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

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 339

Medical Qualification Determinations

AGENCY: U.S. Office of Personnel Management.

ACTION: Final rule; delay of the effective date.

SUMMARY: This rule delays the effective date of the final rule titled, *Medical Qualification Determinations,* published in the **Federal Register** on January 18, 2017, for an additional 60 days, starting from January 20, 2017.

DATES: The effective date for the rule amending 5 CFR part 339 published at 82 FR 5340, January 18, 2017, is delayed until March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Monica Butler by telephone (202) 606–4209 or by email at *Monica.Butler@opm.gov.*

SUPPLEMENTARY INFORMATION: On January 18, 2017, OPM published a rule, titled *Medical Qualification Determinations* (82 FR 5340), with an effective date of February 17, 2017. On January 20, 2017, the White House distributed a Memorandum For The Heads of Executive Departments and Agencies, titled *Regulatory Freeze Pending Review,* from Reince Priebus, Assistant to the President and Chief of Staff. Pursuant to the memorandum, an agency was required to temporarily postpone, to a date 60 days from the date of the memorandum, the effective date of any rule, not excluded from the scope of the memorandum or otherwise excepted, that had been published in the **Federal Register** but had not yet taken effect. The rule referenced above, *Medical Qualification Determinations,* falls within the scope of the January 20, 2017, memorandum. Accordingly, the purpose of this rule is to perform the required action of postponing the effective date of this rule to March 21, 2017.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–03304 Filed 2–16–17; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 51 and 52

[Doc. No. AMS–SC–16–0063]

Revisions to Inspection Application Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of comment period.

SUMMARY: Notice is hereby given that the comment period for the interim rule on revisions to inspection application requirements is extended until March 23, 2017. The rule invited comments on amendments to the inspection requirements for fresh and processed fruits, vegetables, and other products that added an option for electronic inspection application submissions. