; Directorate Identifier 2017-CE-005-AD.

(a) Comments Due Date

We must receive comments by June 5, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to certain DG Flugzeugbau GmbH Models DG-400, DG-500M, DG-

500MB, DG-800A, and DG-800B gliders, all serial numbers, that:

(1) Have textile fabric covered fuel hoses installed in the fuselage; and

(2) are certificated in any category.

Note 1 to paragraph (c) of this AD: Metal fabric covered fuel hoses installed in the engine area are not affected by this AD.

(d) Subject

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

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a manufacturing defect in certain textile fabric covered fuel hoses, which could cause the fuel hose to fail. We are issuing this AD to prevent failure of the fuel hose, which could cause reduced fuel supply and result in partial or total loss of power.

(f) Actions and Compliance

Unless already done, do the following actions:

(1) Within the next 30 days after the effective date of this AD, inspect all textile fabric covered fuel hoses located in the fuselage following Instructions 1. of DG Flugzeugbau GmbH Technical note (TN) No. 800-44, 500-10, DG-SS-02, dated November 9, 2016.

Note 2 to paragraph (f)(1) through (6) of this AD: DG Flugzeugbau GmbH Technical note (TN) No. 800-44, DG Flugzeugbau GmbH Technical note (TN) No. 500-10, and DG Flugzeugbau GmbH Technical note (TN) No. DG-SS-02 are all dated November 9, 2016, and co-published as one document.

(2) If any kinking or wet fabric covering is found during the inspection required in paragraph (f)(1) of this AD, within the next 14 days after the inspection, replace all textile fabric covered fuel hoses located in the fuselage following Instructions 2. of DG Flugzeugbau GmbH TN No. 800-44, 500-10, DG-SS-02, dated November 9, 2016.

(3) If no kinking or wet fabric covering is found during the inspection required in paragraph (f)(1) of this AD, within the next 12 months after the effective date of this AD, replace all textile fabric covered fuel hoses located in the fuselage following Instructions 2. of DG Flugzeugbau GmbH TN No. 800-44, 500-10, DG-SS-02, dated November 9, 2016.

(4) Within 12 months after doing the replacements required in paragraph (f)(2) or (f)(3) of this AD, as applicable, and repetitively thereafter at intervals not to exceed 12 months, inspect all fuel hoses in the fuselage for any signs of wear, fissures, kinks, lack of tight fit, or leaks. For this inspection, the ignition switch must be turned on to run the electric fuel pump to demonstrate an operating fuel pressure, as specified in Instructions 4. of DG Flugzeugbau GmbH TN No. 800-44, 500-10, DG-SS-02, dated November 9, 2016.

(5) If any signs of wear, fissures, kinks, lack of tight fit, or leaks are found during any inspection required in paragraph (f)(4) of this

AD, replace the defective fuel hose in the fuselage following Instructions 2. of DG Flugzeugbau GmbH TN No. 800-44, 500-10, DG-SS-02, dated November 9, 2016.

Continue with the repetitive inspections as specified in paragraph (f)(4) of this AD.

(6) If no signs of wear, fissures, kinks, lack of tight fit, or leaks are found during any inspection required in paragraph (f)(4) of this AD, at intervals not to exceed 10 years, replace the fuel hoses in the fuselage with new fuel hoses following Instructions 2. of DG Flugzeugbau GmbH TN No. 800-44, 500-10, DG-SS-02, dated November 9, 2016.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4165; fax: (816) 329-4090; email: jim.rutherford@faa.gov. Before using any approved AMOC on any glider to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2016-0259, dated December 21, 2016, for related information. You may examine the MCAI on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0343. For service information related to this AD, contact DG Flugzeugbau GmbH, Otto-Lilienthal Weg 2, D-76646 Bruchsal, Germany; telephone: +49 (0)7251 3202-0; email: info@dg-flugzeugbau.de; Internet: http://www.dg-flugzeugbau.de/en/?noredirect=en_US. You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

Issued in Kansas City, Missouri, on April 13, 2017.

Brian Yanez,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017-07937 Filed 4-20-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2015-0084]

RIN 1625-AA00, AA11

Great Lakes—Regulated Navigation Areas and Safety Zones

AGENCY: Coast Guard, DHS.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its Great Lakes Regulated Navigation Areas to include one additional regulated navigation area in Green Bay, Wisconsin and safety zones in the Lake Erie Islands and Saginaw Bay, MI. These zones will apply during the winter months and are necessary to protect waterway users, vessels, and mariners from hazards associated with winter conditions and navigation.

DATES: Comments and related material must be received by the Coast Guard on or before May 22, 2017.

ADDRESSES: You may submit comments identified by docket number USCG-2015-0084 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Matthew Stroebel, Ninth District Coast Guard Prevention, U.S. Coast Guard; telephone 216-902-6060, email matthew.k.stroebel@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On May 22, 2015, the Coast Guard proposed a rule to establish three regulated navigation areas (RNA) and two safety zones in its Great Lakes area. These zones were intended to improve the safety of both recreational users and commercial shipping in high use areas. During the comment period that ended July 6, 2015, we received a total of 6 comments. We received one comment

from the Lake Carriers' Association stating that it found the rule unnecessary and expressed concern that the rule will impede vessels' ability to respond quickly and creatively to winter conditions. The comment suggested that COTP Orders specifically tailored to existing and forecasted conditions is a better way to respond to hazardous ice conditions. We agree that in Maumee Bay and the Straits of Mackinac, COTP orders can be used instead of an RNA since safety issues occur less frequently in these areas. Our determination is that in Green Bay a RNA is necessary due to the high concentration of recreational users and expected increased commercial vessel traffic in the zone.

We received 1 comment that did not relate to the rule. Finally, we received 3 comments in favor of the Erie Islands safety zone and two in favor of the Maumee Bay regulated navigation area.

Based on the comments received regarding the NPRM, this proposed rulemaking has been amended. We believe that regulated navigation areas in Maumee Bay and the Straits of Mackinac are not necessary. This supplemental notice of proposed rulemaking retracts the Coast Guard's proposals to create new regulated navigation areas in Maumee Bay and the Straits of Mackinac. We also retract our proposal to re-designate three existing regulated navigation areas as safety zones. The three areas that were proposed to be redesignated as safety zones serve two functions; to establish a single route which optimizes limited icebreaking resources and to protect recreational ice users. By keeping these areas as RNA's it emphasizes that these areas do not solely exist to protect recreational users, but to fulfill an important function in maintaining an efficient navigation plan during ice covered periods.

Instead, this rulemaking proposes to retain the addition of two safety zones in the Lake Erie Islands and Saginaw Bay to protect recreational ice users from the dangers associated with vessels disturbing the ice that is primarily used for recreation. We also propose to retain adding one regulated navigation area in Green Bay to manage increased commercial traffic in an area that typically experiences high volumes of recreational use.

The Coast Guard does not propose changes to the already existing regulated navigation areas in this section. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The Coast Guard proposes to amend 33 CFR 165.901 based on the foregoing discussion.

The Coast Guard proposes to make paragraph (b) in the current regulation into paragraph (a)(2)(i). Further, the Coast Guard proposes to add paragraph (a)(2)(ii) to establish a regulated navigation area in Green Bay. Within the regulated navigation area the COTP may issue orders to control vessel traffic. Prior to issuing orders to vessel traffic the COTP will provide advance notice as reasonably practicable under the circumstances. This regulated navigation area would include the waters of Green Bay, bounded by a line between Peshtigo Point and Sherwood Point. Green Bay is an area that has many recreational ice users that are accustomed to Green Bay being free from vessel transits during the winter months. Vessels have requested to transit through Green Bay during the ice season at a frequency of 2 to 4 transits per week. The Coast Guard needs to proactively manage activity within Green Bay to ensure the safety of both commercial vessel traffic and recreational ice users.

The Coast Guard proposes to add a paragraph (c) and a paragraph (d) to 33 CFR 165.901 to accommodate the addition of two safety zones to the current regulation. Proposed paragraph (c)(1) establishes a safety zone in the Lake Erie Islands. The zone would be opened and closed by the Captain of the Port (COTP) after providing the public at least 72 hours of advance notice. This safety zone would span from the city of Huron, OH on the eastern side to Port Clinton, OH on its western side. The northern border of the safety zone would be the international border which is located between Kelly's Island and Pelee Island. No vessel would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The District Commander or respective COTP retains the discretion to permit vessels to enter/transit a closed safety zone under certain circumstances. This safety zone will protect recreational ice users from the hazards associated with vessels breaking or disturbing the ice within the zone.

Proposed paragraph (c)(2) establishes a safety zone in Saginaw Bay. The zone would be opened and closed by the Captain of the Port (COTP) after providing the public at least 72 hours of advance notice. This safety zone would include the waters in Saginaw Bay, bounded by a line between Tawas Point and Port Austin Reef. No vessel would

be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The District Commander or respective COTP retains the discretion to permit vessels to enter/transit a closed safety zone under certain circumstances. This safety zone will protect recreational ice users from the hazards associated with vessels breaking or disturbing the ice within the zone.

Proposed paragraph (d) will include the information relevant to the enforcement of these safety zones. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

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). A regulatory analysis (RA) follows.

The proposed amendments involve closure areas and a vessel management area, designed to be implemented only during winter months, as ice conditions dictate. As to the impact of the closure area on Lake Erie near the South Channel and the Erie Islands, OH, the Coast Guard notes that industry vessels have taken alternative routes bypassing the Erie Islands when recreational ice users are present. The Coast Guard anticipates the same practice when this area is closed. Further, regarding the closure area on the waters of Lake Huron in Saginaw Bay, Michigan, the Coast Guard anticipates closing the bay after giving due consideration to industry's need to traverse the area. Moreover, under certain circumstances, the Coast Guard may permit vessel traffic to transit the closure areas. Regarding the regulated navigation area in Green Bay, it is designed to regulate the conditions of vessel transit for safety. Overall, we expect the economic impact of this proposed rule to be minimal and that a full Regulatory Evaluation is unnecessary.

B. Impact on Small Entities

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

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

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions

concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction

M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves amendments to navigation regulations and establishment of a safety zones. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.ID. A preliminary environmental analysis checklist and Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

2005, issue of the **Federal Register** (70 FR 15086).

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Revise § 165.901 to read as follows:

§ 165.901 Great Lakes—regulated navigation areas and safety zones.

(a) The following are regulated navigation areas:

(1) *Lake Huron.* (i) The waters of Lake Huron known as South Channel between Bois Blanc Island and Cheboygan, Michigan; bounded by a line north from Cheboygan Crib Light (LL–1340) at 45°39'48" N., 84°27'36" W.; to Bois Blanc Island at 45°43'42" N., 84°27'36" W.; and a line north from the mainland at 45°43'00" N., 84°35'30" W.; to the western tangent of Bois Blanc Island at 45°48'42" N., 84°35'30" W.

(ii) The waters of Lake Huron between Mackinac Island and St. Ignace, Michigan, bounded by a line east from position 45°52'12" N., 84°43'00" W.; to Mackinac Island at 45°52'12" N., 84°39'00" W.; and a line east from the mainland at 45°53'12" N., 84°43'30" W.;

to the northern tangent of Mackinac Island at 45°53'12" N., 84°38'48" W.

(2) *Lake Michigan.* (i) The waters of Lake Michigan known as Gray's Reef Passage bounded by a line from Gray's Reef Light (LL–2006) at 45°46'00" N., 85°09'12" W.; to White Shoals Light (LL–2003) at 45°50'30" N., 85°08'06" W.; to a point at 45°49'12" N., 85°04'48" W.; then to a point at 45°45'42" N., 85°08'42" W.; then to the point of beginning.

(ii) The waters of Lake Michigan known as Green Bay from Rock Island Passage or Porte Des Morts Passage north to Escanaba Light at 45°44'48" N., 087°02'14" W.; south to the Fox River Entrance at 44°32'22" N., 088°00'19" W., to the Sturgeon Bay Ship Canal from Sherwood Point Light at 44°53'34" N., 087°26'00" W.; to Sturgeon Bay Ship Canal Light at 44°47'42" N., 087°18'48" W.; and then to the point of beginning.

(b) *Regulations.* (1) In the RNAs under paragraph (a) of this section, the District Commander or respective COTP may issue orders to control vessel traffic for reasons which include but are not limited to: Channel obstructions, winter navigation, unusual weather conditions, or unusual water levels. Prior to issuing these orders, the District Commander or respective COTP will provide advance notice as reasonably practicable under the circumstances. The respective COTP may close and open these regulated navigation areas as ice conditions dictate.

(2) Prior to the closing or opening of the regulated navigation areas, the COTP will give interested parties, including both shipping interests and island residents, not less than 72 hours notice of the action. This notice will be given through Broadcast Notice to Mariners, Local Notice to Mariners, and press releases to the media (radio, print and television), local COTP will ensure widest dissemination. No vessel may navigate in a regulated navigation area which has been closed by the COTP. The general regulations in 33 CFR 165.13 apply. The District Commander or respective COTP retains the

discretion to authorize vessels to operate outside of issued orders.

(c) The following are safety zones:
(1) *Lake Erie.* The area known as the Lake Erie Islands which is defined as the U.S. waters of Lake Erie at the intersection of the International Border at 082°55'00" W., following the International Border eastward to the intersection of the International Border at 082°35'00" W., moving straight south to position 41°25'00" N., 082°35'00" W., continuing west to position 41°25'00" N., 082°55'00" W., and ending north at the International Border and 082°55'00" W.

(2) *Lake Huron.* The waters of Lake Huron known as Saginaw Bay, Michigan; bounded by a line from Port Austin Reef Light (LL–10275) at 44°04'55" N., 082°58'57" W.; to Tawas Light (LL–11240) at 44°15'13" N., 083°26'58" W.; to Saginaw Bay Range Front Light (LL–10550) at 43°38'54" N., 083°51'06" W.; then to the point of beginning.

(d) *Enforcement.* (1) The District Commander or respective Captain of the Port (COTP) will enforce these safety zones as ice conditions dictate. Under normal seasonal conditions, only one closing each winter and one opening each spring are anticipated.

(2) Prior to closing or opening these safety zones, the District Commander or respective COTP will give the public advance notice, not less than 72 hours prior to the closure. This notice will be given through Broadcast Notice to Mariners, Local Notice to Mariners, and press releases to the media (radio, print and television), local COTP will ensure widest dissemination. The general regulations in 33 CFR 165.23 apply. The District Commander or respective COTP retains the discretion to permit vessels to enter/transit a closed safety zone under certain circumstances.

Dated: April 10, 2017.

J.E. Ryan,

RADM, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 2017–08132 Filed 4–20–17; 8:45 am]

BILLING CODE 9110–04–P

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 18, 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), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: OIRA_Submission@OMB.EOP.GOV or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs

potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Cooperative Agricultural Pest Survey.

OMB Control Number: 0579–0010.

Summary of Collection: The Plant Protection Act (7 U.S.C. 3301—*et seq.*) authorizes the Secretary of Agriculture, either independently or in cooperation with States, to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests and noxious weeds. The Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine (PPQ), along with the States and other agencies, collects and manages data on plant pests, woods, and biological control agents through the Cooperative Agricultural Pest Survey (CAPS). The program allows the States and PPQ to conduct surveys to detect and measure the presence of exotic plant pests and weeds and to input surveillance data into a national computer-based system known as the National Agricultural Plant Information System (NAPIS).

Need and Use of the Information: APHIS collects information using cooperative agreements, pest detection surveys, and a Specimens for Determination form (PPQ Form 391), to predict potential plant pest and noxious weed situations and to promptly detect and respond to the occurrence of new pests and to record the location of those pest incursions that could directly hinder the export of U.S. farm commodities. If the information were not collected, it would seriously impact APHIS' ability to timely assist State personnel, and others involved in agriculture and protection of the environment in order to plan pest control measures, detect new outbreaks, and to determine the threat posed by migratory pests.

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

Number of Respondents: 54.

Frequency of Responses: Reporting; On occasion.

Total Burden Hours: 3,573.

Animal and Plant Health Inspection Service.

Title: Federal Recognized State Managed Phytosanitary Program.

OMB Control Number: 0579–0365.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701–7772), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests into the United States or their dissemination within the United States. The Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine (PPQ), has established the following procedures for States (through the National Plant Board (NPB)) to petition the Agency to recognize State-level plant pest regulations and associated action taken as meeting the international criteria for official control and accepted measures to protect areas that would be economically or environmentally endangered by the introduction of a pest. The International Plant Protection Convention (IPPC) defines “official control” as the active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated non-quarantine pests.

Need and Use of the Information: APHIS/PPQ and the Department of Homeland Security (DHS), Customs and Border Protection (CBP), take action on imported products when quarantine pests are found upon inspection. Quarantine pests include those that pose a risk to agriculture or the environment but: (1) Do not exist in the United States, (2) exist in the United States but are under Federal domestic quarantine under 7 CFR 301 or by Federal Order, (3) exist in the United States but were recently detected and whose regulatory status is under consideration, or (4) exist in the United States but are under State-level quarantine that has been approved by APHIS as providing a level of protection equivalent to a Federal domestic quarantine. APHIS has taken action on pests that meet the fourth criteria for years based on informal requests by States in the interest of supporting our State cooperators and industries within those States and this program/

information collection aims to standardize this process. Without this information, APHIS would be less effective in establishing procedures that are used to contain regulated plant pests within the United States.

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

Number of Respondents: 1.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 243.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017-08135 Filed 4-20-17; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are required regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of 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), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: OIRA_Submission@OMB.EOP.GOV or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control

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

Farm Service Agency

Title: Power of Attorney.

OMB Control Number: 0560-0190.

Summary of Collection: Individuals or authorized representatives of entities wanting to appoint another to act as their attorney-in-fact in connection with certain Farm Service Agency (FSA), Commodity Credit Corporation (CCC), and Risk Management Agency (RMA) programs, Federal Crop Insurance Corporation (FCIC), Natural Resources Conservation Service (NRCS) and related actions must complete a Power of Attorney form and Extension Sheet to accommodate additional signatures (FSA-211/211A). The FSA-211/211A serves as evidence that the grantor has appointed another to act on their behalf for certain FSA, CCC, FCIC, RMA, and NRCS programs and related actions giving the appointee legal authority to enter into binding agreements on the grantor's behalf.

Need and Use of the Information: FSA will collect information to verify an individual's authority to sign and act for another in the event of errors or fraud that requires legal remedies. The information collected on the FSA-211/211A is limited to the grantor's name, signature, and identification number, the grantee's name, address, and the applicable FSA, CCC, FCIC, NRCS, and RMA programs or transactions.

Description of Respondents: Individuals or households.

Number of Respondents: 51,585.

Frequency of Responses: Reporting: Other (once).

Total Burden Hours: 64,256.

Dated: April 18, 2017.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017-08073 Filed 4-20-17; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 18, 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), New Executive Office Building, 725-17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: OIRA_Submission@OMB.EOP.GOV or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Copies of the submission(s) may be obtained by calling (202) 720-8958.

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

Animal and Plant Health Inspection Service

Title: Importation of Unshu Oranges.

OMB Control Number: 0579-0173.

Summary of Collection: The Plant Protection Act (7 U.S.C. 7701-7772) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction or dissemination of plant pests into the United States. The regulations in "Subpart-Citrus Fruit" (7 CFR 319.28) allow the importation of Unshu oranges from certain parts of Japan into the United States under certain conditions. A foreign phytosanitary certificate must accompany the unshu oranges from the Japanese Government's Ministry of Agriculture, Forestry, and Fisheries

certifying that the fruit is free of citrus canker.

Need and Use of the Information: The Animal and Plant Health Inspection (APHIS) will collect information using form PPQ 203 (Foreign Site Certificate of Inspection and/or Treatment), PPQ 587 (Application for Permit to Import Plants or Plant Products), packinghouse registration, certification for fumigation facilities, and box markings. The information from the forms and other activities will be used to certify that unshu oranges from Japan are free of citrus canker. To ensure that the oranges from Kyushu Island are not imported into citrus-producing areas of the United States such as Florida and California, boxes must be stamped or labeled with a statement specifying the State into which the oranges may be imported, and from which they are prohibited removal under a Federal quarantine. Failing to collect this information would cripple APHIS' ability to certify Unshu oranges from Japan are not carrying citrus canker.

Description of Respondents: Business or other for-profit, and foreign government.

Number of Respondents: 8.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 851.

Animal and Plant Health Inspection Service

Title: Interstate Movement of Fruit from Hawaii.

OMB Control Number: 0579-0331.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701-*et seq.*), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction or dissemination of plant pests into the United States. The Hawaii fruit and vegetables regulations contained in 7 CFR 318.13 govern, among other things, the interstate movement of fruits and vegetables from Hawaii. These regulations are necessary to prevent the spread of plant diseases and pests that occur in Hawaii but not on the mainland United States. The Animal and Plant Health Inspection Service (APHIS) regulations allow mangosteen, dragon fruit, melon, pods of cowpea and its relatives, breadfruit, jackfruit, and fresh drumstick tree pods to be moved interstate from Hawaii under certain conditions to the mainland United States while continuing to provide protection against the spread of plant pests from Hawaii in the continental United States.

Need and Use of the Information: APHIS will collect information using

PPQ 519, PPQ 530, and PPQ 540 forms to prevent the interstate spread of a number of destructive and economically damaging agricultural pests. If APHIS did not collect this information the effectiveness of APHIS' Hawaiian fruits and vegetables quarantine program would be severely compromised and could result in millions of dollars in damage to American agriculture.

Description of Respondents: Business or other for-profit.

Number of Respondents: 60.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 1,971.

Animal Plant and Health Inspection Service

Title: Importation of Avocados from Spain under a Systems Approach.

OMB Control Number: 0579-0400.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants, and plant pest to prevent the introduction of plant pests into the United States or their dissemination within the United States. The regulations in "Subpart—Fruits and Vegetables" (Title 7, Code of Federal Regulations (CFR) 319.56, referred to as the regulations), prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States. The fruits and vegetables regulations allow the importation into the continental United States of avocados from Spain, subject to a systems approach.

Need and Use of the Information: In its efforts to import Fresh Avocados from Spain under a system approach, APHIS uses the following information activities: Operational Workplan, Trust Fund Agreement, Production Site Registration, Packinghouse Registration, Phytosanitary Certificate w/additional Declaration, Box Labeling, Recordkeeping of Export Activities, Monitoring and Oversight, Investigation and Remedial Action Packinghouse/ Production Site, Identifying Shipping Documents, Post-Harvest Inspection. Failure to collect the information would cripple APHIS' ability to ensure that avocados from Spain are not carrying plant pests.

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

Number of Respondents: 28.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 403.

Animal Plant and Health Inspection Service

Title: Importation of Fresh Apricots from Spain under a Systems Approach.

OMB Control Number: 0579-0402.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants, and plant pest to prevent the introduction of plant pests into the United States or their dissemination within the United States. The regulations in "Subpart—Fruits and Vegetables" (Title 7, Code of Federal Regulations (CFR) 319.56, referred to as the regulations), prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States. The fruits and vegetables regulations allow the importation into the continental United States of fresh apricots from Continental Spain, subject to a systems approach.

Need and Use of the Information: In its efforts to import Fresh Apricots from Continental Spain under a system approach, APHIS uses the following information activities: Operational Workplan, Trust Fund Agreement, Production Site Registration, Packinghouse Registration, Box Labeling, Production Site and Packinghouse Inspection, Certification and Accreditation of Personnel Trapping Programs and Surveys, Monitoring and Oversight of Packinghouse, Monitoring, Investigation and Remedial Action, Recordkeeping of Export Activities, Phytosanitary Inspection, Phytosanitary Certificate w/ additional Declaration, Trapping Records, Identifying Shipping Documents, Cold Treatment Requirements, Certification of Cold Treatment facilities, Written Approval for Treatment Enclosure, Cold Treatment Numbered Seal, Suspension and Recertification, Cold Treatment Audit, Cold Treatment Fruit Fly Investigation and Cold Treatment Monitoring. Failure to collect the information would cripple APHIS' ability to ensure that apricots from Spain are not carrying plant pests.

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

Number of Respondents: 19.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 1,835.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017-08069 Filed 4-20-17; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2017-0027]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Citrus Canker; Interstate Movement of Regulated Nursery Stock and Fruit From Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

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

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the interstate movement of regulated nursery stock and fruit from quarantined areas to prevent the spread of citrus canker.

DATES: We will consider all comments that we receive on or before June 20, 2017.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0027>.
- *Postal Mail/Commercial Delivery:*

Send your comment to Docket No. APHIS-2017-0027, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0027> or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799-7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the

interstate movement of regulated nursery stock and fruit from citrus canker quarantined areas, contact Dr. Robert Baca, Assistant Director, Permitting and Compliance Coordination, Compliance and Environmental Coordination Branch, PPQ, APHIS, 4700 River Road Unit 150, Riverdale, MD 20737; (301) 851-2292. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851-2483.

SUPPLEMENTARY INFORMATION:

Title: Citrus Canker; Interstate Movement of Regulated Nursery Stock and Fruit From Quarantined Areas.

OMB Control Number: 0579-0317.

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

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture, either independently or in cooperation with States, to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests, such as citrus canker, that are new to or not widely distributed within the United States.

Citrus canker is a plant disease that affects plant and plant parts, including fresh fruit of citrus and citrus relatives (family *Rutaceae*). Citrus canker can cause defoliation and other serious damage to the leaves and twigs of susceptible plants. It can also cause lesions on the fruit of infected plants and cause infected fruit to drop from trees before reaching maturity. The aggressive A (Asiatic) strain of citrus canker can infect susceptible plants rapidly and lead to extensive economic losses in commercial citrus-producing areas.

The Animal and Plant Health Inspection Service regulations to prevent the interstate spread of citrus canker are contained in "Subpart—Citrus Canker" (7 CFR 301.75-1 through 301.75-17). The regulations restrict the interstate movement of regulated articles from and through areas quarantined because of citrus canker and provide, among other things, conditions under which regulated nursery stock and fruit may be moved interstate. The interstate movement of regulated nursery stock and fruit from quarantined areas involves information collection activities, including compliance agreements, package marking, certificates, and limited permits.

We are asking the Office of Management and Budget (OMB) to

approve our use of these information collection activities, as described, for an additional 3 years.

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

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

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

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

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

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.19 hours per response.

Respondents: Citrus growers and packinghouses.

Estimated annual number of respondents: 400.

Estimated annual number of responses per respondent: 36.

Estimated annual number of responses: 14,402.

Estimated total annual burden on respondents: 2,742 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 17th day of April 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017-08027 Filed 4-20-17; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service**

[Docket No. APHIS–2017–0024]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Potatoes From Mexico**AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Revision to and extension of approval of an information collection; comment request.

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

DATES: We will consider all comments that we receive on or before June 20, 2017.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/> *#!docketDetail;D=APHIS-2017-0024*.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0024, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/> *#!docketDetail;D=APHIS-2017-0024* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

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

SUPPLEMENTARY INFORMATION:

Title: Importation of Potatoes From Mexico.

OMB Control Number: 0579–0413.

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

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. Regulations authorized by the PPA concerning the importation of fruits and vegetables into the United States from certain parts of the world are contained in “Subpart—Fruits and Vegetables” (7 CFR 319.56–1 through 319.56–76).

Section 319.56–66 of the regulations provides the requirements for the importation of potatoes from Mexico into the United States. As a condition of entry, the potatoes have to be produced in accordance with a systems approach as described in the regulations. The regulations require the use of information collection activities, such as a bilateral workplan, grower registration, packinghouse registration, inspections with agricultural seals, surveys, and phytosanitary certificates.

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

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

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

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

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

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

Estimate of burden: The public reporting burden for this collection of information is estimated to average 1.15 hours per response.

Respondents: Producers of potatoes in Mexico, importers, and the national plant protection organization of Mexico.

Estimated annual number of respondents: 19.

Estimated annual number of responses per respondent: 11.

Estimated annual number of responses: 205.

Estimated total annual burden on respondents: 236 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 17th day of April 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–08028 Filed 4–20–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE**Economic Development Administration****Notice of National Advisory Council on Innovation and Entrepreneurship Meeting**

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The National Advisory Council on Innovation and Entrepreneurship (NACIE) will hold a public meeting on Tuesday, May 2, 2017, from 1:00–3:00 p.m. Eastern Time (ET) and Wednesday, May 3, 2017, from 8:45 a.m.–12:30 p.m. ET. During this time, members will further develop their policy proposals and work plan for their two-year term. Topics to be covered include advanced manufacturing, access to capital in underserved markets, inclusive entrepreneurship, entrepreneurship education in schools and career development programs, and alignment of federal innovation and entrepreneurship programing.

DATES:

Tuesday, May 2, 2017

Time: 1:00 p.m.–3:00 p.m. Eastern Time (ET)

Wednesday, May 3, 2017

Time: 8:45 a.m.–12:30 p.m. ET.

ADDRESSES: Herbert Clark Hoover Building, 1401 Constitution Ave. NW., Washington, DC 20230, Room 1894.

Please enter through the library, located on the corner of 15th St. and Pennsylvania Ave. NW., Washington, DC 20230. Please note that pre-clearance is required in order to make a statement during the public comment portion of the meeting. Please be sure to keep all comments to five minutes or less, and submit a brief statement summarizing your comment to Craig Buerstatter (see contact information below) no later than 11:59 p.m. ET on Friday, April 28, 2017.

Teleconference

May 2, 2017

Via WebEx: <https://doclibrary-events.webex.com/doclibrary-events/onstage/g.php?MTID=e409cca3fd5c1f89e11872defbf0b82d3>

Dial-In: +1 650 479 3207.

Passcode: 395 802 029.

May 3, 2017

Via WebEx: <https://doclibrary-events.webex.com/doclibrary-events/onstage/g.php?MTID=ed1e75ff9e9a7b9bf687494cb34088f35>.

Dial-In: +1 650 479 3207.

Passcode: 395 621 725.

FOR FURTHER INFORMATION CONTACT:

Craig Buerstatter, Office of Innovation and Entrepreneurship, Room 78018, 1401 Constitution Avenue NW., Washington, DC 20230; email: nacie@doc.gov; telephone: +1 202 482 8001; fax: +1 202 273 4781. Please reference "NACIE May 2017 Meeting" in the subject line of your correspondence.

SUPPLEMENTARY INFORMATION:

NACIE, established by Section 25(c) of the Stevenson-Wydler Technology Innovation Act of 1980, as amended (15 U.S.C. 3720(c)), and managed by EDA's Office of Innovation and Entrepreneurship (OIE), is a Federal Advisory Committee Act (FACA) committee that provides advice directly to the Secretary of Commerce. NACIE's advice focuses on transformational policies and programs that aim to accelerate innovation and increase the rate at which research is translated into companies and jobs, including through entrepreneurship and the development of an increasingly skilled, globally competitive workforce. Comprised of successful entrepreneurs, innovators, angel investors, venture capitalists, and leaders from the nonprofit and academic sectors, NACIE has presented to the Secretary recommendations from throughout the research-to-jobs continuum regarding topics including improving access to capital, growing and connecting entrepreneurial ecosystems, increasing small business-driven research and development, and understanding the workforce of the

future. In its advisory capacity, NACIE also serves as a vehicle for ongoing dialogue with the innovation, entrepreneurship, and workforce development communities.

The final agenda for the meeting will be posted on the NACIE Web site at <http://www.eda.gov/oie/nacie/> prior to the meeting. Any member of the public may submit pertinent questions and comments concerning the NACIE's affairs at any time before or after the meeting. Comments may be submitted to the Office of Innovation and Entrepreneurship at the contact information below. Those unable to attend the meetings in person but wishing to listen to the proceedings can do so through a conference call line accessible via +1 650 479 3207 with passcode 395 802 029 on May 2, 2017, and +1 650 479 3207 with passcode 395 621 725 on May 3, 2017. Copies of the meeting minutes will be available by request within 90 days of the meeting date.

Dated: April 17, 2017.

Craig Buerstatter,

Acting Director, Office of Innovation and Entrepreneurship.

[FR Doc. 2017-08084 Filed 4-20-17; 8:45 am]

BILLING CODE 3510-WH-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-912]

Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2014-2015

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

SUMMARY: On October 14, 2016, the Department of Commerce ("Department") published the preliminary results of the seventh administrative review of the antidumping duty order on certain new pneumatic off-the-road tires ("OTR tires") from the People's Republic of China ("PRC") and provided to interested parties an opportunity to comment on these preliminary results. Based on our analysis of the comments received, we made certain changes in the margin calculation regarding one mandatory respondent, Xuzhou Xugong Tyres Co., Ltd. ("Xugong"). We also continue to find that the other mandatory respondent, Guizhou Tyre Co., Ltd. ("GTC"), is not eligible for separate rate status and, thus, is part of

the PRC-wide entity. The final dumping margins for this review are listed in the "Final Results" section of this notice, below.

DATES: Effective April 21, 2017.

FOR FURTHER INFORMATION CONTACT:

Amanda Mallott or Keith Haynes, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-6430 and (202) 482-5139, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 14, 2016, the Department published its *Preliminary Results* of the antidumping duty administrative review of OTR tires from the PRC.¹ In accordance with 19 CFR 351.309, we invited interested parties to comment on the preliminary results. On December 22, 2016, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), the Department extended the period for issuing the final results of this review by sixty-days, to April 12, 2017.²

We received case briefs from Titan Tire Corporation and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC ("Petitioners"), the mandatory respondents Xuzhou Xugong Tyres Co., Ltd. ("Xugong")³ and Guizhou Tyre Co.,

¹ See *Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2014-2015*, 81 FR 71068 (October 14, 2016) ("Preliminary Results") and accompanying "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Certain New Pneumatic Off-the-Road Tires from the People's Republic of China; 2014-2015," dated October 5, 2016 ("PDM").

² See Memorandum to Christian Marsh titled, *Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2014-2015*, dated December 22, 2016.

³ The Department previously collapsed Xugong and its affiliates Xuzhou Armour Rubber Company Ltd. ("Armour") and Xuzhou Hanbang Tyre Co., Ltd. ("Hanbang") into a single entity; see *Certain New Pneumatic Off-The-Road Tires From The People's Republic Of China: Preliminary Results Of Antidumping Duty Administrative Review; 2013-2014*, 80 FR 61166, 61167 (October 9, 2015), unchanged in *Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013-2014*, 81 FR 23272 (April 20, 2016). This decision is unchallenged in the instant review; thus, the Department continues to treat Xugong, Armour, and Hanbang as a single entity (collectively, "Xugong").

Ltd. (“GTC”),⁴ and separate rate applicants Aeolus Tyre Co., Ltd. (“Aeolus”) and Qingdao Free Trade Zone Full-World International Trading Co., Ltd. (“Qingdao FTZ”). We received rebuttal briefs from Petitioners, Xugong, GTC, and separate rate applicants Zhongce Rubber Group Company Limited (“Zhongce”) and Qingdao Jinhaoyang International Co., Ltd. (“Jinhaoyang”). On February 15, 2017, the Department held a public hearing at the request of interested parties. For a further discussion of the events that occurred in this investigation subsequent to the *Preliminary Results*, see the Issues and Decision Memorandum.⁵

Scope of the Order

The merchandise covered by this order includes new pneumatic tires designed for off-the-road and off-highway use, subject to certain exceptions. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (“HTSUS”) subheadings: 4011.20.10.25, 4011.20.10.35, 4011.20.50.30, 4011.20.50.50, 4011.61.00.00, 4011.62.00.00, 4011.63.00.00, 4011.69.00.00, 4011.92.00.00, 4011.93.40.00, 4011.93.80.00, 4011.94.40.00, and 4011.94.80.00. The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the order is dispositive. For a complete description of the scope of the order, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the

⁴ In the initial investigation, the Department collapsed GTC and Guizhou Tyre Import and Export Corporation (“GTCIE”) into a single entity, see *Certain New Pneumatic Off-The-Road Tires From the People’s Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 73 FR 9278, 9283 (February 20, 2008), unchanged in *Certain New Pneumatic Off-The-Road Tires from the People’s Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances*, 73 FR 40485 (July 15, 2008). This decision is unchallenged in the instant review; thus, the Department continues to treat GTC and GTCIE as a single entity (collectively, “GTC”).

⁵ See Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, “Issues and Decision Memorandum for Final Results of Antidumping Duty Administrative Review: Certain New Pneumatic Off-the-Road Tires from the People’s Republic of China; 2014–2015,” adopted by and dated concurrently with this notice (“Issues and Decision Memorandum”).

issues that parties raised and to which we responded in the Issues and Decision Memorandum is attached as Appendix I 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 <http://access.trade.gov> and it 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 electronic version of the Issues and Decision Memorandum are identical in content.

Final Determination of No Shipments

As noted in the *Preliminary Results*, we received a no-shipment certification from Trelleborg Wheel Systems Hebei Co. (“TWS Hebei”).⁶ Consistent with its practice, the Department asked U.S. Customs and Border Protection (“CBP”) to conduct a query on potential shipments made by TWS Hebei during the POR. CBP did not provide any evidence contradicting TWS Hebei’s no-shipment claim.⁷ No interested party provided comments on this issue. Thus, based on TWS Hebei’s certification and our analysis of information received from CBP, we determine that TWS Hebei did not have any reviewable transactions during the POR.

Separate Rates

In the *Preliminary Results*, we determined that Shiyan Desizheng Industry & Trade Co., Ltd. (“Desizheng”), Sailun Jinyu Group Co., Ltd. (“Sailun”), Weifang Jintongda Tyre Co., Ltd. (“Jintongda”), Trelleborg Wheel Systems (Xingtai) China, Co. Ltd. (“TWS Xingtai”), Weihai Zhongwei Rubber Co., Ltd. (“Zhongwei”), Zhongce, Qingdao Qihang Tyre Co. (“Qihang”), Jinhaoyang, and Qingdao FTZ are eligible for separate-rate status. We also preliminarily determined that Aeolus, Tianjin Leviathan International Trade Co., Ltd. (“Leviathan”), and GTC were not eligible for a separate rate, and are thus part of the PRC-wide entity.⁸ We made no changes to these determinations for the final results. For

⁶ See *Preliminary Results*, 81 FR at 71068.

⁷ See CBP Message Number 6207309, dated July 25, 2016.

⁸ See *Preliminary Results*, 81 FR at 71069–70, and accompanying PDM at the “Separate Rates” section.

further discussion, see Issues and Decision Memorandum at Comment 1.

Rate for Non-Individually-Examined Separate Rate Companies

The statute and the Department’s regulations do not address the establishment of a rate to be assigned to respondents not selected for individual examination when the Department limits its examination of companies subject to the administrative review pursuant to section 777A(c)(2)(B) of the Act. Generally, the Department looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for respondents not individually examined in an administrative review. Section 735(c)(5)(A) of the Act articulates a preference for not calculating an all-others rate using rates which are zero, *de minimis*, or based entirely on facts available.⁹ Accordingly, the Department’s usual practice has been to determine the dumping margin for companies not individually examined by averaging the weighted-average dumping margins for the individually examined respondents, excluding rates that are zero, *de minimis*, or based entirely on facts available.¹⁰ In this review, we have calculated a weighted-average dumping margin for Xugong that is above *de minimis* and not based entirely on facts available. Therefore, consistent with the Department’s practice, we have assigned to Desizheng, Jinhaoyang, Jintongda, Sailun, Qingdao FTZ, Qihang, TWS Xingtai, Zhongwei, and Zhongce the weighted-average dumping margin calculated for Xugong as the separate rate for this review.

Changes Since the Preliminary Results

Based on an analysis of the comments received, we made certain calculation changes and revisions to the valuation of certain factors of production since the *Preliminary Results* with respect to Xugong’s margin calculation, and have updated Xugong’s margin accordingly. For further details on the changes made

⁹ See *Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews and Rescission of Reviews in Part*, 73 FR 52823, 52824 (September 11, 2008), and accompanying Issues and Decision Memorandum at Comment 16.

¹⁰ See, e.g., *Preliminary Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances: Certain Polyester Staple Fiber from the People’s Republic of China*, 71 FR 77373, 77377 (December 26, 2006), unchanged in *Final Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances: Certain Polyester Staple Fiber from the People’s Republic of China*, 72 FR 19690 (April 19, 2007).

since the *Preliminary Results*, see the Issues and Decision Memorandum.¹¹

In light of changes made since the *Preliminary Results* which altered Xugong's margin, we have updated the separate rate that was preliminarily

assigned to Desizheng, Jinhaoyang, Jintongda, Sailun, Qingdao FTZ, Qihang, TWS Xingtai, Zhongwei, and Zhongce to reflect Xugong's margin for the final results.

Final Results

As a result of this administrative review, we determine that the following weighted-average dumping margins exist for the period September 1, 2014, through August 31, 2015:

Exporter	Weighted-average dumping margin (percent)
Xuzhou Xugong Tyres Co., Ltd., Armour Rubber Company Ltd., or Xuzhou Hanbang Tyre Co., Ltd	33.08
Shiyan Desizheng Industry & Trade Co., Ltd	33.08
Qingdao Jinhaoyang International Co., Ltd	33.08
Sailun Jinyu Group Co., Ltd	33.08
Weifang Jintongda Tyre Co., Ltd	33.08
Zhongce Rubber Group Company Limited	33.08
Weihai Zhongwei Rubber Co., Ltd	33.08
Qingdao Qihang Tyre Co	33.08
Qingdao Free Trade Zone Full-World International Trading Co., Ltd	33.08
Trelleborg Wheel Systems (Xingtai) China, Co. Ltd	33.08

Additionally, as in the *Preliminary Results*, the Department determines that Guizhou Tyre Co., Ltd. and Guizhou Tyre Import and Export Corporation, Aeolus Tyre Co., Ltd., and Tianjin Leviathan International Trade Co., Ltd., are part of the PRC-wide entity.

Disclosure

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

Assessment Rates

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1).¹² The Department intends to issue assessment instructions directly to CBP 15 days after the date of publication of these final results of administrative review.

For Xugong, the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of sales, in accordance with 19 CFR 351.212(b)(1). For customers or importers of Xugong for which we do not have entered values, we calculated importer- (or customer-) specific antidumping duty assessment

amounts based on the ratio of the total amount of dumping duties calculated for the examined sales of subject merchandise to the total sales quantity of those same sales.¹³ For customers or importers of Xugong for which we received entered-value information, we have calculated importer- (or customer-) specific antidumping duty assessment rates based on importer- (or customer-) specific *ad valorem* rates.¹⁴ Where an importer- or (customer-) specific *ad valorem* rate is greater than *de minimis*, the Department will instruct CBP to collect the appropriate duties at the time of liquidation.¹⁵ For the non-examined separate rate companies, we will instruct CBP to liquidate all appropriate entries at 33.08 percent. For those entities that are subject to this review that the Department has determined are part of the PRC-wide entity (*i.e.*, GTC and GTCIE, Aeolus Tyre Co., Ltd., and Tianjin Leviathan International Trade Co., Ltd.), we will instruct CBP to liquidate all appropriate entries at the PRC-wide rate of 105.31 percent.¹⁶ Pursuant to a refinement in the Department's non-market economy ("NME") practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate.¹⁷ In addition, if the Department determines that an exporter under review had no shipments of subject

merchandise, any suspended entries that entered under that exporter's case number (*i.e.*, at that exporter's rate) will be liquidated at the PRC-wide rate.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be equal to the weighted-average dumping margin identified in the "Final Results" section of this notice, above; (2) for previously investigated or reviewed PRC and non-PRC exporters that are not under review in this segment of the proceeding but that received a separate rate in a previous segment, the cash deposit rate will continue to be the exporter-specific rate (or exporter-producer chain rate) published for the most recently completed segment of this proceeding in which the exporter was reviewed; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 105.31 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC

¹¹ See also Memorandum to the File, "Final Results of the 2014–2015 Administrative Review of the Antidumping Duty Order on Certain New Pneumatic off-The-Road Tires from the People's Republic of China: Surrogate Value Memorandum," dated concurrently with this notice; and Memorandum to the File, "2014–2015 Administrative Review of the Antidumping Duty Order on Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Analysis

of the Final Results Margin Calculation for Xuzhou Xugong Tyres Co., Ltd.," dated concurrently with this notice.

¹² See *Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8103 (February 14, 2012) ("NME Antidumping Proceedings").

¹³ See 19 CFR 351.212(b)(1).

¹⁴ *Id.*

¹⁵ See 19 CFR 351.212(b)(1).

¹⁶ The PRC-wide rate was determined in *Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013*, 80 FR 20197 (April 15, 2015).

¹⁷ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

exporter(s) that supplied that non-PRC exporter. These cash 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 and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

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

Dated: April 12, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes since the *Preliminary Results*
- V. List of Comments
- VI. Discussion of the Issues
 - Comment 1: Separate Rates
 - A. Whether to Grant Aeolus a Separate Rate
 - B. Whether to Grant GTC a Separate Rate
 - C. Whether to Grant Jinhaoyang a Separate Rate
 - D. Whether to Grant Zhongce a Separate Rate
 - Comment 2: Calculation of the Cost of Tube and Flap Inputs for Xugong
 - Comment 3: Surrogate Value for Smoked Sheet Natural Rubber
 - Comment 4: Surrogate Value for Inland Truck Freight
 - Comment 5: Surrogate Value for Carbon Black

- Comment 6: Surrogate Value for Tire Valves
- Comment 7: Warehousing Expense Calculation for Xugong
- Comment 8: Whether to Adjust Xugong's U.S. Prices for Irrecoverable Value Added Tax
- Comment 9: Additional Comments Raised by GTC
- VII. Recommendation

[FR Doc. 2017-08011 Filed 4-20-17; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Impact of Long Term Evolution Signals on Global Positioning System Receivers

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) announces that National Advanced Spectrum and Communications Test Network (NASCTN) will hold a public meeting on May 4, 2017 to inform the public about the NASCTN project "Impact of Long Term Evolution (LTE) signals on Global Positioning System (GPS) Devices". At this meeting, the public will learn about this project, as described in the report released to the public on February 15, 2017, available at: <http://nvlpubs.nist.gov/nistpubs/TechnicalNotes/NIST.TN.1952.pdf>. A summary of NASCTN's test methodology and an overview of the test results will be provided as well.

DATES: The meeting will be held on Thursday, May 4, 2017, from 9:00 a.m. to 12:00 p.m. Eastern Time. To attend the meeting in person you must register in advance by 5:00 p.m. Eastern Time on Tuesday, May 2, 2017. In order to access the WebEx you must register in advance by 5:00 p.m. Eastern Time on Wednesday, May 3, 2017. For instructions on how to register to participate in the meeting, please see the **SUPPLEMENTARY INFORMATION** section of this notice.

ADDRESSES: The meeting will be held at MITRE Campus, Building 1, 7525 Colshire Drive, McLean VA, 22102. Directions to the MITRE McLean Campus are available at: <https://www.mitre.org/sites/default/files/pdf/mclean-campus-map.pdf>. The meeting will also be accessible via WebEx.

FOR FURTHER INFORMATION CONTACT: For questions about this public meeting contact: Dr. Sheryl Genco,

Communications Technology Laboratory, NIST by email at sheryl.genco@nist.gov; telephone (303-497-3591) or fax (303-497-6665). Please direct media inquiries to the NIST Public Affairs Officer, Laura Ost by email at laura.ost@nist.gov or telephone (303-497-4880).

SUPPLEMENTARY INFORMATION: NASCTN provides a neutral forum for addressing spectrum-sharing challenges to accelerate the deployment of wireless technologies among commercial and federal users. NASCTN was created in 2015 and is a joint effort among NIST, the National Telecommunications and Information Administration, and the United States Department of Defense. NASCTN's mission is to provide robust test processes and validated measurement data necessary to develop, evaluate and deploy spectrum sharing technologies that can increase access to the spectrum by both Federal agencies and non-federal spectrum users. NASCTN conducts projects with private sector entities via Cooperative Research and Development Agreements (CRADA).¹ NASCTN has completed the "Impacts of LTE Signals on GPS Receivers" project and released the NASCTN report "LTE Impacts on GPS" on February 15, 2017. The report describes the project, the test methodology and the test results and is available at: <http://nvlpubs.nist.gov/nistpubs/TechnicalNotes/NIST.TN.1952.pdf>.

The focus of this NASCTN project, proposed by Ligado Networks in 2016 and conducted under a CRADA between NIST and Ligado Networks, was the development of a test methodology to: (1) Investigate the impact of LTE signals on GPS devices that operate in the GPS L1 frequency band; and (2) perform radiated radio-frequency measurements on a representative set of GPS devices to validate the test methodology.

At the start of the project, NASCTN convened a panel of technical experts to develop a test plan with the following objectives: Develop a test plan that is transparent, reproducible, and well-calibrated; develop sound, statistically-valid data retrieval and processing techniques; provide a clear path from measurement setup, to data collection, to processed results; and provide data to inform discussions between different interested parties on proper measurement requirements. The goal

¹ A CRADA is the principal mechanism used by Federal laboratories to engage in collaborative efforts with non-Federal entities and allow the exchange of resources with private industry to advance technologies that can then be commercialized for the benefit of the public and the U.S. economy.

was to make reproducible measurements under clearly-defined test conditions to isolate impacts of radiated LTE signals on GPS receivers, and to allow others to make comparable measurements if desired. To accomplish this, the approach aimed to measure the response of selected GPS devices given well-controlled GPS and LTE power levels under fixed, stable thermal noise conditions, while limiting the number of other extraneous variables.

In May of 2016, the NASCTN team completed the draft test plan and distributed it to a cross-section of GPS manufacturers, Federal agencies, and spectrum regulators and released it publicly for comments to obtain technical feedback on the proposed method. Over a two-month period, NASCTN received 159 comments from 10 different organizations. The NASCTN test team reviewed the comments and developed a revised test plan in July of 2016 that addressed the technical issues raised in the comments. The draft test plan, the revised test plan, and the adjudicated comments from the review process are all publicly available on the NASCTN Web site at: <https://www.nist.gov/programs-projects/impact-lte-signals-gps-receivers>.

Over a three-month period, from August through October 2016, NASCTN performed the radiated measurements associated with this project at two facilities—a semi-anechoic chamber at National Technical Systems in Longmont, Colorado and at a fully-anechoic chamber at the NIST Broadband Interoperability Testbed facility in Boulder, Colorado, using the revised test plan.

NASCTN relied on technical staff from NIST and the U.S. Army's Electronic Proving Grounds to perform and validate the measurements and collect the data. The team was multi-disciplinary, including expertise in GPS devices and simulation, radiated radio-frequency measurements, timing measurements, microwave metrology, statistical analysis and data processing.

In total, NASCTN performed 1,476 hours of testing and collected over 19,000 data files for a variety of measurands, including carrier-to-noise-density ratio (C/N₀), 3D position error, timing error, number of satellites in view, time to first fix, and time to first reacquisition, that were collected from a number of GPS devices at a baseline condition (no LTE signals present) and over a large range of LTE signal power levels. Subsequent data processing yielded a set of 3,859 anonymized data files (780 MB) that may be requested here: https://www.nist.gov/sites/default/files/documents/2017/02/15/impact_of_

[lte_on_gps_-_measurement_data_request_form.pdf](#). More information on this NASCTN project, including the document library and the archived draft test plan, the revised test plan, adjudicated comments, and supplemental information, is available at: <https://www.nist.gov/programs-projects/impact-lte-signals-gps-receivers>.

Due to significant interest in these measurements by regulators for assessing LTE signals on performance of GPS devices, Federal agencies, and the GPS community, NASCTN is hosting a public meeting to provide an overview of the project, the test methodology and the test results. NASCTN will also answer questions on the project, the testing methodology and the test results. The final agenda for the public meeting will be posted on the NASCTN Web page, available at: <https://www.nist.gov/communications-technology-laboratory-ctl/nasctn>.

Admittance Instructions: Anyone wishing to attend the NASCTN "LTE Impact on GPS Devices" public meeting must register by email to nasctn@nist.gov no later than 5:00 p.m. Eastern Time on Tuesday, May 2, 2017. Please provide your first and last name, email address, phone number, and company affiliation in the registration email.

Seating at the public meeting may be limited, and attendance will be "first-come, first-served," on a space-available basis.

The public meeting will also be accessible via WebEx for those who are unable to participate in person. If you wish to have access to the WebEx, you must register in advance of the meeting by sending an email with your first and last name, email address, phone number, and company affiliation provided in the message to Dr. Sheryl Genco at sheryl.genco@nist.gov no later than 5:00 p.m. Eastern Time on Wednesday, May 3, 2017. Instructions for accessing the WebEx will be provided by email to individuals who register.

Kevin Kimball,

NIST Chief of Staff.

[FR Doc. 2017-08080 Filed 4-20-17; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XF375

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold public meetings of the Council in conjunction with the Atlantic States Marine Fisheries Commission.

DATES: The meeting will be held on Wednesday, May 10, 2017, from 1 p.m. until 5:45 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meetings will be held at: The Westin Alexandria, 400 Courthouse Square, Alexandria, VA 22314, telephone: (703) 253-8600.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331 or on their Web site at www.mafmc.org.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526-5255.

SUPPLEMENTARY INFORMATION: The following items are on the agenda, though agenda items may be addressed out of order (changes will be noted on the Council's Web site when possible).

Agenda

Wednesday, May 10, 2017

1. Welcome/Call to Order
2. Scup Quota Period Framework (Framework 10 to the Summer Flounder, Scup, and Black Sea Bass FMP)
 - Final Action
3. Comprehensive Summer Flounder Amendment
 - Review draft range of alternatives for commercial issues and approve range of alternatives for further development and inclusion in a public hearing document
4. Review Implementation of 2017 Summer Flounder and Black Sea Bass Recreational Measures
5. Black Sea Bass Wave I Fishery
 - Review white paper on potential experimental recreational Wave 1 black sea bass fishery and consider postponed motion to allow experimental wave 1 for-hire

fishery: *Motion to allow an experimental 2018 January/February (wave 1), recreational, federally permitted for-hire fishery for black sea bass with a 15 fish per person possession limit, a suspended minimum size limit, and a zero discard policy to allow for barotrauma, and a mandatory trip reporting requirement.*

6. Review Board White Paper on Summer Flounder Recreational Specifications
7. Other Business/Adjourn

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders, (302) 526-5251, at least 5 days prior to the meeting date.

Dated: April 18, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017-08128 Filed 4-20-17; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XF372

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 51 Post-Data Workshop webinar for Gulf of Mexico gray snapper.

SUMMARY: The SEDAR 51 assessment process of Gulf of Mexico gray snapper will consist of a Data Workshop, an Assessment Workshop and a series of assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 51 post-Data Workshop webinar will be held May 16, 2017, from 11 a.m. to 1 p.m., Eastern Time.

ADDRESSES: *Meeting address:* The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24

hours in advance of each webinar. SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571-4366; email: Julie.neer@safmc.net.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the post-Data Workshop webinar are as follows:

Panelists will present finalized data for review and recommendation.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been

notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: April 18, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017-08127 Filed 4-20-17; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluations of National Estuarine Research Reserves

AGENCY: Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (Commerce).

ACTION: Notice.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management will hold a public meeting to solicit comments for the performance evaluation of the Jobs Bay National Estuarine Research Reserve.

DATES: *Jobs Bay National Estuarine Research Reserve Evaluation:* The public meeting will be held on Wednesday, June 7, 2017, and written comments must be received on or before Wednesday, June 21, 2017.

For specific dates, times, and locations of the public meetings, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: You may submit comments on the reserves and coastal program NOAA intends to evaluate by any of the following methods:

Public Meeting and Oral Comments: A public meeting will be held in Aguirre, Puerto Rico for the Jobs Bay Reserve. For the specific location, see **SUPPLEMENTARY INFORMATION**. *Written Comments:* Please direct written comments to Ralph Cantral, Evaluator, Policy, Planning and Communications, Office for Coastal Management, 1305 East-West Highway N/OCM1, Silver Spring, MD 20910, or email comments Ralph.Cantral@noaa.gov.

FOR FURTHER INFORMATION CONTACT:

Ralph Cantral, Evaluator, Policy, Planning and Communications, Office for Coastal Management, 1305 East West Highway N/OCM1, (240) 543-0729, or Ralph.Cantral@noaa.gov. Copies of the previous evaluation findings, Management Plan, and Site Profile may be viewed and downloaded on the Internet at <http://coast.noaa.gov/czm/evaluations>. A copy of the evaluation notification letter and most recent progress report may be obtained upon request by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: Sections 312 and 315 of the Coastal Zone Management Act (CZMA) require NOAA to conduct periodic evaluations of federally approved national estuarine research reserves. The process includes a public meeting, consideration of written public comments and consultations with interested Federal, state, and local agencies and members of the public. For the evaluation of National Estuarine Research Reserves, NOAA will consider the extent to which the state has met the national objectives, adhered to its management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the Coastal Zone Management Act. When the evaluation is completed, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

Specific information on the periodic evaluation of reserves that are the subject of this notice are detailed below as follows:

Jobs Bay National Estuarine Research Reserve Evaluation

You may participate or submit oral comments at the public meeting scheduled as follows:

Date: June 7, 2017

Time: 5:00 p.m., local time

Location: Jobs Bay Reserve Visitors Center, Road 705, Kilometer 2.3, Main Street, Aguirre, Puerto Rico

Written comments must be received on or before June 21, 2017.

Federal Domestic Assistance Catalog
11.419

Coastal Zone Management Program
Administration

Dated: April 12, 2017.

Paul M. Scholz,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2017-07986 Filed 4-20-17; 8:45 am]

BILLING CODE 3510-08-P

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

RIN 0648-XF352

Marine Mammals; File No. 21199

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Vanessa Coates, British Broadcasting Corporation (BBC) Natural History Unit, BBC Bristol, Whiteladies Road, United Kingdom BS8 2LR, has applied in due form for a permit to conduct commercial photography on killer whales (*Orcinus orca*), Dall's porpoise (*Phocoenoides dalli*), and Pacific white-sided dolphins (*Lagenorhynchus obliquidens*).

DATES: Written, telefaxed, or email comments must be received on or before May 22, 2017.

ADDRESSES: These documents are available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Sara Young or Carrie Hubard; (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to film killer whales at various locations outside of Seward, Alaska, over six days in May, and in Juneau, AK over six days at the end of July. In Seward, a maximum of 300 killer whales will be intentionally filmed while 100 Dall's porpoise, and 400 Pacific white-sided dolphins may be incidentally harassed and approached for filming. In Juneau, a maximum of 100 killer whales would be intentionally filmed. Filming would occur from cameras on board a vessel or by helicopter. Hydrophones would be used to record vocalizations. Footage would be used for an Alaska Live television series to showcase the gathering of wildlife in Alaska that occurs around the salmon runs. The permit would be valid through August 31, 2017.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: April 17, 2017.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017-08031 Filed 4-20-17; 8:45 am]

BILLING CODE 3510-22-P

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

RIN 0648-XF371

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold a two day meeting of its Ad Hoc Red Snapper Private Recreational Advisory Panel (AP).

DATES: The meeting will convene on Monday, May 8, 2017, from 8:30 a.m. to 5 p.m. and Tuesday, May 9, 2017, from 8:30 a.m. to 4 p.m., CDT.

ADDRESSES: The meeting will be held at the DoubleTree Hotel, located at 300 Canal Street, New Orleans, LA 70130; telephone: (504) 581-1300. *Council address:* Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607; telephone: (813) 348-1630.

FOR FURTHER INFORMATION CONTACT: Dr. John Froeschke, Fishery Biologist-Statistician, Gulf of Mexico Fishery Management Council; john.froeschke@gulfcouncil.org, telephone: (813) 348-1630.

SUPPLEMENTARY INFORMATION: The charge of this AP is to provide recommendations to the Council on private recreational red snapper management measures which would (1) provide more quality access to the resource in federal waters, (2) reduce discards, and (3) improve fisheries data collection.

I. Agenda and Introduction

II. Background

- a. Council and Fishery Management Process
- b. Red Snapper Private Recreational Management

III. Panel Discussion

- a. Red Snapper Management

IV. Looking Back, Looking Forward

V. Recreational Angler Participation Session

VI. Gulf Angler Focus Group Report

VII. Recreational Round Table

VIII. Panel Discussion

- a. Defining Objectives of Red Snapper Management
- b. Discussion and Evaluation of Management Options to Improve Access

IX. Recommendations to the Council

X. Election of Chair and vice-Chair

Meeting Adjourns—

The meeting will be broadcast via webinar. You may register for Ad Hoc Red Snapper Private Recreational AP on May 8-9, 2017 at: <https://attendeegotowebinar.com/register/752478651748328450>.

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on the Council's file server. To access the file server, the URL is <https://public.gulfcouncil.org:5001/webman/index.cgi>, or go to the Council's Web site and click on the FTP link in the lower left of the Council Web site (<http://www.gulfcouncil.org>). The username and password are both "gulfguest". Click on the "Library Folder", then scroll down to "Ad Hoc Red Snapper Private Rec AP meeting-2017-05".

Although other non-emergency issues not on the agenda may come before the

Advisory Panel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Advisory Panel will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Gulf Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Dated: April 18, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017-08126 Filed 4-20-17; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Recruitment of First Responder Network Authority Board Members

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice.

SUMMARY: The National Telecommunications and Information Administration (NTIA) issues this Notice on behalf of the First Responder Network Authority (FirstNet) to initiate the annual process to seek expressions of interest from individuals who would like to serve on the FirstNet Board. One of the 12 appointments of nonpermanent members to the FirstNet Board, expiring August 2019, is currently vacant. Additionally, four of the 12 appointments of nonpermanent members to the FirstNet Board expire in August 2017, creating a total of five available appointments to the FirstNet Board. NTIA issues this Notice to obtain expressions of interest in being selected by the Secretary to the FirstNet Board.

DATES: Expressions of interest must be postmarked or electronically transmitted on or before May 22, 2017.

ADDRESSES: Persons wishing to submit expressions of interest as described

below should send that information to: Marsha MacBride, Associate Administrator of NTIA's Office of Public Safety Communications, by email to FirstNetBoardApplicant@ntia.doc.gov; or by U.S. mail or commercial delivery service to: Office of Public Safety Communications, National Telecommunications and Information Administration, 1401 Constitution Avenue NW., Room 4078, Washington, DC 20230; or by facsimile transmission to (202) 501-8009. Please note that all material sent via the U.S. Postal Service (including "Overnight" or "Express Mail") is subject to delivery delays of up to two weeks due to mail security procedures.

FOR FURTHER INFORMATION CONTACT:

Marsha MacBride, Associate Administrator, Office of Public Safety Communications, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4078, Washington, DC 20230; telephone: (202) 482-5802; email: mmacbride@ntia.doc.gov. Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482-7002.

SUPPLEMENTARY INFORMATION:

I. Background and Authority

The Middle Class Tax Relief and Job Creation Act of 2012 (Act) created the First Responder Network Authority (FirstNet) as an independent authority within NTIA and charged it with ensuring the building, deployment, and operation of a nationwide, interoperable public safety broadband network, based on a single, national network architecture.¹ FirstNet is responsible for, at a minimum, ensuring nationwide standards for use and access of the network; issuing open, transparent, and competitive requests for proposals (RFPs) to build, operate, and maintain the network; encouraging these RFPs to leverage, to the maximum extent economically desirable, existing commercial wireless infrastructure to speed deployment of the network; and managing and overseeing contracts with non-federal entities to build, operate, and maintain the network.² FirstNet holds the single public safety license granted for wireless public safety broadband deployment. The FirstNet Board is responsible for providing overall policy direction and oversight of FirstNet to ensure the success of the nationwide network.

¹ 47 U.S.C. 1422(b).

² 47 U.S.C. 1426(b)(1).

II. Structure

The FirstNet Board is composed of 15 voting members. The Act names the Secretary of the Department of Homeland Security, the Attorney General of the United States, and the Director of the Office of Management and Budget as permanent members of the FirstNet Board. The Secretary of Commerce appoints the twelve nonpermanent members of the FirstNet Board.³ The Act requires each Board member to have experience or expertise in at least one of the following substantive areas: Public safety, network, technical, and/or financial.⁴ Additionally, the composition of the FirstNet Board must satisfy the other requirements specified in the Act, including that: (i) At least three Board members have served as public safety professionals; (ii) at least three members represent the collective interests of states, localities, tribes, and territories; and (iii) its members reflect geographic and regional, as well as rural and urban, representation.⁵ An individual Board member may satisfy more than one of these requirements. The current nonpermanent FirstNet Board members are (noting length of term):

- Susan Swenson (Chairwoman), Telecommunications/technology executive (Term expires: August 2019)
- Jeffrey Johnson (Vice Chairman), Fire Chief, retired; CEO Western Fire Chiefs Association; Former Chair, State Interoperability Council, State of Oregon (Term expires: August 2019)
- Chris Burbank, Chief of Police, Salt Lake City UT, retired (Term expires: August 2017)
- Neil E. Cox, Telecommunications/technology executive (Term expires: August 2018)
- James H. Douglas, Former Governor, Vermont (Term expires: August 2017)
- Edward Horowitz, Venture capital/technology executive (Term expires: August 2018)
- Kevin McGinnis, Chief/CEO, North East Mobile Health Services (Term expires: August 2018)
- Annise D. Parker, former Mayor of Houston, Texas (Term expires: August 2018)
- Ed Reynolds, Telecommunications executive, retired (Term expires: August 2017)
- Richard W. Stanek, Sheriff, Hennepin County, Minnesota (Term expires: August 2017)
- Teri Takai, Government information technology expert; former CIO, States of

Michigan and California (Term expires: August 2019)

- Vacant (Term expires: August 2019)

More information about the FirstNet Board is available at www.firstnet.gov/about/Board. Board members are appointed for a term of three years, and Board members may not serve more than two consecutive full three-year terms.⁶

III. Compensation and Status as Government Employees

FirstNet Board members are appointed as special government employees. FirstNet Board members are compensated at the daily rate of basic pay for level IV of the Executive Schedule (approximately \$161,900 per year).⁷ Each Board member must be a United States citizen, cannot be a registered lobbyist, and cannot be a registered agent of, employed by, or receive payments from a foreign government.⁸

IV. Financial Disclosure and Conflicts of Interest

FirstNet Board members must comply with certain federal conflict of interest statutes and ethics regulations, including some financial disclosure requirements. A FirstNet Board member will generally be prohibited from participating on any particular matter that will have a direct and predictable effect on his or her personal financial interests or on the interests of the appointee's spouse, minor children, or non-federal employer.

V. Selection Process

At the direction of the Secretary of Commerce, NTIA, in consultation with FirstNet, will conduct outreach to the public safety community, state and local organizations, and industry to solicit nominations for candidates to the Board who satisfy the statutory requirements for membership. In addition, by this Notice, the Secretary of Commerce, through NTIA, will accept expressions of interest until May 22, 2017 from any individual or organization that wishes to propose a candidate who satisfies the statutory requirements for membership on the FirstNet Board.⁹

All parties wishing to be considered should submit their full name, address, telephone number, email address, a

current resume, and a statement of qualifications that references how the candidate satisfies the Act's expertise, representational, and geographic requirements for FirstNet Board membership, as described in this Notice, along with a statement describing why they want to serve on the FirstNet Board and affirming their ability and availability to take a regular and active role in the Board's work. The Secretary of Commerce will select FirstNet Board candidates based on the eligibility requirements in the Act and recommendations submitted by NTIA, in consultation with the FirstNet Board's Governance and Personnel Committee. NTIA will recommend candidates based on an assessment of their qualifications as well as their demonstrated ability to work in a collaborative way to achieve the goals and objectives of FirstNet as set forth in the Act. Board candidates will be vetted through the Department of Commerce and are subject to an appropriate background check for security clearance.

Dated: April 17, 2017.

Kathy Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2017-08048 Filed 4-20-17; 8:45 am]

BILLING CODE 3510-60-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletion from the Procurement List.

SUMMARY: The Committee is proposing to delete a product from the Procurement List that was previously furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before May 21, 2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202-4149.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603-7740, Fax: (703) 603-0655, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons

³ 47 U.S.C. 1424(b).

⁴ 47 U.S.C. 1424(b)(2)(B).

⁵ 47 U.S.C. 1424(b)(2)(A).

⁶ 47 U.S.C. 1424(c)(2)(A)(ii).

⁷ 47 U.S.C. 1424(g).

⁸ See Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions, Office of Management and Budget, 79 FR 47482 (Aug. 13, 2014).

⁹ Incumbent Board members whose terms expire in August 2017, and who wish to be considered for reappointment, do not need to submit an expression of interest in response to this Notice.

an opportunity to submit comments on the proposed action.

Deletion

The following product is proposed for deletion from the Procurement List:

Product

NSN(s)—Product Name(s): 8540-00-266-9898—Paper, Doily

Mandatory Source(s) of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: General Services Administration, New York, NY

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017-08110 Filed 4-20-17; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds products to the Procurement List that will be furnished by nonprofit agency employing persons who are blind or have other severe disabilities, and deletes products from the Procurement List previously furnished by such agencies.

DATES: Effective May 21, 2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202-4149.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603-7740, Fax: (703) 603-0655, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION:

Additions

On 2/10/2017 (82 FR 10337-10338), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agency to provide the products and impact of the additions on the current or most recent contractors, the Committee has determined that the products listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organization that will furnish the products to the Government.

2. The action will result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the products proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products are added to the Procurement List:

Products

NSN(s)—Product Name(s): MR 11301—Cooler, Styrofoam, Handled, 12 Qt., MR 11302—Cooler, Styrofoam, Handled, 22 Qt.

Mandatory for: The requirements of military commissaries and exchanges in accordance with the Code of Federal Regulations, 41 CFR 51-6.4.

Mandatory Source(s) of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC

Contracting Activity: Defense Commissary Agency

Distribution: C-List

Deletions

On 2/24/2017 (82 FR 11562), 3/10/2017 (82 FR 13312-13313) and 3/17/2017 (82 FR 14208), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the products deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products

NSN(s)—Product Name(s):

7510-01-545-3762—DAYMAX System, 2016, Calendar Pad, Type I

7510-01-545-3787—DAYMAX System, 2016, Calendar Pad, Type II

Mandatory Source(s) of Supply: Anthony Wayne Rehabilitation Center for Handicapped and Blind, Inc., Fort Wayne, IN

Contracting Activity: General Services Administration, New York, NY

NSN(s)—Product Name(s):

6515-00-NIB-8077—Gloves, Surgical, Powdered, Tradition, White, Size 5.5

6515-00-NIB-8078—Gloves, Surgical, Powdered, Tradition, White, Size 6.0

6515-00-NIB-8079—Gloves, Surgical, Powdered, Tradition, White, Size 6.5

6515-00-NIB-8080—Gloves, Surgical, Powdered, Tradition, White, Size 7.0

6515-00-NIB-8081—Gloves, Surgical, Powdered, Tradition, White, Size 7.5

6515-00-NIB-8082—Gloves, Surgical, Powdered, Tradition, White, Size 8.0

6515-00-NIB-8083—Gloves, Surgical, Powdered, Tradition, White, Size 8.5

6515-00-NIB-8084—Gloves, Surgical, Powdered, Tradition, White, Size 9.0

Mandatory Source(s) of Supply: BOSMA Enterprises, Indianapolis, IN

Contracting Activity: Department of Veterans Affairs, Strategic Acquisition Center

NSN(s)—Product Name(s): 7045-01-599-5297—Anti-Glare Display Shield, iPad

Mandatory Source(s) of Supply: Wiscraft, Inc., Milwaukee, WI

Contracting Activity: General Services Administration, New York, NY

NSN(s)—Product Name(s):

8415-00-NSH-1421—Undershirt, Mock Turtle Lightweight, Cold Weather—C/Coyote (USMC)

8415-00-NSH-1422—Undershirt, Mock Turtle Lightweight, Cold Weather—C/Coyote (USMC)

8415-00-NSH-1423—Undershirt, Mock Turtle Lightweight, Cold Weather—C/Coyote (USMC)

8415-00-NSH-1424—Undershirt, Mock Turtle Lightweight, Cold Weather—C/Coyote (USMC)

8415-00-NSH-1425—Undershirt, Mock Turtle Lightweight, Cold Weather—C/Coyote (USMC)

8415-00-NSH-1426—Undershirt, Mock Turtle Lightweight, Cold Weather—C/Coyote (USMC)

8415-00-NSH-1427—Undershirt, Mock Turtle Lightweight, Cold Weather—C/Coyote (USMC)

8415-00-NSH-1429—Shirt 1/2 Zip Pullover, 100 wt C/Coyote (USMC)

8415-00-NSH-1430—Shirt ½Zip
Pullover, 100 wt C/Coyote (USMC)

8415-00-NSH-1431—Shirt ½Zip
Pullover, 100 wt C/Coyote (USMC)

8415-00-NSH-1432—Shirt ½Zip
Pullover, 100 wt C/Coyote (USMC)

8415-00-NSH-1433—Shirt ½Zip
Pullover, 100 wt C/Coyote (USMC)

8415-00-NSH-1434—Shirt ½Zip
Pullover, 100 wt C/Coyote (USMC)

8415-00-NSH-1428—Shirt ½Zip
Pullover, 100 wt C/Coyote (USMC)

8415-00-NSH-1658—Drawers Lightweight
Cold Weather—C/Coyote (USMC)

8415-00-NSH-1659—Drawers Lightweight
Cold Weather—C/Coyote (USMC)

8415-00-NSH-1660—Drawers Lightweight
Cold Weather—C/Coyote (USMC)

8415-00-NSH-1661—Drawers Lightweight
Cold Weather—C/Coyote (USMC)

8415-00-NSH-1662—Drawers Lightweight
Cold Weather—C/Coyote (USMC)

8415-00-NSH-1663—Drawers Lightweight
Cold Weather—C/Coyote (USMC)

8415-00-NSH-1664—Drawers Lightweight
Cold Weather—C/Coyote (USMC)

8415-00-NSH-1665—Drawers Midweight
Cold Weather—C/Coyote (MSMC)

8415-00-NSH-1666—Drawers Midweight
Cold Weather—C/Coyote (MSMC)

8415-00-NSH-1667—Drawers Midweight
Cold Weather—C/Coyote (MSMC)

8415-00-NSH-1668—Drawers Midweight
Cold Weather—C/Coyote (MSMC)

8415-00-NSH-1669—Drawers Midweight
Cold Weather—C/Coyote (MSMC)

8415-00-NSH-1670—Drawers Midweight
Cold Weather—C/Coyote (MSMC)

8415-00-NSH-1671—Drawers Midweight
Cold Weather—C/Coyote (MSMC)

Mandatory Source(s) of Supply: Peckham
Vocational Industries, Inc., Lansing, MI
Contracting Activity: Department of the
Army, W40M Northern Region Contract
Office

NSN(s)—Product Name(s): 4910-00-251-
6981—Creeper, Mechanics

Mandatory Source(s) of Supply: Quadco
Rehabilitation Center, Inc. (Northwest
Products Division), Stryker, OH

Contracting Activity: Defense Logistics
Agency Land and Maritime

NSN(s)—Product Name(s): 8415-01-576-
7524—Hood, Lightweight, Performance,
Fire Resistant, Type I, Army, Unisex,
Green

Mandatory Source(s) of Supply: Southeastern
Kentucky Rehabilitation Industries, Inc.,
Corbin, KY, Dawn Enterprises, Inc.,
Blackfoot, ID

NSN(s)—Product Name(s): 5120-00-106-
7598—Jack, Scissors, Hand

Mandatory Source(s) of Supply: Employment
Source, Inc., Fayetteville, NC

Contracting Activity: Defense Logistics
Agency Aviation

NSN(s)—Product Name(s):

8110-01-443-8476—Tube, Mailing, 36" x
3"

8110-01-443-8480—Tube, Mailing, 24" x
3"

8110-00-244-7435—Tube, Mailing, 24" x
2"

8110-00-291-0344—Tube, Mailing and
Filing, 30" x 1½"

8110-00-291-0345—Tube, Mailing, 36" x
2"

8110-00-291-0346—Tube, Mailing, 42" x
2"

Mandatory Source(s) of Supply: Unknown
Contracting Activity: General Services
Administration, New York, NY

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017-08111 Filed 4-20-17; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Information Collection To Be Submitted to the Office of Management and Budget (OMB) for Approval Under the Paperwork Reduction Act; Initial Certification

AGENCY: Committee for Purchase From
People Who Are Blind or Severely
Disabled.

ACTION: Notice; request for comments.

SUMMARY: Committee for Purchase From
People Who Are Blind or Severely
Disabled (Committee) will submit the
collection of information listed below to
OMB for approval under the provisions
of the Paperwork Reduction Act. This
notice solicits comments on this
collection of information.

DATES: Submit your written comments
on the information collection on or
before June 20, 2017.

ADDRESSES: Mail your comments on the
requirement to Amy B. Jensen, Director
Business Operations, Committee for
Purchase From People Who Are Blind
or Severely Disabled, 1401 S. Clark
Street, Suite 715, Arlington, VA 22202-
4149; fax (703) 603-0655; or email
rulecomments@abilityone.gov.

FOR FURTHER INFORMATION CONTACT: To
request a copy of the applicable forms
or explanatory material, contact Amy B.
Jensen or Barry S. Lineback at the
address in the above paragraph or
through the above email address.

SUPPLEMENTARY INFORMATION: The Office
of Management and Budget (OMB)
regulations at 5 CFR part 1320, which
implement provisions of the Paperwork
Reduction Act of 1995 (44 U.S.C. 3501
et seq.), require that interested members
of the public and affected agencies have
an opportunity to comment on
information collection and
recordkeeping activities (see 5 CFR
1320.8(d)). The Committee plans to
submit a request to OMB to approve a
collection of information concerning the
qualifications of nonprofit agencies
serving people who are blind or who
have other significant disabilities to

participate in the AbilityOne Program.
The Committee is requesting a 3-year
term of approval for this information
collection activity.

Federal agencies may not conduct or
sponsor, and a person is not required to
respond to, a collection of information
unless it displays a currently valid OMB
control number. The OMB control
numbers for the current collections of
information are 3037-0001 and 3037-
0002. The OMB control number for the
revised collection of information is
3037-0013.

The JWOD Act of 1971 (41 U.S.C.
8501-8506) is the authorizing
legislation for the AbilityOne Program.
The AbilityOne Program creates
employment and training opportunities
for people who are blind or who have
other significant disabilities. Its primary
means of doing so is by requiring
Government agencies to purchase
certain products and services from
nonprofit agencies (NPA) employing
such individuals. The AbilityOne
Program is administered by the
Committee. Two national, independent
NPAs designated by the Committee,
National Industries for the Blind (NIB)
and SourceAmerica, help State and
private nonprofit agencies participate in
the AbilityOne Program.

The implementing regulations for the
JWOD Act, which are located at 41 CFR
Chapter 51, provide the requirements,
procedures, and standards for the
AbilityOne Program. Section 51-4.3 of
the regulations sets forth the standards
that a nonprofit agency must meet to
maintain qualification for participation
in the AbilityOne Program. Under this
section of the regulations, a nonprofit
agency that wants to continue to
participate in the AbilityOne Program
must submit a completed copy of the
appropriate (Annual Representations
and Certifications for AbilityOne
Qualified Nonprofit Agency (OMB
number 3037-0013). This
documentation helps the Committee
determine whether the nonprofit agency
is meeting the requirements of the
AbilityOne Program.

This information collection request
seeks approval for the Committee to
collect the information required under
41 CFR 51-4.3 of the regulations as part
of its process to evaluate nonprofit
agency qualifications under 41 CFR 51-
2.4(a)(2). Whenever the result of a
nonprofit agency's request to the
Committee for the addition of a new
product or service to the Procurement
List (PL) exceeds \$500,000 in total
contract value, the nonprofit agency will
be required to complete a project
specific representations and
certification form to ensure that the

Committee has up-to-date and complete information about the nonprofit agency's qualifications to participate in the AbilityOne Program. This form is completed only for new additions of products or services to the PL, and does not include administrative additions, or any other administrative or fair market price changes, to the PL. The already established annual representations and certification form (OMB number: 3037-0013) will continue to be required. The project specific representations and certification form being certified has been developed to include the regulatory requirements of section 51-4.3 and to collect other information pertinent to the Committee's determination of nonprofit agency qualifications under 41 CFR 51-2.4(a) (b).

Title: Project Specific Representations and Certification Form for AbilityOne Qualified Nonprofit Agency.

OMB Control Number: 3037-0014.

Form Number: Project Specific Reqs and Certs.

Description of Respondents:

Nonprofit agencies serving people who are blind or significantly disabled that participate in the AbilityOne Program.

Annual Number of Respondents:

About 469 nonprofit agencies serving people who are blind or significantly disabled annually participate in the AbilityOne Program.

Total Annual Burden Hours:

Burden is estimated to average 2 hours per respondent. Total annual burden is 938 hours. Note: This burden estimate is only for the nonprofit agencies that will be submitting addition requests for a product or service with a total contract value exceeding \$500,000. Therefore, not all participating NPAs will be required to complete the form.

We invite comments concerning this renewal on: (1) Whether the collection of information is necessary for the proper performance of our agency's functions, including whether the information will have practical utility; (2) the accuracy of our estimate of the burden of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents.

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017-08112 Filed 4-20-17; 8:45 am]

BILLING CODE 6353-01-P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection 3038-0070, Real-Time Public Reporting and Block Trade

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (Commission) is announcing an opportunity for public comment on the renewal of the collection of certain information by the agency. Under the Paperwork Reduction Act (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment. This notice solicits comments in connection with part 43 of the Commission's regulations, which implements a framework for the real-time public reporting of swap transaction and pricing data for all swap transactions.

DATES: Comments must be submitted on or before June 20, 2017.

ADDRESSES: You may submit comments, identified by "Renewal of Collection Pertaining to Real-Time Public Reporting and Block Trade" by any of the following methods:

- The Agency's Web site, at <http://comments.cftc.gov/>. Follow the instructions for submitting comments through the Web site.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.
- *Federal eRulemaking Portal:* <http://www.regulations.gov/>. Follow the instructions for submitting comments through the Portal.

Please submit your comments using only one method.

FOR FURTHER INFORMATION CONTACT: John W. Dunfee, Assistant General Counsel, Office of General Counsel, Commodity Futures Trading Commission, (202) 418-5396; email: jdunfee@cftc.gov, and refer to OMB Control No.3038-0070.

SUPPLEMENTARY INFORMATION: Under the PRA, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of Information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or

requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, the Commission is publishing notice of the existing collections of information listed below.

Title: Real-Time Public Reporting and Block Trade (OMB Control No. 3038-0070). This is a request for extension of currently approved information collections.

Abstract: Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) added to the Commodity Exchange Act (CEA) new section 2(a)(13), which establishes standards and requirements related to real-time reporting and the public availability of swap transaction and pricing data. Section 2(a)(13) and part 43 of the Commission's Regulations require reporting parties to publish real-time swap transactions and pricing data to the general public. Without the frequency of reporting set forth in part 43, the Commission would not be able to adequately assess the swap markets and, more importantly, would fail to achieve the frequency of reporting and promotion of increased price discovery in the swaps market which are mandated by the Dodd-Frank Act.

With respect to these information collections, the Commission invites comments on:

- Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the collections of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of 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.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <http://www.cftc.gov>. You should submit only information that you wish to make available publicly. If you wish the

Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.¹

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <http://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the Information Collection Request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: Part 43 of the Commission's regulations results in three information collection requirements within the meaning of the PRA.² The first collection of information requirement under part 43 imposes a reporting requirement on registered swap execution facilities ("SEFs") or designated contract markets ("DCMs") when a swap is executed on a trading facility or on the parties to a swap transaction when the swap is executed bilaterally. The second collection of information requirement under part 43 of the Commission's regulations creates a public dissemination requirement on registered swap data repositories ("SDRs"). The third collection of information requirement imposes a recordkeeping requirement for SEFs, DCMs, SDRs and any reporting party (as such term is defined in part 43 of the Commission's regulations).

The Commission notes that rather than the initial estimate of 40 SEFs, there currently are 25 SEFs either registered with the Commission or with registrations pending.³ The Commission notes that rather than the initial estimate of 18 DCMs, there currently are 15 DCMs registered with the Commission.⁴ The Commission notes that rather than the initial estimate of 15 SDRs, there currently are 4 SDRs registered with the Commission.⁵ Based on the experience gained by the Commission with regard to SDRs, the Commission estimates that rather than

the initial estimate of 750 reporting parties who are not swap dealers ("SDs") or major swap participants ("MSPs"), and who contract with third parties to satisfy their reporting obligations, there are 496 such reporting parties.⁶ The Commission estimates that rather than the initial estimate of 250 reporting parties who are not swap dealers ("SDs") or major swap participants ("MSPs"), and who satisfy their reporting obligations themselves, there are 207 such reporting parties.⁷ The burden hours for each entity category based upon these new estimates are noted in the applicable table below.

Recurring Annual Burden Hours for SEFs

Respondents/Affected Entities: SEFs.
Estimated number of respondents: 25.
Estimated total annual burden on respondents: 52,000 hours.⁸

Recurring Annual Burden Hours for DCMs

Respondents/Affected Entities: DCMs.
Estimated number of respondents: 15.
Estimated total annual burden on respondents: 31,200 hours.⁹

Recurring Annual Burden Hours for SDRs

Respondents/Affected Entities: SDRs.
Estimated number of respondents: 4.
Estimated total annual burden on respondents: 27,600 hours.¹⁰

Recurring Annual Burden Hours for Non SD/MSPs Using Third Party

Respondents/Affected Entities: Non SD/MSPs Using Third Party.
Estimated number of respondents: 496.
Estimated total annual burden on respondents: 10,912 hours.¹¹

Recurring Annual Burden Hours for Non SD/MSPs Reporting Themselves

Respondents/Affected Entities: Non SD/MSPs Reporting Themselves.
Estimated number of respondents: 207.

⁶ *Id.*

⁷ *Id.*

⁸ 2,080 average recurring burden hours per respondent SEF × 25 registered SEFs = 52,000 total burden hours for all registered SEFs.

⁹ 2,080 average recurring burden hours per respondent DCM × 15 registered DCMs = 31,200 total burden hours for all registered DCMs.

¹⁰ 6,900 average recurring burden hours per respondent SDR × 4 registered SDRs = 27,600 total burden hours for all registered SDRs.

¹¹ 22 average recurring burden hours per respondent × 496 respondents = 10,912 total burden hours for all respondents.

Estimated total annual burden on respondents: 139,932 hours.¹²

In addition to the above burden hours for compliance with part 43 obligations generally, the Commission determined that certain market participants would incur burden hours associated with the masking of the geographic detail of the underlying assets to a swap in the other commodity asset class, and with the election to have a swap transaction treated as a block trade or large notional off-facility swap.¹³ The Commission initially estimated that respondent SDRs would incur an aggregate of 833 annual burden hours in connection with the masking of geographic detail of the underlying assets to a swap in the other commodity asset class.¹⁴ Based on the Commission's observation of registered SDRs' operations and compliance with part 43's requirements, the Commission is increasing this estimate and now estimates that SDRs will incur an aggregate of 3,307 annual burden hours in connection with the masking of geographic detail of the underlying assets to a swap in the other commodity asset class.¹⁵

The Commission initially estimated that market participants would incur an aggregate of 2,167 annual burden hours in connection with the election to have a swap transaction treated as a block trade.¹⁶ Based on the Commission's observation of market participants' compliance with part 43's requirements, the Commission is increasing this estimate and now estimates that market participants will incur an aggregate of 3,648 annual burden hours in connection with the election to have a swap transaction treated as a block trade.¹⁷

The Commission initially estimated that market participants would incur an aggregate of 2,255 annual burden hours in connection with the election to have a swap transaction treated as a large notional off-facility swap.¹⁸ Based on

¹² 676 average recurring burden hours per respondent × 207 respondents = 139,932 total burden hours for all respondents.

¹³ See 78 FR 32866, 32913.

¹⁴ See 78 FR 32866, 32915 (50,000 other commodity swaps with masked locations × 0.0167 hours (one minute) of burden per response = 833 total burden hours).

¹⁵ 198,022 other commodity swaps with masked locations × 0.0167 hours (one minute) of burden per response = 3,307 total annual burden hours.

¹⁶ See 78 FR 32866, 32913–14 (125,000 elections by SDs/MSPs + 5,000 elections by nonSDs/MSPs = 130,000 total annual elections. 130,000 elections × 0.0167 hours (one minute) of burden per response = 2,167 total annual burden hours).

¹⁷ 218,428 block trades × 0.0167 hours (one minute) of burden per response = 3,648 total annual burden hours.

¹⁸ See 78 FR 32866, 32914 (62,500 elections by SDs/MSPs + 5,000 elections by nonSDs/MSPs =

Continued

¹ 17 CFR 145.9.

² See 77 FR 1182, 1229 (Jan. 9, 2012); 78 FR 32866, 32913 (May 31, 2013).

³ See 77 FR at 1229.

⁴ *Id.*

⁵ See 77 FR at 1230.

the Commission's observation of market participants' compliance with part 43's requirements, the Commission is increasing this estimate and now estimates that market participants will incur an aggregate of 77,230 annual burden hours in connection with the election to have a swap transaction treated as a large notional off-facility swap.¹⁹

Authority: 44 U.S.C. 3501 *et seq.*

Dated: April 18, 2017.

Robert N. Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2017-08097 Filed 4-20-17; 8:45 am]

BILLING CODE 6351-01-P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND PLACE: Thursday, April 27, 2017, 9:30 a.m.–11:30 a.m.

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

STATUS: Commission Meeting—Open to the Public.

MATTER TO BE CONSIDERED:

Decisional Matter: Safety Standard Addressing Blade-Contact Injuries on Table Saws—Notice of Proposed Rulemaking

A live webcast of the Meeting can be viewed at www.cpsc.gov/live.

CONTACT PERSON FOR MORE INFORMATION:

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

Dated: April 19, 2017.

Todd A. Stevenson,

Secretary.

[FR Doc. 2017-08191 Filed 4-19-17; 11:15 am]

BILLING CODE 6355-01-P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has

63,000 total annual elections. 67,500 elections × 0.0334 hours (two minutes) of burden per response = 2,255 total annual burden hours).

¹⁹ 2,312,265 large notional off-facility swaps × 0.0334 hours (two minutes) of burden per response = 77,230 total annual burden hours.

submitted a public information collection request (ICR) entitled AmeriCorps Application Instructions: State Commissions, State and National Competitive, Professional Corps, Indian Tribes, States and Territories without Commissions, and State and National Planning Grants for review and approval in accordance with the Paperwork Reduction Act of 1980. Copies of this ICR, with applicable supporting documentation, may be obtained by calling CNCS, Jill Graham, at 202-606-6905 or email to jgraham@cns.gov. Individuals who use a telecommunications device for the deaf (TTY-TDD) may call 1-800-833-3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

DATES: Comments may be submitted, identified by the title of the information collection activity, within May 22, 2017.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

- (1) By fax to: 202-395-6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or
- (2) By email to: smar@omb.eop.gov.

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose 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

A 60-day Notice requesting public comment was published in the **Federal Register** on January 23, 2017 at 82 FR 7804. This comment period ended

March 24, 2017. No public comments were received from this Notice.

Description: CNCS seeks to renew the current AmeriCorps State and National Application Instructions. The information collection will be used in the same manner as the existing Instructions. CNCS also seeks to continue using the current application until the revised application is approved by OMB. The current application expired on January 31, 2017.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: AmeriCorps Application Instructions: State Commissions, State and National Competitive, Professional Corps, Indian Tribes, States and Territories without Commissions, and State and National Planning.

OMB Number: 3045-0047.

Agency Number: None.

Affected Public: Nonprofit organizations, States, Territories, and Local, and Tribal eligible entities.

Total Respondents: 1,159.

Frequency: Annually.

Average Time per Response: Averages 80 hours.

Estimated Total Burden Hours: 92,720.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: April 18, 2017.

Jennifer Bastress Tahmasebi,

Acting Director, AmeriCorps State and National.

[FR Doc. 2017-08124 Filed 4-20-17; 8:45 am]

BILLING CODE 6050-28-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Nassau Back Bays Coastal Storm Risk Management Study—NEPA Scoping Meetings and Public Comment Period

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent/NEPA Scoping meeting and public comment period.

SUMMARY: Pursuant to the requirements of the National Environmental Policy Act, the U.S. Army Corps of Engineers (Corps) plans to prepare a Feasibility Study with an integrated Environmental Impact Statement (EIS) to evaluate environmental impacts from reasonable project alternatives and to determine the potential for significant impacts related to reduce future flood risk in ways that support the long-term resilience and

sustainability of the coastal ecosystem and surrounding communities due to sea level rise, local subsidence and storms, and to reduce the economic costs and risks associated with largescale flood and storm events in the area known as the Atlantic Coast of New York, the Nassau County Back Bays.

ADDRESSES: Send written comments and suggestions concerning the scope of issues to be evaluated within the EIS to Robert Smith, Project Biologist/NEPA Coordinator, U.S. Army Corps of Engineers, New York District, Planning Division, Environmental, 26 Federal Plaza, New York, NY 10279-0090; Phone: (917) 790-8729; email: robert.j.smith@usace.army.mil.

FOR FURTHER INFORMATION CONTACT: Questions about the overall Nassau County Back Bays Coastal Storm Risk Management Feasibility Study should be directed to Mark Lulka, Project Manager, U.S. Army Corps of Engineers, New York District, Programs and Project Management Division, Civil Works Programs Branch, 26 Federal Plaza, Room 2145, New York, NY 10279-0090; Phone: (917) 790-8205; email: mark.f.lulka@usace.army.mil.

DATES: Scoping meetings will be held on May 2 and 3, 2017. For further information on these scoping meetings, please read the **SUPPLEMENTARY INFORMATION** section.

SUPPLEMENTARY INFORMATION:

1. Background

As a result of Hurricane Sandy in October 2012, Congress passed Public Law 113-2, which authorized supplemental appropriations to Federal agencies for expenses related to the consequences of Hurricane Sandy. The Corps is investigating measures to reduce future flood risk in ways that support the long-term resilience and sustainability of the coastal ecosystem and surrounding communities, and reduce the economic costs and risks associated with flood and storm events. In support of this goal, the Corps completed the North Atlantic Coast Comprehensive Study (NAACS), which identified nine high risk areas on the Atlantic Coast for further analysis based on preliminary findings. The Nassau County Back Bays area was identified as one of the nine areas of high risk, or Focus Areas, that warrants an in-depth investigation into potential coastal storm risk management measures.

During Hurricane Sandy, the study area communities were severely affected with large areas subjected to erosion, storm surge, and wave damage along the Atlantic Ocean shoreline, and flooding of communities within and surrounding

Bays. Along the Atlantic Ocean, surge and waves inundated low lying areas, and contributed to the flooding along the shoreline of the interior of the Bays. Hurricane Sandy illustrated the need to re-evaluate the entire back-bay area as a system, when considering risk-management measures. Acknowledging the amount of analyses required to comprehensively reevaluate the study area considering the influence of the Atlantic Ocean shorefront conditions on the back-bay system, an EIS will be prepared. The EIS will build upon the extensive Atlantic shoreline alternatives analysis and environmental and technical studies and outreach conducted to date. The scope of analysis will be appropriate to the level of detail necessary for an EIS and will receive input from the public and reviewing agencies. The analysis will provide the basis for the alternatives to problems associated with storm surge and wave damage along the back-bays.

2. Study Area

The study area includes all of the tidally influenced bays and estuaries located in and hydraulically connected to the south shore of Nassau County, New York, located on Long Island, NY, directly east of Queens County and west of Suffolk County for approximately 98 square miles.

3. Corps Decision Making

As required by Council on Environmental Quality's Principles, Requirements and Guidelines for Water and Land Related Resources Implementation Studies all reasonable alternatives to the proposed Federal action that meet the purpose and need will be considered in the EIS. These alternatives will include no action and a range of reasonable alternatives for managing flood risk within the Nassau County Back Bays Area. The measures to be evaluated will be the subject of additional public stakeholders and agency coordination. The result of this coordination early on in the process will identify any concerns, potential impacts, relevant effects of past actions and possible alternative actions which will aid in the Corps developing an EIS for the entire study area. This decision making approach will allow time to address agency policy issues and build consensus among cooperating agencies and the public.

4. Scoping/Public Participation

The Corps has scheduled meeting to invite the public to come and comment on the scope of the issues and alternatives to be addressed in the draft

EIS. The Nassau County Back Bay, NEPA Scoping Meeting will be held:

When: Tuesday, May 02, 2017 6:00 p.m.–9:00 p.m.

Where: Seaford High School Auditorium, Seaford, NY

When: Wednesday, May 03, 2017 6:00 p.m.–9:00 p.m.

Where: Freeport Village Hall, Freeport, NY

Each of the public meetings will begin with an informal open house followed by the formal presentation. Input will also be received through written comments, comments may be submitted during the scoping meetings, or via mail or email at any time.

5. Lead and Cooperating Agencies

The Corps is the lead federal agency and the New York Department of Environmental Conservation will be the nonfederal sponsor for the study and the preparation of the EIS and meeting the requirements of the NEPA and its Implementing Regulations of the President's Council on Environmental Quality (40 CFR 1500-1508). Federal agencies interested in participating as a Cooperating Agency are requested to submit a letter of intent to Colonel David A. Caldwell, District Engineer (see **ADDRESSES**). The preparation of the EIS will be coordinated with New York State and Nassau County offices with discretionary authority relative to the proposed actions. The Draft Integrated Feasibility Report/EIS is currently scheduled for distribution to the public in 2019.

Dated: April 12, 2017.

Peter M. Weppler,

Chief, Environmental Analysis Branch, Planning Division, New York District.

[FR Doc. 2017-08095 Filed 4-20-17; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF EDUCATION

Applications for New Awards; Educational Technology, Media, and Materials for Individuals With Disabilities—Stepping-Up Technology Implementation

AGENCY: Office of Special Education and Rehabilitative Services, 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 Educational Technology, Media, and Materials for Individuals with Disabilities—Stepping-up Technology Implementation, Catalog of Federal

Domestic Assistance (CFDA) Number 84.327S.

DATES:

Applications Available: April 21, 2017.

Deadline for Transmittal of Applications: June 5, 2017.

Deadline for Intergovernmental Review: August 4, 2017.

FOR FURTHER INFORMATION CONTACT:

Terry Jackson, U.S. Department of Education, 400 Maryland Avenue SW., Room 5158, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: (202) 245–6039.

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 purposes of the Educational Technology, Media, and Materials for Individuals with Disabilities Program are to: (1) Improve results for students with disabilities by promoting the development, demonstration, and use of technology; (2) support educational activities designed to be of educational value in the classroom for students with disabilities; (3) provide support for captioning and video description that is appropriate for use in the classroom; and (4) provide accessible educational materials to students with disabilities in a timely manner.¹

Priority: In accordance with 34 CFR 75.105(b)(2)(v), this priority and the competitive preference priorities within this priority are from allowable activities specified in the statute (see sections 674(c)(1)(D) and 681(d) of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1474(c)(1)(D) and 1481(d))).

Absolute 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 absolute priority. Under 34

CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Stepping-up Technology Implementation.

Background

The purpose of this priority is to fund cooperative agreements to: identify strategies needed to effectively implement research-based technology tools² that benefit students with disabilities, and develop and disseminate products³ that will help a broad range of schools to effectively implement these technology tools.

Congress recognized in IDEA that “almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by . . . supporting the development and use of technology, including assistive technology devices and assistive technology services, to maximize accessibility for children with disabilities” (section 601(c)(5)(H) of IDEA).

Technology can be the great equalizer in a classroom for students with disabilities. The use of technology, including assistive technology devices and assistive technology services, enhances instruction and access to the general education curriculum. Innovative technology tools, programs, and software can be used to promote engagement and enhance the learning experience (Brunvand & Byrd, 2011). Innovative technology tools and programs are especially helpful as educators work to engage and motivate students who struggle with the general education curriculum. Additionally, the development of newer technologies for, and their presence in, early childhood education is rapidly increasing. When media-rich content is integrated into the curriculum and supported with adult guidance, technology experiences for young children are associated with better language, literacy, and mathematics outcomes. Additionally, technology integration in early childhood settings has been linked to increased social awareness and

collaborative behaviors, improved abstract reasoning and problem solving abilities, and enhanced visual-motor coordination (McManis & Gunnewig, 2012).

Technologies can support State educational agencies (SEAs) and local educational agencies (LEAs) by: (a) Improving student learning and engagement; (b) accommodating the special needs of students; (c) facilitating student and teacher access to digital content and resources; and (d) improving the quality of instruction through personalized learning and data (Duffey & Fox, 2012; Fletcher, Schaffhauser, & Levi, 2012; U.S. Department of Education, 2010). As stipulated in section 4109 of the Every Student Succeeds Act, technologies can be used to support LEAs and SEAs to increase student access to personalized, rigorous learning experiences.

Notwithstanding the potential benefits of using technology to improve learning outcomes, research suggests that implementation can be a significant challenge. For example, data from a survey of more than 1,000 kindergarten through grade 12 (K–12) teachers, principals, and assistant principals indicated that simply providing teachers with technology does not ensure that it will be used (Grunwald & Associates, 2010). Additionally, Perlman and Redding (2011) found that in order to be used most effectively, technology must be implemented in ways that align with curricular and teacher goals and offer students opportunities to use these tools in their learning. Even as schools have started to deliver coursework online, and the number of students involved in online learning has grown, many of these online learning technologies have not been designed to be accessible to students with disabilities (Center on Online Learning and Students with Disabilities, 2012). These findings demonstrate a need for products and resources that can assist educators to readily implement technology tools for students with disabilities.

In response to this need, Stepping-up Technology Implementation projects have built on technology development efforts by identifying, developing, and disseminating products and resources that promote the effective implementation⁴ of instructional and

¹ Applicants should note that other laws, including the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*; 28 CFR part 35) and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794; 34 CFR part 104), may require that State educational agencies (SEAs) and local educational agencies (LEAs) provide captioning, video description, and other accessible educational materials to students with disabilities when such materials are necessary to provide students with disabilities with equally integrated and equally effective access to the benefits of the educational program or activity, or as part of a “free appropriate public education” as defined in the Department of Education’s Section 504 regulation.

² For the purposes of this priority, “technology tools” may include, but are not limited to, digital math text readers for students with visual impairments, reading software to improve literacy and communication development, and text-to-speech software to improve reading performance. These tools must assist or otherwise benefit students with disabilities.

³ For the purposes of this priority, “products” may include, but are not limited to, instruction manuals, lesson plans, demonstration videos, ancillary instructional materials, and professional development modules such as collaborative groups, coaching, mentoring, or online supports.

⁴ In this context, “effective implementation” means “making better use of research findings in typical service settings through the use of processes and activities (such as accountable implementation teams) that are purposeful and described in sufficient detail such that independent observers can detect the presence and strength of these processes and activities” (Fixsen, Naoom, Blase, Friedman, & Wallace, 2005).

assistive technology tools in early childhood or K–12 settings.⁵

Priority

The purpose of this priority is to fund five cooperative agreements to: (a) Identify strategies needed to readily implement existing technology tools based on evidence that benefit students with disabilities; and (b) develop and disseminate products (See footnote 3; e.g., instruction manuals, lesson plans, demonstration videos, ancillary instructional materials) that will assist personnel in early childhood or K–12 settings to readily use, understand, and implement these technology tools.

To be considered for funding under this priority, applicants must meet the application requirements. Any project funded under this absolute priority must also meet the programmatic and administrative requirements specified in the priority.

Application Requirements

An applicant must include in its application—

(a) A project design supported by strong theory (as defined in this notice);

(b) A logic model (as defined in this notice) or conceptual framework that depicts at a minimum, the goals, activities, project evaluation, methods, performance measures, outputs, and outcomes of the proposed project.

Note: The following Web sites provide more information on logic models: www.osepideasthatwork.org/logicModel and www.osepideasthatwork.org/resources-grantees/program-areas/ta-ta/tad-project-logic-model-and-conceptual-framework;

(c) A plan to implement the activities described in the *Project Activities* section of this priority;

(d) A plan, linked to the proposed project's logic model, for a formative evaluation of the proposed project's activities. The plan must describe how the formative evaluation will use clear performance objectives to ensure continuous improvement in the operation of the proposed project, including objective measures of progress in implementing the project and ensuring the quality of products and services;

(e) Documentation that the technology tool is fully developed, is based on evidence, and addresses, at a minimum, the following principles of universal design:

(1) Multiple means of presentation so that students can approach information

⁵ For the purposes of this priority, “settings” include general education classrooms, special education classrooms, high-quality early childhood programs, or any place where school-based instruction occurs.

in more than one way (e.g., specialized software and Web sites, screen readers that include features such as text-to-speech, changeable color contrast, alterable text size, or selection of different reading levels);

(2) Multiple means of expression so that all students can demonstrate knowledge through options such as writing, online concept mapping, or speech-to-text programs, where appropriate; and

(3) Multiple means of engagement to stimulate interest in and motivation for learning (e.g., options among several different learning activities or content for a particular competency or skill and providing opportunities for increased collaboration or scaffolding);⁶

(f) A plan for how the project will sustain the proposed technology tool or strategy, supported by evidence, after funding ends;

(g) A plan for recruiting and selecting⁷ the following:

(1) Three development schools. Development schools are the sites in which iterative development⁸ of the products and resources intended to support the implementation of technology tools will occur. The project must start implementing the technology tool with one development school in year one of the project period and two additional development schools in year two;

(2) Four pilot schools. Pilot schools are the sites in which try-out, formative evaluation, and refinement of the products and resources will occur. The project must work with the four pilot schools during years three and four of the project period; and

(3) Ten dissemination schools. Dissemination schools will be selected if the project is extended for a fifth year. Dissemination schools will be used to (a) refine the products for use by teachers and (b) evaluate the performance of the tool. Dissemination schools will receive less technical assistance (TA) from the project than development or pilot schools. Also, at this stage (i.e., the fifth year), dissemination schools will extend the

⁶ For more information on the principles of universal design, see www.udlcenter.org/aboutudl/whatisudl/3principles.

⁷ For more information on recruiting and selecting sites, refer to *Assessing Sites for Model Demonstration: Lessons Learned from OSEP Grantees* at http://mdcc.sri.com/documents/reports/MDCC_Site_Assessment_Brief_09-30-11.pdf.

⁸ For the purposes of this priority, “iterative development” refers to a process of testing, systematically securing feedback, and then revising the educational intervention that leads to revisions in the intervention to increase the likelihood that it will be implemented with fidelity (Diamond & Powell, 2011).

benefits of the technology tool to additional students. To be selected as a dissemination school, eligible schools and LEAs must commit to working with the project to implement the research-based technology tool. A school may not serve in more than one category (i.e., development, pilot, dissemination);

(h) School site information (e.g., elementary, middle, high school or early childhood setting; persistently lowest-achieving school or high-needs school (as defined in this notice)) about the development, pilot, and dissemination schools; student demographics (e.g., race or ethnicity, percentage of students eligible for free or reduced-price lunch); and other pertinent data; and

(i) A budget for attendance at the following:

(1) A one and one-half day kick-off meeting to be held in Washington, DC, after receipt of the award, and an annual planning meeting held in Washington, DC, with the OSEP project officer and other relevant staff during each subsequent year of the project period.

Note: Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP project officer and the grantee's project director or other authorized representative.

(2) A three-day project directors' conference in Washington, DC, during each year of the project period.

(3) Two two-day trips annually to attend Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP.

Project Activities

To meet the requirements of this priority, the project, at a minimum, must conduct the following activities:

(a) Recruit a minimum of three development schools in one LEA and four pilot schools across at least two LEAs in accordance with the plan proposed under paragraph (g) of the *Application Requirements* section of this notice.

Note: Final site selection will be determined in consultation with the OSEP project officer following the kick-off meeting.

(b) Identify and develop resources and products that, when used to support technology tool implementation, create accessible learning opportunities for all children, including children with disabilities, and will support the sustained implementation of the selected technology tool. Development of the products must be an iterative process beginning in a single development school and continuing through repeated cycles of development and refinement in the other development schools, followed by a

formative evaluation and refinement in the pilot schools. To support implementation of the technology tool the products and resources must, at a minimum, include:

(1) An instrument or method for assessing—
 (i) Whether the technology tool has achieved its intended outcomes;
 (ii) The school staff's current technology uses and needs, current technology investments, firewall issues, and the knowledge and availability of dedicated on-site technology personnel; and

(iii) The readiness of development and pilot sites to implement the technology tool. Any instruments and methods for assessing readiness may include resource inventory checklists, school self-study guides, and survey of teachers' interests.

(c) Provide ongoing professional development activities necessary for teachers to implement the technology tool with fidelity and to integrate it into the curriculum.

(d) Collect and analyze data on whether the technology tool has achieved its intended outcomes for early childhood development, academic achievement, or college- and career-readiness.

(e) Collect formative and summative data from the development and pilot schools to refine and evaluate the products.

(f) If the project is extended to a fifth year, provide the products and the technology tool to no fewer than 10 dissemination schools that are not the same schools used as development or pilot schools.

(g) Collect summative data about the success of the products in supporting implementation of the technology tool in the dissemination schools; and

(h) By the end of the project period, provide—

(1) Information on the products and resources, as supported by the project evaluation, including any accessibility features, that will enable other schools to implement and sustain implementation of the technology tool;

(2) A plan for implementing the technology that includes relevant information (e.g., data on how teachers used the technology, data on how technology impacted student outcomes, how technology was implemented with fidelity, features of universal design);

(3) Information on how the technology tool achieved its intended outcomes related to early childhood (e.g., data to assess how well the project addressed the goals of the project as described in the logic model), academic achievement, or college- and career-

readiness for children with disabilities; and

(4) A plan for disseminating the technology tool and accompanying products beyond the schools directly involved in the project.

Cohort Collaboration and Support

OSEP project officer(s) will provide coordination support among the projects. Each project funded under this priority must:

(a) Participate in monthly conference-call discussions to share and collaborate around implementation and specific project issues; and

(b) Provide information annually using a template that captures descriptive data on project site selection, processes for installation of technology, and the use of technology and sustainability (i.e., the process of technology implementation).

Note: The following Web site provides more information about implementation research: <http://nirn.fpg.unc.edu/learn-implementation>.

Fifth Year of Project

The Secretary may extend a project one year beyond 48 months to work with dissemination schools if the grantee is achieving the intended outcomes (e.g., provides data that demonstrate the project addressed the goals of the project as described in the logic model) and making a positive contribution to the implementation of a research-based technology tool in the development and pilot schools. Each applicant must include in its application a plan for the full 60-month award. In deciding whether to continue funding the project for the fifth year, the Secretary will consider the requirements of 34 CFR 75.253(a), and will consider:

(a) The recommendation of a review team consisting of the OSEP project officer and other experts selected by the Secretary. This review will be held during the last half of the third year of the project period;

(b) The success and timeliness with which the requirements of the negotiated cooperative agreement have been or are being met by the project; and

(c) Evidence of the degree to which the project's activities have contributed to changed practices and improved early childhood outcomes, academic achievement, or college- and career-readiness for students with disabilities.

Competitive Preference Priorities:

Within this absolute priority, we give competitive preference to applications that address the following priorities. Under 34 CFR 75.105(c)(2)(i), we award an additional two points to an

application that meets one of the competitive preference priorities. Applicants may address only one competitive preference priority. Applications will only be awarded two or zero points and must identify which competitive preference priority they are addressing.

Note: Under each competitive preference priority, no more than one application will be funded based solely on competitive preference points (i.e., exceeded the funding cut-off score as a result of receiving the two points).

The priorities are:
Competitive Preference Priority 1—Students with the Most Significant Cognitive Disabilities. (Two Points).

To meet this competitive preference priority, projects must be designed to support teachers in providing access through technology to the general education curriculum aligned with State grade-level content standards or alternate academic achievement standards in mathematics and English language arts (K–12) for students with the most significant cognitive disabilities. Teachers of students with the most significant cognitive disabilities will be able to use the technology to differentiate grade-level instruction effectively and will be able to better track student progress toward grade-level proficiency. Applicants responding to the competitive preference priority must—

(a) Identify technology tools based on evidence needed to implement an English language arts or mathematics curriculum aligned with State grade-level content standards or alternate academic achievement standards for students with the most significant cognitive disabilities;

(b) Identify a curriculum and performance tracking tool for use by teachers for the purpose of assessing the outcomes of the technology's intended use on individualized instruction aligned to K–12 grade—level content standards, or alternate academic achievement standards, in English language arts and mathematics appropriate to students with the most significant cognitive disabilities; and

(c) Develop and disseminate accessible products and resources (e.g., instruction manuals, lesson plans, demonstration videos, ancillary instructional materials) that will assist teachers in K–12 settings to implement the technology.

Competitive Preference Priority 2—Projects Supported by Evidence of Promise (Two Points).

To meet this competitive preference priority, applicants must include in the

literature review required under the absolute priority (paragraph (a) under the heading *Application Requirements*) research that meets at least the evidence of promise standard and that supports the promise (*i.e.*, evidence base) of the proposed model under the absolute priority and its components and processes.

Note: An applicant addressing this competitive preference priority must identify no more than two study citations that meet this standard.

Competitive Preference Priority 3—Technology to Support Instructors and Students in Juvenile Correctional Facilities (Two Points).

To meet this competitive preference priority, projects must provide technology to support instructors and students in juvenile correctional facilities that—

(a) Allows instructors to immediately assess a student's current grade-level ability when the student moves into a juvenile correctional facility without having the appropriate educational information (*e.g.*, individualized education program, section 504 plans, behavior intervention plans). Technology can also allow instructors to develop education plans in addition to individualized education programs required for students with disabilities under IDEA and plans that describe services required for students with disabilities under section 504 of the Rehabilitation Act of 1973;

(b) Equips instructors with tools and resources to enhance the classroom experience, such as flipped classrooms, blended learning, and other models and methods that would allow students to make educational gains in and outside of the classroom; and

(c) Expands the reach of correctional education services to provide more incarcerated individuals with the knowledge and skills needed to graduate.

References

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Definitions

These definitions are from 34 CFR 77.1 and the Department's notice of final supplemental priorities and definitions for discretionary grant programs (Supplemental Priorities), published in the **Federal Register** on December 10, 2014 (79 FR 73425), as marked.

The following definitions are from 34 CFR 77.1:

Evidence of promise means there is empirical evidence to support the theoretical linkage(s) between at least one critical component and at least one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice. Specifically, evidence of promise means the conditions in both paragraphs (i) and (ii) of this definition are met:

- (i) There is at least one study that is a—
- (A) Correlational study with statistical controls for selection bias;
- (B) Quasi-experimental design study that meets the What Works

Clearinghouse Evidence Standards with reservations; or

(C) Randomized controlled trial that meets the What Works Clearinghouse Evidence Standards with or without reservations.

(ii) The study referenced in paragraph (i) of this definition found a statistically significant or substantively important (defined as a difference of 0.25 standard deviations or larger) favorable association between at least one critical component and one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice.

Logic model (also referred to as theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (*i.e.*, the active “ingredients” that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationships among the key components and outcomes, theoretically and operationally.

Quasi-experimental design study 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. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards with reservations (but not What Works Clearinghouse Evidence Standards without reservations).

Randomized controlled trial means a study that employs random assignment of, for example, students, teachers, classrooms, schools, or districts to receive the intervention being evaluated (the treatment group) or not to receive the intervention (the control group). The estimated effectiveness of the intervention is the difference between the average 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.

Relevant outcome means the student outcome(s) (or the ultimate outcome if not related to students) the proposed process, product, strategy, or practice is designed to improve; consistent with the specific goals of a program.

Strong theory means a rationale for the proposed process, product, strategy, or practice that includes a logic model.

What Works Clearinghouse Evidence Standards means the standards set forth in the What Works Clearinghouse Procedures and Standards Handbook (Version 3.0, March 2014), which can be found at the following link: <http://>

ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.

The following definitions are from the Supplemental Priorities:

Persistently lowest-achieving school means, as determined by the State—

(a)(1) Any Title I school that has been identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965, as amended (ESEA) and that—

(i) Is among the lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring or the lowest-achieving five Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater; or

(ii) Is a high school that has had a graduation rate, as defined in 34 CFR 200.19(b), that is less than 60 percent over a number of years; and

(2) Any secondary school that is eligible for, but does not receive, Title I funds that—

(i) Is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for, but do not receive, Title I funds, whichever number of schools is greater; or

(ii) Is a high school that has had a graduation rate, as defined in 34 CFR 200.19(b), that is less than 60 percent over a number of years.

(b) To identify the lowest-achieving schools, a State must take into account both—

(i) The academic achievement of the “all students” group in a school in terms of proficiency on the State’s assessments under section 1111(b)(3) of the ESEA, in reading/language arts and mathematics combined; and

(ii) The school’s lack of progress on those assessments over a number of years in the “all students” group.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1474 and 1481.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR

part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The Supplemental Priorities.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: The Administration has requested \$30,047,000 for the Educational Technology, Media, and Materials for Individuals with Disabilities program for FY 2017, of which we intend to use an estimated \$2,500,000 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 FY 2018 from the list of unfunded applications from this competition.

Estimated Range of Awards: \$450,000 to \$500,000 per year.

Estimated Average Size of Awards: \$471,352 per year.

Maximum Award: We will reject any application that proposes a budget exceeding \$500,000 for a single budget period of 12 months.

Estimated Number of Awards: 5.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months.

III. Eligibility Information

1. **Eligible Applicants:** SEAs; LEAs, including public charter schools that are considered LEAs under State law; IHEs; other public agencies; private nonprofit organizations; freely associated States and outlying areas; Indian tribes or tribal organizations; and for-profit organizations.

2. **Cost Sharing or Matching:** This program does not require cost sharing or matching.

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: SEAs; LEAs, including public charter schools that are considered LEAs under State law; IHEs; other public agencies; private nonprofit organizations; outlying areas; freely associated States; Indian tribes or tribal organizations; and for-profit organizations.

(b) The grantee may award subgrants to entities it has identified in an approved application.

4. Other General Requirements:

(a) Recipients of funding under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Each applicant for, and recipient of, funding must, with respect to the aspects of the proposed project relating to the absolute priority, involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

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: www.ed.gov/fund/grant/apply/grantapps/index.html. 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 competition as follows: CFDA number 84.327S.

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. **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.

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. You must limit Part III to no more than 50 pages, using the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.

- Use a font that is 12 point or larger.
- Use one of the following fonts:

Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit and double-spacing requirements do 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 abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the page limit and double-spacing requirements do apply to all of Part III, the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

We will reject your application if you exceed the page limit in the application narrative section, or if you apply standards other than those specified in this notice and the application package.

3. *Submission Dates and Times: Applications Available:* April 21, 2017.

Deadline for Transmittal of Applications: June 5, 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 4, 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: 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 Educational Technology, Media, and Materials for Individuals with Disabilities—Stepping-up Technology Implementation competition, CFDA number 84.327S, 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 Educational

Technology, Media, and Materials for Individuals with Disabilities—Stepping-up Technology Implementation 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 84.327, not 84.327S).

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 Portable Document Format (PDF). Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only 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. Additional, detailed information on how to attach files is in the application instructions.

- 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 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: Terry Jackson, U.S. Department of Education, 400 Maryland Avenue SW., Room 5158, Potomac Center Plaza, Washington, DC 20202–5076. FAX: (202) 245–7590.

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 84.327S), 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 84.327S), 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 maximum score for all of the selection criteria is 100 points. The application narrative should include the following sections in this order:

- (a) *Significance (10 points).*

The Secretary considers the significance of the proposed project.

- (1) In determining the significance of the proposed project, the Secretary considers the following factors:

- (i) The significance of the problem or issue to be addressed, and the magnitude of the need for the services to be provided or carried out by the proposed project;

- (ii) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and how the specific gaps or weaknesses will be addressed by the proposed project;

- (iii) The potential contribution of the proposed project to increase knowledge or understanding of educational problems, issues, or effective strategies and the development and advancement of theory, knowledge, and practices in the field of study; and

- (iv) The extent to which the proposed project will focus on serving or otherwise addressing the needs of children with disabilities.

(b) *Quality of project services (20 points).*

The Secretary considers the quality of the products and/or services to be provided by the proposed project.

- (1) In determining the quality of the products and/or services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age or disability.

- (2) In addition, the Secretary considers the following factors:

- (i) The extent to which the products and/or services to be provided by the proposed project reflect current knowledge from research and effective practice;

- (ii) The extent to which the products and/or services are of sufficient quality, intensity, and duration to lead to outcomes as intended by the proposed project;

- (iii) The extent to which the products and/or services to be provided by the proposed project, involve the collaboration of appropriate partners for maximizing the effectiveness of project services;

- (iv) The likely utility of the products and/or services that will result from the proposed project, including the potential for their being used effectively in a variety of other settings; and

- (v) The extent to which the products and resources developed by the proposed project include accessible accessibility features, supporting the sustained implementation of the technology tool or strategy.

(c) *Quality of the project design (20 points).*

The Secretary considers the quality of the design of the proposed project.

- (1) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable;

(ii) The extent to which the proposed logic model or conceptual framework depicts at a minimum, the goals, activities, outputs, and outcomes of the proposed project.

(iii) The extent to which the design of the proposed project includes a thorough, high-quality review of the relevant literature, reflects current knowledge from research and effective practice; supported by strong theory; a high-quality plan for project implementation, and the use of appropriate methodological tools to ensure successful achievement of project objectives.

(iv) The extent to which the proposed technology tool or strategy is fully-developed, evidence-based (as defined in this notice) and that can be implemented to improve early childhood outcomes, academic achievement, or college and career readiness; and

(v) The extent to which the proposed technology tool or strategy addresses the following principles of universal design: (a) Multiple means of representation so students can approach information in more than one way; (b) multiple means of expression so that all students can demonstrate and express what they know; and (c) multiple means of engagement to stimulate interest in and motivation for learning.

(d) *Quality of the management plan (25 points).*

The Secretary considers the quality of the management plan for the proposed project.

(1) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to implement the activities described in the Project Activities section and to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks;

(ii) The extent to which the time commitments and qualifications of the project director and principal investigator, including relevant training and experience of key project personnel, project consultants or subcontractors are appropriate and adequate to meet the objectives of the proposed project.

(iii) The adequacy of the plan for recruiting and selecting:

(a) The three development schools (the sites in which iterative

development of the implementation of technology tools and products will occur. The project must start implementing the technology tool with at least one development school in year one of the project period and two additional development schools in year two;

(b) Four pilot schools (the sites in which try-out, formative evaluation, and refinement of technology tools and products will occur. The project must work with the four pilot schools during years three and four of the project period; and

(c) Ten dissemination schools. The dissemination schools will be selected if the project is extended for a fifth year. Dissemination schools will be used to conduct the final test of the effectiveness of the products and the final opportunity for the project to refine the products for use by teachers, but will receive less technical assistance (TA) from the project than the development and pilot schools;

(iv) The adequacy of the information (e.g., early childhood setting; elementary, middle, or high school; persistently lowest-achieving school; priority school) about the development, pilot, and students eligible for free or reduced-price lunch); and other pertinent data;

(v) The adequacy of the plan to which the results and accompanying products of the proposed project will be disseminated in ways that will enable others to use the information or strategies; and

(vi) The adequacy of the plan to sustain the technology after funding ends.

(e) *Adequacy of resources (10 points).*

The Secretary considers the adequacy of resources for the proposed project.

(1) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(2) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization;

(ii) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project; and

(iii) The extent to which the budget is adequate to support the proposed project; and the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(f) *Quality of the project evaluation (15 points).*

The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(1) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the context within which the project operates, and include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data;

(ii) The extent to which the methods of evaluation provide for the examination of the effectiveness of project implementation strategies;

(iii) The extent to which the methods of evaluation is linked to the proposed project's logic model is appropriate for the formative evaluation, describing how performance objectives in plan will ensure continuous performance feedback and improvement and assessment of progress toward achieving intended outcomes in the operation of the proposed project's activities.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of

IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications.

4. *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.

5. *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:* Under the Government Performance and Results Act of 1993, the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the

Educational Technology, Media, and Materials for Individuals with Disabilities Program. These measures are included in the application package and focus on the extent to which projects are of high quality, are relevant to improving outcomes of children with disabilities, contribute to improving outcomes for children with disabilities, and generate evidence of validity and availability to appropriate populations. Projects funded under this competition are required to submit data on these measures as directed by OSEP.

Grantees will be required to report information on their project's performance in annual performance reports and additional performance data to the Department (34 CFR 75.590 and 75.591).

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) by contacting the Management Support Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5113, Potomac Center Plaza, Washington, DC 20202-2500. Telephone: (202) 245-7363. If you use a TDD or a TTY, call the FRS, toll free, at 1-800-877-8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: www.gpo.gov/fdsys. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in

text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at:

www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 18, 2017.

Ruth E. Ryder,

Deputy Director, Office of Special Education Programs, delegated the duties of the Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2017-08119 Filed 4-20-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17-61-000]

DATC Path 15, LLC; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On April 17, 2017, a letter order was issued in Docket No. EL17-61-000 by the Director, Division of Electric Power—West, 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 rate decrease of DATC Path 15, LLC may be unjust, unreasonable, unduly discriminatory or preferential. *DATC Path 15, LLC*, 159 FERC ¶ 62,062 (2017).

The refund effective date in Docket No. EL17-61-000, 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. EL17-61-000 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 17, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017-08085 Filed 4-20-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17-65-000]

Renewable Energy Systems Americas and Invenergy Storage Development LLC v. PJM Interconnection, L.L.C.; Notice of Complaint

Take notice that on April 14, 2017, pursuant to Rules 206 and 212 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and 385.212 and sections 205 and 206 of the Federal Power Act, 16 U.S.C. 824d and 824e, Renewable Energy Systems Americas and Invenergy Storage Development LLC (Complainant) filed a formal complaint against PJM Interconnection, L.L.C. (Respondent or PJM) 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 the Complainants, all as more fully explained in the complaint.

The Complainant states that a copy of the complaint has been served on the Respondent.

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. 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 Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to

receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 p.m. Eastern Time on May 4, 2017.

Dated: April 17, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017-08086 Filed 4-20-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: ER17-883-000.
Applicants: Duke Energy Florida, LLC.

Description: Report Filing: Refund Report Mulberry Energy and Orange Cogen to be effective N/A.

Filed Date: 4/17/17.

Accession Number: 20170417-5129.

Comments Due: 5 p.m. ET 5/8/17.

Docket Numbers: ER17-1424-000.
Applicants: Southwest Power Pool, Inc., Central Power Electric Cooperative, Inc.

Description: Southwest Power Pool, Inc. on behalf of Central Power Electric Cooperative, Inc. submits Depreciation Study and Change in Depreciation Rates.

Filed Date: 4/14/17.

Accession Number: 20170414-5218.

Comments Due: 5 p.m. ET 5/5/17.

Docket Numbers: ER17-1426-000.
Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Queue Position AA2-059, Original Service Agreement No. 4670 to be effective 3/16/2017.

Filed Date: 4/17/17.

Accession Number: 20170417-5195.

Comments Due: 5 p.m. ET 5/8/17.

Docket Numbers: ER17-1427-000.
Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 4668, Queue No. AA1-038 to be effective 3/16/2017.

Filed Date: 4/17/17.

Accession Number: 20170417-5196.

Comments Due: 5 p.m. ET 5/8/17.

Docket Numbers: ER17-1428-000.

Applicants: Tilton Energy LLC.

Description: Compliance filing: Informational Report Pursuant to MISO Tariff and E-Tariff Submission to be effective 6/17/2017.

Filed Date: 4/17/17.

Accession Number: 20170417–5201.

Comments Due: 5 p.m. ET 5/8/17.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA07–19–013; OA07–43–014; ER07–1171–014.

Applicants: Arizona Public Service Company.

Description: Arizona Public Service Company submits its annual compliance report on penalty assessments and distributions.

Filed Date: 4/14/17.

Accession Number: 20170414–5160.

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 17, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017–08087 Filed 4–20–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9032–7]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or <http://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EISs) Filed 04/10/2017 Through 04/14/2017 Pursuant to 40 CFR 1506.9.

Notice:

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <http://www.epa.gov/compliance/nepa/eisdata.html>.

EIS No. 20170057, Draft, DOT, HI, Saddle Road Extension, South Kohala, Comment Period Ends: 06/05/2017, Contact: J. Michael Will 720–963–3647

EIS No. 20170058, Final, USFS, MT, Center Horse Landscape Restoration Project, Review Period Ends: 05/22/2017, Contact: Tami Paulsen 406–329–3731

EIS No. 20170059, Final, USACE, NY, Mamaroneck and Sheldrake Rivers Flood Risk Management Project, Review Period Ends: 05/22/2017, Contact: Matthew Voisine 917–790–8718

EIS No. 20170060, Draft, USACE, CA, Berths 226–236 [Everport] Container Terminal Improvements Project, Comment Period Ends: 06/05/2017, Contact: Theresa Stevens 805–585–2146

EIS No. 20170061, Draft, APHIS, NAT, Determination of Non-Regulated Status for Freeze Tolerant Eucalyptus Lines FTE 427 and FTE 435, Comment Period Ends: 06/05/2017, Contact: Cindy Eck 301–851–3892

EIS No. 20170062, Draft, USFS, CA, Power Fire Reforestation, Comment Period Ends: 06/05/2017, Contact: Marc Young 209–295–5955

EIS No. 20170063, Final, USACE, AZ, Lone Star Ore Body Development Project, Review Period Ends: 05/22/2017, Contact: Michael Langley 602–230–6953

Dated: April 18, 2017.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017–08105 Filed 4–20–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or

bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 15, 2017.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Topeka Bancorp, Inc.*, Topeka, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of Kaw Valley Bancorp, Inc., and thereby indirectly acquire Kaw Valley Bank, both of Topeka, Kansas.

Board of Governors of the Federal Reserve System, April 17, 2017.

Margaret M. Shanks,
Deputy Secretary of the Board.

[FR Doc. 2017–08134 Filed 4–20–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board or Federal Reserve) incorrectly published in the *Federal Register* of April 12, 2017, a document requesting public comment regarding FRB Form: FR 2028. This document supersedes and replaces that document in its entirety.

The Board invites comment on a proposal to extend for three years, with revision, the voluntary Survey of Terms of Lending (STL; FR 2028; OMB No. 7100–0061).

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

DATES: Comments must be submitted on or before June 20, 2017.

ADDRESSES: You may submit comments, identified by *FR 2028A*, *FR 2028B*, *FR 2028S*, or *FR 2028D*, by any of the following methods:

- *Agency Web site:* <http://www.federalreserve.gov>. Follow the instructions for submitting comments at <http://www.federalreserve.gov/apps/foia/proposedregs.aspx>.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Email:* regs.comments@federalreserve.gov. Include OMB number in the subject line of the message.

- *FAX:* (202) 452–3819 or (202) 452–3102.

- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at <http://www.federalreserve.gov/apps/foia/proposedregs.aspx> as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW.) Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be

made available on the Federal Reserve Board's public Web site at: <http://www.federalreserve.gov/apps/reportforms/review.aspx> or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghribi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

- Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

- The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

- Ways to enhance the quality, utility, and clarity of the information to be collected;

- Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

- Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Federal Reserve should modify the proposed revisions prior to giving final approval.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, With Revision, of the Following Report

Report title: Survey of Small Business and Farm Lending.

Agency form number: FR 2028B, FR 2028D, and FR 2028S.

OMB control number: 7100–0061.

Frequency: Quarterly.

Respondents: Commercial banks.

Estimated number of respondents: FR 2028B—250; FR 2028D—398; and FR 2028S—250.

Estimated average hours per response: FR 2028B—1.4 hours; FR 2028D—1.5 hours; FR 2028D (First Time only)—1.5 hours; and FR 2028S—0.1 hours.

Estimated annual burden hours: 4,485 hours.

General Description of Report: The STL collects unique information concerning price and certain nonprice terms of loans made to businesses and farmers during the first full business week of the mid-month of each quarter (February, May, August, and November). The FR 2028A and FR 2028B collect detailed data on individual loans made during the survey week, and the FR 2028S collects the prime interest rate for each day of the survey from both FR 2028A and FR 2028B respondents. From these sample STL data, estimates of the terms of business loans and farm loans extended during the reporting week are constructed. The aggregate estimates for business loans are published in the quarterly E.2 statistical release, *Survey of Terms of Business Lending*, and aggregate estimates for farm loans are published in the E.15 statistical release, *Agricultural Finance Databook*.

Proposed revisions: The Federal Reserve proposes to (1) discontinue the FR 2028A, (2) create a new Small Business Lending Survey (FR 2028D) that would provide focused and enhanced information on small business lending including rates, terms, credit availability, and reasons for their changes (in contrast to the individual loan data collected on the FR 2028A, the FR 2028D would collect quarterly average quantitative data on terms of small business loans and qualitative information on changes and the reasons for changes in the terms of lending), and (3) the STL would be renamed the Survey of Small Business and Farm Lending (SSBFL) to more accurately describe the data collection. No changes are proposed to the FR 2028B and FR 2028S. The proposed final data collection for the FR 2028A would be for the May 2017 survey week, and the proposed first data collection for the FR 2028D would be in February 2018 for the December 31, 2017, as of date.

Survey of Terms of Business Lending (FR 2028A)

The survey data are used to assess conditions and to track developments in business credit markets. For instance, during the credit market turmoil that began in the second half of 2007 and early 2008, STL data showed a smaller increase in the spread of loan rates over banks' cost of funds than other indicators of business loan pricing suggested. Moreover, information about

the date on which commitments were finalized or renewed has been important in understanding how loan rates evolved during the crisis, as it allowed the Federal Reserve to study the terms on new loan commitments separately from commitments written prior to the crisis. More broadly, the survey data have been useful for monitoring the changing role of the prime rate as a benchmark for business loan pricing and of shifts in the mix of fixed-rate and variable-rate lending as financial markets have changed. The STL microdata are not available to researchers outside the Federal Reserve, but have been used in a number of research papers.

The FR 2028A data have limitations for assessing conditions and analyzing developments in nonfarm business credit markets. For example, it was noted in the memorandum for renewing the STL in June 2015 that “The STL is an important source of individual loan data used by those concerned with lending to small businesses, for which banks are one of the primary sources of credit.”¹ However, the data were insufficient for addressing questions about small business lending during the financial crisis, ensuing recession, or economic recovery. For example, the data could not answer questions on whether changes in the flow of credit to small businesses were due to supply issues, such as changes in bank lending standards or terms, demand issues, such as changes in application rates, or both. Additionally, the FR 2028A data could not be used to answer questions regarding changes in the credit quality of applicants or identify potential underlying factors for observed changes in credit quality. For reasons such as these, the June 2015 memorandum stated “The Federal Reserve is seeking alternative sources of detailed, disaggregated data on small business loans, but there are currently none available. Should a better source for this type of data become available, the Federal Reserve may revisit the need for this survey.”

The Federal Reserve System has conducted a study of alternative small business loan data sources to assess their usefulness for addressing policy questions on small business credit. The study identified and conducted an extensive analysis of 35 existing and potential new small business lending data collections. The data collections considered included, among others,

collections undertaken by the Board of Governors, private sector surveys such as the National Federation of Independent Business member survey, and a Dodd-Frank Act mandated data collection by the Consumer Financial Protection Bureau.² The primary finding was that existing and new data collections under consideration would not meet the policy needs for understanding and addressing the relevant policy issues and questions.

The FR 2028D data collection is being proposed to address the gaps in existing and planned new surveys on small business lending. In addition, other Federal Reserve reports that have been developed in recent years provide information on large nonfarm business loans. As a result, the information used for assessing and analyzing developments in nonfarm business credit markets would be improved by combining the proposed FR 2028D data collection on the terms of small business loans with the existing reports on large business loans. For these reasons, the FR 2028A would be discontinued. The proposed final data collection for the FR 2028A would be for the May 2017 survey week.

Prime Rate Supplement to Survey of Terms of Lending (FR 2028S)

The FR 2028S is completed by banks that file the FR 2028A or the FR 2028B.³ The prime rate, an administered rate, remains the base rate banks use to price a significant portion of the loans covered by the FR 2028A and FR 2028B.⁴ The prime rate is by far the most common base rate used to price variable rate business and farm loans at small and medium-sized banks. Even for large borrowers and the largest banks, the prime rate is a pricing option frequently available along with market-related rates. The FR 2028S imposes little burden and the information it provides is useful in interpreting movements in rates charged on business and farm loans, especially for small loans and for loans at smaller banks. It also provides valuable information about variations in the prime-lending rate across banks, which can be

considerable. The FR 2028S will be renewed without revision and will be reported by FR 2028B respondents. Information on base rates for small business loans will be included in the proposed FR 2028D.

Proposed Small Business Lending Survey (FR 2028D)

The FR 2028D would collect quantitative and qualitative information that the Federal Reserve can use to monitor developments in the availability of credit to small businesses. Bank lending to small businesses is critical for employment and economic growth at the local, regional, and national levels because it is a primary source of funding for these businesses. The FR 2028D was motivated by the inability to answer basic policy questions raised by Federal Reserve policymakers on small business credit during the recent financial crisis and subsequent recovery. It would also contribute to a better understanding of the role of community banks in providing loans to small businesses and on small business access to credit in local communities. The survey would be timed to make reports on developments in small business lending available for the second FOMC meeting of each quarter. The data would also be available for Federal Reserve System economists and other staff to use for research purposes. To get a complete understanding of the availability, terms, and market conditions of bank lending to small and large nonfarm businesses, the Federal Reserve would combine the information gathered from the FR 2028D with other Federal Reserve data collections that gather information on large business loans.

The FR 2028D would improve the ability to assess and analyze developments in nonfarm small business credit markets and to answer policy questions in a timely manner. The proposed information to be collected is not available from existing or planned surveys conducted by either the private or public sectors. The survey would collect unique, quarterly quantitative and qualitative information on nonfarm small business lending that improves upon the information currently collected by the FR 2028A. The quantitative information is similar to the data in the FR 2028A, but the FR 2028D would collect quarterly amounts or average levels of the data items as opposed to individual loan information from a survey week. As a result, the quantitative information will be less costly to report and less impacted by idiosyncratic events. The qualitative questions will provide information on

² Dodd-Frank Wall Street Reform and Consumer Protection Act, Section 1071, Subtitle G—Regulatory Improvements, Sec. 1071—Small Business Data Collection.

³ With the elimination of the FR 2028A, the FR 2028S would be completed only by banks that file the FR 2028B.

⁴ The FR 2028S defines the prime rate to be, “[T]he administered rate used [by the bank] for pricing business and other credit, which [is adjusted] from time to time in response to changes in market conditions. [The] institution may set this rate internally or may adopt as its own a published rate.”

¹ See page 3 of the June 2015 OMB Supporting Statement for the FR 2028 at http://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201505-7100-002.

changes in loan demand, credit standards and terms, and credit quality of applicants and reasons for the changes. Information on the reasons for denying a small business loan application will also be collected.

The FR 2028D would also improve upon current information on outstanding loans collected on the Reports of Condition and Income (Call Report; FFIEC 031, FFIEC 041, and FFIEC 051; OMB No. 7100-0036), which collects data on loans less than a certain dollar amount rather than on loans to small businesses. The Call Report data may result in information distortions about the availability of credit to small businesses because not all small loans are made to small businesses.

The FR 2028D would collect quantitative and qualitative information on loans to small businesses from a stratified sample of 398 banking institutions. The survey would be administered at a quarterly frequency and distributed during the second month of each quarter. Survey responses would be based on loan activity over the previous quarter. Quantitative information collected would include the aggregate number and dollar amount of outstanding loans and new loans extended by banks to small businesses each quarter, as well as line-of-credit drawdowns and the average interest rate and benchmark rate. Loans are separated into two categories: Term loans and lines of credit, with each category further separated into fixed rate and variable rate. Additionally, quantitative information on the number and dollar amount of small business loans with guarantees (Small Business Administration and other) would be collected, as well as information regarding loan maturity and the use of interest rate floors. The FR 2028D would also collect quantitative information on small business loan applications received and applications approved during the survey quarter, including information on applications from Low- and Moderate-Income tracts.

Qualitative information collected by the FR 2028D would include questions to gauge changes in lending terms, loan demand, and credit standards for small business loans during the survey period.⁵ Furthermore, respondents will

⁵ The inclusion of qualitative questions, which are the same as those in the Senior Loan Officer Opinion Survey on Bank Lending Practices (FR 2018; OMB No. 7100-0058), is meant to supplement the existing FR 2018 data to get a more comprehensive view of the availability of credit to businesses. Importantly, the definitions of a small business are different in the FR 2018 and proposed FR 2028D. The FR 2018 covers lending to both small and large firms and defines small firms as those with annual sales of less than \$50 million,

be asked to identify possible reasons for indicated changes in lending terms or credit standards. The survey would also include qualitative questions on the demand for small business loans, changes in credit line usage, and changes in the credit quality of small business loan applicants. Respondents would be asked to identify potential factors underlying a reported change in applicant credit quality (e.g., credit scores, quality of collateral) and to identify top reasons for denying small business loans during the survey quarter.

The replacement of the FR 2028A with the FR 2028D would result in a reduction of the burden by 2,873 hours.

Reporting Panel

The FR 2028B panel has an authorized size of 250 domestically chartered commercial banks. The panel of banks has been drawn from a random sample of banks stratified according to farm loan volumes since 1989. Since that time, the authorized size of the panel has been 250 banks, with 189 banks currently reporting. The number of respondents is less than the authorized size due to mergers among reporters and loss of respondents due to the voluntary nature of the panel. If the authorized size of the panel is reduced to 189, the standard errors for the data items would increase 17 percentage points. Moreover, the standard errors on the regional estimates, which are based on smaller samples, likely would be greatly increased. Consequently, the recommendation is not to change the authorized number of banks.

The proposed authorized panel for the FR 2028D panel is 398 domestically chartered commercial banks. The proposed size is based on obtaining survey results with a 95% confidence level and 5% standard error, allowing for a 10% nonresponse rate. The panel of banks would be a random sample of banks stratified according to the dollar volumes of commercial and industrial loans with original amounts of \$1,000,000 or less.

Legal authorization and confidentiality: The Board's Legal Division has determined that these surveys are authorized by section 11(a)(2) of the Federal Reserve Act (12 U.S.C. 248(a)(2)) which authorizes the Board to require any depository institution to make such reports of its

which is significantly larger than the \$5 million threshold in the FR 2028D. Furthermore, the FR 2018 panel only includes large institutions while the FR 2028D panel will be a stratified sample of 398 domestic banks and include institutions of all sizes. Therefore, not much overlap in the panels for the two data collections is expected.

assets and liabilities as the Board may determine to be necessary or desirable to enable the Board to discharge its responsibility to monitor and control monetary and credit aggregates. The reports are voluntary. Individual responses reported on the FR 2028A, FR 2028B, FR 2028D, and FR 2028S are regarded as confidential under the Freedom of Information Act (5 U.S.C. 552(b)(4)).

Board of Governors of the Federal Reserve System, April 17, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017-08072 Filed 4-20-17; 8:45 am]

BILLING CODE 6210-01-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 8, 2017.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President), 1 Memorial Drive, Kansas City, Missouri 64198-0001:

1. *Jack Poulsen and Debra Poulsen, both of Ericson, Nebraska;* to acquire voting shares of Wheeler County Bancshares, Inc., Ericson, Nebraska, and thereby indirectly acquire Ericson State Bank, Ericson, Nebraska.

Board of Governors of the Federal Reserve System, April 17, 2017.

Margaret M. Shanks,

Deputy Secretary of the Board.

[FR Doc. 2017-08052 Filed 4-20-17; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM**Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies**

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the HOLA (12 U.S.C. 1467a(e)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 15, 2017.

A. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President), 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521. Comments can also be sent electronically to

Comments.applications@phil.frb.org:

1. *Ponce Bank Mutual Holding Company, Bronx, New York and PDL Community Bancorp, Bronx, New York*; to become savings and loan holding companies, by acquiring 100 percent of Ponce Bank, Bronx, New York, upon the conversion of Ponce De Leon Federal Bank, from a federal mutual savings bank to a federal stock savings bank, to be called Ponce Bank, both of Bronx, New York.

Board of Governors of the Federal Reserve System, April 17, 2017.

Margaret M. Shanks,
Deputy Secretary of the Board.

[FR Doc. 2017–08053 Filed 4–20–17; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD**Sunshine Act; Notice of Board Member Meeting**

Federal Retirement Thrift Investment Board, 77 K Street NE., 10th Floor Board Room, Washington, DC 20002.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 82 FR 17991.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 8:30 a.m., April 24, 2017.

CHANGES IN THE MEETING: *Time:* 9 a.m.

Agenda

Federal Retirement Thrift Investment Board Member Meeting, April 24, 2017, 9:00 a.m. (In-Person).

Open Session

1. Approval of the Meeting Minutes for the March 27, 2017 Board Member Meeting
2. Monthly Reports
 - (a) Participant Activity Report
 - (b) Legislative Report
3. Quarterly Reports
 - (c) Investment Performance
 - (d) Audit Status
4. OCFO Annual Report and Budget Review
5. Internal Audit
6. Annual Financial Audit—CLA
7. DOL Presentation
8. Consolidated IT/Audit Activities

Closed Session

Information covered under 5 U.S.C. 552b(c)(9)(B).

Adjourn

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: April 19, 2017.

Megan Grumbine,
Secretary, Federal Retirement Thrift Investment Board.

[FR Doc. 2017–08261 Filed 4–19–17; 4:15 pm]

BILLING CODE 6760-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. FDA–2010–N–0594]

Agency Information Collection Activities; Proposed Collection; Comment Request; Focus Groups as Used by the Food and Drug Administration (All Food and Drug Administration-Regulated Products)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on “Focus Groups as Used by the Food and Drug Administration (All FDA-Regulated Products).”

DATES: Submit either electronic or written comments on the collection of information by June 20, 2017. Late, untimely filed comments will not be considered. Electronic comments must be submitted on or before June 20, 2017. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of June 20, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the

manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2010-N-0594 for “Focus Groups as Used by the Food and Drug Administration (All FDA-Regulated Products).” Received comments, those filed in a timely manner (see **DATES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover

sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-3794.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether

the proposed collection of information is necessary for the proper performance of FDA’s functions, including whether the information will have practical utility; (2) the accuracy of FDA’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Focus Groups as Used by the Food and Drug Administration (All FDA-Regulated Products) OMB Control Number 0910-0497

FDA conducts focus group interviews on a variety of topics involving FDA-regulated products, including drugs, biologics, devices, food, tobacco, and veterinary medicine.

Focus groups provide an important role in gathering information because they allow for a more in-depth understanding of patients’ and consumers’ attitudes, beliefs, motivations, and feelings than do quantitative studies. Focus groups serve the narrowly defined need for direct and informal opinion on a specific topic and as a qualitative research tool have three major purposes:

- To obtain patient and consumer information that is useful for developing variables and measures for quantitative studies,
- to better understand patients’ and consumers’ attitudes and emotions in response to topics and concepts, and
- to further explore findings obtained from quantitative studies.

FDA will use focus group findings to test and refine their ideas, but will generally conduct further research before making important decisions such as adopting new policies and allocating or redirecting significant resources to support these policies.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

Activity	Number respondents	Annual frequency per response	Total annual responses	Hours per response	Total hours
Focus Group Interviews	8,800	1	8,800	1.75	15,400

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: April 17, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017-08065 Filed 4-20-17; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[CFDA-93.788]

Delegation of Authority to the Assistant Secretary for Mental Health and Substance Use

Notice is hereby given that I have delegated to the Assistant Secretary for Mental Health and Substance Use, or his or her successor, the authorities vested in the Secretary of the Department of Health and Human Services, under Sec. 1003(a), (c), and (d) of the 21st Century Cures Act to support the Opioid Grant Program. This authority excludes the authority to promulgate regulations and to submit reports to Congress.

These authorities may be re-delegated.

I have ratified and affirmed any actions taken by the Acting Deputy Assistant Secretary for Mental Health and Substance Use or by any subordinates, which, in effect involved the exercise of these authorities delegated herein prior to the effective date of this delegation. This delegation was effective upon date of signature.

Dated: April 13, 2017.

Thomas E. Price,

Secretary.

[FR Doc. 2017-08050 Filed 4-20-17; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice of Interest Rate on Overdue Debts

Section 30.18 of the Department of Health and Human Services' claims collection regulations (45 CFR part 30) provides that the Secretary shall charge an annual rate of interest, which is determined and fixed by the Secretary of the Treasury after considering private consumer rates of interest on the date that the Department of Health and Human Services becomes entitled to recovery. The rate cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the "Schedule of Certified Interest Rates with Range of

Maturities" unless the Secretary waives interest in whole or part, or a different rate is prescribed by statute, contract, or repayment agreement. The Secretary of the Treasury may revise this rate quarterly. The Department of Health and Human Services publishes this rate in the **Federal Register**.

The current rate of 10%, as fixed by the Secretary of the Treasury, is certified for the quarter ended March 31, 2017. This rate is based on the Interest Rates for Specific Legislation, "National Health Services Corps Scholarship Program (42 U.S.C. 254o(b)(1)(A))" and "National Research Service Award Program (42 U.S.C. 288(c)(4)(B))." This interest rate will be applied to overdue debt until the Department of Health and Human Services publishes a revision.

Dated: April 11, 2017.

David C. Horn,

Director, Office of Financial Policy and Reporting.

[FR Doc. 2017-08046 Filed 4-20-17; 8:45 am]

BILLING CODE 4150-04-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Opioid State Targeted Response Grants

Opioids were responsible for over 33,000 deaths in 2015; this alarming statistic is unacceptable. Through a sustained focus on people, patients, and partnerships, this crisis can be addressed across our nation.

Last month President Trump announced the President's Commission on Combating Drug Addiction and the Opioid Crisis. This Commission is tasked with studying the scope and effectiveness of the federal response to this crisis and providing recommendations to the President for improving it. As the Administration develops a comprehensive strategy to improve the federal response to combat opioids, the U.S. Department of Health and Human Services (HHS) must ensure the Opioid State Targeted Response grants are aligned accordingly and put to the best use possible. Given the urgency of the issue, we understand the need to release the funding for the first year of this program immediately. However, the intentions of HHS for the second year are to develop funding allocations and policies that are the most clinically sound, effective and efficient.

In the interest of ensuring that these resources are applied in the best manner possible, I will be seeking input from

the states/territories in the coming weeks and months. As funding from the first year is implemented and monitored, states/territories will be asked to identify best practices, lessons learned, and key strategies that can help HHS further target these funds in the subsequent year to best address this tragic issue.

Dated: April 13, 2017.

Thomas E. Price,

Secretary.

[FR Doc. 2017-08068 Filed 4-20-17; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0008]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Discretionary Options for Designated Spouses, Parents, and Sons and Daughters of Certain Military Personnel, Veterans, and Enlistees

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until June 20, 2017.

ADDRESSES: All submissions received must include the OMB Control Number 1615-0008 in the body of the letter, the agency name and Docket ID USCIS-2005-0024. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at <http://www.regulations.gov> under e-Docket ID number USCIS-2005-0024;

(2) *Mail*. Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshombres, 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

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–2005–0024 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

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:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Discretionary Options for Designated Spouses, Parents, and Sons and Daughters of Certain Military Personnel, Veterans, and Enlistees.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G–325A; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* *Primary:* Individuals or households. The information to be collected under the PM will be used by USCIS to determine eligibility of discretionary deferred action on a case-by-case basis, for certain family members of military personnel who currently serve on active duty or in the Selected Reserve of the Ready Reserve, military personnel who previously served on active duty or in the Selected Reserve of the Ready Reserve (who were not dishonorably discharged) whether they are living or deceased, and Delayed Entry Program (DEP) enlistees (as well as DEP enlistees themselves).

(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–325A is 250 and the estimated hour burden per response is 2.15 hours; 1.9 hours to comply with the guiding policy and .25 hours to complete the form.

(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 537.5 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 \$18,750.

Dated: April 18, 2017.

Samantha Deshombres,
Chief, Regulatory Coordination Division,
Office of Policy and Strategy, U.S. Citizenship
and Immigration Services, Department of
Homeland Security.

[FR Doc. 2017–08070 Filed 4–20–17; 8:45 am]

BILLING CODE 9111–97–P

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. FR–6001–N–09]

**60-Day Notice of Proposed Information
Collection: Application for Mortgage
Insurance for Cooperative and
Condominium Housing**

AGENCY: Office of the Assistant
Secretary for Housing—Federal Housing
Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* June 20, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at Colette.Pollard@hud.gov for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Daniel J. Sullivan, Acting Director, Office of Multifamily Productions, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 402–6130; email, at Daniel.J.Sullivan@hud.gov or telephone 202–402–6130. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Mr. Sullivan.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Application for Mortgage Insurance for Cooperative and Condominium Housing.

OMB Approval Number: 2502–0141.

Type of Request: Extension of a currently approved collection.

Form Number: 93201.

Description of the need for the information and proposed use: The information collected on the “Application for Mortgage Insurance for Cooperative and Condominium Housing” form is used to analyze data, cost data, drawings, and specifications to determine cooperative or condominium project eligibility for FHA mortgage insurance.

Respondents: Business or other for profit.

Estimated Number of Respondents: 20.

Estimated Number of Responses: 20.

Frequency of Response: On Occasion.

Average Hours per Response: 4 hours.

Total Estimated Burdens: 80 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) 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) The accuracy of the agency’s estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: March 6, 2017.

Genger Charles,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–08122 Filed 4–20–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5997–N–15]

30 Day Notice of Proposed Information Collection: Survey of Market Absorption of New Multifamily Units

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The Department of Housing and Urban Development (HUD) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of additional public comment.

DATES: *Comments Due Date:* May 22, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: OIRA_Submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Anna Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Anna.P.Guido@hud.gov or telephone 202–402–5535. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay

Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: HUD will submit the proposed information collection package to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

A. Overview of Information Collection

Title of Information Collection:

Survey of Market Absorption of New Multifamily Units.

OMB Approval Number: 2528–0013.

Type of Request: Extension of currently approved collection.

Form Number: N/A.

Description of the need for the information and proposed use: The Survey of Market Absorption (SOMA) provides the data necessary to measure the rate at which new rental apartments and new condominium apartments are absorbed; that is, taken off the market, usually by being rented or sold, over the course of the first twelve months following completion of a building. The data are collected at quarterly intervals until the twelve months conclude, or until the units in a building are completely absorbed. The survey also provides estimates of certain characteristics, including asking rent/price, number of units, and number of bedrooms. The survey provides a basis for analyzing the degree to which new apartment construction is meeting the present and future needs of the public.

Members of affected public: Rental Agents/Builders.

Estimated Number of Respondents: 12,000 yearly (maximum).

Estimated Time per Response: 15 minutes/initial interview and 5 minutes for any subsequent interviews (up to three additional, if necessary).

Frequency of Response: Four times (maximum).

Estimated Total Annual Burden Hours: 6,000.00 (12,000.00 buildings × 30 minutes).

Estimated Total Annual Cost: The only cost to respondents is that of their time. The total estimated cost to HUD in FY 2017 is \$1,120,000.

Respondent’s Obligation: Voluntary.

Legal Authority: The survey is conducted under Title 12, United States Code, Section 1701Z.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
SOMA	12,000	4	48,000	.125 (30 minutes’ total divided by 4 interviews).	6,000.00	\$35.74	\$214,440.00

B. Solicitation of Public Comment

This notice solicits comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) 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) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Date: March 21, 2017.

Anna P. Guido,

*Department reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 2017-08121 Filed 4-20-17; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6003-N-04]

60-Day Notice of Proposed Information Collection: Evaluation of the Section 811 Project Rental Assistance Program, Phase II

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* June 20, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding

this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410-5000; telephone (202) 402-5534 (this is not a toll-free number) or email at Anna.P.Guido@hud.gov for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

FOR FURTHER INFORMATION CONTACT:

Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Anna.P.Guido@hud.gov or telephone (202) 402-5535. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Evaluation of the Section 811 Project Rental Assistance Program, Phase II.

OMB Approval Number: 2528-0309.

Type of Request: Substantial revision of currently approved collection.

Form Number: N/A.

Description of the need for the information and proposed use: The Office of Policy Development and Research, at the U.S. Department of Housing and Urban Development (HUD), is proposing a revision of currently approved data collection activity as part of the evaluation of the Section 811 Supportive Housing for Persons with Disabilities (Section 811) Project Rental Assistance (PRA) Program. The Section 811 supportive housing model provides people with disabilities affordable housing and access to appropriate, voluntary supportive services. The traditional Section 811 Project Rental Assistance Contract (PRAC) program awarded interest-free capital advances and contracts for project-based rental assistance to nonprofit organizations to develop supportive housing. The Section 811 PRA program is a new

approach to supportive housing that provides project-based rental assistance to state housing agencies for the development of supportive housing for extremely low-income persons with disabilities. Housing agencies must have an interagency partnership agreement with the state health and human service agency and the state Medicaid provider to provide services and supports directly to residents living in units funded with Section 811 PRA.

This evaluation is the second phase of a two-phase evaluation. Phase I evaluated the early implementation of the Section 811 PRA Program in the 12 states that were awarded the first round of PRA grants. The OMB Approval Number for Phase I is 2528-0309. HUD is now undertaking the second phase of the Section 811 PRA evaluation. The second phase will continue to evaluate the implementation of the Section 811 PRA Program, but will also assess the program's effectiveness and its impact on residents and will be limited to six states. The evaluation of the Section 811 PRA Program, including the assessment of its effectiveness compared to the traditional Section 811 PRAC Program, is mandated by the Frank Melville Supportive Housing Investment Act of 2010. This **Federal Register** Notice provides the opportunity to comment on the revision of the approved information collection activity for the second phase of the Section 811 PRA evaluation.

Data collection for the second phase of the evaluation of the Section 811 PRA Program includes in-person surveys with residents assisted by the Section 811 PRA and PRAC programs and in-person interviews with staff from PRA program participating agencies (property owners or managers of properties where Section 811 PRA residents live, manager-level staff at organizations that provide supportive services to PRA residents, and manager-level staff at Public Housing Authorities that committed housing subsidies for the PRA program). The purpose of the interviews is to assess the implementation experience of the Section 811 Project Rental Assistance program and the program's impact on residents. Participation in the resident survey is voluntary for PRA and PRAC residents.

Residents: Residents assisted with HUD's Section 811 program, Section 811 property managers, supportive service providers, and Public Housing Authorities.

Total Estimated Burdens: Researchers will administer resident surveys for an average of 45 minutes with an additional 30 minutes needed to schedule the call and conduct

prescreening questions with the respondent. The total burden for the 480 Section 811 residents is 600 hours. The average burden of interviews for property managers and service providers is one hour, with an additional half-hour to schedule the call

and compile information needed to complete the interview. The average burden for Public Housing Authorities is 30 minutes with an additional 30 minutes needed to schedule the call and compile information for the interview. The total burden hours for property

owners is 36 hours, the total burden hours for service providers is 72 hours, and the total burden hours for Public Housing Authorities is 12 hours. The total respondent burden for these data collection activities is 720 hours.

ESTIMATED HOUR AND COST BURDEN OF INFORMATION COLLECTION

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Section 811 Property Owner	24	1	1	1.5	36	\$26.63	\$958.68
Service Provider Manager	48	1	1	1.5	72	45.43	3,270.96
Public Housing Authority Manager	12	1	1	1	12	41.40	496.80
Section 811 residents	480	1	1	1.25	600	9.21	5,526.00
Total	564	.....	.....	.....	720	.....	10,252.44

Based on the assumptions and table below we calculate the total annual cost burden for this information collection to be \$10,252.44. For staff of participating agencies, we estimated their cost per response using the most recent (May 2015) Bureau of Labor Statistics, Occupational Employment Statistics median hourly wage for selected

occupations classified by Standard Occupational Classification (SOC) codes. To estimate hourly wage rates for property owners and managers of properties where Section 811 residents live, we used the occupation code Property, Real Estate, and Community Association Managers (11-940), with a median hourly wage of \$26.63. For

managers of service providers of Section 811 residents, we used Medical and Health Services Managers (11-911), with a median hourly wage of \$45.43. For Public Housing Authority managers, we used the Administrative Services Manager (11-310), with a median hourly wage of \$41.40.

Respondent	Occupation title	Occupation SOC code	Median hourly wage rate (\$)
Section 811 Property Manager	Property, Real Estate, and Community Association Managers	11-940	26.63
Service Provider Manager	Medical and Health Services Managers	11-911	45.43
Public Housing Authority Manager ..	Administrative Services Manager	11-310	41.40

Source: Bureau of Labor Statistics, Occupational Employment Statistics (May 2015), https://www.bls.gov/oes/current/oes_stru.htm.

Section 811 PRA and PRAC households participating in the Section 811 evaluation will range in employment position and earnings, but national data indicate the population has very low incomes. According to 2016 HUD Picture of Subsidized Households Data (<https://www.huduser.gov/portal/datasets/assthsg.html>), the average per person household income for Section 811 PRAC residents in the six states where the study is being conducted was \$10,573, but only six percent of PRAC residents report wages as a major source of household income (current data on PRA participants is not yet available). We estimated the hourly wage burden for Section 811 residents, at \$9.21, the average expected prevailing minimum wage in the six states where the evaluation is being conducted [California—\$10.50; Delaware—\$8.25; Louisiana—\$7.25 (federal minimum wage); Maryland—\$8.75; Minnesota—\$9.50; Washington—\$11.00]. We assumed an unweighted average as the

survey sample will comprise of approximately 80 residents from each of the six states. (Source: U.S. Department of Labor, Wage and Hour Division, Minimum Wage Laws in the States—January 2017, <https://www.dol.gov/whd/minwage/america.htm>).

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

- (1) 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) The accuracy of the agency's estimate of the burden of the proposed collection of information;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) Ways to minimize the burden of the collection of information on those who are to respond; including through

the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: March 9, 2017.

Matthew E. Ammon,

General Deputy Assistant Secretary for Policy, Development and Research.

[FR Doc. 2017-08123 Filed 4-20-17; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6001-N-11]

60-Day Notice of Proposed Information Collection: Compliance Inspection Report and Mortgagee's Assurance of Completion

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* June 20, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at Colette.Pollard@hud.gov for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

FOR FURTHER INFORMATION CONTACT: Cheryl Walker, Director, Home Valuation Policy Division, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email at Cheryl.B.Walker@hud.gov or telephone 202-708-2121, x6880. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Compliance Inspection Report and Mortgagee's Assurance of Completion.
OMB Approval Number: 2502-0189.

Type of Request: Extension of currently approved collection.

Form Numbers: HUD 92051, HUD-92300.

Description of the need for the information and proposed use: Accurate and thorough property information is critical to the accuracy of underwriting for the mortgage insurance process. This information collection is needed to ensure newly built homes financed with FHA mortgage insurance are constructed in accordance with acceptable building standards and that deficiencies found in newly constructed and existing dwellings are corrected.

Respondents: Business or other-for-profit.

Estimated Number of Respondents: 4,674.

Estimated Number of Responses: 26,969.

Frequency of Response: On occasion.

Average Hours per Response: .175.

Total Estimated Burdens: 4,720.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following: (1) 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) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: March 23, 2017.

Genger Charles,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017-08131 Filed 4-20-17; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs**

[177A2100DD/AAKC001030/
AOA501010999900]

Rate Adjustments for Indian Irrigation Projects

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed rate adjustments.

SUMMARY: The Bureau of Indian Affairs (BIA) owns, or has an interest in, irrigation projects located on or associated with various Indian reservations throughout the United States. We are required to establish irrigation assessment rates to recover the costs to administer, operate, maintain, and rehabilitate these projects. We request your comments on the proposed rate adjustments.

DATES: Interested parties may submit comments on the proposed rate adjustments on or before June 20, 2017.

ADDRESSES: All comments on the proposed rate adjustments must be in writing and addressed to: Yulan Jin, Chief, Division of Water and Power, Office of Trust Services, Mail Stop 4637-MIB, 1849 C Street NW., Washington, DC 20240, Telephone (202) 219-0941.

FOR FURTHER INFORMATION CONTACT: For details about a particular irrigation project, please use the tables in the **SUPPLEMENTARY INFORMATION** section to contact the regional or local office where the project is located.

SUPPLEMENTARY INFORMATION: The first table in this notice provides contact information for individuals who can give further information about the irrigation projects covered by this notice. The second table provides the current 2016 irrigation assessment rates, the proposed rates for Calendar Year (CY) 2017, and proposed rates for subsequent years where these rates are available.

What is the meaning of the key terms used in this notice?

In this notice:

Administrative costs mean all costs we incur to administer our irrigation projects at the local project level and is a cost factor included in calculating your operation and maintenance assessment. Costs incurred at the local project level do not normally include Agency, Region, or Central Office costs unless we state otherwise in writing.

Assessable acre means lands designated by us to be served by one of

our irrigation projects, for which we collect assessments in order to recover costs for the provision of irrigation service. (See *total assessable acres*.)

BIA means the Bureau of Indian Affairs.

Bill means our statement to you of the assessment charges and/or fees you owe the United States for administration, operation, maintenance, and/or rehabilitation. The date we mail or hand-deliver your bill will be stated on it.

Costs means the costs we incur for administration, operation, maintenance, and rehabilitation to provide direct support or benefit to an irrigation facility. (See administrative costs, operation costs, maintenance costs, and rehabilitation costs.)

Customer means any person or entity to whom or to which we provide irrigation service.

Due date is the date on which your bill is due and payable. This date will be stated on your bill.

I, me, my, you and your means all persons or entities that are affected by this notice.

Irrigation project means a facility or portion thereof for the delivery, diversion, and storage of irrigation water that we own or have an interest in, including all appurtenant works. The term "irrigation project" is used interchangeably with irrigation facility, irrigation system, and irrigation area.

Irrigation service means the full range of services we provide customers of our irrigation projects. This includes our activities to administer, operate, maintain, and rehabilitate our projects in order to deliver water.

Maintenance costs means costs we incur to maintain and repair our irrigation projects and associated equipment and is a cost factor included in calculating your operation and maintenance assessment.

Operation and maintenance (O&M) assessment means the periodic charge you must pay us to reimburse costs of administering, operating, maintaining, and rehabilitating irrigation projects consistent with this notice and our supporting policies, manuals, and handbooks.

Operation or operating costs means costs we incur to operate our irrigation projects and equipment and is a cost factor included in calculating your O&M assessment.

Past due bill means a bill that has not been paid by the close of business on the 30th day after the due date as stated on the bill. Beginning on the 31st day after the due date, we begin assessing additional charges accruing from the due date.

Rehabilitation costs means costs we incur to restore our irrigation projects or features to original operating condition or to the nearest state which can be achieved using current technology and is a cost factor included in calculating your O&M assessment.

Responsible party means an individual or entity that owns or leases land within the assessable acreage of one of our irrigation projects and is responsible for providing accurate information to our billing office and paying a bill for an annual irrigation rate assessment.

Total assessable acres means the total acres served by one of our irrigation projects.

Water delivery is an activity that is part of the irrigation service we provide our customers when water is available.

We, us, and our means the United States Government, the Secretary of the Interior, the BIA, and all who are authorized to represent us in matters covered under this notice.

Does this notice affect me?

This notice affects you if you own or lease land within the assessable acreage of one of our irrigation projects or if you have a carriage agreement with one of our irrigation projects.

Where can I get information on the regulatory and legal citations in this notice?

You can contact the appropriate office(s) stated in the tables for the irrigation project that serves you, or you can use the Internet site for the Government Printing Office at <http://www.gpo.gov>.

Why are you publishing this notice?

We are publishing this notice to inform you that we propose to adjust our irrigation assessment rates. This notice is published in accordance with the BIA's regulations governing its operation and maintenance of irrigation projects, found at 25 CFR part 171. This regulation provides for the establishment and publication of the proposed rates for annual irrigation assessments as well as related information about our irrigation projects.

What authorizes you to issue this notice?

Our authority to issue this notice is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583; 25 U.S.C. 385). The Secretary has in turn delegated this authority to the Assistant Secretary—Indian Affairs under Part 209, Chapter

8.1A, of the Department of the Interior's Departmental Manual.

When will you put the rate adjustments into effect?

We will put the rate adjustments into effect for the CY 2017 and subsequent years where applicable.

How do you calculate irrigation rates?

We calculate annual irrigation assessment rates in accordance with 25 CFR part 171.500 by estimating the annual costs of operation and maintenance at each of our irrigation projects and then dividing by the total assessable acres for that particular irrigation project. The result of this calculation for each project is stated in the rate table in this notice.

What kinds of expenses do you consider in determining the estimated annual costs of operation and maintenance?

Consistent with 25 CFR part 171.500, these expenses include the following:

(a) Salary and benefits for the project engineer/manager and project employees under the project engineer/manager's management or control;

(b) Materials and supplies;

(c) Vehicle and equipment repairs;

(d) Equipment costs, including lease fees;

(e) Depreciation;

(f) Acquisition costs;

(g) Maintenance of a reserve fund available for contingencies or emergency costs needed for the reliable operation of the irrigation facility infrastructure;

(h) Maintenance of a vehicle and heavy equipment replacement fund;

(i) Systematic rehabilitation and replacement of project facilities;

(j) Carriage Agreements for the transfer of project water through irrigation facilities owned by others.

(k) Any water storage fees for non-BIA-owned reservoirs, as applicable,

(l) Contingencies for unknown costs and omitted budget items; and

(m) Other expenses we determine necessary to properly perform the activities and functions characteristic of an irrigation project.

When should I pay my irrigation assessment?

We will mail or hand-deliver your bill notifying you (a) the amount you owe to the United States and (b) when such amount is due. If we mail your bill, we will consider it as being delivered no later than 5 business days after the day we mail it. You should pay your bill by the due date stated on the bill.

What information must I provide for billing purposes?

All responsible parties are required to provide the following information to the billing office associated with the irrigation project where you own or lease land within the project's assessable acreage or to the billing office associated with the irrigation project with which you have a carriage agreement:

- (1) The full legal name of person or entity responsible for paying the bill;
- (2) An adequate and correct address for mailing or hand delivering our bill; and
- (3) The taxpayer identification number or social security number of the person or entity responsible for paying the bill.

Why are you collecting my taxpayer identification number or social security number?

Public Law 104-134, the Debt Collection Improvement Act of 1996, requires that we collect the taxpayer identification number or social security number before billing a responsible party and as a condition to servicing the account.

What happens if I am a responsible party but I fail to furnish the information required to the billing office responsible for the irrigation project within which I own or lease assessable land or for which I have a carriage agreement?

If you are late paying your bill because of your failure to furnish the

required information listed above, you will be assessed interest and penalties as provided below, and your failure to provide the required information will not provide grounds for you to appeal your bill or any penalties assessed.

What can happen if I do not provide the information required for billing purposes?

We can refuse to provide you irrigation service.

If I allow my bill to become past due, could this affect my water delivery?

Yes. 25 CFR 171.545(a) states: "We will not provide you irrigation service until: (1) Your bill is paid; or (2) You make arrangement for payment pursuant to § 171.550 of this part." If we do not receive your payment before the close of business on the 30th day after the due date stated on your bill, we will send you a past due notice. This past due notice will have additional information concerning your rights. We will consider your past due notice as delivered no later than 5 business days after the day we mail it. We follow the procedures provided in 31 CFR 901.2, "Demand for Payment," when demanding payment of your past due bill.

Are there any additional charges if I am late paying my bill?

Yes. We will assess you interest on the amount owed, using the rate of interest established annually by the Secretary of the United States Treasury (Treasury) to calculate what you will be

assessed. You will not be assessed this charge until your bill is past due. However, if you allow your bill to become past due, interest will accrue from the original due date, not the past due date. Also, you will be charged an administrative fee of \$12.50 for each time we try to collect your past due bill. If your bill becomes more than 90 days past due, you will be assessed a penalty charge of 6 percent per year, which will accrue from the date your bill initially became past due. Pursuant to 31 CFR 901.9, "Interest, penalties and administrative costs," as a Federal agency, we are required to charge interest, penalties, and administrative costs in accordance with 31 U.S.C. 3717.

What else will happen to my past due bill?

If you do not pay your bill or make payment arrangements to which we agree, we are required to send your past due bill to the Treasury for further action. Under the provisions of 31 CFR 901.1, "Aggressive agency collection activity," Federal agencies should consider referring debts that are less than 180 days delinquent, and we must send any unpaid annual irrigation assessment bill to Treasury no later than 180 days after the original due date of the bill.

Who can I contact for further information?

The following tables are the regional and project/agency contacts for our irrigation facilities.

Project name	Project/agency contacts
Northwest Region Contacts	
Stanley Speaks, Regional Director, Bureau of Indian Affairs, Northwest Regional Office, 911 N.E. 11th Avenue, Portland, OR 97232-4169, Telephone: (503) 231-6702.	
Flathead Irrigation Project	Peter Plant, Acting Superintendent, Pete Plant, Irrigation Project Manager, P.O. Box 40, Pablo, MT 59855, Telephones: (406) 675-2700 ext. 1300 Superintendent, (406) 745-2661 ext. 2 Project Manager.
Fort Hall Irrigation Project	David Bollinger, Irrigation Project Manager, Building #2 Bannock Ave, Fort Hall, ID 83203-0220, Telephone: (208) 238-6264.
Wapato Irrigation Project	David Shaw, Superintendent, Larry Nelson, Acting Project Administrator, P.O. Box 220, Wapato, WA 98951-0220, Telephone: (509) 865-2421 Superintendent, (509) 877-3155 Acting Project Administrator.
Rocky Mountain Region Contacts	
Darryl LaCounte, Regional Director, Bureau of Indian Affairs, Rocky Mountain Regional Office, 2021 4th Avenue North, Billings, MT 59101, Telephone: (406) 247-7943.	
Blackfeet Irrigation Project	Thedis Crowe, Superintendent, Greg Tatsey, Irrigation Project Manager, Box 880, Browning, MT 59417, Telephones: (406) 338-7544, Superintendent, (406) 338-7519, Irrigation Project Manager.
Crow Irrigation Project	Vianna Stewart, Superintendent, John Anevski, Acting Irrigation Project Manager, P.O. Box 69, Crow Agency, MT 59022, Telephones: (406) 638-2672, Superintendent, (406) 247-7998, Acting Irrigation Project Manager.
Fort Belknap Irrigation Project	John St. Pierre, Superintendent, Vacant, Irrigation Project Manager, (Project operations & maintenance contracted to Tribes), R.R.1, Box 980, Harlem, MT 59526, Telephones: (406) 353-2901, Superintendent, (406) 353-8454, Irrigation Project Manager (Tribal Office).
Fort Peck Irrigation Project	Howard Beemer, Superintendent, Huber Wright, Acting Irrigation Project Manager, P.O. Box 637, Poplar, MT 59255, Telephones: (406) 768-5312, Superintendent, (406) 653-1752, Irrigation Project Manager.

Project name	Project/agency contacts
Wind River Irrigation Project	Norma Gourneau, Superintendent, John Anevski, Acting Irrigation Project Manager, P.O. Box 158, Fort Washakie, WY 82514, Telephones: (307) 332-7810, Superintendent, (406) 247-7998, Acting Irrigation Project Manager.

Southwest Region Contacts

William T. Walker, Regional Director, Bureau of Indian Affairs, Southwest Regional Office, 1001 Indian School Road, Albuquerque, NM 87104, Telephone: (505) 563-3100.

Pine River Irrigation Project	Priscilla Bancroft, Superintendent, Vickie Begay, Irrigation Project Manager, P.O. Box 315, Ignacio, CO 81137-0315, Telephones: (970) 563-4511, Superintendent, (970) 563-9484, Irrigation Project Manager.
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Western Region Contacts

Bryan Bowker, Regional Director, Bureau of Indian Affairs, Western Regional Office, 2600 N. Central Ave., 4th Floor Mailroom, Phoenix, AZ 85004, Telephone: (602) 379-6600.

Colorado River Irrigation Project	Kellie Youngbear, Superintendent, Gary Colvin, Irrigation Project Manager, 12124 1st Avenue, Parker, AZ 85344, Telephone: (928) 669-7111.
Duck Valley Irrigation Project	Joseph McDade, Superintendent, (Project operations & management compacted to Tribes), 2719 Argent Ave., Suite 4, Gateway Plaza, Elko, NV 89801, Telephone: (775) 738-5165, (208) 759-3100, (Tribal Office).
Yuma Project, Indian Unit	Denni Shields, Superintendent, 256 South Second Avenue, Suite D, Yuma, AZ 85364, Telephone: (928) 782-1202.
San Carlos Irrigation Project, Indian Works and Joint Works.	Ferris Begay, Project Manager, Clarence Begay, Irrigation Manager, 13805 N. Arizona Boulevard, Coolidge, AZ 85128, Telephone: (520) 723-6225.
Uintah Irrigation Project	Bart Stevens Superintendent, Ken Asay, Irrigation System Manager, P.O. Box 130, Fort Duchesne, UT 84026, Telephone: (435) 722-4300, (435) 722-4344.
Walker River Irrigation Project	Robert Eben, Superintendent, 311 E. Washington Street, Carson City, NV 89701, Telephone: (775) 887-3500.

What irrigation assessments or charges are proposed for adjustment by this notice?

The rate table below contains the current rates for all irrigation projects

where we recover costs of administering, operating, maintaining, and rehabilitating them. The table also contains the proposed rates for the CY 2017 and subsequent years where

applicable. An asterisk immediately following the rate category notes the irrigation projects where rates are proposed for adjustment.

Project name	Rate category	Final 2016 rate	Final 2017 rate	Proposed 2018 rate**
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Northwest Region Rate Table

Flathead Irrigation Project (See Note #1)	Basic per acre—A	\$26.00	\$26.00	\$33.50
	Basic per acre—B	13.00	13.00	16.75
	Minimum Charge per tract	75.00	75.00	75.00

Project name	Rate category	Final 2016 rate	Proposed 2017 rate
Fort Hall Irrigation Project	Basic per acre *	\$52.00	\$54.00
	Minimum Charge per tract *	37.00	38.50
Fort Hall Irrigation Project—Minor Units	Basic per acre *	31.00	32.50
	Minimum Charge per tract *	37.00	38.50
Fort Hall Irrigation Project—Michaud	Basic per acre *	55.00	57.50
	Pressure per acre *	83.00	88.50
	Minimum Charge per tract *	37.00	38.50
Wapato Irrigation Project—Toppenish/Simcoe Units	Minimum Charge per bill	25.00	25.00
	Basic per acre	25.00	25.00
Wapato Irrigation Project—Ahtanum Units	Minimum Charge per bill	30.00	30.00
	Basic per acre	30.00	30.00
Wapato Irrigation Project—Satus Unit	Minimum Charge per bill	79.00	79.00
	“A” Basic per acre	79.00	79.00
Wapato Irrigation Project—Additional Works	“B” Basic per acre	85.00	85.00
	Minimum Charge per bill	78.00	80.00
Wapato Irrigation Project—Water Rental	Basic per acre *	78.00	80.00
	Minimum Charge	86.00	86.00
	Basic per acre	86.00	86.00

Rocky Mountain Region Rate Table

Blackfeet Irrigation Project	Basic-per acre	20.00	20.00
Crow Irrigation Project—Willow Creek O&M (includes Agency, Lodge Grass #1, Lodge Grass #2, Reno, Upper Little Horn, and Forty Mile Units).	Basic-per acre *	26.00	28.00
Crow Irrigation Project—All Others (includes Bighorn, Soap Creek, and Pryor Units).	Basic-per acre *	26.00	28.00

Project name	Rate category	Final 2016 rate	Proposed 2017 rate
Crow Irrigation Project—Two Leggins Unit	Basic-per acre	14.00	14.00
Crow Irrigation Two Leggins Drainage District	Basic-per acre	2.00	2.00
Fort Belknap Irrigation Project	Basic-per acre	16.00	16.00
Fort Peck Irrigation Project	Basic-per acre *	26.00	26.50
Wind River Irrigation Project—Units 2, 3 and 4	Basic-per acre *	22.50	23.50
Wind River Irrigation Project—Unit 6	Basic-per acre	21.00	21.00
Wind River Irrigation Project—LeClair District (See Note #2)	Basic-per acre	47.00	47.00
Wind River Irrigation Project—Crow Heart Unit	Basic-per acre *	15.50	15.75
Wind River Irrigation Project—A Canal Unit	Basic-per acre *	15.50	15.75
Wind River Irrigation Project—Riverton Valley Irrigation District	Basic-per acre *	26.00	30.65

Southwest Region Rate Table

Pine River Irrigation Project	Minimum Charge per tract	50.00	50.00
	Basic-per acre *	18.00	19.00

Western Region Rate Table

Colorado River Irrigation Project	Basic per acre up to 5.75 acre-feet	54.00	54.00
	Excess Water per acre-foot over 5.75 acre-feet.	17.00	17.00
Duck Valley Irrigation Project	Basic per acre	5.30	5.30
Yuma Project, Indian Unit (See Note #3)	Basic per acre up to 5.0 acre-feet *	113.00	(1)
	Excess Water per acre-foot over 5.0 acre-feet*.	24.50	27.50
	Basic per acre up to 5.0 acre-feet (Ranch 5) *.	113.00	(1)

¹ To be determined.

Project name	Rate category	Final 2016 rate	Final 2017 rate	Proposed 2018 rate **
San Carlos Irrigation Project (Joint Works) (See Note #4).	Basic per acre *	\$30.00	\$25.00	\$27.90.
Proposed 2017 Construction Water Rate Schedule				
		Off project construction	On project construction—gravity water	On project construction—pump water
	Administrative Fee	\$300.00	\$300.00	\$300.00.
	Usage Fee	\$250.00 per month	No Fee	\$100.00 per acre foot.
	Excess Water Rate †	\$5.00 per 1,000 gal	No Charge	No Charge.

† The excess water rate applies to all water used in excess of 50,000 gallons in any one month.

Project name	Rate category	Final 2016 rate	Proposed 2017 rate
San Carlos Irrigation Project (Indian Works) (See Note #5)	Basic per acre	\$81.00	\$81.00
Uintah Irrigation Project	Basic per acre	18.00	18.00
	Minimum Bill	25.00	25.00
Walker River Irrigation Project	Basic per acre	31.00	31.00

* Notes irrigation projects where rates are proposed for adjustment.

** The requirement for a proposed 2018 Rate is only applicable to the Flathead and San Carlos Irrigation Projects due to their specific billing requirements.

Note #1: Federal Register Notice published August 5, 2016 established the proposed 2017 rate for the Flathead Irrigation Project (81 FR 51927) (no comments were received to the proposed notice, proposed rate will be issued as final). This notice proposes the 2018 rate for the Flathead Irrigation Project.

Note #2: The O&M rate varies yearly based upon the budget submitted by the LeClair District.

Note #3: The O&M rate for the Yuma Project, Indian Unit has two components. The first component is the O&M rate established by the Bureau of Reclamation (BOR), the owner and operator of the Project. The BOR rate for 2017 is to be determined. The second component is for the O&M rate established by BIA to cover administrative costs including billing and collections for the Project. The 2017 BIA rate is proposed to be \$3.50/acre.

Note #4: The construction water rate schedule proposes the fees assessed for use of irrigation water for non-irrigation purposes.

A separate proposed **Federal Register** Notice will establish the final 2017 rate for the SCIP-JW. This notice proposes the 2018 rate for the SCIP-JW.

Note #5: The proposed 2017 O&M rate for the San Carlos Irrigation Project—Indian Works has three components. The first component is the O&M rate established by the San Carlos Irrigation Project—Indian Works, the owner and operator of the Project; this rate is proposed to be \$50 per acre. The second component is for the O&M rate established by the San Carlos Irrigation Project—Joint Works and is determined to be \$25.00 per acre. The third component is the O&M rate established by the San Carlos Irrigation Project Joint Control Board and is proposed to be \$6 per acre.

Consultation and Coordination With Tribal Governments (Executive Order 13175)

To fulfill its consultation responsibility to tribes and tribal organizations, BIA communicates, coordinates, and consults on a continuing basis with these entities on issues of water delivery, water availability, and costs of administration, operation, maintenance, and rehabilitation of projects that concern them. This is accomplished at the individual irrigation project by project, agency, and regional representatives, as appropriate, in accordance with local protocol and procedures. This notice is one component of our overall coordination and consultation process to provide notice to, and request comments from, these entities when we adjust irrigation assessment rates. The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this notice under the Department's consultation policy and under the criteria of Executive Order 13175 and have determined there to be substantial direct effects on federally recognized Tribes because the irrigation projects are located on or associated with Indian reservations. To fulfill its consultation responsibility to Tribes and Tribal organizations, BIA communicates, coordinates, and consults on a continuing basis with these entities on issues of water delivery, water availability, and costs of administration, operation, maintenance, and rehabilitation of projects that concern them. This is accomplished at the individual irrigation project by project, agency, and regional representatives, as appropriate, in accordance with local protocol and procedures. This notice is one component of our overall coordination and consultation process to provide notice to, and request comments from, these entities when we adjust irrigation assessment rates.

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (Executive Order 13211)

The proposed rate adjustments are not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

Regulatory Planning and Review (Executive Order 12866)

These rate adjustments are not a significant regulatory action and do not need to be reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

These proposed rate adjustments are not a rule for the purposes of the Regulatory Flexibility Act because they establish "a rule of particular applicability relating to rates." 5 U.S.C. 601(2).

Unfunded Mandates Reform Act of 1995

These proposed rate adjustments do not impose an unfunded mandate on state, local, or tribal governments in the aggregate, or on the private sector, of more than \$130 million per year. The rule does not have a significant or unique effect on state, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (Executive Order 12630)

These proposed rate adjustments do not effect a taking of private property or otherwise have "takings" implications under Executive Order 12630. The proposed rate adjustments do not deprive the public, state, or local governments of rights or property.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, these proposed rate adjustments do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement because they will not affect the States, the relationship between the national government and the States, or the distribution of power and responsibilities among various levels of government. A federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This notice complies with the requirements of Executive Order 12988. Specifically, in issuing this notice, the Department has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, is required by section 3 of Executive Order 12988.

Paperwork Reduction Act of 1995

These proposed rate adjustments do not affect the collections of information which have been approved by the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), under the Paperwork Reduction Act of 1995. The OMB Control Number is 1076-0141 and expires June 30, 2019.

National Environmental Policy Act

The Department has determined that these proposed rate adjustments do not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370(d)).

Data Quality Act

In developing this notice, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106-554).

Dated: April 12, 2017.

Michael S. Black,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 2017-08202 Filed 4-20-17; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR936000.L1440000.ET0000 FUND: 16XL1109AF; HAG-16-0071 OR17791]

Notice of Application for Extension of Public Land Order No. 4145, as Modified, Correction of Legal Description, and Opportunity for Public Comment and Meeting; West Eagle Meadow Campground; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Forest Service (USFS) has filed an application with the Bureau of Land Management (BLM) requesting that the Secretary of the Interior extend the duration of Public Land Order (PLO) No. 4145, as modified by PLO No. 7322, for an additional 20-year term. PLO No. 4145, as modified by PLO No. 7322, withdrew approximately 32 acres of National Forest System lands in the Wallowa-Whitman National Forest from location and entry under the United States mining laws. The purpose of the proposed extension is to continue to protect the recreational values of the USFS West Eagle Meadow Campground. The withdrawal created by PLO No. 4145, as modified by PLO No. 7322, will

expire on April 15, 2018, unless extended. This notice gives the public an opportunity to comment on the application and to request a public meeting. This notice also corrects an error in the legal description.

DATES: Comments and public meeting requests must be received by July 20, 2017.

ADDRESSES: Comments and meeting requests should be sent to the BLM Oregon/Washington State Director, P.O. Box 2965, Portland, OR 97208-2965, Attention: Jacob Childers, OR 936.1. Records related to the application may be examined by contacting Mr. Childers at this address.

FOR FURTHER INFORMATION CONTACT: Jacob Childers, BLM Oregon/Washington State Office, 503-808-6225, or Candice Polisky, USFS Pacific Northwest Region, 503-808-2479. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact either of the above individuals. The FRS is available 24 hours a day, 7 days a week. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The USFS has filed an application requesting that the Secretary of the Interior extend PLO No. 4145 (32 FR 214 (1967)), as modified by PLO No. 7322 (63 FR 13069 (1998)), for an additional 20-year term, subject to valid existing rights. In order to protect the recreational values of West Eagle Meadow Campground, PLO No. 4145, as modified, withdrew National Forest System lands from location and entry under the United States mining laws, but not from leasing under the mineral leasing laws.

Willamette Meridian

Wallowa-Whitman National Forest
West Eagle Meadow Campground
T. 5 S., R. 43 E.,
PB 43

The area described contains 32 acres in Union County.

The subject land is identical in size, shape, and location to the legal description in PLO No. 7322 (63 FR 13069 (1998)). The original survey, which determined that the area was 20 acres, was incorrect. The difference in acreage, between what is stated in PLO No. 7322 and what is stated here stems from the original survey's use of protraction blocks, which are essentially estimates. Following the initial withdrawal, the land was resurveyed using more advanced technology, and the area was determined to contain 32

acres, not 20 acres. This notice corrects the description to read as listed above.

The USFS would not need to acquire water rights to fulfill the purpose of the requested withdrawal extension.

Records related to the application may be examined by contacting Jacob Childers at the address or phone number listed above.

For a period until July 20, 2017, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal extension may present their views in writing to the BLM Oregon/Washington State Office, State Director at the address indicated above.

Comments, including names and street addresses of respondents, will be available for public review at the address indicated above during regular business hours. Be advised that your entire comment, including your personal identifying information, may be made publicly available. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with this withdrawal extension application. All interested parties who desire a public meeting for the purpose of being heard on the proposed withdrawal extension application must submit a written request to the BLM State Director at the address indicated above by July 20, 2017. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** and a local newspaper at least 30 days before the scheduled date of the meeting.

This extension will be processed in accordance with 43 CFR 2310.4.

Leslie A. Frewing,

Acting Chief, Branch of Land, Mineral, and Energy Resources.

[FR Doc. 2017-08012 Filed 4-20-17; 8:45 am]

BILLING CODE 3411-15-P

INTERNATIONAL TRADE COMMISSION

[USITC SE-17-015]

Change of Time to Government in the Sunshine Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

DATE: April 21, 2017.

ORIGINAL TIME: 11:00 a.m.

NEW TIME: 9:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205-2000.

STATUS: Open to the public.

In accordance with 19 CFR 201.35(d)(2)(i), the Commission hereby gives notice that the Commission has determined to change the time of the meeting of April 21, 2017, from 11:00 a.m. to 9:00 a.m.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting. Earlier notification of this change was not possible.

By order of the Commission.

Issued: April 18, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017-08152 Filed 4-19-17; 11:15 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-318 and 731-TA-538 and 561 (Fourth Review)]

Sulfanilic Acid From China and India

Determinations

On the basis of the record¹ developed in these subject five-year reviews, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that revocation of the antidumping duty order on sulfanilic acid from China and the antidumping duty and countervailing duty orders on sulfanilic acid from India would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission, pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)), instituted these reviews on September 1, 2016 (81 FR 60386) and determined on December 5, 2016 that it would conduct expedited reviews (81 FR 92854, December 20, 2016).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on April 17, 2017. The views of the Commission are contained in USITC Publication 4680 (April 2017), entitled *Sulfanilic Acid From China and*

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

India: Investigation Nos. 701-TA-318 and 731-TA-538 and 561 (Fourth Review).

By order of the Commission.

Issued: April 17, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017-08064 Filed 4-20-17; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 17-8]

William H. Wyttbach, M.D.; Decision and Order

On October 4, 2016, the Assistant Administrator, Diversion Control Division, issued an Order to Show Cause to William H. Wyttbach, M.D. (Respondent), of Fort Myers, Florida. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration No. BW1311997, on the ground that he "do[es] not have authority to handle controlled substances in the State of Florida, the [S]tate in which [he is] registered with the" Agency. Show Cause Order, at 1 (citing 21 U.S.C. 823(f), 824(a)(3)).

As to the jurisdictional basis for the proceeding, the Show Cause Order alleged that Respondent is registered "as a practitioner in [s]chedules II-V," pursuant to the above registration number, at the registered address of 16329 South Tamiami Trail, Units 5&6, Fort Myers, Florida. *Id.* The Order further alleged that Respondent's registration "expires by its terms on May 31, 2018." *Id.*

As to the substantive basis for the proceeding, the Show Cause Order alleged that effective June 15, 2016, the Florida Board of Medicine "suspended [his] authority to practice medicine," and that he is "without authority to handle controlled substances in Florida, the [S]tate in which [he is] registered with" DEA. *Id.* The Order thus alleged that Respondent's registration is subject to revocation.¹ *Id.* (citing 21 U.S.C. 802(21), 823(f), 824(a)(3)).

On November 3, 2016, Respondent submitted a request for a hearing. The matter was placed on the docket of the Office of Administrative Law Judges and assigned to ALJ Charles Wm. Dorman. Thereafter, the ALJ issued an order which directed the Government to

submit its evidence in support of the allegation and any motion for summary disposition on this ground by 2 p.m. on November 28, 2016. *See* Briefing Schedule for Lack of State Authority Allegations, at 1. The ALJ also ordered that if the Government filed such motion, Respondent's reply was due by 2 p.m. on December 12, 2016. *Id.*

On November 8, 2016, the Government filed its Motion for Summary Disposition, which asserted that "on June 15, 2016, the State of Florida Board of Medicine suspended Respondent's state medical license." Mot. at 2. As support for its Motion, the Government attached a June 15, 2015 Final Order issued by the Florida Board of Medicine which suspended Respondent's Florida medical license "until such time as he personally appears before the Board and demonstrates that his license to practice medicine in all jurisdictions is free from all encumbrances." Appendix C, at 4. The Government also attached an affidavit by a DEA Diversion Investigator attesting to the authenticity of the Florida Board's Final Order, *see* Appendix B, as well as a copy of Respondent's DEA registration. *See* Appendix A.

Based on this evidence, the Government argued that Respondent is without authority to handle controlled substances in Florida and therefore, he does not meet the statutory definition of a practitioner. Motion, at 3-4 (citing 21 U.S.C. 802(21)). Invoking cases holding that revocation is warranted even when a registrant's state authority has been summarily suspended, the Government maintained that because possessing authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for maintaining a DEA registration and Respondent does not possess such authority, revocation of his registration is warranted. *Id.* at 4 (citing *Gary Alfred Shearer*, 78 FR 19,009, 19012 (2013) (other citation omitted)).

On December 5, 2016, Respondent filed his Response to the Government's Motion. Therein, Respondent stated that he "agrees[] he has no authority to practice medicine in Florida and has not done so since June 4, 2015 and ongoing." Response, at 1. Respondent asserted, however, that he does have an active and unrestricted medical license in Wyoming. *Id.* He further asserted that the suspension of his Florida license was illegal, that the Florida Board had violated his Due Process rights, and that he is suing the Florida Board as well as the medical boards of Tennessee, Colorado, Kentucky, and Washington,

and a DEA Agent for civil rights violations in federal district court in Fort Myers, Florida. *Id.* at 2. He also asserted that this proceeding violates his "constitutional right of due process to appeal a non final order" and that "no alleged final order exists until ALL final appeals are exhausted." *Id.* at 2-3.

On review, the ALJ noted that under the CSA, "a practitioner must be currently authorized to handle controlled substances in the jurisdiction in which [he] is registered" in order to maintain his registration. R.D. at 3 (citing 21 U.S.C. 802(21), 823(f)). The ALJ also noted that under agency precedent, revocation is warranted "where the practitioner lacks state authority, even if the practitioner has not had the opportunity to contest the charges" brought by the state board, "or if there is a possibility that the Respondent's state license will be reinstated in the future." *Id.* (citing *Richard H. Ng.*, 77 FR 29694, 29695 (2012); other citations omitted). Finding that there was no dispute over the material fact that "Respondent lacks state authorization to handle controlled substances in Florida, where [he] is registered," the ALJ concluded that Respondent is not entitled to maintain his registration and granted the Government's motion, with the recommendation that I revoke his registration. *Id.* at 4.

On January 12, 2017, after the expiration of the time period for filing exceptions, the ALJ forwarded the record to my Office for final agency action. More than two months later, Respondent submitted a pleading titled as: "Motion To Reconsider And/OR Motion for Telephonic Hearing, And/OR Motion To Dismiss Administrative Revocation."

I decline to consider Respondents' motions. To the extent Respondent seeks reconsideration, his motion is not ripe,² and even if it were ripe, it would fail. First, his motion presents no newly discovered evidence. *See ICC v. Brotherhood of Locomotive Engineers*, 482 U.S. 270, 278 (1987). Second, he does not point to any "changed circumstance" that would render my adoption of the ALJ's factual findings, legal conclusions and recommended order inappropriate. *Id.* As for all three motions, they simply raise legal arguments which could have, and should have, been raised in a brief of exceptions to the ALJ's recommended decision. Respondent did not, however,

¹ The Show Cause Order also notified Respondent of his right to submit a corrective action plan and the procedure for doing so. Show Cause Order, at 2-3 (citing 21 U.S.C. 824(c)(2)(C)).

² The ALJ's recommended decision is not a final order of the Agency, and thus a motion for reconsideration is not ripe until the Agency issues its Decision and Order.

file a brief of exceptions. Accordingly, I adopt the ALJ's factual findings, legal conclusions and recommended order. I make the following factual findings.

Findings

Respondent is the holder of DEA Certificate of Registration No. BW1311997, pursuant to which he is authorized to dispense controlled substances in schedules II through V, as a practitioner, at the registered location of Southwest Florida Medical, 16329 S. Tamiami Trail, Units 5 & 6, Fort Myers, Florida. Mot. for Summ. Disp., at Appendix A. This registration does not expire until May 31, 2018. *Id.*

Respondent is also the holder of physician's license number ME 46329, issued by the Florida Board of Medicine. *Id.* at Appendix C, at 3 (Final Order adopting factual allegations of Administrative Complaint); *id.* at 8 (Complaint allegation that "[a]t all times material to this Complaint, Respondent was a licensed physician within the State of Florida, having been issued license number ME 46329."). However, on June 15, 2015, the Florida Board of Medicine issued a Final Order suspending "Respondent's license to practice medicine in the State of Florida . . . until such time as he personally appears before the Board and demonstrates that his license to practice medicine in all jurisdictions is free from all encumbrances." *Id.* at 4. According to the Florida Department of Health's Web site, of which I take official notice, Respondent's medical license remains suspended as of the date of this Decision and Order.³

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (CSA), "upon a finding that the registrant . . . has had his State license . . . suspended [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances." Moreover, 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., James L. Hooper*, 76 FR 71371 (2011), *pet. for rev. denied*, 481 Fed. Appx. 826

(4th Cir. 2012); *Frederick Marsh Blanton*, 43 FR 27616 (1978).

This rule derives from the text of two provisions of the CSA. First, Congress defined "the term 'practitioner' [to] mean[] a . . . physician . . . or other person 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." 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that "[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices." 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the Act, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the State in which he practices medicine. *See, e.g., Hooper*, 76 FR at 71371–72; *Sheran Arden Yeates, M.D.*, 71 FR 39130, 39131 (2006); *Dominick A. Ricci*, 58 FR 51104, 51105 (1993); *Bobby Watts*, 53 FR 11919, 11920 (1988); *Blanton*, 43 FR at 27616.

In his Opposition, Respondent raised three main arguments. First, while he acknowledged that his Florida license has been suspended, he maintained that he has an active and unrestricted medical license in Wyoming. This, however, is beside the point because he is registered in Florida and not Wyoming, and his ability to hold a registration in Florida is conditioned on his possessing authority under Florida law to dispense controlled substances. *See* 21 U.S.C. 802(21), 823(f); *see also United States v. Moore*, 423 U.S. 122, 140–41 (1975) ("Registration of physicians and other practitioners is mandatory if the applicant is authorized to dispense drugs . . . under the law of the State in which he practices. [21 U.S.C.] § 823(f). In the case of a physician, this scheme contemplates that he is authorized by the State to practice medicine and to dispense drugs in connection with his professional practice."); *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.").

Second, Respondent argues that the suspension of his Florida license was illegal and that he is suing the Florida

Board for violating his right to Due Process. DEA, however, has no authority to adjudicate the validity of the decisions of state boards, which are deemed to be presumptively lawful for the purposes of the Controlled Substances Act. *See Kamal Tiwari, et al.*, 76 FR 71604, 71607 (2011) (quoting *George S. Heath*, 51 FR 26610 (1986) ("DEA accepts as valid and lawful the action of a state regulatory board unless that action is overturned by a state court or otherwise pursuant to state law.")). Rather, Respondent is required to litigate his claims challenging the validity of the suspension in the administrative and judicial fora provided by the State of Florida. *See Tiwari*, 76 FR at 71607 (quoting *Heath*, 51 FR at 26610); *Zhiwei Lin*, 77 FR 18862, 18864 (2012); *Sunil Bhasin*, 72 FR 5082, 5083 (2007).

Finally, Respondent maintains that this proceeding violates his due process right to appeal a non-final order and that no alleged final order exists until he exhausts his appeals. Putting aside that the Board characterized its Order suspending his state license as a "Final Order," Respondent offers no support for his theory that the Agency's action violates whatever right he has at this point under Florida law to challenge the Board's Final Order. *See* Appendix C, at 5 (Board Order's notice to Respondent that under Florida law, he had 30 days to file a notice of appeal of the Board's Order). Indeed, nothing the Agency does in this proceeding, which involves the revocation of his DEA registration, effects his ability to seek judicial review of the Board's Final Order. While Respondent further argues that the Board's Order is not a Final Order (notwithstanding the Board's characterization that it is) until he exhaust his appeals, he cites neither a provision of the Florida statutes nor any decision of the Florida courts to support his contention.⁴

⁴ Even if the Board Order's was not final, Respondent's registration would still be subject to revocation based on his lack of state authority. Indeed, DEA has long exercised authority to revoke a registration even where a State Board resorts to summary process to suspend a practitioner's prescribing authority, because notwithstanding that the practitioner may eventually prevail at hearing before the Board, the practitioner "is no longer authorized by State law to engage in the . . . dispensing of controlled substances." 21 U.S.C. 824(a)(3); *Heath*, 51 FR at 26610. This interpretation of the Agency's authority has been sustained on judicial review. *See Maynard v. DEA*, 117 Fed. Appx. 941, 944 (5th Cir. 2004) (rejecting argument that DEA exceeded its authority revoking a practitioner's registration because his state license was "merely temporarily suspended" and recognizing that "DEA need not inquire into the validity of a state licensing agency's decisions under section 824(a)(3)"). Of note, the Board's Order makes clear that Respondent was given a

³ Respondent may dispute this finding by filing a properly supported motion for reconsideration within 10 business days of the date this Order is mailed. *See* 5 U.S.C. 556(e).

Because it is undisputed that based on the Florida Board's Final Order, Respondent's state license has been suspended and he "is no longer authorized by State law to engage in the . . . dispensing of controlled substances" in Florida, the State in which he is registered with the Agency, he is not entitled to maintain his registration. 21 U.S.C. 824(a)(3); *see also id.* section 802(21), *Blanton*, 43 FR at 27616. I will therefore order that his registration be revoked and that any pending application to renew or modify his registration be denied.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a)(3) and 28 CFR 0.100(b), I order that DEA Certificate of Registration No. BW1311997 issued to William H. Wytenbach, M.D., be, and it hereby is, revoked. Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 28 CFR 0.100(b), I further order that any application of William H. Wytenbach, M.D., to renew or modify the above registration, be, and it hereby is, denied. This Order is effective May 22, 2017.

Dated: April 14, 2017.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2017-08013 Filed 4-20-17; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Solid Waste Disposal Act

On April 12, 2017, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Puerto Rico in the lawsuit entitled *United States v. Municipality of Santa Isabel*, Civil Action No. 3:17-CV-01494.

The United States filed this action under the Solid Waste Disposal Act (SWDA). The United States' complaint seeks injunctive relief and civil penalties for the failure by the Municipality of Santa Isabel to comply with a U.S. Environmental Protection Agency administrative order on consent issued under the SWDA which addresses the closure of the Municipality's landfill. The consent decree requires the Municipality to, among other things, close its landfill, implement a recycling program, and pay a \$20,000 civil penalty.

hearing before the Board suspended his license. Appendix C, at 3.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Municipality of Santa Isabel*, D.J. Ref. No. 90-7-1-10627. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General U.S. DOJ—ENRD P.O. Box 7611 Washington, D.C. 20044-7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$19.25 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is \$5.25.

Robert E. Maher, Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017-08029 Filed 4-20-17; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Radiation Sampling and Exposure Records

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, "Radiation Sampling and Exposure Records," to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in

accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 22, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201612-1219-004 (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at DOL_PRA_PUBLIC@dol.gov.

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: OIRA_submission@omb.eop.gov. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: DOL_PRA_PUBLIC@dol.gov.

FOR FURTHER INFORMATION CONTACT:

Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at DOL_PRA_PUBLIC@dol.gov.

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Radiation Sampling and Exposure Records information collection. More specifically, regulations 30 CFR 57.5040 requires a mine operator to calculate and record individual exposures to radon daughters on Form MSHA-4000-9, Record of Individual Exposure to Radon Daughters. The calculations are based on the results of weekly sampling required by 30 CFR 57.5037. The operator must maintain records and submit them annually to the MSHA. The sampling and recordkeeping requirement alerts the mine operator and the MSHA to possible failure in the radon daughter control system and permits timely appropriate corrective action. Data submitted to the MSHA is intended to establish a means by which

the MSHA can assure compliance with underground radiation standards and to assure that miners can, on written request, have records of cumulative exposures made available to them or their estate, and to medical and legal representatives who have obtained written authorization. Federal Mine Safety and Health Act sections 101(a) and 103(h) authorize this information collection. See 30 U.S.C. 811(a), 813(h).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219-0003.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on May 31, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 15, 2016 (81 FR 80088).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219-0003. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL-MSHA.

Title of Collection: Radiation Sampling and Exposure Records.

OMB Control Number: 1219-0003.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 5.

Total Estimated Number of Responses: 505.

Total Estimated Annual Time Burden: 502 hours.

Total Estimated Annual Other Costs Burden: \$25.

Dated: April 17, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017-08093 Filed 4-20-17; 8:45 am]

BILLING CODE 4510-43-P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Computing and Communication Foundations: Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting:

NAME AND COMMITTEE CODE: Proposal Review Panel for Computing and Communication Foundations—Science and Technology Centers—Integrative Partnerships Site Visit (#1192).

DATE AND TIME: May 14, 2017; 7:00 p.m.–8:30 p.m.
May 15, 16, 2017; 9:00 a.m.–5:00 p.m.
May 17, 2017; 8:30 a.m.–12:30 p.m.

PLACE: Massachusetts Institute of Technology (MIT), Cambridge, MA 02139.

TYPE OF MEETING: Part-Open.

CONTACT PERSON: John Cozzens, National Science Foundation, 4201 Wilson Boulevard, Room 1115, Arlington, VA 22230; Telephone: (703) 292-8910.

PURPOSE OF MEETING: Site visit to assess the progress of the STC Award: 1231216 “A Center for Brains, Minds and Machines: the Science and the Technology of Intelligence”, and to

provide advice and recommendations concerning further NSF support for the Center.

AGENDA: *MIT Renewal Review Site Visit.*

Sunday, May 14, 2017

7:00 p.m. to 8:30 p.m.: Closed.

Site Team and NSF Staff meets to discuss Site Visit materials, review process and charge.

Monday & Tuesday, May 15–16, 2017

9:00 a.m. to 5:00 p.m.: Open.

Presentations by Awardee Institution, faculty staff and students, to Site Team and NSF Staff; Discussions, question and answer sessions.

Wednesday, May 17, 2017

8:30 a.m.–12:30 p.m.: Closed

Complete written site visit report with preliminary recommendations.

REASON FOR CLOSING: The work being reviewed during closed portions of the site review will include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the project. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 18, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017-08067 Filed 4-20-17; 8:45 am]

BILLING CODE 7555-01-P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463 as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for Materials Research—STC for Integrated Quantum Materials Site Visit (#1203).

Date and Time: May 10, 2017; 8:00 a.m.–7:00 p.m.; May 11, 2017; 8:00 a.m.–4:00 p.m.

Place: Harvard University, 1350 Massachusetts Avenue, Cambridge, MA 02138.

Type of Meeting: Part-Open.

Contact Person: Dr. Tomasz Durakiewicz, Program Director, STC for Integrated Quantum Materials, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230; Telephone (703) 292-4892.

Purpose of Meeting: NSF site visit to provide advice and recommendations concerning further NSF support for the Center.

*Agenda:***Wednesday, May 10, 2017—Overview, Research Program and Knowledge Transfer**

- 8:00 a.m.–9:00 a.m. Center Budgets & Management (Closed)
 9:00 a.m.–9:30 a.m. Center Vision, Legacy—most important developments
 9:30 a.m.–10:00 a.m. NSF Panel Deliberations (Closed)
 10:00 a.m.–10:50 a.m. RA1: Novel van der Waals Heterostructures
 10:50 a.m.–11:40 a.m. RA2: Discovery of New Topological Crystals
 11:40 a.m.–1:10 p.m. Lunch with Students & Panel
 1:10 p.m.–2:00 p.m. RA3: Topological Qubits
 2:00 p.m.–3:00 p.m. RA4: Quantum Networks
 3:00 p.m.–4:00 p.m. Knowledge Transfer, i-lab, industry
 4:00 p.m.–5:00 p.m. Poster Session
 5:00 p.m.–6:30 p.m. NSF Panel Deliberations (Closed)
 6:30 p.m.–7:00 p.m. Overnight Questions (Closed)
 7:00 p.m. Working Dinner

Thursday, May 11, 2017—Education and Outreach

- 8:00 a.m.–9:00 a.m. Meeting with Administration (Closed)
 9:00 a.m.–10:30 a.m. Response to Overnight Questions (Closed)
 10:30 a.m.–11:15 a.m. Science and Education Community
 11:15 a.m.–12:00 p.m. Museum of Science, Boston
 12:00 p.m.–1:00 p.m. Working Lunch (Closed)
 1:00 p.m.–2:00 p.m. Diversity—Past & Future—most important accomplishments
 2:00 p.m.–3:00 p.m. Integration of Research with Education and KT
 3:00 p.m.–4:00 p.m. Final Q&A (Closed)
 4:00 p.m. Meeting Concludes (Closed)

Reason for Late Notice: Due to unforeseen scheduling complications and the necessity to proceed with review of the Center.

Reason for Closing: The work being reviewed during closed portions of the site visit include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the projects. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 18, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–08103 Filed 4–20–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION**Proposal Review Panel for Materials Research; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92–

463 as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for Materials Research—Partnership for Research and Education in Materials, University of Texas Rio Grande Valley Site Visit (#1203).

Date and Time: April 24, 2017; 8:00 a.m.–6:00 p.m.; April 25, 2017; 8:00 a.m.–12:00 p.m.

Place: University of Texas Rio Grande Valley, 1201 West University Drive, Edinburg, TX 78539–2999.

Type of Meeting: Part-Open.

Contact Person: Dr. Jose Caro, Program Director, Partnership for Research and Education in Materials, PREM, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292–4914.

Purpose of Meeting: NSF site visit to provide advice and recommendations concerning further NSF support for the Center.

Agenda:

Monday, April 24, 2017

- 8:00 a.m.–8:15 a.m. Continental Breakfast (Closed)
 8:00 a.m.–8:30 a.m. Executive Session for Site Visit Team Only (Closed)
 8:30 a.m.–8:45 a.m. Welcome and Overview by Administration
 8:45 a.m.–9:30 a.m. PI's Overview of PREM
 9:30 a.m.–9:45 a.m. Q&A for PI's and Administrator's Overviews
 9:45 a.m.–10:15 a.m. Partner Institutions interactions Q&A
 10:15 a.m.–10:30 a.m. Break
 10:30 a.m.–12:00 a.m. Research Presentations/Q&A
 12:00 p.m.–12:15 p.m. Q&A for Science Presentations
 12:15 p.m.–1:15 p.m. Lunch with students and post docs (no faculty).
 1:15 p.m.–2:30 p.m. Student Poster Session
 2:30 p.m.–3:30 p.m. Facilities Overview and visit (labs)
 3:30 p.m.–4:00 p.m. Visiting Team with PREM Management Team (Closed)
 4:00 p.m.–5:00 p.m. Executive session—SV Team only (Closed)
 5:00 p.m.–5:45 p.m. Q&A SV Team meets with PREM Management Team
 5:45 p.m. Adjourn
 6:00 p.m. Dinner

Tuesday, April 25, 2017

- 8:00 a.m.–8:15 a.m. Continental Breakfast.
 8:15 a.m.–8:30 a.m. Response to Questions
 8:30 a.m.–9:45 a.m. Educational and Outreach Activities
 9:45 a.m.–10:00 a.m. Q&A for Educational/ Outreach Presentations
 10:00 a.m.–11:45 a.m. Executive Session for Site Visit Team only (Closed)
 11:45 a.m.–12:00 p.m. NSF Debriefing with PREM PI
 12:00 p.m. Working Lunch with PREM PI

Reason for Late Notice: Due to unforeseen scheduling complications and the necessity to proceed with review of the Center.

Reason for Closing: The work being reviewed during closed portions of the site

visit will include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 18, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–08102 Filed 4–20–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–412; License No. NPF–73; NRC–2016–0277]

In the Matter of FirstEnergy Nuclear Operating Company; Beaver Valley Power Station, Unit 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct transfer of license; order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an order approving the direct transfer of the facility operating license for Beaver Valley Power Station, Unit 2 (BVPS–2), to FirstEnergy Nuclear Generation, LLC (FENGen). The BVPS–2 is located in Beaver County, PA.

DATES: The order was issued on April 14, 2017.

ADDRESSES: Please refer to Docket ID NRC–2016–0277 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web Site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2016–0277. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; e-mail: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by

email to pdr.resource@nrc.gov. The documents listed in the attached order are available in ADAMS as follows: Application dated June 24, 2016 (ADAMS Accession No. ML16182A155), supplemental letters dated September 13, 2016; December 15, 2016; and March 16, 2017 (ADAMS Accession Nos. ML16257A235, ML16350A077, and ML17075A210, respectively), and Safety Evaluation dated April 14, 2017 (ADAMS Accession No. ML17081A433 (nonproprietary)).

- *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, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Taylor A. Lamb, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-7128; email: Taylor.Lamb@nrc.gov.

SUPPLEMENTARY INFORMATION: The text of the order is attached.

Dated at Rockville, MD, this 14th day of April 2017.

For the Nuclear Regulatory Commission.

James G. Danna,

Chief, Plant Licensing Branch I, Division of Operator Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment—Order Approving Direct Transfer of License and Approving Conforming Amendment

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-412; License No. NPF-73; NRC-2016-0277]

In the Matter of FirstEnergy Nuclear Operating Company; Beaver Valley Power Station, Unit 2

ORDER APPROVING DIRECT TRANSFER OF LICENSE AND APPROVING CONFORMING AMENDMENT

I.

FirstEnergy Nuclear Operating Company (FENOC or the applicant), acting as an agent for and on behalf of FirstEnergy Nuclear Generation, LLC (FENGen), the Toledo Edison Company (TE), and the Ohio Edison Company (OE), requested that the U.S. Nuclear Regulatory Commission (NRC or the Commission) consent to the direct transfer of TE's 18.26 percent leased interest in Beaver Valley Power Station, Unit 2 (BVPS-2) to FENGen, and OE's 21.66 percent leased interest in BVPS-2 to FENGen. TE and OE, with respect to their leased interests, and FENGen, are co-holders of Renewed Facility

Operating License No. NPF-73. The BVPS-2 facility is located in Beaver County, PA.

II.

By application dated June 24, 2016, as supplemented by letters dated September 13, 2016; December 15, 2016; and March 16, 2017, the applicant requested on behalf of itself, FENGen, TE, and OE, pursuant to Section 50.80 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.80), that the NRC consent to the direct transfer of TE's 18.26 percent leased interest in BVPS-2 and OE's 21.66 percent interest in BVPS-2 (combined 39.92 percent leased interest in BVPS-2), to FENGen. Upon execution of this proposed transfer, FENGen would own 100 percent of BVPS-2, and FENOC would continue to operate the facility.

FENOC requested that the NRC approve the direct transfer of the leased interest in the facility operating license. The NRC published a **Federal Register** notice titled, "Beaver Valley Power Station, Unit 2, Consideration of Approval of Transfer of License and Conforming Amendment [Docket No. 50-412; NRC-2016-0277]," on January 23, 2017 (82 FR 7880). The NRC received no comments or hearing requests in response to this notice.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the NRC shall give its consent in writing. Upon review of the information in the application, and other information before the Commission, the NRC staff has determined that FENGen is qualified to hold the license to the extent proposed to permit the transfer of Toledo Edison Company's and Ohio Edison Company's combined 39.92 percent leased interest in BVPS-2, and that the transfers of the license are otherwise consistent with the applicable provisions of law, regulations, and orders issued by the NRC, pursuant thereto, subject to the conditions set forth below. The NRC staff has further found that:

- The application for the proposed license amendment complies with the standards and requirements of the Atomic Energy Act of 1954 (the Act), as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter I.

- The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission.

- There is reasonable assurance that the activities authorized by the proposed license amendment can be

conducted without endangering the health and safety of the public and that such activities will be conducted in compliance with the Commission's regulations.

- The issuance of the proposed license amendment will not be inimical to the common defense and security or to the health and safety of the public.

- The issuance of the proposed amendment will be in accordance with 10 CFR part 51, and all applicable requirements have been satisfied.

The findings set forth above are supported by a safety evaluation dated April 14, 2017.

III.

Accordingly, pursuant to §§ 161b, 161i, 161o, and 184 of the Act; 42 USC §§ 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, IT IS HEREBY ORDERED that the NRC approves the application for the proposed direct license transfer, subject to the following condition:

FENGen shall provide satisfactory documentary evidence to the Director of the Office of Nuclear Reactor Regulation that, as of the date of the license transfer, the licensees reflected in the amended license obtained the appropriate amount of insurance required of a licensee under 10 CFR part 140 and 10 CFR 50.54(w).

It is further ordered that consistent with 10 CFR 2.1315(b), the NRC approves the license amendment that makes a change, as indicated in the Conforming License Amendment to License No. NPF-73. The NRC shall issue and make effective the amendment at the time the proposed direct transfer action is completed.

It is further ordered that after receipt of all required regulatory approvals of the proposed direct transfer action, the applicant shall inform the Director of the Office of Nuclear Reactor Regulation in writing of such receipt no later than 5 business days prior to the date of the closing of the direct transfer. Should the proposed direct transfer not be completed by April 14, 2018, this Order shall become null and void, provided, however, upon written application and good cause shown, the NRC may extend such date by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated June 24, 2016 (ADAMS Accession No. ML16182A155), as supplemented by letters dated September 13, 2016; December 15, 2016; and March 16, 2017 (ADAMS Accession Nos. ML16257A235, ML16350A077, and ML17075A210, respectively), and the

safety evaluation dated April 14, 2017 (ADAMS Accession No. ML17081A433 (nonproprietary)), which are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, MD. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to pdr.resource@nrc.gov.

Dated at Rockville, Maryland, this 14th day of April 2017.

For the Nuclear Regulatory Commission.
William M. Dean,
Director, Office of Nuclear Reactor Regulation.

[FR Doc. 2017-08114 Filed 4-20-17; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-443-LA2 ASLBP No. 17-953-02-LA-BD01]

Nextera Energy Seabrook LLC; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission, *see* 37 FR 28,710 (Dec. 29, 1972), and the Commission's regulations, *see, e.g.*, 10 CFR 2.104, 2.105, 2.300, 2.309, 2.313, 2.318, 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

Nextera Energy Seabrook LLC

(Seabrook Station, Unit 1)

This proceeding involves a license amendment application submitted by NextEra Energy Seabrook LLC, for Seabrook Station, Unit 1, located in Seabrook, New Hampshire. In response to a notice filed in the *Federal Register*, *see* 82 FR 9,601 (Feb. 7, 2017), the C-10 Research and Education Foundation, Inc. filed a petition to intervene on April 10, 2017.

The Board is comprised of the following Administrative Judges:

Ronald M. Spritzer, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Nicholas G. Trikouros, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Dr. Sekazi K. Mtingwa, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule. *See* 10 CFR 2.302.

Dated: April 17, 2017.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel, Rockville, Maryland.

[FR Doc. 2017-08120 Filed 4-20-17; 8:45 am]

BILLING CODE 7590-01-P

POSTAL SERVICE

Product Change—Priority Mail Express Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* April 21, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202-268-3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 14, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Express Contract 47 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2017-118, CP2017-169.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017-08037 Filed 4-20-17; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to

the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* April 21, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202-268-3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 14, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 309 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2017-116, CP2017-167.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017-08041 Filed 4-20-17; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express and Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* April 21, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202-268-3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 14, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 46 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2017-114, CP2017-165.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017-08044 Filed 4-20-17; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* April 20, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202-268-3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 14, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add First-Class Package Service Contract 76 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2017-117, CP2017-168.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017-08038 Filed 4-20-17; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* April 21, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202-268-3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 14, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 308 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2017-115, CP2017-166.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017-08043 Filed 4-20-17; 8:45 am]

BILLING CODE 7710-12-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80465; File No. SR-NASDAQ-2017-015]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Adopt Rule 7017

April 17, 2017.

On February 17, 2017, The NASDAQ Stock Market LLC (“Nasdaq”) 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 adopt Rule 7017 to enhance the level of information provided to a member acting as the stabilizing agent for a follow-on offering of additional shares of a security that is listed on Nasdaq. The proposed rule change was published for comment in the **Federal Register** on March 6, 2017.³ The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is April 20, 2017. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider this proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates June 4, 2017, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-NASDAQ-2017-015).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 80120 (February 28, 2017), 82 FR 12649.

⁴ 15 U.S.C. 78s(b)(2).

⁵ *Id.*

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Brent J. Fields,

Secretary.

[FR Doc. 2017-08055 Filed 4-20-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80466; File No. SR-Phlx-2017-29]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating To Customer Rebates and Pricing for Multiply Listed Options

April 17, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on April 3, 2017, NASDAQ PHLX LLC (“Phlx” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to: (i) Amend Section B of the Exchange's Pricing Schedule to create a new Category D and make other amendments to this section; and (ii) amend Section II of the Exchange's Pricing Schedule entitled “Multiply Listed Options Fees,”³ to assess a surcharge related to Complex Orders.⁴

The text of the proposed rule change is available on the Exchange's Web site at <http://nasdaqphlx.cchwallstreet.com>, at the principal office of the Exchange,

⁶ 17 CFR 200.30-3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ These fees include options overlying equities, ETFs, ETNs and indexes which are Multiply Listed.

⁴ A Complex Order is any order involving the simultaneous purchase and/or sale of two or more different options series in the same underlying security, priced at a net debit or credit based on the relative prices of the individual components, for the same account, for the purpose of executing a particular investment strategy. Furthermore, a Complex Order can also be a stock-option order, which is an order to buy or sell a stated number of units of an underlying stock or ETF coupled with the purchase or sale of options contract(s). See Rule 1098.

and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of

the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Pricing Schedule: (i) At Section B to create an additional incentive to encourage market participants to send Customer Complex Order flow to Phlx; and (ii) at Section II to adopt certain surcharges for electronically-delivered Complex Orders so that the Exchange may pay

increased Customer Rebates. Each of the proposed amendments is discussed in greater detail below.

Customer Rebate Program

The Exchange proposes to amend Section B, entitled “Customer Rebate Program,” to amend Category C and add a new Category D to continue existing incentives to direct Customer Complex Order flow to the Exchange and create additional incentives. Currently, the Exchange has a Customer Rebate Program consisting of the following five tiers that pay Customer rebates on three Categories, A,⁵ B⁶ and C,⁷ of transactions:

Customer rebate tiers	Percentage thresholds of national customer volume in multiply-listed equity and ETF options classes, excluding SPY options (monthly)	Category A	Category B	Category C
Tier 1	0.00%–0.60%	\$0.00	\$0.00	\$0.00
Tier 2	Above 0.60%–1.10%	0.10	0.10	0.17
Tier 3	Above 1.10%–1.60%	0.15	0.12	0.17
Tier 4	Above 1.60%–2.50%	0.20	0.16	0.22
Tier 5	Above 2.50%	0.21	0.17	0.22

A Phlx member qualifies for a certain rebate tier based on the percentage of total national customer volume in multiply-listed options that it transacts monthly on Phlx. The Exchange calculates Customer⁸ volume in Multiply Listed Options by totaling electronically-delivered and executed volume, excluding volume associated with electronic Qualified Contingent Cross (“QCC”) Orders, as defined in Exchange Rule 1080(o).⁹

The Exchange proposes to amend Category C by decreasing the Tier 2 rebate from \$0.17 to \$0.16 per contract and increasing the Tier 3 rebate from \$0.17 to \$0.18 per contract. The Category C rebates will continue to be paid on electronically-delivered Customer Complex Orders in Penny Pilot Options, but will no longer be paid

on Non-Penny Pilot Options in Section II symbols, which are proposed to be subject to the proposed Category D rebate. For Category C, rebates will continue to be paid on Customer PIXL¹⁰ Complex Orders in Section II symbols that execute against non-Initiating Order interest.¹¹ Customer Complex PIXL Orders that execute against a Complex PIXL Initiating Order will continue to not be paid a Category C rebate under any circumstances. The Category C rebate will continue to not be paid when an electronically-delivered Customer Complex Order, including Customer Complex PIXL Order, executes against another electronically-delivered Customer Complex Order. The Exchange proposes to no longer cap rebates on Customer PIXL Orders at 4,000 contracts per order leg for

Complex PIXL Orders, but will continue to cap them for Simple PIXL Orders are [sic] noted in Category B.

The Exchange will create a new Category D rebate which will pay: No rebate for Tier 1; a \$0.21 per contract rebate for Tier 2; a \$0.22 rebate for Tier 3; a \$0.26 rebate for Tier 4; and a \$0.27 rebate for Tier 5. There [sic] rebates are per contract. The Category D Rebates will be paid to members executing electronically-delivered Customer Complex Orders in Non-Penny Pilot Options in Section II symbols. Rebates will be paid on Customer PIXL Complex Orders that execute against non-Initiating Order interest. A Customer Complex PIXL Order that executes against a Complex PIXL Initiating Order will not be paid a rebate under any circumstances. The Category D Rebate

⁵ The Category A Rebate is paid to members executing electronically-delivered Customer Simple Orders in Penny Pilot Options and Customer Simple Orders in Non-Penny Pilot Options in Section II symbols.

⁶ The Category B Rebate is paid on Customer PIXL Orders in Section II symbols that execute against non-Initiating Order interest. In the instance where member organizations qualify for Tier 4 or higher in the Customer Rebate Program, Customer PIXL Orders that execute against a PIXL Initiating Order are paid a rebate of \$0.14 per contract. Rebates on Customer PIXL Orders are capped at 4,000 contracts per order for Simple PIXL Orders.

⁷ The Category C Rebate is paid to members executing electronically-delivered Customer Complex Orders in Penny Pilot Options and Non-Penny Pilot Options in Section II symbols. Rebates are paid on Customer PIXL Complex Orders in Section II symbols that execute against non-Initiating Order interest. Customer Complex PIXL

Orders that execute against a Complex PIXL Initiating Order are not paid a rebate under any circumstances. The Category C Rebate is not paid when an electronically-delivered Customer Complex Order, including Customer Complex PIXL Order, executes against another electronically-delivered Customer Complex Order. Rebates on Customer PIXL Orders are capped at 4,000 contracts per order leg for Complex PIXL Orders.

⁸ The term “Customer” applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation which is not for the account of a broker or dealer or for the account of a “Professional” (as that term is defined in Rule 1000(b)(14)).

⁹ In calculating electronically-delivered and executed Customer volume in Multiply Listed Options, the numerator of the equation includes all electronically-delivered and executed Customer volume in Multiply Listed Options. The

denominator of that equation includes national customer volume in multiply-listed equity and ETF options volume, excluding SPY. See Section B of the Pricing Schedule.

¹⁰ PIXLSM is the Exchange’s price improvement mechanism known as Price Improvement XL or PIXL. See Rule 1080(n).

¹¹ With respect to PIXL functionality, a Phlx member may electronically submit for execution an order it represents as agent on behalf of a public customer, broker-dealer, or any other entity (“PIXL Order”) against principal interest or against any other order (except as provided in Rule 1080(n)(i)(E)) it represents as agent (“Initiating Order”) provided it submits the PIXL order for electronic execution into the PIXL Auction (“Auction”) pursuant to Rule 1080. Non-Initiating Order interest could be a PIXL Auction Responder or a resting order or quote that was on the Phlx book prior to the auction.

will not be paid when an electronically-delivered Customer Complex Order, including a Customer Complex PIXL Order, executes against another electronically-delivered Customer Complex Order.

The Exchange proposes to adopt a new Category D rebate which will be paid to members executing electronically-delivered Customer Complex Orders in Non-Penny Pilot Options in Section II symbols. Rebates will be paid on Customer PIXL Complex Orders in Section II symbols that execute against non-Initiating Order interest. Customer Complex PIXL Orders that execute against a Complex PIXL Initiating Order will not be paid a rebate under any circumstances. The Category D Rebate will not be paid when an electronically-delivered Customer Complex Order, including a Customer Complex PIXL Order, executes against another electronically-delivered Customer Complex Order. The Exchange will pay no Tier 1 Category D rebate. The Exchange will pay a \$0.21 per contract Tier 2 Category D rebate. The Exchange will pay a \$0.22 per contract Tier 3 Category D rebate. The Exchange will pay a \$0.26 per contract Tier 4 Category D rebate. The Exchange will pay a \$0.27 per contract Tier 5 Category D rebate. Today, rebates are not paid on NDX and MNX contracts in any Category, however NDX and MNX contracts count toward the volume requirements to qualify for a Customer Rebate Tier. This will be continue to be the case.

Today, the Exchange pays a \$0.02 per contract Category A and B rebate and a \$0.03 per contract Category C rebate in addition to the applicable Tier 2 and 3 rebate, provided the Specialist,¹² Market Maker¹³ or Appointed

¹²The term "Specialist" shall apply to the account of a Specialist (as defined in Exchange Rule 1020(a)). A Specialist is an Exchange member who is registered as an options specialist pursuant to Rule 501(a). An options Specialist includes a Remote Specialist which is defined as an options specialist in one or more classes that does not have a physical presence on an Exchange floor and is approved by the Exchange pursuant to Rule 501.

¹³The term "Market Maker" describes fees and rebates applicable to Registered Options Traders ("ROTs"), Streaming Quote Traders ("SQTs"), Remote Streaming Quote Traders ("RSQTs"). An ROT is defined in Exchange Rule 1014(b) is a regular member or a foreign currency options participant of the Exchange located on the trading floor who has received permission from the Exchange to trade in options for his own account. A ROT includes SQTs and RSQTs as well as on and off-floor ROTs. An SQT is defined in Exchange Rule 1014(b)(ii)(A) as an ROT who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned. An RSQT is defined in Exchange Rule in 1014(b)(ii)(B) as an ROT that is a member affiliated with an RSQTO with no physical trading floor presence who has received

MM¹⁴ has reached the Monthly Market Maker Cap¹⁵ as defined in Section II, to: (1) A Specialist or Market Maker who is not under Common Ownership¹⁶ or is not a party of an Affiliated Entity; or (2) an OFP member or member organization affiliate under Common Ownership; or (3) an Appointed OFP¹⁷ of an Affiliated Entity. The Exchange proposes to pay an additional \$0.03 rebate in addition to the applicable Tier 2 and 3 Category D rebates, provided the Specialist, Market Maker or Appointed MM has reached the Monthly Market Maker Cap as defined in Section II, to: (1) A Specialist or Market Maker who is not under Common Ownership or is not a party of an Affiliated Entity; or (2) an OFP member or member organization affiliate under Common Ownership; or (3) an Appointed OFP of an Affiliated Entity.

Today, the Exchange pays a \$0.05 per contract Category C rebate in addition to the applicable Tier 2 and 3 rebates to members or member organizations or member or member organization affiliated under Common Ownership provided the member or member organization qualified for a Tier 1 or 2 MARS Payments in Section IV, Part E. The Exchange is proposing to expand this additional rebate to apply the \$0.05 per contract rebate to Category D and also expand the applicable Tiers from 2 and 3 to Tiers 2, 3, 4 or 5 rebate tiers

permission from the Exchange to generate and submit option quotations electronically in options to which such RSQT has been assigned. A Remote Streaming Quote Trader Organization or "RSQTO," which may also be referred to as a Remote Market Making Organization ("RMO"), is a member organization in good standing that satisfies the RSQTO readiness requirements in Rule 507(a). RSQTs may also be referred to as Remote Market Markers ("RMMs").

¹⁴An Appointed MM is a Phlx Market Maker or Specialist who has been appointed by an Order Flow Provider ("OFP") for purposes of qualifying as an Affiliated Entity. An OFP is a member or member organization that submits orders, as agent or principal, to the Exchange.

¹⁵Specialists and Market Makers are subject to a "Monthly Market Maker Cap" of \$500,000 for: (i) Electronic and floor Option Transaction Charges; (ii) QCC Transaction Fees (as defined in Exchange Rule 1080(o) and Floor QCC Orders, as defined in 1064(e)); and (iii) fees related to an order or quote that is contra to a PIXL Order or specifically responding to a PIXL auction. The trading activity of separate Specialist and Market Maker member organizations is aggregated in calculating the Monthly Market Maker Cap if there is Common Ownership between the member organizations. All dividend, merger, short stock interest, reversal and conversion, jelly roll and box spread strategy executions (as defined in Section II) are excluded from the Monthly Market Maker Cap.

¹⁶The term "Common Ownership" shall mean members or member organizations under 75% common ownership or control.

¹⁷An Appointed OFP is an Order Flow Provider who has been appointed by a Phlx Market Maker or Specialist for purposes of qualifying as an Affiliated Entity.

for both Category C and D rebates. Finally the Exchange is expanding the MARS qualification from Tiers 1 and 2 to any MARS Payments¹⁸ for both Category C and D rebates. The new rule text would provide, "The Exchange will pay a \$0.05 per contract Category C and Category D rebate in addition to the applicable Tier 2, 3, 4 and 5 rebates to members or member organizations or member or member organization affiliated under Common Ownership provided the member or member organization qualified for any MARS Payments in Section IV, Part E."

The Exchange believes that the proposed amendments will attract a greater amount of Customer Complex Order liquidity to Phlx. Customer liquidity benefits all market participants by providing more order flow to the marketplace and more trading opportunities.

Multiply Listed Options

The Exchange proposes to adopt certain surcharges for electronically-delivered Complex Orders in order that it may pay increased Customer Rebates. Customer liquidity benefits all market participants by providing more liquidity with which market participants may interact on Phlx. The Customer Rebates provide an additional incentive to encourage market participants to send Customer Complex Order flow to Phlx.

The Exchange proposes to amend Section II to assess a surcharge of \$0.03 per contract on electronic Complex Orders that remove liquidity from the Complex Order Book and auctions, excluding PIXL, in Penny Pilot Options, excluding SPY. The Exchange proposes to assess a surcharge of \$0.10 per contract on electronic Complex Orders that remove liquidity from the Complex Order Book and auctions, excluding PIXL, in Non-Penny Pilot Options, excluding NDX and MNX.

The Exchange notes that an order that is received by the trading system first in time shall be considered an order adding liquidity and an order that trades against that order shall be considered an order removing liquidity.

The Exchange is amending the rule text to make clear that surcharges are not subject to the Monthly Market Maker Cap. Today, the Exchange assesses surcharges for BKX, NDX and MNX. Those charges are not included in the calculation of the Monthly Market

¹⁸Today, Phlx members that have System Eligibility, as described in Section IV, Part E, and have executed the requisite number of Eligible Contracts, as described in Section IV, Part E, in a month will be paid per contract rebates based on a 4 tier structure which pays a certain MARS Payment based on Average Daily Volume.

Maker Cap. The proposed surcharges will not be included in the Monthly Market Maker Cap.

2. Statutory Basis

The Exchange believes that its proposal to amend its Pricing Schedule is consistent with Section 6(b) of the Act,¹⁹ in general, and furthers the objectives of Section 6(b)(4) and (b)(5) of the Act,²⁰ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using its facilities, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”²¹

Likewise, in *NetCoalition v. Securities and Exchange Commission*²² (“NetCoalition”) the D.C. Circuit upheld the Commission’s use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.²³ As the court emphasized, the Commission “intended in Regulation NMS that ‘market forces, rather than regulatory requirements’ play a role in determining the market data . . . to be made available to investors and at what cost.”²⁴

Further, “[n]o one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in

the execution of order flow from broker dealers’”²⁵ Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

Customer Rebates

The Exchange’s proposal to amend Section B, entitled “Customer Rebate Program,” to amend Category C and add a new Category D is reasonable because today the Exchange pays a Customer Complex Order rebate on both Penny and Non-Penny Pilot Options. The Exchange will continue to pay rebates for both Penny and Non-Penny Pilot Options, but will amend the rebates paid for Non-Penny Pilot Options as proposed for Category D. The Exchange notes that today it assesses different fees for Penny and Non-Penny Pilot Options.²⁶

The Exchange’s proposal to amend Section B, entitled “Customer Rebate Program,” to amend Category C and add a new Category D is equitable and not unfairly discriminatory because the Exchange will uniformly pay Customer rebates to all qualifying market participants. Any market participant may qualify for a Customer Rebate.

With respect to the Tier 2 Category C rebate, which is decreased from \$0.17 to \$0.16 per contract, and the Tier 3 Category C rebate, which is increased from \$0.17 to \$0.18 per contract, the Exchange believes that these proposed changes are reasonable because the Exchange currently pays the same \$0.17 per contract rebate for these two tiers. The Exchange desires to pay a lower rebate for Tier 2, which requires National Customer Volume²⁷ of above 0.60%–1.10%, and a higher rebate for Tier 3, which requires National Customer Volume of above 1.10%–1.60%, because of the difference in the volume requirements. The Exchange believes that it is reasonable to pay a higher rebate for the Tier 3 Category C rebate because of the higher volume requirement.

With respect to the Tier 2 Category C rebate, which is decreased from \$0.17 to \$0.16 per contract, and the Tier 3 Category C rebate, which is increased from \$0.17 to \$0.18 per contract, the Exchange believes that these proposed changes are equitable and not unfairly discriminatory because the Exchange

will uniformly pay Customer rebates to all qualifying market participants. Any market participant may qualify for a Customer Rebate.

With respect to the proposed rebates for Category D, the Exchange believes that it is reasonable to pay no rebate for Tier 1, which has a National Customer Volume requirement between 0.00%–0.60%, because no other Category pays a rebate for this level of volume. The Exchange believes that it is reasonable to pay the proposed Tier 2 through 5 rebates,²⁸ progressively higher rebates which are commensurate with the increased National Customer Volume requirement for each Tier.

With respect to the proposed rebates for Category D, the Exchange believes the proposed rebates are equitable and not unfairly discriminatory because the Exchange will uniformly pay Customer rebates to all qualifying market participants. Any market participant may qualify for a Customer Rebate.

The Exchange’s proposal to no longer cap rebates on Customer PIXL Orders at 4,000 contracts per order leg for Complex PIXL Orders is reasonable because the Exchange will potentially attract a greater amount of Customer liquidity to the Exchange without a cap. Customer orders bring valuable liquidity to the market which liquidity benefits other market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

The Exchange’s proposal to no longer cap rebates on Customer PIXL Orders at 4,000 contracts per order leg for Complex PIXL Orders is equitable and not unfairly discriminatory because the Exchange will uniformly not cap Category C rebates for any market participant.

The Exchange’s proposal to structure the Category D rebate similar to the Category C rebate is reasonable because today, electronically-delivered Customer Complex Orders in Non-Penny Pilot Options in Section II symbols, will be [sic] subject to the same terms. Rebates will continue to be paid on Customer PIXL Complex Orders in Section II symbols that execute

¹⁹ 15 U.S.C. 78f(b).

²⁰ 15 U.S.C. 78f(b)(4), (5).

²¹ Securities Exchange Act Release No. 51808 (June 29, 2005), 70 FR 37496 at 37499 (File No. S7-10-04) (“Regulation NMS Adopting Release”).

²² *NetCoalition v. SEC*, 615 F.3d 525 (D.C. Cir. 2010).

²³ See *id.* at 534–535.

²⁴ See *id.* at 537.

²⁵ See *id.* at 539 (quoting Securities Exchange Act Commission at Release No. 59039 (December 2, 2008), 73 FR 74770 at 74782–74783 (December 9, 2008) (SR-NYSEArca-2006-21)).

²⁶ See Section II of the Pricing Schedule.

²⁷ The National Customer Volume would be in Multiply-Listed Equity and ETF Options Classes, excluding SPY Options, on a monthly basis.

²⁸ Category D pays: A \$0.21 rebate for Tier 2 (National Customer Volume above 0.60%–1.10%); a \$0.22 rebate for Tier 3 (National Customer Volume above 1.10%–1.60%); a \$0.26 rebate for Tier 4 (National Customer Volume above 1.60%–2.50%); and a \$0.27 rebate for Tier 5 (National Customer Volume above 2.50%).

against non-Initiating Order interest. Customer Complex PIXL Orders that execute against a Complex PIXL Initiating Order will continue to not be paid a rebate under any circumstances. The Category D Rebate will continue to not be paid when an electronically-delivered Customer Complex Order, including a Customer Complex PIXL Order, executes against another electronically-delivered Customer Complex Order. Also, the Exchange is proposing to remove the 4,000 contracts per order cap, as noted above, for the Category C rebates and the cap will not be applicable for the Category D rebates.

The Exchange's proposal to structure the Category D rebate similar to the Category C rebate is equitable and not unfairly discriminatory because the Exchange will uniformly apply the Category D rebates to all market participants.

The Exchange's proposal to pay a \$0.03 per contract Category D rebate, in addition to the applicable Tier 2 and 3 rebates, provided the Specialist, Market Maker or Appointed MM has reached the Monthly Market Maker Cap as defined in Section II, to: (1) A Specialist or Market Maker who is not under Common Ownership or is not a party of an Affiliated Entity; or (2) an OFP member or member organization affiliate under Common Ownership; or (3) an Appointed OFP of an Affiliated Entity is reasonable. Today, market participants sending electronically-delivered Customer Complex Orders in Non-Penny Pilot Options in Section II symbols are paid the \$0.03 per contract rebate in addition to the Tier 2 and 3 rebate in Category C, provided the requirements are met. The Exchange believes it is reasonable to continue to pay this additional rebate provide [sic] the requirements are met.

The Exchange's proposal to pay a \$0.03 per contract Category D rebate, in addition to the applicable Tier 2 and 3 rebates, provided the Specialist, Market Maker or Appointed MM has reached the Monthly Market Maker Cap as defined in Section II, to: (1) A Specialist or Market Maker who is not under Common Ownership or is not a party of an Affiliated Entity; or (2) an OFP member or member organization affiliate under Common Ownership; or (3) an Appointed OFP of an Affiliated Entity is equitable and not unreasonably discriminatory. The Exchange will uniformly pay the additional \$0.03 rebate in addition to the Tier 2 and 3 Category D rebates to all qualifying market participants. Any market participant may qualify for a Customer Rebate.

The Exchange's proposal to amend the manner in which the Exchange pays the \$0.05 per contract rebate on electronically-delivered Customer Complex Orders in Non-Penny Pilot Options is reasonable. Today, electronically-delivered Customer Complex Orders in Non-Penny Pilot Options are paid a \$0.05 per contract rebate in addition to the applicable Tier 2 and 3 rebates to members or member organizations or member or member organization affiliated under Common Ownership, provided the member or member organization qualified for a Tier 1 or 2 MARS Payment in Section IV, Part E. The Exchange proposes, with respect to both Category C and D, to expand the applicable tiers from only Tiers 2 and 3 to Tiers 2, 3, 4 or 5. This is reasonable because it will allow additional market participants to take advantage of the additional rebate, provided the requirements are met. Also, the Exchange's proposal to expand the MARS qualification from Tiers 1 and 2 to any MARS Payments²⁹ is reasonable because it will allow additional market participants to take advantage of the additional rebate.

The Exchange's proposal to amend the manner in which the Exchange pays the \$0.05 per contract rebate on electronically-delivered Customer Complex Orders in Non-Penny Pilot Options is equitable and not unreasonably discriminatory because the Exchange will uniformly pay the additional \$0.05 rebate to the applicable expanded rebate tiers and MARS tiers provided the market participant qualifies. Any market participant may qualify for a Customer Rebate.

Multiply Listed Options

The Exchange's proposal to adopt a surcharge of \$0.03 per contract on electronic Complex Orders that remove liquidity from the Complex Order Book and auctions, excluding PIXL, in Penny Pilot Options, excluding SPY and a surcharge of \$0.10 per contract on electronic Complex Orders that remove liquidity from the Complex Order Book and auctions, excluding PIXL, in Non-Penny Pilot Options, excluding NDX and MNX is reasonable. The Exchange is adopting these surcharges, which will be applied on transactions that remove liquidity from the Complex Order Book, in order to help offset the increased rebates which are proposed to be given

²⁹ Today, Phlx members that have System Eligibility, as described in Section IV, Part E, and have executed the requisite number of Eligible Contracts, as described in Section IV, Part E, in a month will be paid per contract rebates based on a 4 tier structure which pays a certain MARS Payment based on Average Daily Volume.

to Complex Orders in Section B. The Exchange believes that it is reasonable to only assess this surcharge to those orders which remove liquidity from the market because the Exchange wants to continue to encourage market participation and price improvement for those participants that seek to add liquidity on Phlx. The Exchange believes that not assessing the surcharge on PIXL and SPY orders is reasonable. PIXL has its own pricing,³⁰ and the Exchange wants to continue to encourage price improvement within PIXL. SPY has its own rebate program separate and apart from Section B.³¹ Limiting the surcharges to electronically-delivered transactions is reasonable because the Section B rebates apply only to electronically-delivered Customer orders. Further, limiting the surcharge to orders entered electronically is equitable and not unfairly discriminatory because the Exchange has expended considerable resources to develop its electronic trading platforms and seeks to recoup the costs of such expenditures. Finally, excluding NDX and MNX is reasonable because these symbols are currently subject to a surcharge.³²

The Exchange's proposal to adopt a surcharge of \$0.03 per contract on electronic Complex Orders that remove liquidity from the Complex Order Book and auctions, excluding PIXL, in Penny Pilot Options, excluding SPY and a surcharge of \$0.10 per contract on electronic Complex Orders that remove liquidity from the Complex Order Book and auctions, excluding PIXL, in Non-Penny Pilot Options, excluding NDX and MNX is equitable and not unfairly discriminatory. The surcharges will be applied uniformly to all market participants.

The Exchange's proposal to amend the rule text to make clear that surcharges are not subject to the Monthly Market Maker Cap is reasonable because today, the Exchange does not count surcharges for BKX, NDX and MNX toward the Monthly Market Maker Cap, only Options Transaction Charges.

The Exchange's proposal to amend the rule text to make clear that surcharges are not subject to the Monthly Market Maker Cap is equitable and not unfairly discriminatory because all Specialists and Market Makers will be uniformly applied the cap. Specialists and Market Makers have obligations to the market and regulatory requirements, which normally do not

³⁰ See Section IV, Part A of the Pricing Schedule.

³¹ See Section I of the Pricing Schedule.

³² See Section II of the Pricing Schedule.

apply to other market participants.³³ They have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings. The differentiation as between Specialists and Market Makers and all other market participants recognizes the differing contributions made to the liquidity and trading environment on the Exchange by these market participants. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. For these reasons, the Exchange believes that it is equitable and not unfairly discriminatory for Specialists and Market Makers to cap fees.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

Customer Rebates

The Exchange's proposal to amend Section B, entitled "Customer Rebate Program," to amend Category C and add a new Category D does not impose an undue burden on intra-market competition because the Exchange will uniformly pay Customer rebates to all qualifying market participants. Any market participant may qualify for a Customer Rebate.

With respect to the Tier 2 Category C rebate, which is decreased from \$0.17 to \$0.16 per contract, and the Tier 3 Category C rebate, which is increased from \$0.17 to \$0.18 per contract, the Exchange believes that these proposed changes do not impose an undue burden on intra-market competition because the Exchange will uniformly pay Customer rebates to all qualifying market participants. Any market participant may qualify for a Customer Rebate.

With respect to the proposed rebates for Category D, the Exchange believes the proposed rebates do not impose an undue burden on intra-market competition because the Exchange will uniformly pay Customer rebates to all qualifying market participants. Any market participant may qualify for a Customer Rebate.

The Exchange's proposal to no longer cap rebates on Customer PIXL Orders at 4,000 contracts per order leg for Complex PIXL Orders does not impose an undue burden on intra-market competition because the Exchange will uniformly not cap Category C rebates for any market participant.

The Exchange proposal's to structure the Category D rebate similar to the Category C rebate does not impose an undue burden on intra-market competition because the Exchange will uniformly apply the Category D rebates to all market participants.

The Exchange's proposal to pay a \$0.03 per contract Category D rebate addition to the applicable Tier 2 and 3 rebate, provided the Specialist, Market Maker or Appointed MM has reached the Monthly Market Maker Cap as defined in Section II, to: (1) A Specialist or Market Maker who is not under Common Ownership or is not a party of an Affiliated Entity; or (2) an OFP member or member organization affiliate under Common Ownership; or (3) an Appointed OFP of an Affiliated Entity does not impose an undue burden on intra-market competition. The Exchange will uniformly pay the additional \$0.03 rebate in addition to the Tier 2 and 3 Category D rebates to all qualifying market participants. Any market participant may qualify for a Customer Rebate.

The Exchange's proposal to amend the manner in which the Exchange pays the \$0.05 per contract rebate on electronically-delivered Customer Complex Orders in Non-Penny Pilot Options does not impose an undue burden on intra-market competition because the Exchange will uniformly pay the additional \$0.05 rebate to the applicable expanded rebate and MARS tiers, provided the market participant qualifies. Any market participant may qualify for a Customer Rebate.

Multiply Listed Options

The Exchange's proposal to adopt a surcharge of \$0.03 per contract on electronic Complex Orders that remove liquidity from the Complex Order Book and auctions, excluding PIXL, in Penny Pilot Options, excluding SPY and a surcharge of \$0.10 per contract on electronic Complex Orders that remove liquidity from the Complex Order Book and auctions, excluding PIXL, in Non-Penny Pilot Options, excluding NDX and MNX does not impose on intra-market competition because the surcharges will be applied uniformly to all market participants.

The Exchange's proposal to amend the rule text to make clear that surcharges are not subject to the Monthly Market Maker Cap does not impose on intra-market competition because the all Specialists and Market Makers will be uniformly applied the cap. Specialists and Market Makers have obligations to the market and regulatory requirements, which normally do not apply to other market participants.³⁴ They have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings. The differentiation as between Specialists and Market Makers and all other market participants recognizes the differing contributions made to the liquidity and trading environment on the Exchange by these market participants. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. For these reasons, the Exchange believes that it is equitable and not unfairly discriminatory for Specialists and Market Makers to cap fees.

³³ See Rule 1014 titled "Obligations and Restrictions Applicable to Specialists and Registered Options Traders."

³⁴ See Rule 1014 titled "Obligations and Restrictions Applicable to Specialists and Registered Options Traders."

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.³⁵

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-Phlx-2017-29 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-Phlx-2017-29. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than

those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2017-29, and should be submitted on or before May 12, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁶

Brent J. Fields,

Secretary.

[FR Doc. 2017-08056 Filed 4-20-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80473; File No. SR-C2-2017-015]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule To Amend the Fees Schedule

April 17, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,¹ and Rule 19b-4 thereunder,² notice is hereby given that on April 13, 2017, C2 Options Exchange, Incorporated ("Exchange" or "C2") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule. The text of the proposed rule change is available on the Exchange's Web site (<http://www.c2exchange.com/Legal/>), at the

Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule.³ Specifically, the Exchange is eliminating certain fees relating to the PULSe workstation. By way of background, the PULSe workstation is a front-end order entry system designed for use with respect to orders that may be sent to the trading systems of the Exchange. Exchange Trading Permit Holders ("TPHs") may also make workstations available to their customers, which may include TPHs, non-broker dealer public customers and non-TPH broker dealers.

The Exchange first proposes to eliminate the Away-Market Routing Intermediary fee. This fee is payable by a Routing Intermediary and only applicable for away-market routing from any PULSe workstation for which it serves as the Routing Intermediary. The fee is \$0.02 per contract or share equivalent for the first million contracts or share equivalent executed in a month for executions on all away markets aggregated across all such PULSe workstations, and \$0.03 per contract or share equivalent for each additional contract or share equivalent executed in the same month on all away markets.

The Exchange also proposes to eliminate the C2 Routing fee. The C2 Routing fee is payable by a TPH and only applicable for routing to C2 from non-TPH PULSe workstations made available by the TPH. The fee is \$0.02

³ The Exchange initially filed the proposed fee change on April 3, 2017 (SR-C2-2017-012). On April 13 [sic], 2017, the Exchange withdrew that filing and submitted this filing. The Commission notes that C2 withdrew C2-2017-012 on April 17, 2017.

³⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³⁵ 15 U.S.C. 78s(b)(3)(A)(ii).

per contract or share equivalent for the first 1 million contracts or share equivalent executed in a month on C2 that originate from non-TPH PULSe workstations made available by the TPH, and \$0.03 per contract or share equivalent for each additional contract or share equivalent executed on C2 in the same month from the non-TPH PULSe workstations made available by the TPH. The Exchange notes it no longer wishes to assess these fees.

Lastly, the Exchange proposes to eliminate the Routing Intermediary Inactivity fee. The Routing Intermediary Inactivity fee would be charged to a Routing Intermediary in the calendar year after the year in which the Routing Intermediary was charged the Routing Intermediary Certification Fee. The fee is \$5,000/year less the aggregate amount of Away-Market Routing Intermediary and C2 Routing fees charged to a Routing Intermediary during that calendar year (if Routing Intermediary was charged less than an aggregate of \$5,000 in Away-Market Routing Intermediary and C2 Routing fees that year).⁴ As the Exchange is eliminating both the Away-Market Routing Intermediary and C2 Routing fees and the inactivity fee is based in part on the amount of those fees assessed, the Exchange proposes to eliminate the inactivity fee as well.

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.⁵ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁶ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with

Section 6(b)(4) of the Act,⁷ which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes eliminating the Away-Market Routing Intermediary fee, C2 Routing fee and Routing Intermediary Inactivity fee is reasonable because market participants who would otherwise be subject to those fees will no longer be assessed the fees. The Exchange believes it's reasonable, equitable and not unfairly discriminatory because it applies uniformly to the applicable market participants (*i.e.*, applies to all Routing Intermediaries and TPHs that make the PULSe workstations available to non-TPHs).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burdens on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change to eliminate certain PULSe fees applies to all applicable users of the PULSe workstation. The Exchange does not believe that the proposed change will cause any unnecessary burden on intermarket competition because the proposed relates to use of an Exchange-provided order entry system. To the extent that any proposed change makes the Exchange a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become Exchange 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 is effective upon filing pursuant to Section 19(b)(3)(A)⁸ of the Act and subparagraph (f)(2) of Rule 19b-4⁹

thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁰ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>): or
- Send an email to rule-comments@sec.gov. Please include File Number SR-C2-2017-015 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-C2-2017-015. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of

⁴ The Exchange notes that in the filing that adopted the Routing Intermediary Inactivity fee, it inadvertently referenced the CBOE Routing fee instead of the C2 Routing Fee.

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

⁷ 15 U.S.C. 78f(b)(4).

⁸ 15 U.S.C. 78s(b)(3)(A).

⁹ 17 CFR 240.19b-4(f)(2).

¹⁰ 15 U.S.C. 78s(b)(2)(B).

10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-C2-2017-015 and should be submitted on or before May 12, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Brent J. Fields,
Secretary.

[FR Doc. 2017-08061 Filed 4-20-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80468; File No. SR-PEARL-2017-18]

Self-Regulatory Organizations; MIA X PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIA X PEARL Fee Schedule

April 17, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b-4 thereunder,² notice is hereby given that on April 6, 2017, MIA X PEARL, LLC (“MIA X PEARL” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIA X PEARL Fee Schedule (the “Fee Schedule”).

The Exchange initially filed the proposal on March 29, 2017 (SR-PEARL-2017-14). That filing was withdrawn and replaced with the current filing (SR-PEARL-2017-18).

The text of the proposed rule change is available on the Exchange’s Web site at <http://www.miaxoptions.com/rule-filings/pearl> at MIA X’s principal office,

and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to permit Exchange Market Makers ³ to appoint Electronic Exchange Members ⁴ (“EEMs”), and vice versa, as “Affiliates,” solely for purposes of calculating transaction volume in order to qualify for certain transaction rebate and fee incentives under the Fee Schedule. The Exchange notes that this concept of appointment between market makers and order flow providers currently exists at a number of other exchanges, including Bats BZX Exchange, Inc. (“BATS”), Bats EDGX Exchange, Inc. (“EDGX”), Chicago Board Options Exchange, Incorporated (“CBOE”), NYSE Amex Options LLC (“Amex Options”), and NASDAQ PHLX LLC (“PHLX”), as more fully discussed below.

In order for the Exchange to implement this concept of appointment, the Exchange proposes to amend the definition of “Affiliate” contained in the Definitions section of the Fee Schedule. The definition of “Affiliate” currently reads:

“Affiliate” means an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm’s Form BD, Schedule A.

³ The term “Market Maker” means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of the Exchange’s Rules. See Exchange Rule 100.

⁴ The term “Electronic Exchange Member” or “EEM” means the holder of a Trading Permit who is a Member representing as agent Public Customer Orders and Non-Customer Orders on the Exchange and those non-Market Maker Members conducting proprietary trading. EEMs are deemed “members” under the Exchange Act. See Exchange Rule 100.

The Exchange proposes to amend the definition so that it instead reads:

“Affiliate” means (i) an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm’s Form BD, Schedule A, or (ii) the Appointed Market Maker of an Appointed EEM (or, conversely, the Appointed EEM of an Appointed Market Maker). An “Appointed Market Maker” is a MIA X PEARL Market Maker (who does not otherwise have a corporate affiliation based upon common ownership with an EEM) that has been appointed by an EEM and an “Appointed EEM” is an EEM (who does not otherwise have a corporate affiliation based upon common ownership with a MIA X PEARL Market Maker) that has been appointed by a MIA X PEARL Market Maker, pursuant to the following process. A MIA X PEARL Market Maker appoints an EEM and an EEM appoints a MIA X PEARL Market Maker, for the purposes of the Fee Schedule, by each completing and sending an executed Volume Aggregation Request Form by email to membership@miaxoptions.com no later than 2 business days prior to the first business day of the month in which the designation is to become effective. Transmittal of a validly completed and executed form to the Exchange along with the Exchange’s acknowledgement of the effective designation to each of the Market Maker and EEM will be viewed as acceptance of the appointment. The Exchange will only recognize one designation per Member. A Member may make a designation not more than once every 12 months (from the date of its most recent designation), which designation shall remain in effect unless or until the Exchange receives written notice submitted 2 business days prior to the first business day of the month from either Member indicating that the appointment has been terminated. Designations will become operative on the first business day of the effective month and may not be terminated prior to the end of the month. Execution data and reports will be provided to both parties.

The purpose of the proposed rule change is to increase opportunities for EEMs and Market Makers, who do not otherwise have a corporate affiliation based upon common ownership with a MIA X PEARL Market Maker or EEM, as the case may be, to potentially qualify for tiered pricing incentives on the Exchange. Specifically, the Exchange proposes to allow a MIA X PEARL Market Maker to designate an EEM as its “Appointed EEM” and for an EEM to designate a MIA X PEARL Market Maker

¹¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

as its “Appointed Market Maker” for purposes of Section 1(a) of the Fee Schedule. Members of the Exchange would effectuate such designation by completing and sending an executed Volume Aggregation Request Form by email to the Exchange no later than 2 business days prior to the first business day of the month in which the designation is to become effective.⁵ As specified in the proposed Fee Schedule, the Exchange would view the transmittal of the validly completed and executed form along with the Exchange’s acknowledgement of the effective designation as acceptance of such an appointment.⁶ The proposed new concepts would be applicable to all tiered pricing offered by the Exchange in Section 1(a) of the Fee Schedule, and are designed to increase opportunities for Members to qualify for such tiers.

The Exchange currently offers tiers of rebates and fees as described in Section 1(a) of the Fee Schedule. Under the current tiers, Members that achieve certain volume criteria may qualify for reduced fees or enhanced rebates for various executions, including executions of Priority Customer⁷ and Market Maker orders. In connection with such tiers, the Exchange calculates on a monthly basis a Member’s volume in the applicable category (e.g., Priority Customer orders or Market Maker orders), as specified in the Fee Schedule for each applicable transaction.⁸ For

⁵ Members should direct their executed forms to membership@miaxoptions.com.

⁶ The Exchange further notes that, as proposed, the Exchange would only recognize one such designation for each party once every 12 months (from the date of its most recent designation), which designation would remain in effect unless or until the Exchange receives written notice submitted 2 business days prior to the first business day of the month from either party indicating that the appointment has been terminated.

⁷ The term “Priority Customer” means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial accounts(s).

⁸ For example, under Section 1(a), volume thresholds are calculated based on the total monthly volume executed by the Member on MIA X PEARL in the relevant Origin type, not including Excluded Contracts, (as the numerator) expressed as a percentage of (divided by) TCV (as the denominator). The per contract transaction rebates and fees shall be applied retroactively to all eligible volume once the threshold has been reached by Member. The Exchange aggregates the volume of Members and their Affiliates in the Add/Remove Tiered Fees. “TCV” means total consolidated volume calculated as the total national volume in those classes listed on MIA X PEARL for the month for which the fees apply, excluding consolidated volume executed during the period time in which the Exchange experiences an Exchange System Disruption (solely in the option classes of the affected Matching Engine). “Exchange System Disruption” means an outage of a Matching Engine or collective Matching Engines for a period of two consecutive hours or more, during trading hours.

example, upon reaching a volume threshold that qualifies a Member for a specified tier under the Add/Remove Tiered Rebates/Fees scale, a Member receives the enhanced rebate or reduced fee associated with the tier achieved for each eligible contract executed within that tier on the Exchange.

Under the Exchange’s current Fee Schedule, a Member is permitted to aggregate volume with a Member’s “Affiliates”, which are defined as firms that have at least 75% common ownership with the Member as reflected on each firm’s Form BD, Schedule A.⁹ Thus, Members that act as EEMs with affiliated broker-dealers that are Market Makers on the Exchange, and vice-versa, may be able to potentially qualify for certain pricing incentives offered by the Exchange based on such affiliation and aggregation.

The Exchange proposes that all MIA X PEARL Market Makers who do not otherwise have a corporate affiliation based upon common ownership with an EEM (whether in the same broker-dealer or in a separate broker-dealer) would be able to appoint an EEM to aggregate its volume for purposes of reaching tier thresholds under the Fee Schedule, and conversely, all EEMs who do not otherwise have a corporate affiliation based upon common ownership with a MIA X PEARL Market Maker (whether in the same broker-dealer or in a separate broker-dealer) could appoint a MIA X PEARL Market Maker for the same purposes.¹⁰ The proposal would be available to all MIA X PEARL Market Makers and EEMs, except for those MIA X PEARL Market Makers who otherwise have a corporate affiliation based upon common ownership with an EEM (and vice versa). The proposed change would enable a MIA X PEARL Market Maker without an affiliated EEM to enter into a relationship with an Appointed EEM. By virtue of designating an Appointed Market Maker, an EEM benefits by establishing

“Matching Engine” is a part of the MIA X PEARL electronic system that processes options orders and trades on a symbol-by-symbol basis. Some Matching Engines will process option classes with multiple root symbols, and other Matching Engines may be dedicated to one single option root symbol (for example, options on SPY may be processed by one single Matching Engine that is dedicated only to SPY). A particular root symbol may only be assigned to a single designated Matching Engine. A particular root symbol may not be assigned to multiple Matching Engines. See the Definitions Section of the Fee Schedule.

⁹ See the definition of “Affiliate” in the Definitions section of the Fee Schedule.

¹⁰ The Commission notes that the Exchange calculates on a monthly basis a Member’s volume in the applicable category (e.g., Priority Customer orders or Market Maker orders), as specified in the Fee Schedule for each applicable transaction. See *supra* note 8 and accompanying text.

an execution relationship with a MIA X PEARL Market Maker that may potentially provide greater liquidity to trade with its own Priority Customer volume. To be clear, the Exchange notes that an EEM that has a corporate affiliation based upon common ownership with a MIA X PEARL Market Maker may only aggregate volumes with its corporate-affiliated MIA X PEARL Market Maker, and not with any other MIA X PEARL Market Maker. Further, MIA X PEARL Market Makers that have multiple Market Maker memberships which are already aggregated by the Exchange for purposes of qualifying the Member for tiered pricing incentives will be treated as a single entity.

Thus, the proposed changes would enable Members that may not currently qualify for tiered pricing incentives to potentially avail themselves of such incentives, as well as to assist Members to potentially achieve a higher tier, thus qualifying for higher rebates or reduced transaction fees. The Exchange believes these proposed changes would incentivize Members to direct their order flow to the Exchange to the benefit of all market participants. Further, the Exchange believes that the proposed changes would encourage MIA X PEARL Market Makers to increase their participation on the Exchange, which would increase capital commitment and liquidity on the Exchange to the benefit of all market participants.

As proposed, the Exchange will only recognize one such designation for each party once every 12 months (from the date of its most recent designation), which designation would remain in effect unless or until the parties informed the Exchange of its termination.¹¹ The Exchange believes that this requirement would impose a measure of exclusivity and would enable both parties to rely upon each other’s transaction volumes executed on the Exchange, and potentially increase such volumes, which is beneficial to all Exchange participants. Other exchanges have adopted similar concepts and permit their market makers and order flow providers to appoint one another for purposes of volume aggregation to reach higher volume tier thresholds.¹²

2. Statutory Basis

MIA X PEARL believes that its proposal to amend its Fee Schedule is

¹¹ See *supra* note 6.

¹² See Securities Exchange Act Release Nos. 77524 (April 5, 2016), 81 FR 21417 (April 11, 2016) (SR-BatsBZX-2016-04); 77526 (April 5, 2016), 81 FR 21405 (April 11, 2016) (SR-BatsEDGX-2016-05); 77926 (May 26, 2016), 81 FR 35421 (June 2, 2016) (SR-CBOE-2016-045); 78382 (July 21, 2016), 81 FR 49293 (July 27, 2016) (SR-Phlx-2016-62).

consistent with Section 6(b) of the Act¹³ in general, and furthers the objectives of Section 6(b)(4) of the Act,¹⁴ in that it is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities, and 6(b)(5) of the Act,¹⁵ in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that its proposed fees and rebates are reasonable, fair and equitable, and non-discriminatory for the following reasons. First, the proposal would be available to all MIAX PEARL Market Makers and EEMs (except for those MIAX PEARL Market Makers who otherwise have a corporate affiliation based upon common ownership with an EEM (and vice versa)), and the decision to be designated as an “Appointed EEM” or “Appointed Market Maker” is completely voluntary and Members may elect to accept this appointment or not. Excluding Members that have a corporate affiliation by common ownership from also appointing other Members as “Affiliates” is equitable and not unfairly discriminatory because those Members are already eligible to aggregate volume and thus potentially qualify for tiered pricing incentives. In addition, the proposed changes would enable Members that are not able to achieve tiered pricing incentives to potentially avail themselves of such pricing as well as to assist Members that are currently able to achieve such tiers to potentially achieve a higher tier, thus qualifying for higher rebates or lower fees. The Exchange believes these proposed changes would incentivize Members to direct their order flow to the Exchange. Specifically, the proposed changes would enable any MIAX PEARL Market Maker (except for those MIAX PEARL Market Makers who otherwise have a corporate affiliation based upon common ownership with an EEM) to qualify its Appointed EEM for purposes of potential tiered pricing incentives. Moreover, the proposed change would allow any EEM (except for those EEMs who otherwise have a corporate affiliation based upon common ownership with a MIAX

Market Maker), by virtue of designating an Appointed Market Maker, to establish an execution relationship with a MIAX Market Maker that may potentially provide greater liquidity to trade with its own volume, including Priority Customer volume. The Exchange believes these proposed changes would incentivize Appointed EEMs with an Appointed Market Maker to direct their order flow to the Exchange, which would result in an increase in orders routed to the Exchange which in turn would benefit all market participants by expanding liquidity and providing more trading opportunities on the Exchange. Similarly, the Exchange believes these proposed changes would incentivize Appointed Market Makers with an Appointed EEM to increase their participation on the Exchange, which would increase capital commitment and liquidity and decrease spreads on the Exchange to the benefit of all market participants. The Exchange believes that, similar to volume-based tiers offered by the Exchange, the benefits of the proposal extend to all market participants based on the increased quality of liquidity on the Exchange, including those market participants that opt not to become an Appointed EEM or Appointed Market Maker.

Further, the Exchange believes that the proposal is reasonable and equitably allocated because it is beneficial to all Exchange participants based on the fact that it enables parties to rely upon each other’s transaction volumes executed on the Exchange, and potentially increase such volumes. In turn, as above, the potential increase in order flow, capital commitment and resulting liquidity on the Exchange would benefit all market participants by expanding liquidity, providing more trading opportunities and tighter spreads. The proposal is also reasonable, equitable and not unfairly discriminatory because the Exchange would only recognize one such designation for each party once every 12 months (from the date of its most recent designation), which requirement would impose a measure of exclusivity while allowing both parties to rely upon each other’s transaction volumes executed on the Exchange, and potentially increase such volumes, again, to the benefit of all market participants. Finally, the Exchange believes the proposal is reasonable, equitable and not unfairly discriminatory and facilitates trading as it may encourage an increase in orders routed to the Exchange, which would expand liquidity and provide more trading opportunities and tighter spreads to the benefit of all market

participants, even to those market participants that are either currently affiliated by virtue of their common ownership or that opt not to become an Appointed EEM or Appointed Market Maker under this proposal. Other exchanges have adopted similar concepts.¹⁶

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed amendments to its fee schedule will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed changes are pro-competitive as they would increase opportunities for MIAX PEARL Market Makers and EEMs (who do not otherwise have a corporate affiliation based upon common ownership with an EEM, and MIAX PEARL Market Maker, respectively) to potentially qualify for tiered pricing incentives on the Exchange, which may increase intermarket and intramarket competition by incentivizing participants to direct their orders to the Exchange thereby increasing the volume of contracts traded on the Exchange. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange would benefit all market participants and improve competition on the Exchange. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,¹⁷ and Rule 19b-4(f)(2)¹⁸ thereunder. At any time

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(4).

¹⁵ 15 U.S.C. 78f(b)(1) and (b)(5).

¹⁶ See *supra* note 12.

¹⁷ 15 U.S.C. 78s(b)(3)(A)(ii).

¹⁸ 17 CFR 240.19b-4(f)(2).

within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-PEARL-2017-18 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-PEARL-2017-18. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from

submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-PEARL-2017-18, and should be submitted on or before May 12, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Brent J. Fields,
Secretary.

[FR Doc. 2017-08058 Filed 4-20-17; 8:45 am]
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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80474; File No. SR-Phlx-2017-30]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Pricing Schedule

April 17, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on April 7, 2017, NASDAQ PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to proposal [sic] to amend the Exchange's Pricing Schedule at Section B, entitled "Customer Rebate Program," Section II, entitled "Multiply Listed Options Fees,"³ and Section IV, Part B entitled "FLEX Transaction Fees"⁴ to remove references to MNX.⁵

The text of the proposed rule change is available on the Exchange's Web site at <http://nasdaqphlx.cchwallstreet.com/>, at the principal office of the

¹⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ These fees include options overlying equities, ETFs, ETNs and indexes which are Multiply Listed.

⁴ Multiply Listed Options includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed.

⁵ MNX represents options on one-tenth the value of the Nasdaq 100 Index traded under the symbol MNX ("MNX").

Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's Pricing Schedule at Section B, entitled "Customer Rebate Program," Section II, entitled "Multiply Listed Options Fees," and Section IV, Part B entitled "FLEX Transaction Fees" to remove references to MNX.

The Exchange is delisting MNX on Phlx on April 7, 2017. As a result of delisting MNX, the Exchange is removing references from its Pricing Schedule to specific pricing for MNX. No market participant would be able to trade an option overlying MNX on Phlx once it is delisted.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁶ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,⁷ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(4) and (5).

current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”⁸

Likewise, in *NetCoalition v. Securities and Exchange Commission*⁹ (“NetCoalition”) the D.C. Circuit upheld the Commission’s use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.¹⁰ As the court emphasized, the Commission “intended in Regulation NMS that ‘market forces, rather than regulatory requirements’ play a role in determining the market data . . . to be made available to investors and at what cost.”¹¹

Further, “[n]o one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers’”¹² Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

The Exchange’s proposal to remove references from its Pricing Schedule to specific pricing for MNX is reasonable because the Exchange is delisting MNX on Phlx on April 7, 2017 and the specific pricing for MNX would not be applicable.

The Exchange’s proposal to remove references from its Pricing Schedule to specific pricing for MNX is equitable and not unfairly discriminatory because no market participant would be able to trade an option overlying MNX on Phlx once it is delisted.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance

of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

In terms of inter-market competition, the Exchange believes that its proposed rebates and fees continue to remain competitive in SPY and Multiply Listed Options. In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

The Exchange’s proposal to remove references from its Pricing Schedule to specific pricing for MNX does not impose an undue burden on intra-market competition because no market participant would be able to trade an option overlying MNX on Phlx once it is delisted.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.¹³

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-Phlx-2017-30 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-Phlx-2017-30. 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.,

⁸ Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

⁹ *NetCoalition v. SEC*, 615 F.3d 525 (D.C. Cir. 2010).

¹⁰ See *NetCoalition*, at 534–535.

¹¹ *Id.* at 537.

¹² *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR-NYSEArca-2006–21)).

¹³ 15 U.S.C. 78s(b)(3)(A)(ii).

Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2017-30 and should be submitted on or before May 12, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Brent J. Fields,
Secretary.

[FR Doc. 2017-08062 Filed 4-20-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80472; File No. SR-CBOE-2017-028]

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 17, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on April 3, 2017, Chicago Board Options Exchange, Incorporated (“Exchange” or “CBOE”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The 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

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule. Specifically, the Exchange is eliminating certain fees relating to the PULSe workstation. By way of background, the PULSe workstation is a front-end order entry system designed for use with respect to orders that may be sent to the trading systems of the Exchange. Exchange Trading Permit Holders (“TPHs”) may also make workstations available to their customers, which may include TPHs, non-broker dealer public customers and non-TPH broker dealers.

The Exchange first proposes to eliminate the Away-Market Routing Intermediary fee. This fee is payable by a Routing Intermediary and only applicable for away-market routing from any PULSe workstation for which it serves as the Routing Intermediary. The fee is \$0.02 per contract or share equivalent for the first million contracts or share equivalent executed in a month for executions on all away markets aggregated across all such PULSe workstations, and \$0.03 per contract or share equivalent for each additional contract or share equivalent executed in the same month on all away markets.

The Exchange also proposes to eliminate the CBOE Routing fee. The CBOE Routing fee is payable by a TPH and only applicable for routing to CBOE from non-TPH PULSe workstations made available by the TPH. The fee is \$0.02 per contract or share equivalent for the first 1 million contracts or share equivalent executed in a month on CBOE that originate from non-TPH PULSe workstations made available by the TPH, and \$0.03 per contract or share equivalent for each additional contract or share equivalent executed on CBOE in the same month from the non-TPH

PULSe workstations made available by the TPH.

Lastly, the Exchange proposes to eliminate the Routing Intermediary Inactivity fee. The Routing Intermediary Inactivity fee would be charged to a Routing Intermediary in the calendar year after the year in which the Routing Intermediary was charged the Routing Intermediary Certification Fee. The fee is \$5,000/year less the aggregate amount of Away-Market Routing Intermediary and CBOE Routing fees charged to a Routing Intermediary during that calendar year (if Routing Intermediary was charged less than an aggregate of \$5,000 in Away-Market Routing Intermediary and CBOE Routing fees that year). As the Exchange is eliminating both the Away-Market Routing Intermediary and CBOE Routing fees and the inactivity fee is based in part on the amount of those fees assessed, the Exchange proposes to eliminate the inactivity fee as well.

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.³ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁴ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,⁵ which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes eliminating the Away-Market Routing Intermediary fee, the CBOE Routing fee and the Routing Intermediary Inactivity fee is reasonable because market participants who would otherwise be subject to those fees will no longer be assessed

¹⁴ 17 CFR 200.30-3(a)(12).

¹⁵ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78f(b).

⁴ 15 U.S.C. 78f(b)(5).

⁵ 15 U.S.C. 78f(b)(4).

those fees. The Exchange believes it's reasonable, equitable and not unfairly discriminatory because it applies uniformly to the applicable market participants (*i.e.*, applies to all Routing Intermediaries and TPHs that make the PULSe workstations available to non-TPHs).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burdens on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change to eliminate certain PULSe fees applies to all applicable users of the Pulse [sic] workstation. The Exchange does not believe that the proposed change will cause any unnecessary burden on intermarket competition because the proposed relates to use of an Exchange-provided order entry system. To the extent that any proposed change makes the Exchange a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become Exchange 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 is effective upon filing pursuant to Section 19(b)(3)(A)⁶ of the Act and subparagraph (f)(2) of Rule 19b-4⁷ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings

under Section 19(b)(2)(B)⁸ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-CBOE-2017-028 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-CBOE-2017-028. 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-2017-028 and should be submitted on or before May 12, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

Brent J. Fields,

Secretary.

[FR Doc. 2017-08060 Filed 4-20-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80475; File No. SR-BX-2017-020]

Self-Regulatory Organizations; NASDAQ BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Transaction Fees at Rule 7018

April 17, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on April 11, 2017, NASDAQ BX, Inc. ("BX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's transaction fees at Rule 7018 to limit the availability of credits provided for removing non-displayed liquidity.

The text of the proposed rule change is available on the Exchange's Web site at <http://nasdaqbx.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set

⁶ 15 U.S.C. 78s(b)(3)(A).

⁷ 17 CFR 240.19b-4(f)(2).

⁸ 15 U.S.C. 78s(b)(2)(B).

⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to limit the credits provided for removing liquidity on BX under Rule 7018(a).³ The Exchange operates on the "taker-maker" model, whereby it pays rebates to members that take liquidity and charges fees to members that provide liquidity. Under Rule 7018(a), the Exchange assesses fees for adding liquidity, and provides credits for removing liquidity, applied to the use of the Order⁴ execution and routing services of the NASDAQ OMX BX Equities System by members for all securities priced at \$1 or more per share that it trades. Currently, the Exchange will provide a credit under Rule 7018(a) to a member that removes liquidity when its Order is priced-improved by the System. Specifically, an Order (excluding Orders with Midpoint pegging⁵ and excluding Orders that receive price improvement and execute against an Order with Midpoint pegging) that accesses liquidity may receive a credit of \$0.0006, \$0.0015 or \$0.0016 per share executed. Such Orders include Orders that receive price improvement, other than those that execute against an Order with Midpoint pegging.

The Exchange excludes liquidity removing Orders that execute against resting Orders with Midpoint pegging from receiving a credit because the member received the benefit of receiving price improvement from executing against an Order that is priced better than the NBBO. Moreover, the member receiving the price improvement did not undertake any additional risk to receive the benefit, but was rather a beneficiary of the midpoint liquidity. For similar reasons, the Exchange is proposing to expand the applicability of the zero credit tier to include a liquidity removing Order that is price improved by other resting

orders with Non-display prices. Thus, in addition to Orders with Midpoint Pegging, other Orders that may have a non-display price are: Price to Comply Orders,⁶ Non-Displayed Orders,⁷ Post-Only Orders,⁸ and Orders with a Reserve Size⁹ attribute.

As an example, if the NBBO is \$10 × \$10.02, with Market A showing a bid of 100 shares at \$10, Market B showing an offer of 100 shares at \$10.02 and the Exchange displaying a best bid of \$9.99 and offer of \$10.03, a member that enters an Order with a Non-display attribute to buy 100 shares at \$10.01 would not have a marketable Order and would post to the Exchange book as a Non-displayed Order at \$10.01. If a second member enters an Order to sell 100 shares at \$10, the Order would execute against the Non-displayed Order to buy at \$10.01 resting on the Exchange Book. Such an execution would represent price improvement to the second member without taking on any additional risk or market-improving behavior. Accordingly, the Exchange does not believe that it is necessary also to pay a rebate to encourage the submission of such Orders. Rather, the execution of such Orders will be free of charge.

Last, the Exchange is proposing to make conforming changes to two credits under Rule 7018(a) that currently exclude orders that receive price improvement and execute against an order with Midpoint pegging from the eligibility criteria of the credit. Specifically, under the \$0.0016 and \$0.0015 per executed share credits of Rule 7018(a) the Exchange is proposing to replace references to orders that receive price improvement and execute against an order with Midpoint pegging to make it clear that orders with a Non-Displayed price are excluded from the rule. Thus, the exclusion under these two credits will continue to remain consistent with the proposed amended zero credit tier.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹⁰ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,¹¹ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not

designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that offering Orders that remove liquidity and receive price improvement at no cost is reasonable because the execution of such Orders is free of charge. Generally, the Exchange offers reduced transaction fees and credits in return for market-improving behavior. The Exchange determined to not provide a credit to members for Orders that remove liquidity when the Order receives price improvement by executing against a Mid-point Order, since the member removing liquidity is benefitting from the price improvement. Likewise, the Exchange is expanding the existing credit tier to include all Orders with a Non-Displayed price that provide price improvement.

The Exchange believes that offering Orders that remove liquidity and receive price improvement at no cost is consistent with an equitable allocation of fees and is not unfairly discriminatory because such Orders invariably receive price improvement of at least \$0.005 per share, and therefore do not need an additional rebate of \$0.0006 to \$0.0016 to encourage their submission to the Exchange. Moreover, the Exchange believes that the change is not unfairly discriminatory because the price improvement provided to these Orders provides a rational basis for treating them differently from other Orders that access liquidity at the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their Order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any

³ The Exchange initially filed the proposed rule change on April 3, 2017 (SR-BX-2017-019). On April 11, 2017, the Exchange withdrew that filing and submitted this filing.

⁴ As defined by Rule 4702(a).

⁵ Pegging is an Order Attribute that allows an Order to have its price automatically set with reference to the NBBO. Midpoint pegging means Pegging with reference to the midpoint between the Inside Bid and the Inside Offer (the "Midpoint"). An Order with Midpoint Pegging is not displayed. See Rule 4703(d).

⁶ See Rule 4702(b)(1).

⁷ See Rule 4702(b)(3).

⁸ See Rule 4702(b)(4).

⁹ See Rule 4703(h).

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(4) and (5).

burden on competition is extremely limited.

In this instance, the proposed changes to the charges assessed and credits available to members for execution of securities in securities of all three Tapes do not impose a burden on competition because the Exchange's execution services are completely voluntary and subject to extensive competition both from other exchanges and from off-exchange venues. The proposed expansion of the zero credit tier is not a burden on competition because the Exchange has limited resources to apply as credits and such resources must be applied in a manner that the Exchange believes will best improve market quality thereon. The Exchange believes that providing credits to members that are already receiving price improvement is not the most efficient allocation of such limited resources, since such Orders do not need to be incentivized. As a consequence, the Exchange believes that offering such executions at no cost will not place a burden on competition, but rather will allow the Exchange to apply its limited resources to other areas wherein it can promote market-improving behavior by its participants. Thus, the proposed changes have the potential to make the Exchange a more attractive trading venue, and consequently may promote competition among markets. In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing Order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.¹²

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection

of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-BX-2017-020 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-BX-2017-020. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BX-

2017-020 and should be submitted on or before May 12, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Brent J. Fields,

Secretary.

[FR Doc. 2017-08063 Filed 4-20-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80467; File No. SR-CHX-2017-06]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change To Shorten the Standard Settlement Cycle From Three Business Days After the Trade Date to Two Business Days After the Trade Date

April 17, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on April 6, 2017, the Chicago Stock Exchange, Inc. ("CHX" or "Exchange") 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CHX proposes to amend Articles 1 and 9 of the Rules of the Exchange ("CHX Rules") to conform to an amendment to Securities Exchange Act Rule 15c6-1(a)³ to shorten the standard settlement cycle from three business days after the trade date ("T+3") to two business days after the trade date ("T+2"). The text of this proposed rule change is available on the Exchange's Web site at <http://www.chx.com/regulatory-operations/rule-filings/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

¹³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 17 CFR 240.15c6-1(a).

¹² 15 U.S.C. 78s(b)(3)(A)(ii).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Article 1, Rule 2(e) and Article 9, Rule 7 to conform to an amendment to Securities Exchange Act Rule 15c6-1(a)⁴ to shorten the standard settlement cycle from T+3 to T+2. The operative date of the proposed rule change is September 5, 2017.

Background

In 1993, the Commission adopted Securities Exchange Act Rule 15c6-1(a),⁵ which established three business days after trade date instead of five business days ("T+5"), as the standard trade settlement cycle for most securities transactions. The rule became effective in June 1995.⁶ In March 1995, the Exchange amended its rules to be consistent with the T+3 settlement cycle for securities transactions.⁷

On September 28, 2016, the SEC proposed amendments to Rule 15c6-1(a) to shorten the standard settlement cycle from T+3 to T+2 on the basis that the shorter settlement cycle would reduce the risks that arise from the value and number of unsettled securities transactions prior to completion of settlement, including credit, market and liquidity risk faced by U.S. market participants.⁸ The

proposed rule amendment was published for comment in the **Federal Register** on October 5, 2016.⁹ On March 22, 2017, the SEC adopted the proposed rule amendment and set a Rule 15c6-1(a) compliance date of September 5, 2017.¹⁰

In light of this action by the SEC, the Exchange proposes to amend CHX Rules to reflect "regular way" settlement as occurring on T+2.¹¹

Proposed Rule Change

The Exchange proposes to amend Article 1, Rule 2(e) and Article 9, Rule 7 to reflect a T+2 settlement cycle. Except for changes reflecting the shortened settlement period, the Exchange does not propose any other amendments to the CHX Rules.

Current Article 1, Rule 2(e)(1) provides, in pertinent part, that "Regular Way Settlement" means a transaction for delivery on the third full business day following the day of the contract. The Exchange proposes an amendment to change "third full business day" to "second full business day."

Current Article 1, Rule 2(e)(2)(C) provides that "Seller's Option" means transaction for delivery within the time specified in the option, which time shall not be less than four (4) full business days nor more than 60 days following the day of the contract; except that the Exchange may provide otherwise in specific issues of stocks or classes of stocks. The Exchange proposes an amendment to change "four (4) full business days" to "three (3) full business days."

Current Article 9, Rule 7(a) provides, in pertinent part, that transactions in stocks, except as provided below, shall be ex-dividend or ex-rights two full business days immediately preceding the date of record fixed by the corporation for the determination of stockholders entitled to receive such dividends or rights, except: (1) When such record date occurs upon a holiday or half-holiday, transactions in the stock shall be ex-dividend or ex-rights three full business days immediately

preceding the record date. The Exchange proposes amendments to change "two full business days" to "business day" under Rule 7(a) and "three full business days" to "two full business days" under Rule 7(a)(1).

Current Article 9, Rule 7(b) provides, in pertinent part, that transactions in securities which have subscription warrants attached (except those made for "cash") shall be ex-warrants on the second full business day preceding the date of expiration of the warrants, except: (1) When the day of expiration occurs on a holiday or Sunday, said transactions shall be ex-warrants on the third full business day preceding said day of expiration. The Exchange proposes amendments to change "second full business day" to "business day" under Rule 7(b) and "third full business day" to "second full business day" under Rule 7(b)(1).

As noted above, the Exchange proposes to make the proposed rule change operative on September 5, 2017, which is the compliance date for the amendment to Rule 15c6-1(a) set by the SEC.¹²

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹³ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁴ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, 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 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.

In particular, the Exchange believes that the proposed rule change supports the industry-led initiative to shorten the settlement cycle to two business days. Moreover, the proposed rule change is consistent with the SEC's amendment to Securities Exchange Act Rule 15c6-1(a) to require standard settlement no later than T+2. The Exchange believes that the proposed rule change will provide the regulatory certainty to facilitate the industry-led move to a T+2 settlement cycle. Further, the Exchange believes that, by shortening the time period for settlement of most securities transactions, the proposed rule change would protect investors and the public

⁴ See *id.*; see also *infra* notes 8 and 9.

⁵ 17 CFR 240.15c6-1(a).

⁶ See Securities Exchange Act Release Nos. 33023 (October 6, 1993), 58 FR 52891 (order adopting Rule 15c6-1); see also Securities Exchange Act Release No. 34952 (November 9, 1994), 59 FR 59137 (order changing the effective date from June 1, 1995, to June 7, 1995).

⁷ See Securities Exchange Act Release No. 35554 (March 31, 1995), 60 FR 17597 (April 6, 1995); see also Securities Exchange Act Release No. 35155 (December 27, 1994), 60 FR 517 (January 4, 1995) (SR-CHX-94-26).

⁸ See SEC Press Release 2016-200: "SEC Proposes Rule Amendment to Expedite Process for Settling Securities Transactions" (September 28, 2016).

⁹ See Securities Exchange Act Release No. 78962 (September 28, 2016), 81 FR 69240 (October 5, 2016) (File No. S7-22-16) ("SEC Proposing Release").

¹⁰ See Securities Exchange Act Release [sic] No. 80295 (March 22, 2017), 82 FR 15564 (March 29, 2017) ("SEC Adopting Release").

¹¹ In December 2016, the New York Stock Exchange ("NYSE") also filed a rule change to reflect "regular way" settlement as occurring on T+2. See Securities Exchange Act Release No. 80021 (February 10, 2017), 82 FR 10931 (February 16, 2017); see also Securities Exchange Act Release No. 79659 (December 22, 2016), 81 FR 96076 (December 29, 2016) (SR-NYSE-2016-87).

¹² See *supra* note 10.

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(5).

interest by reducing the number of unsettled trades in the clearance and settlement system at any given time, thereby reducing the risk inherent in settling securities transactions to clearing corporations, their members and public investors. The Exchange also believes that the proposed operative date for the proposed rule change of September 5, 2017 would remove impediments to and perfect the mechanisms of a free and open market and a national market system as it is identical to the compliance date for the amendment to Rule 15c6-1(a) set by the SEC.¹⁵

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not designed to address any competitive issue, but rather facilitate the industry's transition to a T+2 regular way settlement cycle. The Exchange also believes that the proposed rule change will serve to promote clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. Moreover, the proposed rule change is consistent with the SEC's amendment to Securities Exchange Act Rule 15c6-1(a) to require standard settlement no later than T+2. Accordingly, the Exchange believes that the proposed changes do not impose any burdens on the industry in addition to those necessary to implement amendments to Securities Exchange Act Rule 15c6-1(a) as described and enumerated in the SEC Proposing Release.¹⁶

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory

organization consents, the Commission will:

A. By order approve or disapprove the proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-CHX-2017-06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-CHX-2017-06. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CHX-2017-06, and should be submitted on or before May 12, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Brent J. Fields,

Secretary.

[FR Doc. 2017-08057 Filed 4-20-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80470; File No. SR-CBOE-2017-030]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MDX Fees Schedule

April 17, 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 3, 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

Chicago Board Options Exchange, Incorporated (the "Exchange" or "CBOE") proposes to amend its MDX fees schedule. 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

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The

¹⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹⁵ See *supra* note 10.

¹⁶ See *supra* note 9.

Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make a number of changes to the Fees Schedule of the Exchange's affiliate Market Data Express, LLC ("MDX"). The purpose of the proposed rule change is to amend fees for the Best Bid and Offer ("BBO") data feed. This data feed is made available by MDX.

BBO Data Feed

The BBO Data Feed is a real-time data feed that includes the following information: (i) Outstanding quotes and standing orders at the best available price level on each side of the market; (ii) executed trades time, size, and price; (iii) totals of customer versus non-customer contracts at the BBO; (iv) all-or-none contingency orders priced better than or equal to the BBO; (v) expected opening price and expected opening size; (vi) end-of-day summaries by product, including open, high, low, and closing price during the trading session; (vii) recap messages any time there is a change in the open, high, low or last sale price of a listed option; (viii) Complex Order Book ("COB") information; and (ix) product IDs and codes for all listed options contracts. The quote and last sale data contained in the BBO data feed is identical to the data sent to the Options Price Reporting Authority for redistribution to the public.

Background

Fees for the BBO data feed are payable by all "Customers." A "Customer" is any person, company or other entity that, pursuant to a market data agreement with MDX, is entitled to receive data, either directly from MDX or through an authorized redistributor (*i.e.*, a Customer or an extranet service provider), whether that data is distributed externally or used internally.³ In addition to the BBO Data Fee assessed to Customers, the Exchange assesses reduced "user fees" for entities who access BBO data through a Display Only Service or as a Floor Broker User.

In March 2017, the Exchange adopted a fee of \$100 per month, per Approved

Third-Party Device, for Floor Broker Users accessing the BBO data feed on the Exchange floor.⁴ An "Approved Third-Party Device" means any computer, workstation or other item of equipment, fixed or portable, that receives, accesses and/or displays data in visual, audible or other form that has been provided by a third-party and that has been approved, by CBOE, for use on the CBOE trading floor. A "Floor Broker User" is a person or entity registered with CBOE as a floor broker pursuant to CBOE Rules.

Floor Brokers use the BBO Data Feed primarily to comply with customer priority obligations, such as those outlined in CBOE Rule 6.45 (as mentioned above, the BBO data includes customer contracts at the BBO). Floor Brokers who receive the BBO data feed via Approved Third Party Device are not considered "Customers" of MDX to whom the BBO Data Fee applies (unless the Floor Broker has a separate market data agreement in place with MDX) and accordingly are not charged the BBO Data Fee. Additionally, a third-party vendor of an Approved Third-Party Device is not a Customer unless it has a market data agreement in place with MDX.

In addition to Floor Broker User Fees, the Exchange assesses User fees payable for external Display Only Service users (Devices or user IDs of Display Only Service users who receive data from a Customer and are not employees or natural person independent contractors of the Customer, the Customer's affiliates or an authorized service facilitator). For the purpose of Display Only Service users, a "Device" means any computer, workstation or other item of equipment, fixed or portable, that receives, accesses and/or displays data in visual, audible or other form.

Fee Cap

The Exchange is proposing Floor Broker User fees be subject to a monthly cap of \$1000 per Trading Permit Holder ("TPH") firm. The cap will limit the amount of Floor Broker User fees a TPH firm will pay in a calendar month to \$1000 in the event said TPH firm accesses the BBO data feed through more than 10 Approved Third-Party Devices. As Floor Broker Users are using the BBO data primarily to meet their priority obligations (and not for proprietary trading purposes), the Exchange believes it is appropriate to limit the amount of Floor Broker User fees to be assessed to a TPH firm.

By way of example, if a TPH firm accesses the BBO data feed through 14 Approved Third-Party Devices, said TPH firm would currently be assessed Floor Broker User fees of \$1400 per month (14 Approved Third-Party Devices × \$100 per Approved Third-Party Device = \$1400). Under the proposed cap, the same TPH firm accessing the BBO data feed through 14 Approved Third-Party Devices would be assessed Floor Broker User fees of \$1000 per month (14 Approved Third-Party Devices × \$100 per Approved Third-Party Device (subject to a monthly cap of \$1000 per TPH firm) = \$1000).

Additional MDX Fee Schedule Updates

The Exchange is proposing a number of additional updates to the MDX fee schedule to clarify certain items as they relate to Floor Broker User fees or User fees for Display Only Users. First, the Exchange is specifying that a Floor Broker User, as defined below, is not a Customer unless it has a market data agreement in place with MDX. In addition, the Exchange is changing the name of "User fees" payable for external Display Only Service Users to "Display Only User fees" in order to reduce confusion with the BBO Data fee or Floor Broker User fees. Finally, the Exchange is deleting language on the MDX schedule stating that "Floor Broker Users may directly interact with the CBOE Hybrid Order Handling System and view and manipulate data using their Approved Third-Party Devices, but not save, copy, export or transfer the data or any results of a manipulation to any other computer hardware, software or media, except for printing it to paper or other non-magnetic media". The Exchange believes that, as outlined above, "Floor Broker Users" and "Approved Third-Party Devices" are adequately defined elsewhere in the MDX fee schedule. The Exchange does not believe the deleted language is necessary to further clarify or limit what a Floor Broker User may or may not do with the BBO data it receives via Approved Third-Party Device.

Display Only User and Floor Broker User Fee Reporting

In addition to the clarifications above, the Exchange is adding language to the MDX schedule to explain the reporting process used to determine applicable Display Only User fees and Floor Broker User fees. With regard to the Display Only User fees, the proposed language states, "Customers who distribute BBO Data to external users via a Display Only service must report to MDX the number of authorized external devices that

³ The MDX fee schedule for CBOE data is located at <https://www.cboe.org/MDX/CSM/OBOOKMain.aspx>.

⁴ See Securities Exchange Act Release No. 80286 (March 21, 2017), 82 FR 15247 (March 27, 2015) (SR-CBOE-2017-022).

receive BBO data from the Customer during a calendar month within 15 days after such month in the manner and format specified by MDX from time to time to determine applicable fees.” With regard to the Floor Broker User fees, the proposed language states, “Third-party vendors who distribute BBO Data to Floor Broker Users via Approved Third-Party Devices must report to MDX the number of Approved Third-Party Devices that receive BBO data from such third party vendor during a calendar month within 15 days after such month in the manner and format specified by MDX from time to time to determine applicable fees.” Including the reporting processes used to determine applicable Display Only User fees and Floor Broker User fees on the MDX fee schedule will provide greater clarity to both Customers who provide Display Only Services to users and third-party vendors of Approved Third-Party Devices. Furthermore, including the reporting processes will ensure the Exchange accurately charges fees for these services.

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.⁵ Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,⁶ which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities. The Exchange also believes the proposed rule change is consistent with the Section 6(b)(5)⁷ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed Floor Broker User fee cap is equitable and not unfairly discriminatory because it would apply equally to all TPH firms using Approved Third-Party Devices on the Exchange trading floor. Furthermore, the Exchange believes it is reasonable, equitable and not unfairly discriminatory to cap Floor Broker User Fees because Floor Broker Users generally use the data for the limited purpose of meeting their order priority obligations (as opposed to using the data for proprietary trading activity).

The Exchange believes the additional updates to the MDX fee schedule related to further defining Floor Broker users and the reporting obligations of Customers and third-party vendors of Approved Third Party Devices are designed to add clarity and reduce confusion related to the BBO Data Feed and will therefore lead to the equitable allocation of reasonable dues, fees, and other charges among its TPHs and other persons using its facilities.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed fee cap on Floor Broker User Fees will not have an impact on intramarket competition as it will apply to all TPH firms equally who use more than 10 Approved Third-Party Devices. The other clarifications made to the fee schedule related to further defining Floor Broker users and the reporting obligations of Customers and third-party vendors of Approved Third Party Devices will not have an impact on intramarket competition as they are non-substantive and only designed to add clarity to the fee schedule and reduce confusion among TPHs and other persons accessing the BBO data feed.

Furthermore, the Exchange does not believe that the proposed fee cap will cause any unnecessary burden on intermarket competition because the proposed change only affects trading on the Exchange’s trading floor. To the extent that the proposed changes make the Exchange 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 Act⁸ and paragraph (f) of Rule 19b-4⁹ 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 No. SR-CBOE-2017-030 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File No. SR-CBOE-2017-030. 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

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(4).

⁷ 15 U.S.C. 78f(b)(5).

⁸ 15 U.S.C. 78s(b)(3)(A).

⁹ 17 CFR 240.19b-4(f).

information that you wish to make available publicly. All submissions should refer to File No. SR-CBOE-2017-030, and should be submitted on or before May 12, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁰

Brent J. Fields,

Secretary.

[FR Doc. 2017-08059 Filed 4-20-17; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15106]

Oregon Disaster #OR-00085 Declaration of Economic Injury

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Oregon, dated 04/11/2017.

Incident: Severe Winter Storm.

Incident Period: 01/08/2017 through 01/20/2017.

DATES: Effective 04/11/2017.

EIDL Loan Application Deadline Date: 01/11/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416. Telephone: (202) 205-6098.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for economic injury disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Clackamas, Hood River, Multnomah

Contiguous Counties:

Oregon: Columbia, Marion, Wasco, Washington, Yamhill

Washington: Clark, Klickitat, Skamania

The Interest Rates are:

	Percent
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	3.125
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for economic injury is 151060.

The States which received an EIDL Declaration # are Oregon, Washington.

(Catalog of Federal Domestic Assistance Number 59002)

Dated: April 11, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017-07792 Filed 4-20-17; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

Small Business Size Standards: Termination of Nonmanufacturer Rule Class Waiver

AGENCY: U.S. Small Business Administration.

ACTION: Notice of termination of the class waiver to the nonmanufacturer rule for rubber gloves.

SUMMARY: The U.S. Small Business Administration (SBA) is terminating a class waiver of the Nonmanufacturer Rule (NMR) for "Gloves, rubber (e.g., electrician's, examination, household-type, surgeon's), manufacturing" based on SBA's discovery of small business manufacturers. Terminating this waiver will require recipients of Federal contracts (except those valued between \$3,500 and \$150,000) set aside for small business, service-disabled veteran-owned small business (SDVOSB), women-owned small business (WOSB), economically disadvantaged women-owned small business (EDWOSB), or participants in the SBA's 8(a) Business Development (BD) program, to provide the products of small business manufacturers or processors on such contracts for rubber gloves, unless a Federal Contracting Officer obtains an individual waiver to the NMR.

DATES: This action is effective May 8, 2017.

FOR FURTHER INFORMATION CONTACT:

Roman Ivey, Program Analyst, by telephone at 202-401-1420; or by email at roman.ivey@sba.gov.

SUPPLEMENTARY INFORMATION: Section 8(a)(17) and 46 of the Small Business Act (Act), 15 U.S.C. 637(a)(17) and 657, and SBA's implementing regulations require that recipients of Federal supply contracts (except those valued between

\$3,500 and \$150,000) set aside for small business, service-disabled veteran-owned small business (SDVOSB), women-owned small business (WOSB), economically disadvantaged women-owned small business (EDWOSB), or participants in the SBA's 8(a) Business Development (BD) program provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule (NMR). 13 CFR 121.406(b). Sections 8(a)(17)(B)(iv)(II) and 46(a)(4)(B) of the Act authorize SBA to waive the NMR for a "class of products" for which there are no small business manufacturers or processors available to participate in the Federal market.

As implemented in SBA's regulations at 13 CFR 121.1204(a)(7), SBA will periodically review existing class waivers to the NMR in order to determine whether small business manufacturers or processors have become available to participate in the Federal market. Upon receipt of information that such a small business manufacturer or processor exists, the SBA will announce its intent to terminate the NMR waiver for a class of products. 13 CFR 121.1204(a)(7)(ii). Unless public comment reveals that no small business manufacturer exists for the class of products in question, SBA will publish a final Notice of Termination in the **Federal Register**. 13 CFR 121.1204(a)(7)(iii).

On October 27, 2016, SBA received a request to terminate the current class waiver to the NMR for "Gloves, rubber (e.g., electrician's, examination, household-type, surgeon's), manufacturing" under North American Industry Classification System (NAICS) code 339113 (Surgical Appliance and Supplies Manufacturing), Product Service Code (PSC) 9320 (Rubber Fabricated Materials). The requester provided evidence that there is a small business manufacturer that has submitted offers on solicitations for government contracts within the last 24 months. SBA issued a **Federal Register** notice of its intent to terminate the class waiver on March 14, 2017, 82 FR 13704. In response to this notice, SBA did not receive any comments from the public.

As a result of this NMR class waiver termination, under a small business set-aside, small business dealers are no longer able to provide the product of an other than small manufacturer on contracts of those types for "Gloves, rubber (e.g., electrician's, examination, household-type, surgeon's), manufacturing," unless a Federal

¹⁰ 17 CFR 200.30-3(a)(12).

Contracting Officer obtains an individual waiver to the NMR.

Therefore, SBA is retracting the NMR class waiver previously granted for Rubber Gloves, identified under PSC 9320 and NAICS code 339113.

More information on the NMR and Class Waivers can be found at <https://www.sba.gov/contracting/contracting-officials/non-manufacturer-rule/non-manufacturer-waivers>.

Seán F. Crean,

Director, Office of Government Contracting.

[FR Doc. 2017-08077 Filed 4-20-17; 8:45 am]

BILLING CODE 8025-01-P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2016-0057]

Privacy Act of 1974; Matching Program

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a new computer matching program that we are currently conducting with VA/VBA.

DATES: The deadline to submit comments on the proposed matching program is 30 days from the date of publication of this notice. The matching program will be effective on May 11, 2017 and will expire on November 10, 2018.

ADDRESSES: Interested parties may comment on this notice by either telefaxing to (410) 966-0869, writing to Mary Ann Zimmerman, Acting Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, or email at MaryAnn.Zimmerman@ssa.gov. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Interested parties may submit general questions about the matching program to Mary Ann Zimmerman, Acting Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, by any of the means shown above.

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100-503), amended the Privacy Act (5 U.S.C. 552a) by describing the conditions under which computer matching involving the Federal government could

be performed and adding certain protections for persons applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) further amended the Privacy Act regarding protections for such persons.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain approval of the matching agreement by the Data Integrity Boards of the participating Federal agencies;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish detailed reports about matching programs to Congress and OMB;

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying a person's benefits or payments.

We have taken action to ensure that all of our computer matching programs comply with the requirements of the Privacy Act, as amended.

Mary Ann Zimmerman,

Acting Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

PARTICIPATING AGENCIES:
SSA and VA/VBA

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

This agreement is executed in compliance with section 1106 of the Act (42 U.S.C. 1306), the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988, and the regulations and guidance promulgated thereunder.

The legal authorities for us to conduct this computer matching are sections 806(b), 1144, and 1631(e)(1)(B) and (f) of the Act (42 U.S.C. 1006(b), 1320b-14, and 1383(e)(1)(B) and (f)).

The legal authority for VA to disclose information under this agreement is section 1631(f) of the Act (42 U.S.C. 1383(f)), which requires Federal agencies to provide such information as the Commissioner of Social Security needs for purposes of determining eligibility for or amount of benefits, or verifying other information with respect thereto.

PURPOSE:

This computer matching agreement sets forth the terms, conditions, and safeguards under which VA/VBA will provide us with information necessary to: (1) Identify certain Supplemental Security Income (SSI) and Special Veterans Benefit (SVB) recipients under Title XVI and Title VIII of the Social Security Act (Act), respectively, who receive VA-administered benefits; (2) determine the eligibility or amount of payment for SSI and SVB recipients; and (3) identify the income of individuals who may be eligible for Medicare cost-sharing assistance through the Medicare Savings Programs as part of the agency's Medicare outreach efforts.

CATEGORIES OF INDIVIDUALS:

The individuals whose information is involved in this matching program are those individuals who are receiving VA compensation or pension benefits and SSI or SVB benefits.

CATEGORIES OF RECORDS:

VA will provide us with electronic files containing compensation and pension payment data. We will match the VA data with our SSI/SVB payment information. We will conduct the match using the Social Security number, name, date of birth, and VA claim number on both the VA file and the Supplemental Security Record.

SYSTEMS OF RECORDS:

VA will provide us with electronic files containing compensation and pension payment data from its system of records (SOR) entitled the "Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records—VA" (58VA21/22/28), republished with updated name at 74 FR 14865 (April 1, 2009) and last amended at 77 FR 42593 (July 19, 2012). Routine use 20 of 58VA21/22/28 permits disclosure of the subject records for matching purposes.

We will match the VA data with SSI/SVB payment information maintained in our SOR entitled "Supplemental Security Income Record and Special Veterans Benefits" (60-0103), last published at 71 FR 1830 (January 11, 2006).

[FR Doc. 2017-08039 Filed 4-20-17; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF STATE

[Public Notice: 9973]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: "World on the Horizon: Swahili Arts Across the Indian Ocean" Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257-1 of December 11, 2015), I hereby determine that certain objects to be included in the exhibition "World on the Horizon: Swahili Arts Across the Indian Ocean," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Krannert Art Museum at the University of Illinois at Urbana-Champaign, Champaign, Illinois, from on or about August 25, 2017, until on or about March 24, 2018, at the National Museum of African Art, Smithsonian Institution, from on or about May 9, 2018, until on or about September 3, 2018, at the Fowler Museum at the University of California, Los Angeles, Los Angeles, California, from on or about October 21, 2018, until on or about February 10, 2019, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PA, SA-5, Suite 5H03, Washington, DC 20522-0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017-08173 Filed 4-20-17; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE

[Public Notice: 9952]

60-Day Notice of Proposed Information Collection: Affidavit Regarding a Change of Name

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

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 20, 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-2017-0014 in the Search field. Then click the "Comment Now" button and complete the comment form.

- *Email:* PPTFormsOfficer@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, by mail to PPT Forms Officer, U.S. Department of State, CA/PPT/S/L 44132 Mercure Cir, P.O. Box 1227 Sterling, VA 20166-1227, or PPTFormsOfficer@state.gov.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Affidavit Regarding a Change of Name.
- *OMB Control Number:* 1405-0133.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Department of State, Bureau of Consular Affairs, Passport Services, Office of Legal Affairs and Law Enforcement Liaison (CA/PPT/S/L/LA).
- *Form Number:* DS-60.
- *Respondents:* Individuals.
- *Estimated Number of Respondents:* 161,239.
- *Estimated Number of Responses:* 161,239.

- *Average Time per Response:* 40 minutes.
- *Total Estimated Burden Time:* 107,493 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain 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

The Affidavit Regarding a Change of Name is submitted in conjunction with an application for a U.S. passport. It collects information that the Department uses to establish that an applicant for a U.S. passport has adopted a new name without formal court proceedings or by marriage and has publicly and exclusively used the adopted name over a period of time (at least five years).

Methodology

When needed, the Affidavit Regarding a Change of Name is completed at the time a U.S. citizen applies for a U.S. passport.

Brenda S. Sprague,

Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, Department of State.

[FR Doc. 2017-08081 Filed 4-20-17; 8:45 am]

BILLING CODE 4710-06-P

SUSQUEHANNA RIVER BASIN COMMISSION**Projects Approved for Minor Modifications**

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the minor modifications approved for a previously

approved project by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: August 16, 2016, to March 31, 2017.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT:

Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; email: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists previously approved projects, receiving approval of minor modifications, described below, pursuant to 18 CFR 806.18 for the time period specified above:

Minor Modifications Issued Under 18 CFR 806.18

1. Essential Power Rock Springs LLC, Rock Springs Generation Facility, Docket No. 20001203-2, Rising Sun District, Cecil County, Md.; approval to change the authorized water use purpose, on an interim basis, to include bulk water supply to the neighboring Wildcat Point Generation Facility; Approval Date: August 16, 2016.
2. Essential Power Rock Springs LLC, Rock Springs Generation Facility, Docket No. 20001203-3, Rising Sun District, Cecil County, Md.; approval to add Wildcat Point Generation Facility as a source for project consumptive water use to be used as a replacement for the existing sources and rescission of the approval for surface water withdrawal from the on-site stormwater pond; Approval Date: January 6, 2017.
3. Old Dominion Electric Cooperative, Wildcat Point Generation Facility, Docket No. 20140308-1, Rising Sun District, Cecil County, Md.; approval to add Rock Springs Generation Facility as a source for project consumptive water use, on an interim basis, until the approved new water source under Docket No. 20140308 is available; Approval Date: August 16, 2016.
4. Old Dominion Electric Cooperative, Wildcat Point Generation Facility, Docket No. 20140308-2, Rising Sun District, Cecil County, Md.; approval to change the authorized water use purpose to include bulk water supply to the neighboring Rock Springs Generation Facility; Approval Date: January 6, 2017.
5. Patton Borough, Docket No. 20121221-1, Clearfield Township,

Cambria County, Pa.; approval of an increase in the total system limit from 0.339 mgd established in Docket No. 20121221 to 0.632 mgd; Approval Date: September 26, 2016.

6. Renovo Energy Center LLC, Docket No. 20160608-1, Renovo Borough, Clinton County, Pa.; approval to add Renovo Borough Water Authority as a source for project consumptive water use, on an interim basis, until the approved new water source under Docket No. 20160608 is available; Approval Date: March 24, 2017.

Authority: Pub. L. 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

Dated: April 18, 2017.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2017-08091 Filed 4-20-17; 8:45 am]

BILLING CODE 7040-01-P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: March 1-31, 2017.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT:

Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; email: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(e) and § 806.22(f) for the time period specified above:

Approvals by Rule Issued Under 18 CFR 806.22(e)

1. Mt. Carmel Cogen, Inc., ABR-201703001, Mt. Carmel Township, Northumberland County, Pa.; Consumptive Use of Up to 1.370 mgd; Approval Date: March 1, 2017.

Approvals by Rule Issued Under 18 CFR 806.22(f)

1. Chief Oil & Gas, LLC, Pad ID: Tague East Drilling Pad, ABR-201208024.R1, Lemon Township, Wyoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: March 3, 2017.
2. Chesapeake Appalachia, LLC, Pad ID: Borek, ABR-201208021.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 6, 2017.
3. EOG Resources, Inc., Pad ID: WOLFE B Pad, ABR-201203002.R1, Athens Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 6, 2017.
4. SWN Production Company, LLC, Pad ID: TONYA EAST, ABR-201204012.R1, New Milford and Great Bend Townships, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 6, 2017.
5. SWN Production Company, LLC, Pad ID: Seamans Pad, ABR-201204022.R1, Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 6, 2017.
6. SWN Production Company, LLC, Pad ID: Warner Pad, ABR-201204024.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 6, 2017.
7. SWN Production Company, LLC, Pad ID: Charles Pad, ABR-201204013.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 7, 2017.
8. SWN Production Company, LLC, Pad ID: Gaylord Pad, ABR-201204020.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 7, 2017.
9. SWN Production Company, LLC, Pad ID: Page Pad, ABR-201204021.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 7, 2017.
10. SWN Production Company, LLC, Pad ID: Walker Pad, ABR-201204023.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 7, 2017.
11. SWN Production Company, LLC, Pad ID: O'Brien Pad, ABR-201205012.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 7, 2017.

12. Chief Oil & Gas, LLC, Pad ID: AMBROSIUS B PAD, ABR–201703002, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: March 9, 2017.
13. Chief Oil & Gas, LLC, Pad ID: Taylor Drilling Pad B, ABR–201703003, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: March 9, 2017.
14. SWN Production Company, LLC, Pad ID: Humbert III Pad (RU–9), ABR–201205018.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 16, 2017.
15. SWN Production Company, LLC, Pad ID: Scarlet Oaks Pad (RU–38), ABR–201205020.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 16, 2017.
16. EXCO Resources (PA), LLC, Pad ID: Dale Bower East Unit Pad, ABR–201202009.R1, Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 8.0000 mgd; Approval Date: March 17, 2017.
17. SWN Production Company, LLC, Pad ID: ASNIP–ABODE, ABR–201202005.R1, Herrick and Orwell Townships, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 22, 2017.
18. SWN Production Company, LLC, Pad ID: Glover Pad, ABR–201204019.R1, Thompson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 22, 2017.
19. Chesapeake Appalachia, LLC, Pad ID: Blueberry Hill, ABR–201209014.R1, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 27, 2017.
20. Chief Oil & Gas, LLC, Pad ID: SGL 12 C DRILLING PAD, ABR–201703004, Leroy and Overton Townships, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: March 27, 2017.
21. Chesapeake Appalachia, LLC, Pad ID: Carr, ABR–201209015.R1, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 29, 2017.
22. Chief Oil & Gas, LLC, Pad ID: Raimo Unit Pad, ABR–201703005, Overton and Monroe Townships, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: March 29, 2017.
23. SWN Production Company, LLC, Pad ID: NR–10 POWELL Pad, ABR–201703006, Great Bend Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 29, 2017.
24. Cabot Oil & Gas Corporation Pad ID: TsourousA P1, ABR–201703007, Jessup Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 29, 2017.
25. Chief Oil & Gas, LLC, Pad ID: L. KINGSLEY NORTH UNIT PAD, ABR–201703008, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: March 29, 2017.
26. SWEPI, LP, Pad ID: Kreitzer 505, ABR–201202030.R1, Rutland Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 29, 2017.
27. Range Resources—Appalachia, LLC, Pad ID: Porter, Stephen, ABR–201203028.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: March 29, 2017.
28. Range Resources—Appalachia, LLC, Pad ID: Roaring Run Unit, ABR–201203029.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: March 29, 2017.
29. SWN Production Company, LLC, Pad ID: Wilkes Well Pad, ABR–201202029.R1, Silver Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 30, 2017.
30. SWN Production Company, LLC, Pad ID: Preston-Perkins, ABR–201204025.R1, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 30, 2017.
31. Chesapeake Appalachia, LLC, Pad ID: Yench, ABR–201209012.R1, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 31, 2017.
32. JKLM Energy, LLC, Pad ID: Headwaters 142, ABR–201703009, Ulysses Township, Potter County, Pa.; Consumptive Use of Up to 3.5500 mgd; Approval Date: March 31, 2017.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

Dated: April 18, 2017.

Stephanie L. Richardson,
Secretary to the Commission.

[FR Doc. 2017–08089 Filed 4–20–17; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Rescinded for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the approved by rule projects rescinded by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: March 1–31, 2017.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: joyler@srb.com. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, being rescinded for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(e) and 806.22(f) for the time period specified above:

Rescinded ABR Issued

1. SWN Production Company, LLC, Pad ID: Estabrooks Pad, ABR–201204017, Harford Township, Susquehanna County, Pa., Rescind Date: March 15, 2017.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

Dated: April 18, 2017.

Stephanie L. Richardson,
Secretary to the Commission.

[FR Doc. 2017–08090 Filed 4–20–17; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of Categorical Exclusion and Record of Decision (CATEX/ROD) for EWR RNAV (GPS) X Runway 29 Procedure

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Notice of Availability.

SUMMARY: The FAA, Eastern Service Area is issuing this notice to advise the public of the availability of the Categorical Exclusion/Record of Decision (CATEX/ROD) for the Newark Liberty International Airport EWR RNAV (GPS) X Runway 29 (RWY 29) procedure. The FAA reviewed the action and determined it to be categorically excluded from further environmental documentation.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan W. Almasy, Federal Aviation Administration, Operations Support Group, Eastern Service Center, 1701 Columbia Avenue, College Park, Georgia 30337, (404) 305-5601 or http://www.faa.gov/air_traffic/environmental_issues/.

SUPPLEMENTARY INFORMATION: The EWR RNAV (GPS) X RWY 29 procedure at Newark Liberty International Airport will be used as an overflow procedure when EWR is landing RWY 4Left/Right and is anticipated to be used only between the hours of 7:00 a.m. and 10:00 p.m., by approximately 1,700 aircraft annually. This is approximately 3 percent of total landing operation on RWY 29. The FAA reviewed the action and determined it to be categorically excluded from further environmental documentation according to FAA Order 1050.1F, Environmental Impacts: Policies and Procedures. The applicable categorical exclusion is § 5-6.5(q).

Issued in College Park, Georgia, on April 13, 2017.

Geoff Lelliott,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2017-08101 Filed 4-20-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration**

[Summary Notice No. PE-2017-18]

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 petition seeking relief from specified requirements of Title 14, Code of Federal Regulations (14 CFR). The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the 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 petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before May 11, 2017.

ADDRESSES: You may send comments identified by docket number FAA-2017-0180 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 digitally.
- *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 the 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: Lynette Mitterer, ANM-113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057-3356, email Lynette.Mitterer@faa.gov, phone (425) 227-1047.

This notice is published pursuant to 14 CFR 11.85.

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

Victor Wicklund,

Manager, Transport Standards Staff.

Petition for Exemption

Docket No.: FAA-2017-0180.

Petitioner: L-3 Communications Integrated Systems, L.P.

Section of 14 CFR Affected: §§ 25.562 and 25.785(b).

Description of Relief Sought: Allow certification of a medical stretcher carrier for transport of persons whose medical condition dictates such accommodation.

[FR Doc. 2017-07610 Filed 4-20-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2010-0177]

Parts and Accessories Necessary for Safe Operation; Exemption Renewal for the Flatbed Carrier Safety Group

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: FMCSA renews the Flatbed Carrier Safety Group's (FCSG) exemption which allows the securement of metal coils on a flatbed vehicle, in a sided vehicle, or in an intermodal container loaded with eyes crosswise, grouped in rows, in which the coils are loaded to contact each other in the longitudinal direction. Motor carriers may continue to use the pre-January 1, 2004, cargo securement regulations for the transportation of groups of metal coils with eyes crosswise, as this loading configuration is not currently covered under the Agency's commodity-specific rules for securing metal coils in 49 CFR 393.120. The Agency has concluded that granting this exemption renewal will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

DATES: This decision is effective April 21, 2017. Comments on the decision must be received on or before May 22, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-2010-0177 using any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the

instructions for submitting comments on the Federal electronic docket site.

• *Fax:* 1-202-493-2251.

• *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

• *Hand Delivery:* Ground Floor, Room W12-140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday-Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the "Public Participation" heading below. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the "Privacy Act" heading for further information.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or to Room W12-140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

Public participation: The <http://www.regulations.gov> Web site is generally available 24 hours each day, 365 days each year. You may find electronic submission and retrieval help and guidelines under the "help" section of the <http://www.regulations.gov> Web site as well as the DOT's <http://docketsinfo.dot.gov> Web site. If you would like notification that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Mr. Luke W. Loy, Vehicle and Roadside Operations Division, Office of Bus and Truck Standards and Operations, MC-PSV, (202) 366-0676, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:

Background

FMCSA may renew an exemption from the Federal Motor Carrier Safety Regulations for a five-year period (49 U.S.C. 31315(b)(2)) if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption" (49 U.S.C. 31315(b)(1); see also 49 U.S.C. 31136(e)). FCSG has requested a five-year extension for the exemption from 49 CFR 393.120 to allow motor carriers to comply with the pre-January 1, 2004, cargo securement regulations (then at 49 CFR 393.100(c)) for the transportation of groups of metal coils with eyes crosswise. The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Basis for Renewing Exemption

FCSG applied for an exemption from 49 CFR 393.120 in 2010 to allow motor carriers to comply with the pre-January 1, 2004, cargo securement regulations for the transportation of groups of metal coils with eyes crosswise. FMCSA granted the exemption on April 14, 2011 (76 FR 20867) and renewed it on June 11, 2013 (78 FR 35087), and again on June 4, 2015 (80 FR 31956). The renewal outlined in this notice extends the exemption from April 13, 2017, through April 13, 2022, and requests public comment.

FMCSA is not aware of any evidence showing that compliance with the pre-January 1, 2004 cargo securement regulations for the transportation of groups of metal coils with eyes crosswise, in accordance with the conditions of the original exemption, has resulted in any degradation in safety. The Agency believes that extending the exemption for a period of five years will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because the metal coils are grouped and secured together in the longitudinal direction, *i.e.*, "unitized," with the cargo securement system meeting all of the aggregate working load limit requirements of 49 CFR 393.106(d).

The exemption is renewed subject to the following requirements, provided motor carriers using the exemption continue to meet the aggregate working load limits of 49 CFR 393.106(d).

Coils with eyes crosswise: If coils are loaded to contact each other in the longitudinal direction, and relative motion between coils, and between coils and the vehicle, is prevented by tiedown assemblies and timbers:

(1) Only the foremost and rearmost coils must be secured with timbers

having a nominal cross section of 4 x 4 inches or more and a length which is at least 75 percent of the width of the coil or row of coils, tightly placed against both the front and rear sides of the row of coils and restrained to prevent movement of the coils in the forward and rearward directions; and

(2) The first and last coils in a row of coils must be secured with a tiedown assembly restricting against forward and rearward motion, respectively. Each additional coil in the row of coils must be secured to the trailer using a tiedown assembly.

The exemption will be valid for five years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Preemption

In accordance with 49 U.S.C. 31313(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

Request for Comments

FMCSA requests comments from parties with data concerning the safety record of motor carriers transporting groups of metal coils with eyes crosswise, in accordance with the conditions of the exemption. The Agency will evaluate adverse evidence submitted during the comment period and at any time during the 5-year period of the exemption. If safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b)(1), FMCSA will take immediate steps to revoke the FCSG exemption.

Issued on: April 11, 2017.

Daphne Y. Jefferson,
Deputy Administrator.

[FR Doc. 2017-08076 Filed 4-20-17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA–2017–0033]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 41 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before May 22, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2017–0033 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want

acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:**I. Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 41 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants*Darryl Bates*

Mr. Bates, 53, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bates understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bates meets the requirements

of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class C CDL from Illinois.

Jacob S. Beach

Mr. Beach, 24, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Beach understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Beach meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator’s license from Pennsylvania.

Ralph N. Bonnema, Jr.

Mr. Bonnema, 74, has had ITDM since 2010. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bonnema understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bonnema meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Ohio.

Robert L. Brooks

Mr. Brooks, 66, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Brooks understands diabetes management and monitoring, has stable control of his diabetes using

insulin, and is able to drive a CMV safely. Mr. Brooks meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class C CDL from Mississippi.

Broderick J. Burgess

Mr. Burgess, 30, has had ITDM since 1993. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Burgess understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Burgess meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Kansas.

Jerry L. Carter

Mr. Carter, 71, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Carter understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Carter meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable proliferative. He holds a Class A CDL from Illinois.

Robert D. Clayton

Mr. Clayton, 73, has had ITDM since 2011. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist

certifies that Mr. Clayton understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Clayton meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Nevada.

Christopher M. Cleland

Mr. Cleland, 49, has had ITDM since 2001. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Cleland understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cleland meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Alabama.

Frank L. Creswell, III

Mr. Creswell, 49, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Creswell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Creswell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

Brian L. Dinger

Mr. Dinger, 50, has had ITDM since 2009. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in

the last 5 years. His endocrinologist certifies that Mr. Dinger understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dinger meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Michael E. Fobian

Mr. Fobian, 55, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Fobian understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fobian meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from New Jersey.

Cecil J. Garmon

Mr. Garmon, 61, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Garmon understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Garmon meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Tennessee.

Terrance M. Golden

Mr. Golden, 57, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function

that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Golden understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Golden meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Arthur V. Hansard

Mr. Hansard, 59, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hansard understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hansard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Georgia.

Delbert L. Harris

Mr. Harris, 51, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Harris understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Harris meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Mississippi.

Jon C. Jones

Mr. Jones, 57, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting

in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Jones understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jones meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Idaho.

Rodney W. Kirkland

Mr. Kirkland, 49, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Kirkland understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kirkland meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

David P. Laselle

Mr. Laselle, 63, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Laselle understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Laselle meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Alaska.

Jared L. Lischka

Mr. Lischka, 38, has had ITDM since 2011. His endocrinologist examined him

in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lischka understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lischka meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

Mark V. Longo

Mr. Longo, 65, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Longo understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Longo meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Keith A. Mattix

Mr. Mattix, 66, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Mattix understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mattix meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Utah.

Ryan J. McClurg

Mr. McClurg, 37, has had ITDM since 2013. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. McClurg understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McClurg meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Michael A. McLaughlin

Mr. McLaughlin, 61, has had ITDM since 2009. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. McLaughlin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McLaughlin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Jersey.

Charles D. Paschall

Mr. Paschall, 55, has had ITDM since 1989. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Paschall understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Paschall meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist

examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Kentucky.

Alan Poller

Mr. Poller, 61, has had ITDM since 2006. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Poller understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Poller meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Jersey.

George E. Powell

Mr. Powell, 66, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Powell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Powell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Mexico.

Kyle B. Rindels

Mr. Rindels, 35, has had ITDM since 1994. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Rindels understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV

safely. Mr. Rindels meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Minnesota.

Larry J. Sobolik

Mr. Sobolik, 22, has had ITDM since 2009. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Sobolik understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sobolik meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Oklahoma.

Kevin J. Story

Mr. Story, 52, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Story understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Story meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Maryland.

Zachary A. Stovall

Mr. Stovall, 26, has had ITDM since 2002. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist

certifies that Mr. Stovall understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stovall meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

Joseph Summers

Mr. Summers, 22, has had ITDM since 2001. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Summers understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Summers meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

Robert J. Tate

Mr. Tate, 38, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Tate understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Tate meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Virginia.

Anthony Terrill

Mr. Terrill, 48, has had ITDM since 2008. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or

more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Terrill understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Terrill meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Missouri.

Danny A. Thomas

Mr. Thomas, 58, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Thomas understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Thomas meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Randy D. Tyson

Mr. Tyson, 61, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Tyson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Tyson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Roy T. Varner

Mr. Varner, 73, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the

assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Varner understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Varner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Danny G. Washington

Mr. Washington, 55, has had ITDM since 1997. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Washington understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Washington meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Mississippi.

Clinton M. Westbrook

Mr. Westbrook, 54, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Westbrook understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Westbrook meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Matthew R. Whitney

Mr. Whitney, 35, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Whitney understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Whitney meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Nebraska.

Gary W. Wright

Mr. Wright, 50, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wright understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wright meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Virginia.

Joseph D. Zimmer

Mr. Zimmer, 44, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Zimmer understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Zimmer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that

he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).¹ The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

¹ Section 4129(a) refers to the 2003 notice as a "final rule." However, the 2003 notice did not issue a "final rule" but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA-2017-0033 and click the search button. When the new screen appears, click on the blue "Comment Now!" button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA-2017-0033 and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to this notice.

Issued on: April 14, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-08078 Filed 4-20-17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2000-8398; FMCSA-2002-12294; FMCSA-2003-14223; FMCSA-2004-19477; FMCSA-2005-20027; FMCSA-2005-20560; FMCSA-2006-24783; FMCSA-2007-27333; FMCSA-2008-0398; FMCSA-2009-0054; FMCSA-2010-0082; FMCSA-2010-0201; FMCSA-2010-0372; FMCSA-2010-0385; FMCSA-2011-0010; FMCSA-2011-0024; FMCSA-2011-0057; FMCSA-2012-0337; FMCSA-2013-0021; FMCSA-2013-0022; FMCSA-2013-0024; FMCSA-2014-0005; FMCSA-2014-0297; FMCSA-2014-0300; FMCSA-2014-0301; FMCSA-2014-0302; FMCSA-2014-0304; FMCSA-2014-0305]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 82 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before May 22, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2000-8398; FMCSA-2002-12294; FMCSA-2003-14223; FMCSA-2004-19477; FMCSA-2005-20027; FMCSA-2005-20560; FMCSA-2006-24783; FMCSA-2007-27333; FMCSA-2008-0398; FMCSA-2009-0054; FMCSA-2010-0082; FMCSA-2010-0201; FMCSA-2010-0372; FMCSA-2010-0385; FMCSA-2011-0010; FMCSA-2011-0024; FMCSA-2011-0057; FMCSA-2012-0337; FMCSA-2013-0021; FMCSA-2013-0022; FMCSA-2013-0024; FMCSA-2014-0005; FMCSA-2014-0297; FMCSA-2014-0300; FMCSA-2014-0301; FMCSA-2014-0302; FMCSA-2014-0304; FMCSA-2014-0305 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.

- *Fax:* 1-202-493-2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:**I. Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for two

years if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the two-year period.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person:

Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 82 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 82 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (65 FR 78256; 66 FR 16311; 67 FR 46016; 67 FR 57267; 68 FR 10301; 68 FR 13360; 68 FR 19596; 69 FR 62741; 69 FR 64806; 70 FR 2701; 70 FR 2705; 70 FR 12265; 70 FR 16886; 70 FR 16887; 70 FR 17504; 70 FR 30997; 71 FR 32183; 71 FR 41310; 71 FR 62147; 72 FR 1056; 72 FR 5489; 72 FR 11426; 72 FR 12665; 72 FR 12666; 72 FR 18726; 72 FR 25831; 72 FR 27624; 73 FR 61925; 73 FR 76440; 74 FR 7097; 74 FR 8842; 74 FR 9329; 74

FR 11988; 74 FR 11991; 74 FR 15584; 74 FR 15586; 74 FR 19270; 74 FR 21427; 75 FR 25917; 75 FR 25919; 75 FR 39727; 75 FR 39729; 75 FR 54958; 75 FR 70078; 75 FR 77942; 75 FR 80887; 76 FR 5425; 76 FR 7894; 76 FR 9856; 76 FR 12216; 76 FR 15361; 76 FR 17481; 76 FR 17483; 76 FR 18824; 76 FR 20076; 76 FR 20078; 76 FR 21796; 76 FR 25762; 76 FR 28125; 76 FR 29024; 77 FR 36338; 77 FR 52388; 77 FR 70534; 78 FR 9772; 78 FR 10251; 78 FR 12815; 78 FR 14410; 78 FR 16761; 78 FR 16762; 78 FR 16912; 78 FR 18667; 78 FR 20379; 78 FR 22596; 78 FR 22602; 78 FR 24300; 78 FR 26106; 78 FR 29431; 79 FR 24298; 79 FR 27681; 79 FR 38649; 79 FR 51642; 79 FR 63211; 80 FR 2471; 80 FR 2473; 80 FR 3308; 80 FR 6162; 80 FR 12248; 80 FR 12254; 80 FR 12547; 80 FR 14420; 80 FR 14223; 80 FR 15863; 80 FR 16500; 80 FR 16502; 80 FR 18693; 80 FR 20562; 80 FR 29152; 80 FR 45573). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of July and are discussed below:

As of May 7, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 43 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (65 FR 78256; 66 FR 16311; 68 FR 10301; 68 FR 13360; 68 FR 19596; 69 FR 64806; 70 FR 2701; 70 FR 2705; 70 FR 12265; 70 FR 16886; 70 FR 16887; 72 FR 1056; 72 FR 5489; 72 FR 11425; 72 FR 12666; 72 FR 18726; 72 FR 25831; 73 FR 76440; 74 FR 7097; 74 FR 8842; 74 FR 11988; 74 FR 11991; 74 FR 15584; 74 FR 15586; 74 FR 21427; 75 FR 25917; 75 FR 39727; 75 FR 80887; 76 FR 7894; 76 FR 9856; 76 FR 12216; 76 FR 15361; 76 FR 20076; 76 FR 20078; 76 FR 21796; 77 FR 52388; 77 FR 70534; 78 FR 9772; 78 FR 10251; 78 FR 12815; 78 FR 14410; 78 FR 16761; 78 FR 16762; 78 FR 18667; 78 FR

20379; 78 FR 22596; 78 FR 22602; 79 FR 27681; 79 FR 38649; 79 FR 51642; 79 FR 63211; 80 FR 2471; 80 FR 2473; 80 FR 3308; 80 FR 6162; 80 FR 12248; 80 FR 12254; 80 FR 12547; 80 FR 14220; 80 FR 14223; 80 FR 15863; 80 FR 16500; 80 FR 16502; 80 FR 18693; 80 FR 20562; 80 FR 29152; 80 FR 33011):

Neal S. Anderson (MN)
Joseph L. Beverly (FL)
Rex A. Botsford (MI)
Rickie L. Brown (MS)
Roger C. Carson (IN)
Gregory L. Cooper (PA)
Kenneth D. Craig (VA)
Douglas S. Dalling (GA)
Terry J. Dare (IN)
William A. Donovan (WA)
Breck L. Falcon (LA)
John D. Fortino (NY)
Joe T. Gage (AR)
William D. Holt (AZ)
Shane M. Holum (WA)
Mark C. Jeffrey (MT)
Christopher J. Kane (VT)
Purvis W. Kills Enemy At Night (SD)
Roosevelt Lawson (AL)
Scottie W. Lewis (GA)
Eugene R. Lydick (VA)
Emanuel N. Malone (VA)
Roberto E. Martinez (WA)
David S. Mayo (VA)
Anthony R. Melton (SC)
Joe L. Meredith, Jr. (VA)
John W. Montgomery (MA)
Travis W. Neiwert (ID)
Thomas G. Normington (WY)
Mark A. Omps (WV)
Richard D. Pontious (OH)
Daniel A. Rau (NJ)
Kevin L. Riddle (FL)
James L. Rooney (WA)
Gary W. Shelton, Jr. (FL)
James A. Smith (WA)
Benjamin Stone (VA)
Clarence L. Swann, Jr. (AL)
Bill J. Thierolf (NE)
Michael G. Trueblood (IL)
Sean E. Twohig (NY)
Donald A. Uplinger II (OH)
Steven M. Vujicic (IL)

The drivers were included in one of the following docket Nos: FMCSA–2000–8398; FMCSA–2003–14223; FMCSA–2004–19477; FMCSA–2005–20027; FMCSA–2007–27333; FMCSA–2008–0398; FMCSA–2009–0054; FMCSA–2010–0082; FMCSA–2010–0372; FMCSA–2011–0010; FMCSA–2012–0337; FMCSA–2013–0021; FMCSA–2013–0022; FMCSA–2014–0005; FMCSA–2014–0297; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305. Their exemptions are effective as of May 7, 2017, and will expire on May 7, 2019.

As of May 13, 2017, and in accordance with 49 U.S.C. 31136(e) and

31315, the following 9 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (72 FR 12666; 72 FR 25831; 74 FR 7097; 74 FR 15584; 74 FR 15586; 75 FR 25919; 75 FR 39729; 75 FR 54958; 75 FR 70078; 75 FR 77942; 76 FR 5425; 76 FR 9856; 76 FR 17481; 76 FR 20076; 76 FR 21796; 76 FR 28125; 77 FR 36338; 78 FR 18667; 78 FR 22596; 78 FR 24300; 80 FR 18696):

Toby L. Carson (TN)
Vincent C. Durazzo, Jr. (CT)
Randy M. Lane (PA)
Michael O. Regentik (MI)
Alvaro F. Rodriguez (TX)
Esequiel Rodriguez, Jr. (TX)
George K. Sizemore (NC)
Donald E. Stone (VA)
Michael A. Zingarella (CT)

The drivers were included in one of the following docket Nos: FMCSA–2007–27333; FMCSA–2008–0398; FMCSA–2010–0082; FMCSA–2010–0201; FMCSA–2010–0385; FMCSA–2011–0010; FMCSA–2011–0024. Their exemptions are effective as of May 13, 2017, and will expire on May 13, 2019.

As of May 19, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 7 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (76 FR 18824; 76 FR 29024; 78 FR 12815; 78 FR 22602; 79 FR 24298; 80 FR 20558):

Luis A. Bejarano (AZ)
Richard T. Berendt (OH)
James O. Cook (GA)
Kevin R. Lambert (NC)
Scott W. Schilling (ND)
Randy E. Sims (WA)
Mark E. Studer (KS)

The drivers were included in one of the following docket Nos: FMCSA–2011–0057; FMCSA–2013–0022. Their exemptions are effective as of May 19, 2017, and will expire on May 19, 2019.

As of May 20, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 3 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (78 FR 16912; 78 FR 29431; 80 FR 20559):

Dolan A. Gonzalez, Jr. (FL)
Paul Harpin (AZ)
Randy T. Richardson (KS)

The drivers were included in docket No. FMCSA–2013–0024. Their exemptions are effective as of May 20, 2017, and will expire on May 20, 2019.

As of May 27, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the conditions for obtaining a renewed exemption from the

vision requirements (80 FR 22773; 80 FR 45573):

Donald A. Becker (MI)
William T. Costie (NY)
Donald W. Donaldson (GA)
James L. Duck (NM)
Arthur R. Hughson (AL)
Joseph M. Jones (ID)
Howard H. Key Jr. (AR)
Quang M. Pham (TX)
Glen E. Robbins (WY)
Ronald P. Schoborg (AR)
Steven M. Tewhill (AR)

The drivers were included in docket No. FMCSA–2014–0305. Their exemptions are effective as of May 27, 2017, and will expire on May 27, 2019.

As of May 31, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 9 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (65 FR 78256; 66 FR 16311; 67 FR 46016; 67 FR 57267; 68 FR 13360; 69 FR 62741; 70 FR 12265; 70 FR 17504; 70 FR 30997; 71 FR 32183; 71 FR 41310; 71 FR 62147; 72 FR 12665; 72 FR 12666; 72 FR 25831; 72 FR 27624; 73 FR 61925; 74 FR 9329; 74 FR 15586; 74 FR 19270; 76 FR 9856; 76 FR 17483; 76 FR 18824; 76 FR 20076; 76 FR 25762; 76 FR 29024; 78 FR 16762; 78 FR 24300; 78 FR 26106; 79 FR 24298; 80 FR 26320):

Robert A. Casson (KY)
Gerald S. Dennis (IA)
John K. Fank (IL)
Gene A. Leshner, Jr. (WV)
Kenneth L. Nau (MD)
George D. Schell (IL)
Robert D. Smith (OH)
Kenneth E. Suter, Jr. (OH)
Richard A. Westfall (OH)

The drivers were included in one of the following docket Nos: FMCSA–2000–8398; FMCSA–2002–12294; FMCSA–2005–20560; FMCSA–2006–24783; FMCSA–2007–27333; FMCSA–2011–0010; FMCSA–2011–0057. Their exemptions are effective as of May 31, 2017, and will expire on May 31, 2019.

Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each

driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

IV. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 82 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: April 14, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–08079 Filed 4–20–17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0120]

Hours of Service of Drivers: Application for Exemption; G4S Secure Solutions (USA), Inc. (G4S)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that G4S Secure Solutions (USA), Inc. (G4S) has requested an exemption from the electronic logging device (ELD) requirements in 49 CFR part 395 as applied to its drivers of customer/government-owned vehicles used intermittently to perform passenger transportation. The G4S request is limited to operations involving customer/government-owned

equipment. G4S states that this exemption, if granted, would have no adverse impact on the safety of their operations, as its drivers would continue to remain subject to the HOS regulations and would complete paper records of duty status (RODS), when applicable. FMCSA requests public comment on G4S's application for exemption.

DATES: Comments must be received on or before May 22, 2017.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2017–0120 by any of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. See the *Public Participation and Request for Comments* section below for further information.

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* 1–202–493–2251.

- Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to www.regulations.gov at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. Tom Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: MCPSD@dot.gov. If you have questions on viewing or submitting

material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2017-0120), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comments online, go to www.regulations.gov and put the docket number, "FMCSA-2017-0120" in the "Keyword" box, and click "Search." When the new screen appears, click on "Comment Now!" button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and

determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

G4S states that it is an international security solutions group, with operations in more than 100 countries and more than 54,000 employees in North America alone. G4S offers its customers a suite of products and services, including risk consulting and investigations, systems integration, security software and technology, and security professionals. A component of G4S's operations is detainee and prisoner transport. Government agencies across the country, including the U.S. Immigration and Customs Enforcement and state/county police departments, contract G4S to safely and securely transport prisoners, offenders, and illegal aliens. In order to perform these transportation services, G4S is registered with the FMCSA as a for-hire motor carrier. While the company maintains a relatively small fleet of vehicles, a significant portion of its transportation services are performed by G4S employees in customer/government-owned equipment (e.g., buses and 15-passenger-vans).

G4S is aware of the upcoming ELD mandate and fully supports the Agency's efforts to curb fatigued driving. Moreover, the company has already started the process of selecting and installing compliant ELDs in its own fleet of vehicles. G4S, however, believes an exemption is in order for instances when its drivers operate customer/government-owned equipment to perform passenger transportation services.

In these instances, it is the customer, not G4S that owns and maintains the vehicles. For its part, G4S provides qualified drivers to operate the vehicles and is explicitly precluded, often by contract, from making any modifications to or installing any equipment in the vehicles. In numerous cases, G4S drivers operate different customer-owned vehicles each and every trip—

depending on which vehicles the customer makes available—making it that more impracticable to install any type of equipment in the vehicles. As the vehicles are different each trip, it is possible, and even probable, that any ELD equipment G4S might choose to employ for its own fleet of vehicles would not be compatible with the customer-owned vehicles, and the company's drivers would not be aware of that fact until it came time to operate the equipment on a given day.

According to G4S, in some cases, these customer-owned vehicles may have been manufactured prior to the model year 2000—excluding them from the ELD mandate—but again, G4S drivers would not necessarily be privy to that fact until it came time to operate the vehicle. It is also possible that in some instances G4S's drivers may not operate the equipment beyond a 100 air-mile radius of their normal work reporting location and may, therefore, fall under the short-haul exemption, but that also is not always the case.

In these ways, G4S claims that its operations are indistinguishable from driveaway-towaway operations, which, are excluded from the ELD mandate. In these instances, neither the carriers nor the drivers own the vehicles being driven, nor are they authorized to make any modifications to those vehicles. Similarly, in both cases, the vehicles at issue may only be operated by the carrier's drivers for single trip.

The only distinction between G4S's operations and those of traditional driveaway-towaway companies is that the customer/government-owned equipment operated by G4S's drivers is not the commodity being moved. Although this is a distinction that precludes G4S from taking advantage of the driveaway-towaway exemption, it is not one that would, from a safety perspective, warrant ELDs in G4S's case any more so than driveaway-towaway companies. In fact, the company perceives no adverse impact to safety if the FMCSA were to grant this exemption request, particularly in light of the existing driveaway-towaway exemption. On the other hand, if the request was to be denied by FMCSA, G4S stands to potentially lose its customer contracts with several government agencies which, as explained, often contractually prohibit the company from installing any equipment in their vehicles.

IV. Method To Ensure an Equivalent or Greater Level of Safety

For these reasons, G4S respectfully requests an exemption from the ELD mandate for the operation of customer/

government-owned equipment to provide intermittent passenger transportation. G4S states that the company believes that this exemption proposal achieves a level of safety that is equivalent to the ELD mandate that takes effect on December 18, 2017—because its drivers would still be subject to the hours-of-service (HOS) restrictions contained in 49 CFR part 395 and would continue to (when required) record their duty status on paper logbooks, just as driveaway-towaway drivers are authorized to do.

A copy of G4S's application for exemption is available for review in the docket for this notice.

Issued on: April 14, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-08092 Filed 4-20-17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2017-0002-N-11]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice and comment request.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA), this notice announces FRA is forwarding for renewal the Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On December 21, 2016, FRA published a notice providing a 60-day period for public comment on the ICR.

DATES: Comments must be submitted on or before May 22, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590 (Telephone: (202) 493-6292); or Ms. Kim Toone, Information Collection Clearance Officer, Office of Administration, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 35, Washington, DC 20590 (Telephone: (202) 493-6132).

(These telephone numbers are not toll free.)

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501-3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), and 1320.12. On December 21, 2016, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICR for which it is now seeking OMB approval. See 81 FR 93725. On February 21, 2017, FRA received one comment in response to the 60-day notice from Mr. Jeffrey S. Hollister, President and CEO of American Railcar Industries (ARI), Inc.

Many of ARI's comments focus on the substantive merits of the Railworthiness Directive and Revised Railworthiness Directive (collectively RWD or Directive unless stated otherwise) this ICR pertains to and FRA's authority to issue the RWD. Because these comments are outside the scope of the PRA burden analyzed in this notice, and because the RWD is currently the subject of a legal action brought by ARI, FRA cannot respond to those comments in this notice. Consistent with the PRA, however, FRA is addressing each of ARI's comments on the accuracy of FRA's estimates of the burdens of the information collection activities associated with the RWD.

In its comments, ARI expresses the view "FRA dramatically underestimates the burdens created by the information collection activities required by the Directive." Specifically, ARI alleges FRA's burden estimates are too low in the following eight instances:

(1) To identify the 14,800 tank cars subject to the Directive, FRA estimated the total annual burden as 80 hours, but ARI estimates 900 hours because "the time calculated to respond to 100 lessees at 4 hours each is 400 hours, plus FRA failed to account for 500 hours ARI already has invested in supporting customer requests for information on the application of the Directive to their cars";

(2) To visually inspect the 14,800 tank cars prior to each loaded trip, FRA estimated the total annual burden as 7,400 hours, but ARI estimates 98,667 hours. ARI estimates an average of 20 railcar loadings and 20 minutes for each inspection and the associated documentation requirements;

(3) To inspect and test the sump and bottom outlet valve (BOV) skid groove attachment welds and maintain record results for over 2,200 tank cars, FRA

estimates the total annual burden hours as 6,600 hours, but ARI estimates 53,200 hours based on the assumption that each inspection and test will take 26.5 hours;

(4) FRA estimated no total annual burden hours for removal of tank linings to perform visual inspections on 0 percent of the cars to be inspected. ARI estimates 2 hours per car or an additional 1,320 total annual burden hours;

(5) To train and test tank car mechanics who are not qualified on non-destructive testing (NDT) procedures and record qualification, FRA estimated the total annual burden as 132 hours, but ARI estimates 640 hours. ARI asserts FRA did not take into account the need to train 100 inspectors, develop the NDT procedures, or prepare specimens and training procedures;

(6) For tank car notification to all parties of the terms of the Directive and inspection/testing schedule, FRA estimated the total annual burden as 100 hours, but ARI estimates 8,800 hours. ARI notes that "FRA estimates only 100 notices at one hour each while ARI assumes this task requires the development of over 2,200 plans at 4 hours per car to get each car to a shop, develop a freight plan, shop schedule, and out-of-service time";

(7) For reports of inspection, test, and repair to FRA, ARI states FRA estimated the total annual burden hours as 3,300 hours, but ARI estimates 6,600 hours. (FRA notes that, in its approved Emergency Clearance submission to OMB, it previously estimated this burden at 33,600 hours, not the erroneous 3,300 hours in its 60-day December 21, 2016, **Federal Register** notice which ARI cited in its comments). ARI explains it estimates 3 hours per car/report "in order to include the time ARI spends to review the reports, correct factual errors, store results, update the database and provide summaries to the FRA"; and

(8) For tank car facility requests to tank car owners for written permission and approval of qualification and maintenance programs, FRA estimated the total annual burden as 7 hours, but ARI estimates 660 hours for 330 cars (15%) which will require owner's approval and instructions prior to repair which will require 2 hours per car.

After careful consideration of ARI's comments and estimates, FRA reviewed its own estimates and either validated its initial estimates or adjusted its estimates in light of ARI's comments. As a result, FRA now estimates a total annual burden for this ICR in excess of the 68,953 hours originally approved by OMB on October 18, 2016, in FRA's

Emergency Clearance submission. FRA's modified burden estimates are as follows:

(1) To identify the railroad tank cars subject to the RWD, FRA stands by its original estimate of 20 identifications/reports—one report for each of the estimated 20 tank car owners/100 lessees (5 lessees per tank car owner are included/incorporated in each identification/report)—and 80 hours (4 hours per identification/report). FRA believes ARI's estimate of 900 hours is excessive because tank cars built to the ARI or ACF Industries, LLC (ACF) 300 stub sill design and subject to the Directive are easily identifiable based upon their certificates of construction which all tank car owners are required to retain;

(2) To visually inspect the tank cars prior to each loaded move, FRA has revised its previous estimate of 7,400 total annual burden hours to 14,529 total burden hours. FRA believes the number of annual load moves is 6 and each visual inspection/record takes approximately 10 minutes to complete, while ARI estimates there are 20 annual load moves per year and each visual inspection/record takes 20 minutes to complete. To arrive at its total burden of 98,667 hours, ARI more than triples the number of annual load moves (20 moves instead of 6 moves) and doubles the time to complete each visual inspection/record (20 minutes instead of 10 minutes). FRA subject matter experts state the number of annual load moves is well under 10 and completing the required visual inspection/record is not a time consuming process and should take significantly less than 20 minutes;

(3) To inspect and test the sump and BOV skid groove attachment welds and maintain record results, FRA has revised its estimate to reflect the 2,175 cars subject to this requirement (15 percent of the estimated fleet of 14,500 cars subject to the Directive)¹ and has increased its estimate of the average time it takes to complete this requirement from 2 hours to 19 hours (*i.e.*, 4 hours for cleaning, inbound inspection, and estimating (write-up), plus 3 hours for inspection, testing, records preparation for visual and ultrasonic testing, plus 12 hours for car repairs). Thus, FRA has raised its previous estimate of 6,600 total annual burden hours to 41,325 total annual burden hours. FRA's adjusted estimate of 41,325 hours approximates the ARI asserted total burden of 53,200 hours.

¹ FRA recognizes the total fleet of cars subject to this RWD is approximately 14,800, but based on written and verbal reports provided to FRA to date, FRA understands that 300 cars have already been inspected under terms meeting the RWD.

Again, the experience of FRA subject matter experts supports this revised number as closer to the true burden than either FRA's initial estimate or ARI's estimate in its comments;

(4) For removal of the tank lining as part of the visual inspection/testing/repair requirement, FRA believes it will be necessary to remove the tank lining in 435 tank cars to conduct the inspections and tests this RWD requires (20% of the 2,175 cars to be inspected under this RWD (again, 2,175 is 15% of the estimated total fleet subject to the RWD)). In its comments, ARI estimates it will be necessary to remove the tank lining in 660 cars (approximately 30 percent of the cars required to be inspected under this RWD). FRA also estimates this process will take an average of 2 hours per car to complete. FRA's revised burden total amounts to 870 hours while ARI's total burden is 1,320 hours. FRA believes this estimate is closer to the actual burden, as supported by the experience of its subject matter experts;

(5) To train and test tank car mechanics who are not qualified on NDT procedures and record qualification, FRA has revised its original estimate of the total number of individuals who will need such training to 90. FRA now estimates it will take approximately 2 hours to train each person (for a total annual burden hours of 180 hours). ARI estimates 100 individuals will be trained and it will take approximately 6.4 hours to complete each person's training (for a total annual burden of 640 hours). FRA and ARI are in the same vicinity concerning the number of individuals to be trained, but disagree on the average time to complete the necessary training. FRA has doubled its original average time estimate and believes two hours is more than adequate to complete this requirement;

(6) For tank car notification to all parties of the terms of the Directive and inspection/testing schedule, FRA is maintaining its estimate of 100 notifications to the affected parties (*i.e.*, tank car lessees), but is doubling the average time to complete each notification to 2 hours (for a total burden of 200 hours). ARI calculates its estimated burden of 8,800 hours to include 2,200 cars and 4 hours to complete each required notification. However, ARI misinterprets the requirement and applies the notifications to cars rather than all parties under contract to tank car owners. Consequently, it vastly overestimates the number of notifications. ARI's average time estimate of 4 hours per notification is

double FRA's revised estimate and because it is based on cars, not parties under contract to the tank car owners, it is not based on facts and is unrealistic;

(7) For reports of inspection, test, and repair information to FRA, FRA already accounted for this burden in its earlier 19-hour estimate in (3) above for inspection, testing, repair, and corresponding records that totaled 41,325 hours. ARI estimated this burden at 53,200 hours as explained in (3) above, but then includes an additional burden here of 6,600 hours. Thus, ARI has mistakenly double-counted this burden;

(8) For tank car facility requests to tank car owners for written permission and approval of qualification and maintenance programs, FRA stands by its original total annual burden estimate of 7 hours (20 written requests plus 20 written permissions at 10 minutes each). FRA believes ARI's estimate of 660 hours misinterprets the requirement. ARI includes a written permission by the tank car owner for 330 cars (15% of 2,220 cars) rather than for the qualification and maintenance program operated by the tank car facility. FRA does not believe it will take triple the time (60 minutes as opposed to 20 minutes) to complete each written request and triple the time to complete each written permission (again 60 minutes as opposed to 20 minutes). Thus, FRA is maintaining its original estimate for this requirement;

(9) For reports by tank car facilities to tank car owners of all work performed and all observed damage, deterioration, failed components, or noncompliant parts under 49 CFR 180.513, FRA estimates there will be 2,175 repair reports/records and it will take approximately 12 hours to complete each weld defect repair and associated report/record for a total annual burden of 26,100 hours. ARI did not state its estimate for this requirement in its comment. Nevertheless, based on its stated total burden of 176,092 hours, it appears ARI estimated a total of 2,200 reports would be completed with an average time of 2.411 hours to complete each repair report/record (for a total of 5,305 hours). FRA believes ARI underestimated the time necessary to complete repairs for weld defects and the corresponding report/record and, thus, the true burden. FRA is once again relying on the experience and knowledge of its subject matter experts; and

(10) Finally, regarding the new exemption provision in the Revised Directive, FRA estimates 10 tank car owners will request exemptions from all

or part of the requirements of the RWD for a total of 149 hours (14.9 hours per petition). Neither FRA nor ARI accounted for this potential burden previously.

Overall, FRA's modified estimates amount to 83,440 hours. For the reasons outlined above, FRA believes this revised total is more accurate and more reasonable than its original estimates² and ARI's estimate of 176,092 hours.

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)-(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of this notice's publication. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summary below describes the ICR and its expected burden. FRA is submitting this renewal request for clearance by OMB as the PRA requires.

Title: Railworthiness Directive (RWD) RWD 2016-01 [REVISED] (previously approved by OMB under the title Railworthiness Directive for Certain Tank Cars Equipped with Bottom Outlet Valve Assembly and Constructed by American Railcar Industries and ACF Industries).

OMB Control Number: 2130-0616.

Abstract: An FRA investigation identified a certain design of specification DOT-111 tank cars that ARI and ACF manufactured using welding practices not in conformance with Federal regulations and Association of American Railroads' welding specifications. The cars are built to the ARI and ACF 300 stub sill design and equipped with a two-piece cast sump and BOV skid. As a result of the non-conforming welding practices, these cars may have substantial weld defects at the sump and BOV skid groove attachment welds, potentially affecting each tank's ability to retain its contents during transportation. On September 30, 2016, FRA issued the initial RWD. On November 18, 2016,

FRA issued a Revised Directive. The Revised Directive requires owners to: (1) Identify tank cars in their fleet covered by the Directive; and (2) ensure appropriate inspection and testing of each tank car's sump and BOV skid groove attachment welds to ensure no flaw exists which could result in the loss of tank integrity. This ICR applies to the Revised Directive.

Type of Request: Regular clearance of an information collection previously approved under emergency processing procedures.

Affected Public: Businesses (tank car owners, shippers, and tank car facilities).

Form(s): N/A.

Total Estimated Annual Responses: 92,250.

Total Estimated Annual Burden: 83,440 hours.

Addressee: Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: oir_a_submissions@omb.eop.gov.

Comments are invited on the following: Whether the proposed collections of information are necessary for DOT to properly perform its functions, including whether the information will have practical utility; the accuracy of DOT's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: 44 U.S.C. 3501-3520.

Sarah L. Inderbitzin,

Acting Chief Counsel.

[FR Doc. 2017-08104 Filed 4-20-17; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[NHTSA-2017-0008]

Notice of Request for Applications for Appointment to the National Emergency Medical Services Advisory Council

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

ACTION: Notice of Request for Applicants for Appointment/Reappointment to the National Emergency Medical Services Advisory Council (NEMSAC).

SUMMARY: NHTSA and its partners at the Departments of Health and Human Services (HHS) and Homeland Security (DHS) are soliciting applications for appointment or reappointment to DOT's NEMSAC. The purpose of NEMSAC, a nationally recognized council of emergency medical services representatives and consumers, is to advise and consult with DOT and the Federal Interagency Committee on EMS (FICEMS) on matters relating to emergency medical services (EMS). More information on NEMSAC, including its previous recommendations, its charter, and its current membership is available at www.EMS.gov/NEMSAC.htm.

DATES: Application packages as described below must be received by NHTSA on or before June 16, 2017.

ADDRESSES: If you wish to apply for membership, your application package should be submitted by:

- *Email:* NEMSAC@dot.gov;
- *Fax:* (202) 366-7149; or
- *Mail:* Use only overnight mail such as UPS or FedEx to:

U.S. Department of Transportation, National Highway Traffic Safety Administration, Office of Emergency Medical Services, Attn: Susan McHenry, 1200 New Jersey Avenue SE., NTI-140, Washington, DC 20590.

Any person needing accessibility accommodations should contact Susan McHenry at (202) 366-6540.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer, Jon Krohmer, Director, Office of Emergency Medical Services at (202) 366-9966; or Susan McHenry at (202) 366-6540 or via email at NEMSAC@dot.gov.

SUPPLEMENTARY INFORMATION: Notice of this call for applications is given under the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C. App. 2). The NEMSAC is authorized under Section 31108 of the Moving Ahead with Progress in the 21st Century Act of 2012.

The National Highway Traffic Safety Administration is hereby soliciting nominations for members of the NEMSAC. The Secretary of Transportation, in coordination with HHS and DHS, will appoint 25 Council members on or around July 21, 2017. Members will be selected with a view toward achieving a varied and balanced perspective on emergency medical services. The Council will be composed of non-Federal experts representing

² FRA notes its December 21, 2016, 60-day Federal Register notice contained an error in math. The total burden in that notice should have been 30,240 hours higher (for a total burden of 53,164 hours). *See* 81 FR 93725.

various sectors of the EMS community. To the extent reasonable, one member will be appointed to represent the perspectives of each of the following 24 particular sectors of EMS:

- EMS Practitioners
- Volunteer EMS
- Fire-based (career) EMS
- Private (career non-fire) EMS
- Hospital-based EMS
- Tribal EMS
- Air Medical EMS
- Local EMS service director/administrators
- EMS Medical Directors
- Emergency Physicians
- Trauma Surgeons
- Pediatric Emergency Physicians
- State EMS Directors
- State Highway Safety Directors
- EMS Educators
- Public Safety Call-Taker/Dispatcher (911)
- EMS Data Managers
- EMS Quality Improvement
- EMS Researchers
- Emergency Nurses
- Hospital Administration
- Public Health
- Emergency Management
- Consumers (not directly affiliated with an EMS or healthcare organization)
- State or local legislative bodies (e.g. city/county councils; State legislatures)

The Council's broad-based membership will assure that it has sufficient EMS system expertise and geographic and demographic diversity to accurately reflect the EMS community as a whole. Applications for members within the EMS community will be solicited from a wide array of national organizations and the public. These members will be selected for their individual expertise and to assure balanced representation from across the EMS community, but no member will represent a specific organization or association. Membership balance is not static and may change, depending on the work of the Council.

Council members serve for a term of 2 years and may be reappointed for one additional successive term. The Chair and Vice Chair of the Council are elected annually from among the selected members, and the Council is expected to meet approximately three times per year or as necessary in Washington, DC. Members serve in a "representative" capacity on NEMSAC and not as Special Government Employees. Members are unpaid; however, the NHTSA Office of EMS sponsors the associated costs for members to travel to Washington, DC.

Process and Deadline for Submitting New Applications: Individuals must

self-nominate and must apply to represent specific sectors of EMS as outlined above. Applicants may apply to represent more than one sector. There is no standard application. Instead, to be considered for the NEMSAC, applicants must submit the following information in a single package:

(1) A cover letter addressed to the Designated Federal Officer, Jon Krohmer, that includes:

a. The applicant's full name, title, home address, phone number, and email address;

b. Under the heading "SECTOR(S) OF EMS" a listing of which sectors of EMS the applicant is applying to represent from the list of 24 above; and

c. An explanation of why the applicant is applying to be a NEMSAC member and how their experience and/or education qualifies them to represent each sector for which they are applying to represent;

(2) A resume or curriculum vitae;

(3) A short biography of the applicant including professional and academic credentials not to exceed 150 words;

(4) Up to four (4) letters of support or recommendation from a company, union, trade association, non-profit organization or individual on letterhead containing a brief description why the applicant should be considered for appointment; and

(5) An affirmative statement that the applicant is not a federally registered lobbyist, and that the applicant understands that if appointed, the applicant will not be allowed to continue to serve as a Council member if the applicant becomes a federally registered lobbyist;

Please do not send company, trade association, or organization brochures or any other information. Should more information be needed, DOT staff will contact the applicant, obtain information from their past affiliations, or obtain information from publicly available sources, such as the Internet.

It is preferred that application packages be emailed to *NEMSAC@dot.gov*, but they may also be faxed to the attention of Susan McHenry at (202) 366-7149, or mailed to the U.S. Department of Transportation, National Highway Traffic Safety Administration, Office of Emergency Medical Services, Attn: Susan McHenry, 1200 New Jersey Avenue SE., NTI-140, Washington, DC 20590. If mailing, please use only overnight mail such as UPS or FedEx. Applications must be received on or before June 16, 2017. Applications selected for appointment to the NEMSAC will be notified by email and by a letter of appointment.

Process and Deadline for Current NEMSAC Members to Apply for Reappointment: The NEMSAC charter stipulates a two-term limit for appointees, thus currently appointed members of NEMSAC in their first terms are eligible to apply for reappointment. Current NEMSAC members in their first term may apply for reappointment by submitting a cover letter addressed to the Designated Federal Officer, Jon Krohmer with an explanation of why the member is seeking reappointment and an updated resume or curriculum vitae. The deadline and methods for submission are the same as above for new applicants.

Authority: 44 U.S.C. Section 3506(c)(2)(A).

Issued in Washington, DC, on April 18, 2017.

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2017-08094 Filed 4-20-17; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2016-0131]

Reports, Forms and Record Keeping Requirements Agency Information Collection Activity Under OMB Review

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

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment.

DATES: Comments must be submitted on or before May 22, 2017.

ADDRESSES: Comments should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

FOR FURTHER INFORMATION CONTACT: Michael Koppersmith, National Highway Traffic Safety Administration, Office of the Chief Counsel (NCC-0010), (202) 366-5263, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The information collection submission describes the nature of the information

collections and their expected burden. NHTSA published a 60-day **Federal Register** notice for this collection on December 28, 2016 (81 FR 95729). The agency received 0 comments on that notice.

Title: Confidential Business Information.

Type of Request: Reinstatement of a currently approved collection.¹

Form Number: This collection of information uses no standard forms.

Requested Expiration Date of Approval: Three (3) years from the date of approval of the collection.

OMB Control Number: 2127-0025.

Frequency: Submission of information pursuant to this regulation will depend on the frequency with which a given entity, such as a manufacturer of motor vehicles or motor vehicle equipment, submits information and a request that NHTSA hold the information confidential, generally pursuant to Exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)(4).

Affected Public: This collection of information would apply to any person who seeks to have NHTSA treat as confidential information submitted to NHTSA either voluntarily or pursuant to a mandatory information request issued by NHTSA. Thus, the collection of information could apply to any of the entities over which NHTSA exercises regulatory authority. Recent trends lead NHTSA to estimate that it will receive approximately 500 requests for confidential treatment per year throughout the duration of this collection. Large manufacturers make the vast majority of requests for confidential treatment.

Abstract: NHTSA's Confidential Business Information (CBI) rule, coupled with case law, has governed the submission of requests for confidential treatment of information for over 20 years.

Estimated Annual Burden: Using the above estimate of approximately 500 requests for confidentiality per year, with an estimated eight hours of preparation to collect and provide the information, at an assumed rate of \$24.92 per hour, the annual estimated cost of collecting and preparing the information necessary for 500 complete requests for confidential treatment is about \$99,680 (8 hours of preparation ×

500 requests × \$24.92). Adding in a postage cost of \$3,325 (500 requests at a cost of \$6.65 for postage (priority flat rate envelope from USPS)), we estimate that it will cost \$103,005 per year for persons to prepare and submit the information necessary to satisfy the confidential business information provisions of 49 CFR part 512.

Requesters are not required to keep copies of any records or reports submitted to us. As a result, the cost imposed to keep records would be zero hours and zero costs.

Number of Respondents: We estimate that there will be approximately 500 requests per year.

Summary of the Collection of Information: Any entity seeking confidential treatment for information submitted to NHTSA will be required to request confidential treatment from NHTSA and to justify that request. To obtain confidential treatment of submitted information, the submitting entity must comply with the requirements in NHTSA's CBI regulation and satisfy the requirements for one of the exemptions provided under the FOIA, 5 U.S.C. 552(b).

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is most effective if OMB receives it within 30 days of publication.

Issued in Washington, DC, under authority delegated in 49 CFR part 1.95.

Jack Danielson,

Acting Deputy Administrator.

[FR Doc. 2017-08136 Filed 4-20-17; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[NHTSA-2017-0001]

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.
ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections. This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before June 20, 2017.

ADDRESSES: You may submit comments identified by DOT Docket ID Number NHTSA-2017-0001 using any of the following methods:

Electronic submissions: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Mail: Docket Management Facility, M-30, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

Hand Delivery: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Fax: 1-202-493-2251.

Instructions: Each submission must include the Agency name and the Docket number for this Notice. Note that all comments received will be posted without change to <http://www.regulations.gov> including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Mary T. Byrd, Contracting Officer's Representative, Office of Behavioral Safety Research (NPD-320), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., W46-466, Washington, DC 20590. Mary T. Byrd's phone number is 202-366-5595, and her email address is Mary.Byrd@dot.gov.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed

¹ NHTSA published a 60-day notice seeking a renewal of Information Collection 2127-0025 on December 28, 2016. Because NHTSA will be unable to submit the request for renewal of this collection to OMB prior to the collection's expiration on April 30, 2017, we are now requesting that the approval for this collection be reinstated rather than requesting that the approval be renewed.

collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) 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;

(ii) 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;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to 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.

In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

Title: Psychological Constructs Related to Seat Belt Use.

Type of Request: New information collection requirement.

OMB Clearance Number: None.

Form Number: NHTSA Forms 1365 and 1366.

Requested Expiration Date of Approval: 3 years from date of approval.

Summary of the Collection of Information: The National Highway Traffic Safety Administration (NHTSA) proposes to conduct a nationally representative web-based survey using the Growth for Knowledge (GfK) KnowledgePanel, a probability-based web panel that has been in existence since 1999, to identify psychological constructs and psychosocial factors associated with the non-use and part-time use of seat belts. This research would give the traffic safety community greater insight regarding characteristics of seat belt nonusers to inform development of countermeasures tailored to more effectively encourage seat belt use among this group. The survey would measure self-reported seat belt use, psychosocial factors, and psychological constructs to understand how these factors are related.

A maximum of 20,394 KnowledgePanel panelists would be contacted via email to obtain 6,000 completed surveys. Of the 20,394 panelists contacted, it is estimated that approximately 50% or 10,197 potential respondents would log into the web portal to complete the screener instrument. It is estimated that 95% of those who complete the one minute screener (about 9,687) would be eligible for participation in the survey. Eligible panelists include U.S. residents aged 16 years or older who have driven or ridden in a motor vehicle (defined as a "car, van, truck, taxi or ride-sharing service") within the past year. Eligible participants would be sampled to obtain a sufficient number who report not wearing seat belts all of the time. Of the 6,316 sampled eligible, it is estimated that 95% or 6,000 would complete the full 19 minute survey. The total estimated burden for this data collection is 2,070 hours.

Description of the Need for the Information and Proposed Use of the Information—NHTSA was established by the Highway Safety Act of 1970 (23 U.S.C. 101) to carry out a Congressional mandate to reduce the mounting number of deaths, injuries, and economic losses resulting from motor vehicle crashes on the Nation's highways. As part of this statutory mandate, NHTSA is authorized to conduct research as a foundation for the development of motor vehicle standards and traffic safety programs.

Seat belts reduce the risk of death by 45% among drivers and front-seat passenger car occupants and by 60% among drivers and front-seat light truck occupants across all crash types—yet, not everyone uses a seat belt on every trip. According to the latest National Occupant Protection Use Survey (NOPUS), seat belt use in the United States was 90% in 2016. Although a high percentage of people were observed wearing seat belts through NOPUS, among passenger vehicle occupants killed in motor vehicle crashes in 2015, only 51% were wearing a seat belt. Thus, there is still room to save lives by getting more people to wear seat belts. In order to develop programs with potential to reach those who do not wear seat belts, we need to know as much as we can about this group. Currently, we know a lot about the demographic correlates of seat belt use (*e.g.*, age, gender), but we do not know much about other individual-level contributors to nonuse. The purpose of this research is to identify psychological constructs and psychosocial factors associated with the non-use and part-

time use of seat belts to inform the development of countermeasures.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)—Under this proposed data collection, the potential respondent universe would be U.S. residents aged 16 years or older who have driven or ridden in a motor vehicle within the past year. Survey participants would be recruited from the KnowledgePanel using email invitations to obtain 6,000 completed surveys. Each participant would complete a single survey; there would be no request for additional follow-up information or response.

Throughout the project, the privacy of all participants would be protected. Access to the survey would be controlled using a password-protected email account and web portal. Surveys would be self-administered and only accessible for a designated period. These measures protect respondent responses from being compromised.

Personally-identifiable information, such as the postal address of sample members, would be kept separate from the data collected and would be stored in restricted folders on secure password protected servers that are only accessible to study staff who need to access such information. In addition, all data collected from respondents would be reported in aggregate, and identifying information would not be used in any reports resulting from this data collection effort. Rigorous de-identification procedures would be used during summary and feedback stages to prevent respondents from being identified through reconstructive means.

Estimate of the Total Annual Reporting and Record Keeping Burden Resulting from the Collection of Information—NHTSA estimates that the total respondent burden for this data collection would be 2,070 hours. NHTSA would contact 20,394 KnowledgePanel panelists via an invitation email to obtain 6,000 completed surveys. Of the 20,394 panelists contacted, it is estimated that approximately 50% or 10,197 potential respondents would log into the web portal to complete the screener instrument. The estimated burden for the screener is 170 hours (10,197 * 1 minute = 10,197 minutes/60 = 170 hours). Based upon the screening questions as well as the sampling plan, it is estimated 510 respondents would not be eligible and that 3,371 eligible respondents would not be sampled (selected to complete the full survey). Based upon a 95% completion rate

among the 6,316 sampled respondents, it is anticipated that 6,000 respondents would complete the full survey. The estimated burden for the full survey, which would average 19 minutes in length, is 1,900 hours (6,000 * 19 minutes = 114,000 minutes/60 = 1,900 hours). The participants would not incur any reporting cost from the information collection. The participants would also not incur any record keeping burden or record keeping cost from the information collection. The overall estimated burden for this data collection is 170 hours for the screener and 1,900 hours for the full survey for a total of 2,070 hours.

Authority: 44 U.S.C. Section 3506(c)(2)(A).

Issued in Washington, DC, on April 18, 2017.

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2017-08075 Filed 4-20-17; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2017-0018 (Notice No. 2017-01)]

Hazardous Materials: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on 11 information collections pertaining to hazardous materials transportation for which PHMSA intends to request renewal from the Office of Management and Budget.

DATES: Interested persons are invited to submit comments on or before June 20, 2017.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA-2017-0018 (Notice No. 2017-01) by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 1-202-493-2251.

- *Mail:* Docket Management System; U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, Routing Symbol M-30, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Hand Delivery:* To the Docket Management System; Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and Docket Number (PHMSA-2017-0018) for this notice at the beginning of the comment. To avoid duplication, please use only one of these four methods. All comments received will be posted without change to the Federal Docket Management System (FDMS) and will include any personal information you provide.

Requests for a copy of an information collection should be directed to Steven Andrews or T. Glenn Foster, Standards and Rulemaking Division, (202) 366-8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

Docket: For access to the dockets to read background documents or comments received, go to <http://www.regulations.gov> or DOT's Docket Operations Office (see **ADDRESSES**).

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

FOR FURTHER INFORMATION CONTACT: Steven Andrews or T. Glenn Foster, Standards and Rulemaking Division, (202) 366-8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION: Section 1320.8 (d), title 5, Code of Federal Regulations (CFR) requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies information collection requests that PHMSA will be submitting to the Office of Management and Budget (OMB) for renewal and extension. These information collections are contained in 49 CFR 171.6 of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). PHMSA has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments

based on changes in proposed or final rules published since the information collections were last approved. The following information is provided for each information collection: (1) Title of the information collection, including former title if a change is being made; (2) OMB control number; (3) summary of the information collection activity; (4) description of affected public; (5) estimate of total annual reporting and recordkeeping burden; and (6) frequency of collection. PHMSA will request a 3-year term of approval for each information collection activity and will publish a notice in the **Federal Register** upon OMB's approval.

PHMSA requests comments on the following 11 information collections:

1. **Title:** Hazardous Materials Security Plans.

OMB Control Number: 2137-0612.

Summary: To assure public safety, shippers and carriers must take reasonable measures to plan and implement procedures to prevent unauthorized persons from taking control of, or attacking, hazardous materials shipments. Part 172 of the HMR requires persons who offer or transport certain hazardous materials to develop and implement written plans to enhance the security of hazardous materials shipments. The security plan requirements as prescribed in § 172.800(b) apply to specific types of shipments. Such shipments include but are not limited to: Shipments greater than 3,000 kg (6,614 pounds) for solids or 3,000 liters (792 gallons) for liquids and gases in a single packaging such as a cargo tank motor vehicle, portable tank, tank car, or other bulk container; any quantity of a Division 1.1, 1.2, or 1.3 material; a large bulk quantity of a Division 2.1 material; or any quantity of a poison-by-inhalation material. A security plan will enable shippers and carriers to reduce the possibility that a hazardous materials shipment will be used as a weapon of opportunity by a terrorist or criminal.

Affected Public: Shippers and carriers of hazardous materials in commerce.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 54,999.

Total Annual Responses: 54,999.

Total Annual Burden Hours: 427,719.

Frequency of Collection: On occasion.

2. **Title:** Rulemaking, Special Permits, and Preemption Requirements.

OMB Control Number: 2137-0051.

Summary: This collection of information applies to procedures for requesting changes, exceptions, and other determinations in relation to the HMR. Specific areas covered in this

information collection include part 105, subparts A and B, "Hazardous Materials Program Definitions and General Procedures"; part 106, subpart B, "Participating in the Rulemaking Process"; part 107, subpart B, "Special Permits"; and part 107, subpart C, "Preemption." The Federal hazardous materials transportation law directs the Secretary of Transportation to prescribe regulations for the safe transportation of hazardous materials in commerce. PHMSA is authorized to accept petitions for rulemaking and appeals, as well as applications for special permits, preemption determinations, and waivers of preemption. The types of information collected include:

(1) *Petitions for Rulemaking:* Any person may petition PHMSA to add, amend, or delete a regulation in parts 110, 130, 171 through 180, or may petition the Office of the Chief Counsel to add, amend, or delete a regulation in parts 105, 106, or 107. Petitions submitted to PHMSA are required to contain information as required by § 106.100 of the HMR.

(2) *Appeals:* Except as provided in § 106.40(e), any person may submit an appeal to our actions in accordance with the Appeals procedures found in §§ 106.110 through 106.130.

(3) *Applications for Special Permit:* Any person applying for a special permit must include the citation of the specific regulation from which the applicant seeks relief; specification of the proposed mode or modes of transportation; detailed description of the proposed special permit (e.g., alternative packaging, test, procedure, or activity), including as appropriate, written descriptions, drawings, flow charts, plans and other supporting documents, etc.

(4) *Applications for Preemption Determination:* With the exception of highway routing matters covered under 49 U.S.C. 5125(c), any person directly affected by any requirement of a State, political subdivision, or Indian tribe may apply to the Chief Counsel for a determination whether that requirement is preempted by § 107.202(a), (b), or (c). The application must include the text of the State, political subdivision, or Indian tribe requirement for which the determination is sought; specify each requirement of the Federal hazardous materials transportation law, regulations issued under the Federal hazardous material transportation law, or hazardous material transportation security regulations or directives issued by the Secretary of Homeland Security with which the applicant seeks the State, political subdivision, or Indian tribe requirement to be compared;

explain why the applicant believes the State, political subdivision, or Indian tribe requirement should or should not be preempted under the standards of § 107.202; and state how the applicant is affected by the State, political subdivision, or Indian tribe requirement.

(5) *Waivers of Preemption:* With the exception of requirements preempted under 49 U.S.C. 5125(c), any person may apply to the Chief Counsel for a waiver of preemption with respect to any requirement that: (1) The State, political subdivision thereof, or Indian tribe acknowledges to be preempted under the Federal hazardous materials transportation law, or (2) has been determined by a court of competent jurisdiction to be so preempted. The Chief Counsel may waive preemption with respect to such requirement upon a determination that such requirement affords an equal or greater level of protection to the public than is afforded by the requirements of the Federal hazardous materials transportation law or the regulations issued thereunder, and does not unreasonably burden commerce.

The information collected under these application procedures is used in the review process by PHMSA in determining the merits of the petitions for rulemakings and for reconsideration of rulemakings, as well as applications for special permits, preemption determinations, and waivers of preemption to the HMR. The procedures governing these petitions for rulemaking and for reconsideration of rulemakings are covered in subpart B of part 106. Applications for special permits, preemption, determinations, and waivers of preemption are covered under subparts B and C of part 107. Rulemaking procedures enable PHMSA to determine if a rule change is necessary, is consistent with public interest, and maintains a level of safety equal to or superior to that of current regulations. Special permit procedures provide the information required for analytical purposes to determine if the requested relief provides for a comparable level of safety as provided by the HMR. Preemption procedures provide information for PHMSA to determine whether a requirement of a State, political subdivision, or Indian tribe is preempted under 49 U.S.C. 5125, or regulations issued thereunder, or whether a waiver of preemption should be issued.

Affected Public: Shippers, carriers, packaging manufacturers, and other affected entities.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 3,304
Total Annual Responses: 4,294
Total Annual Burden Hours: 4,899
Frequency of Collection: On occasion

3. *Title:* Requirements for United Nations (UN) Cylinders.

OMB Control Number: 2137-0621.

Summary: This information collection and recordkeeping burden is the result of efforts to amend the HMR to adopt standards for the design, construction, maintenance, and use of cylinders and multiple-element gas containers (MEGCs) based on the standards contained in the United Nations (UN) Recommendations on the Transport of Dangerous Goods. Aligning the HMR with the UN Recommendations promotes flexibility, permits the use of technological advances for the manufacture of the pressure receptacles, provides for a broader selection of pressure receptacles, reduces the need for special permits, and facilitates international commerce in the transportation of compressed gases. Information collection requirements address domestic and international manufacturers of cylinders that request approval by the approval agency for cylinder design types. The approval process for each cylinder design type includes review, filing, and recordkeeping of the approval application. The approval agency is required to maintain a set of the approved drawings and calculations for each design it reviews and a copy of each initial design type approval certificate approved by the Associate Administrator for not less than 20 years.

Affected Public: Fillers, owners, users, and restesters of UN cylinders.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 50
Total Annual Responses: 150
Total Annual Burden Hours: 900
Frequency of Collection: On occasion

4. *Title:* Response Plans for Shipments of Oil.

OMB Control Number: 2137-0591.

Summary: In recent years, several major oil discharges damaged the marine environment of the United States. Under authority of the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990, PHMSA issued regulations in 49 CFR part 130 that require preparation of written spill response plans.

Affected Public: Carriers that transport oil in bulk, by motor vehicle or rail.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 8,000
Total Annual Responses: 8,000

Total Annual Burden Hours: 10,560
Frequency of Collection: On occasion

5. *Title:* Cargo Tank Specification Requirements.

OMB Control Number: 2137-0014.

Summary: This information collection consolidates and describes the information collection provisions in parts 107, 178, and 180 of the HMR involving the manufacture, qualification, maintenance, and use of all specification cargo tank motor vehicles. It also includes the information collection and recordkeeping requirements for persons who are engaged in the manufacture, assembly, requalification, and maintenance of DOT specification cargo tank motor vehicles. The types of information collected include:

(1) *Registration Statements:* Cargo tank manufacturers and repairers, as well as cargo tank motor vehicle assemblers, are required to be registered with DOT and must furnish information relative to their qualifications to perform the functions in accordance with the HMR. DOT uses the registration statements to identify these persons to ensure they possess the knowledge and skills necessary to perform the required functions and that they are performing the specified functions in accordance with the applicable regulations.

(2) *Requalification and Maintenance Reports:* These reports are prepared by persons who requalify or maintain cargo tanks. This information is used by cargo tank owners, operators and users, and DOT compliance personnel to verify that the cargo tanks are requalified, maintained, and in proper condition for the transportation of hazardous materials.

(3) *Manufacturers' Data Reports, Certificates, and Related Papers:* These reports are prepared by cargo tank manufacturers and certifiers. They are used by cargo tank owners, operators, users, and DOT compliance personnel to verify that a cargo tank motor vehicle was designed and constructed to meet all requirements of the applicable specification.

Affected Public: Manufacturers, assemblers, repairers, requalifiers, certifiers, and owners of cargo tanks.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 41,366
Total Annual Responses: 132,600
Total Annual Burden Hours: 101,507
Frequency of Collection: On occasion

6. *Title:* Container Certification Statements.

OMB Control Number: 2137-0582.

Summary: Shippers of explosives, in freight containers or transport vehicles

by vessel, are required to certify on shipping documentation that the freight container or transport vehicle meets minimal structural serviceability requirements. This requirement is intended to ensure an adequate level of safety for transport of explosives aboard vessel and consistency with similar requirements in international standards.

Affected Public: Shippers of explosives in freight containers or transport vehicles by vessel.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 650
Total Annual Responses: 890,000
Total Annual Burden Hours: 14,908
Frequency of Collection: On occasion

7. *Title:* Testing Requirements for Non-Bulk Packaging.

OMB Control Number: 2137-0572

Summary: This information collection consolidates and describes the information provisions in parts 173 and 180 of the HMR on the testing requirements for non-bulk packagings. This OMB control number covers performance-oriented packaging standards and allows packaging manufacturers and shippers more flexibility in selecting more economical packagings for their products. This information collection also allows customizing the design of packagings to better suit the transportation environment that they will encounter and encourages technological innovations, decreases packaging costs, and significantly reduces the need for special permits.

Affected Public: Each non-bulk packaging manufacturer that tests packagings to ensure compliance with the HMR.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 5,000
Total Annual Responses: 15,500
Total Annual Burden Hours: 32,500
Frequency of Collection: On occasion

8. *Title:* Testing, Inspection, and Marking Requirements for Cylinders.

OMB Control Number: 2137-0022

Summary: Requirements in § 173.301 for qualification, maintenance, and use of cylinders require that cylinders be periodically inspected and retested to ensure continuing compliance with packaging standards. Information collection requirements address registration of retesters and marking of cylinders by retesters with their identification number and retest date following the completion of required tests. Records showing the results of inspections and retests must be kept by the cylinder owner or designated agent until expiration of the retest period or

until the cylinder is re-inspected or retested, whichever occurs first. These requirements are intended to ensure that retesters have the qualifications to perform tests and identify to cylinder fillers and users that cylinders are qualified for continuing use.

Information collection requirements in § 173.303 require that fillers of acetylene cylinders keep, for at least 30 days, a daily record of the representative pressure to which cylinders are filled.

Affected Public: Fillers, owners, users, and retesters of reusable cylinders.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 139,352
Total Annual Responses: 153,287
Total Annual Burden Hours: 171,462
Frequency of Collection: On occasion

9. *Title:* Flammable Cryogenic Liquids.

OMB Control Number: 2137-0542

Summary: Provisions in § 177.840(a)(2) specify certain safety procedures and documentation requirements for drivers of motor vehicles transporting flammable cryogenic liquids. This information allows the driver to take appropriate remedial actions to prevent a catastrophic release of the flammable cryogenics should the temperature of the material begin to rise excessively or if the travel time will exceed the safe travel time. These requirements are intended to ensure a high level of safety when transporting flammable cryogenics due to their extreme flammability and high compression ratio when in a liquid state.

Affected Public: Carriers of cryogenic materials.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 65
Total Annual Responses: 18,200
Total Annual Burden Hours: 1,213
Frequency of Collection: On occasion

10. *Title:* Approval for Hazardous Materials.

OMB Control Number: 2137-0557

Summary: Without these requirements there is no means to: (1) Determine whether applicants who apply to become designated approval agencies are qualified to evaluate package design, test packages, classify hazardous materials, etc.; (2) verify that various containers and special loading requirements for vessels meet the requirements of the HMR; and (3) assure that regulated hazardous materials pose no danger to life and property during transportation.

There are several approval provisions contained in the HMR and associated procedural regulations. Responses to

these collections of information are required to obtain benefits, such as becoming an approval or certification agency, or to obtain a variance from packaging or handling requirements based on information provided by the respondent. These benefits and variances involve areas, for example, such as UN third-party certification; authorization to examine and test lighters; authorization to examine and test explosives; and authorization to re-qualify DOT cylinders

Affected Public: Business and other entities who must meet the approval requirements in the HMR.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 10,723

Total Annual Responses: 11,074

Total Annual Burden Hours: 28,270

Frequency of Collection: On occasion

11. *Title:* Rail Carrier and Tank Car Tanks Requirements, Rail Tank Car Tanks—Transportation of Hazardous Materials by Rail.

OMB Control Number: 2137–0559

Summary: This information collection consolidates and describes the information provisions in parts 172, 173, 174, 179, and 180 of the HMR on the transportation of hazardous materials by rail and the manufacture, qualification, maintenance, and use of tank cars. The types of information collected include:

(1) *Approvals of the Association of American Railroads (AAR) Tank Car Committee:* An approval is required from the AAR Tank Car Committee for a tank car to be used for a commodity other than those specified in part 173 and on the certificate of construction. This information is used to ascertain whether a commodity is suitable for transportation in a tank car. AAR approval is also required for an application for approval of designs, materials and construction, conversion or alteration of tank car tanks constructed to a specification in part 179, or an application for construction of tank cars to any new specification. This information is used to ensure that the design, construction, or modification of a tank car or the construction of a tank car to a new specification is performed in accordance with the applicable requirements.

(2) *Progress Reports:* Each owner of a tank car that is required to be modified to meet certain requirements specified in § 173.31 must submit a progress report to the Federal Railroad Administration (FRA). FRA uses this information to ensure that all affected tank cars are modified before the regulatory compliance date.

(3) *FRA Approvals:* An approval is required from FRA to transport a bulk packaging (such as a portable tank, IM portable tank, intermediate bulk container, cargo tank, or multi-unit tank car tank) containing a hazardous material in container-on-flat-car or trailer-on-flat-car service other than as authorized by § 174.63. FRA uses this information to ensure that the bulk package is properly secured using an adequate restraint system during transportation. An FRA approval is also required for the movement of any tank car that does not conform to the applicable requirements in the HMR. These latter movements are currently being reported under the information collection for special permit applications.

(4) *Manufacturer Reports and Certificate of Construction:* These documents are prepared by tank car manufacturers and used by owners, users, and FRA personnel to verify that rail tank cars conform to the applicable specification.

(5) *Quality Assurance Program:* Facilities that build, repair, and ensure the structural integrity of tank cars are required to develop and implement a quality assurance program. This information is used by the facility and DOT compliance personnel to ensure that each tank car is constructed or repaired in accordance with the applicable requirements.

(6) *Inspection Reports:* A written report must be prepared and retained for each tank car that is inspected and tested in accordance with § 180.509 of the HMR. Rail carriers, users, and FRA use this information to ensure that rail tank cars are properly maintained and in safe condition for transporting hazardous materials.

Affected Public: Manufacturers, owners, and rail carriers of tank.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 266

Total Annual Responses: 17,685

Total Annual Burden Hours: 2,834

Frequency of Collection: Annually

Issued in Washington, DC, on April 17, 2017.

William S. Schoonover,

Associate Administrator of Hazard Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2017–08045 Filed 4–20–17; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Multiemployer Pension Plan Application To Reduce Benefits

AGENCY: Department of the Treasury.

ACTION: Notice of availability; Request for comments.

SUMMARY: The Board of Trustees of the Teamsters Local 805 Pension and Retirement Fund (Local 805 Pension Fund), a multiemployer pension plan, has submitted an application to reduce benefits under the plan in accordance with the Multiemployer Pension Reform Act of 2014. The purpose of this notice is to announce that the application submitted by the Board of Trustees of the Local 805 Pension Fund has been published on the Treasury Web site, and to request public comments on the application from interested parties, including participants and beneficiaries, employee organizations, and contributing employers of the Local 805 Pension Fund.

DATES: Comments must be received by June 5, 2017.

ADDRESSES: You may submit comments electronically through the Federal eRulemaking Portal at <http://www.regulations.gov>, in accordance with the instructions on that site. Electronic submissions through www.regulations.gov are encouraged.

Comments may also be mailed to the Department of the Treasury, MPRA Office, 1500 Pennsylvania Avenue NW., Room 1224, Washington, DC 20220. Attn: Eric Berger. Comments sent via facsimile and email will not be accepted.

Additional Instructions. All comments received, including attachments and other supporting materials, will be made available to the public. Do not include any personally identifiable information (such as Social Security number, name, address, or other contact information) or any other information in your comment or supporting materials that you do not want publicly disclosed. Treasury will make comments available for public inspection and copying on www.regulations.gov or upon request. Comments posted on the Internet can be retrieved by most Internet search engines.

FOR FURTHER INFORMATION CONTACT: For information regarding the application from the Local 805 Pension Fund, please contact Treasury at (202) 622–1534 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The Multiemployer Pension Reform Act of 2014 (MPRA) amended the Internal

Revenue Code to permit a multiemployer plan that is projected to have insufficient funds to reduce pension benefits payable to participants and beneficiaries if certain conditions are satisfied. In order to reduce benefits, the plan sponsor is required to submit an application to the Secretary of the Treasury, which Treasury, in consultation with the Pension Benefit Guaranty Corporation (PBGC) and the Department of Labor, is required to approve or deny.

On March 22, 2017, the Board of Trustees of the Local 805 Pension Fund submitted an application for approval to reduce benefits under the plan. As required by MPRA, that application has been published on Treasury's Web site at <https://auth.treasury.gov/services/Pages/Plan-Applications.aspx>. Treasury is publishing this notice in the **Federal Register**, in consultation with the PBGC and the Department of Labor, to solicit public comments on all aspects of the Local 805 Pension Fund application.

Comments are requested from interested parties, including participants and beneficiaries, employee organizations, and contributing employers of the Local 805 Pension Fund. Consideration will be given to any comments that are timely received by Treasury.

Dated: April 18, 2017.

Robert J. Neis,

Benefits Tax Counsel, Office of Tax Policy.

[FR Doc. 2017-08227 Filed 4-20-17; 8:45 am]

BILLING CODE 4810-25-P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, and report to Congress annually on "the national security implications of the economic relationship between the United States and the People's Republic of China." Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on May 4, 2017 on "China's Information Controls, Global Media Influence, and Cyber Warfare Strategy".

DATES: The meeting is scheduled for Thursday, May 4, 2017, from 9:30 a.m. to 3:20 p.m.

ADDRESSES: TBD, Washington, DC. A detailed agenda for the hearing will be posted on the Commission's Web site at www.uscc.gov. Also, please check the Commission's Web site for possible changes to the hearing schedule.

Reservations are not required to attend the hearing.

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Leslie Tisdale, 444 North Capitol Street NW., Suite 602, Washington, DC 20001; telephone: 202-624-1496, or via email at ltisdale@uscc.gov. *Reservations are not required to attend the hearing.*

SUPPLEMENTARY INFORMATION:

Background: This is the fifth public hearing the Commission will hold during its 2017 report cycle. This hearing will examine the mechanisms the Chinese government uses to censor information in China and the effectiveness of these mechanisms; the methods employed by Internet users in China to circumvent these mechanisms; the implications for the United States of China's attempts to export and normalize its information control practices; China's global media influence, to include its strategic soft power goals motivating acquisitions of U.S. film studios and cinemas and its influence over foreign news; the development of Chinese journalism and the degree of freedom currently allowed to Chinese and foreign reporters in China; China's influence on media in the United States; Chinese computer network operations doctrine; China's views of internet sovereignty and attempts to promote them abroad; views of experts and strategists in China on subjects such as deterrence in cyber space; and trends in the regulation of cyberspace and cyber conflict. The hearing will be co-chaired by Chairman Carolyn Bartholomew and Commissioner Larry Wortzel. Any interested party may file a written statement by May 4, 2017, by mailing to the contact information above. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106-398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108-7), as amended by Public Law 109-108 (November 22, 2005), as amended by

Public Law 113-291 (December 19, 2014).

Dated: April 17, 2017.

Michael Danis,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2017-08133 Filed 4-20-17; 8:45 am]

BILLING CODE 1137-00-P

DEPARTMENT OF VETERANS AFFAIRS

National Research Advisory Council; 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 National Research Advisory Council will hold a meeting on Wednesday, June 7, 2017, in Conference Room 530 at 810 Vermont Avenue NW., Washington, DC. The meeting will convene at 9:00 a.m. and end at 3:00 p.m. This meeting is open to the public.

The agenda will include a brief by the Advisory Committee Management Office (ACMO), Air Force Health Study Update, Office of Research and Development (ORD) Strategy review, Big Data update, discussions on personnel and workload, and Service updates. No time will be allocated at this meeting for receiving oral presentations from the public. Members of the public wanting to attend may contact Melissa Cooper, Designated Federal Officer, ORD (10P9), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at (202) 461-6044, or by email at Melissa.Cooper@va.gov no later than close of business on May 31, 2017.

Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the clearance process. Due to security protocols, and in order to prevent delays in clearance processing, you should allow an additional 30 minutes before the meeting begins. Any member of the public seeking additional information should contact Melissa Cooper at the phone number or email address noted above.

Dated: April 18, 2017.

LaTonya L. Small,

Advisory Committee Management Officer.

[FR Doc. 2017-08129 Filed 4-20-17; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0319]

Agency Information Collection Activity: Fiduciary Agreement**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.**ACTION:** Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on information provided by VA federal fiduciaries management of beneficiary funds.

VA Form 21P–4703 is an agreement of the responsibilities of the fiduciary. When completed by VA and signed by the federal fiduciary, it constitutes a legally binding contract.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 20, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to nancy.kessinger@va.gov. Please refer to “OMB Control No. 2900–0319” in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA’s functions, including whether the information will have practical utility; (2) the accuracy of VBA’s estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the

collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–21.

Title: Fiduciary Agreement (VA Form 21P–4703).

OMB Control Number: 2900–0319.

Type of Review: Extension of a currently approved collection.

Abstract: VA maintains supervision of the distribution and use of VA benefits paid to fiduciaries on behalf of VA claimants who are incompetent, a minor, or under legal disability. This form is used as a legal contract between VA and a federal fiduciary. It outlines the responsibilities of the fiduciary with respect to the uses of VA funds.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,917.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 47,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,
Department Clearance Officer, Enterprise Records Service, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–07862 Filed 4–20–17; 8:45 am]

BILLING CODE 8320–01–P



FEDERAL REGISTER

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No. 76

April 21, 2017

Part II

The President

Executive Order 13788—Buy American and Hire American

Presidential Documents

Title 3—**Executive Order 13788 of April 18, 2017****The President****Buy American and Hire American**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to ensure the faithful execution of the laws, it is hereby ordered as follows:

Section 1. Definitions. As used in this order:

(a) “Buy American Laws” means all statutes, regulations, rules, and Executive Orders relating to Federal procurement or Federal grants—including those that refer to “Buy America” or “Buy American”—that require, or provide a preference for, the purchase or acquisition of goods, products, or materials produced in the United States, including iron, steel, and manufactured goods.

(b) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(c) “Petition beneficiaries” means aliens petitioned for by employers to become nonimmigrant visa holders with temporary work authorization under the H–1B visa program.

(d) “Waivers” means exemptions from or waivers of Buy American Laws, or the procedures and conditions used by an executive department or agency (agency) in granting exemptions from or waivers of Buy American Laws.

(e) “Workers in the United States” and “United States workers” shall both be defined as provided at section 212(n)(4)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(4)(E)).

Sec. 2. Policy. It shall be the policy of the executive branch to buy American and hire American.

(a) *Buy American Laws.* In order to promote economic and national security and to help stimulate economic growth, create good jobs at decent wages, strengthen our middle class, and support the American manufacturing and defense industrial bases, it shall be the policy of the executive branch to maximize, consistent with law, through terms and conditions of Federal financial assistance awards and Federal procurements, the use of goods, products, and materials produced in the United States.

(b) *Hire American.* In order to create higher wages and employment rates for workers in the United States, and to protect their economic interests, it shall be the policy of the executive branch to rigorously enforce and administer the laws governing entry into the United States of workers from abroad, including section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)).

Sec. 3. Immediate Enforcement and Assessment of Domestic Preferences According to Buy American Laws. (a) Every agency shall scrupulously monitor, enforce, and comply with Buy American Laws, to the extent they apply, and minimize the use of waivers, consistent with applicable law.

(b) Within 150 days of the date of this order, the heads of all agencies shall:

- (i) assess the monitoring of, enforcement of, implementation of, and compliance with Buy American Laws within their agencies;
- (ii) assess the use of waivers within their agencies by type and impact on domestic jobs and manufacturing; and

(iii) develop and propose policies for their agencies to ensure that, to the extent permitted by law, Federal financial assistance awards and Federal procurements maximize the use of materials produced in the United States, including manufactured products; components of manufactured products; and materials such as steel, iron, aluminum, and cement.

(c) Within 60 days of the date of this order, the Secretary of Commerce and the Director of the Office of Management and Budget, in consultation with the Secretary of State, the Secretary of Labor, the United States Trade Representative, and the Federal Acquisition Regulatory Council, shall issue guidance to agencies about how to make the assessments and to develop the policies required by subsection (b) of this section.

(d) Within 150 days of the date of this order, the heads of all agencies shall submit findings made pursuant to the assessments required by subsection (b) of this section to the Secretary of Commerce and the Director of the Office of Management and Budget.

(e) Within 150 days of the date of this order, the Secretary of Commerce and the United States Trade Representative shall assess the impacts of all United States free trade agreements and the World Trade Organization Agreement on Government Procurement on the operation of Buy American Laws, including their impacts on the implementation of domestic procurement preferences.

(f) The Secretary of Commerce, in consultation with the Secretary of State, the Director of the Office of Management and Budget, and the United States Trade Representative, shall submit to the President a report on Buy American that includes findings from subsections (b), (d), and (e) of this section. This report shall be submitted within 220 days of the date of this order and shall include specific recommendations to strengthen implementation of Buy American Laws, including domestic procurement preference policies and programs. Subsequent reports on implementation of Buy American Laws shall be submitted by each agency head annually to the Secretary of Commerce and the Director of the Office of Management and Budget, on November 15, 2018, 2019, and 2020, and in subsequent years as directed by the Secretary of Commerce and the Director of the Office of Management and Budget. The Secretary of Commerce shall submit to the President an annual report based on these submissions beginning January 15, 2019.

Sec. 4. *Judicious Use of Waivers.* (a) To the extent permitted by law, public interest waivers from Buy American Laws should be construed to ensure the maximum utilization of goods, products, and materials produced in the United States.

(b) To the extent permitted by law, determination of public interest waivers shall be made by the head of the agency with the authority over the Federal financial assistance award or Federal procurement under consideration.

(c) To the extent permitted by law, before granting a public interest waiver, the relevant agency shall take appropriate account of whether a significant portion of the cost advantage of a foreign-sourced product is the result of the use of dumped steel, iron, or manufactured goods or the use of injuriously subsidized steel, iron, or manufactured goods, and it shall integrate any findings into its waiver determination as appropriate.

Sec. 5. *Ensuring the Integrity of the Immigration System in Order to “Hire American.”* (a) In order to advance the policy outlined in section 2(b) of this order, the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of Homeland Security shall, as soon as practicable, and consistent with applicable law, propose new rules and issue new guidance, to supersede or revise previous rules and guidance if appropriate, to protect the interests of United States workers in the administration of our immigration system, including through the prevention of fraud or abuse.

(b) In order to promote the proper functioning of the H-1B visa program, the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of Homeland Security shall, as soon as practicable, suggest reforms to help ensure that H-1B visas are awarded to the most-skilled or highest-paid petition beneficiaries.

Sec. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

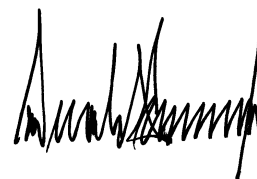
(i) the authority granted by law to an executive department or agency, or the head thereof;

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals; or

(iii) existing rights or obligations under international agreements.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be the signature of Donald Trump, located on the right side of the page.

THE WHITE HOUSE,
April 18, 2017.

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Federal Register

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S. 544/P.L. 115-26

To amend the Veterans Access, Choice, and Accountability Act of 2014 to modify the termination date for the Veterans Choice Program, and for other purposes. (Apr. 19, 2017; 131 Stat. 129)

S.J. Res. 30/P.L. 115-27

Providing for the reappointment of Steve Case as a citizen regent of the

Board of Regents of the Smithsonian Institution. (Apr. 19, 2017; 131 Stat. 131)

S.J. Res. 35/P.L. 115-28

Providing for the appointment of Michael Govan as a citizen regent of the Board of Regents of the Smithsonian Institution. (Apr. 19, 2017; 131 Stat. 132)

S.J. Res. 36/P.L. 115-29

Providing for the appointment of Roger W. Ferguson as a citizen regent of the Board of Regents of the Smithsonian Institution. (Apr. 19, 2017; 131 Stat. 133)

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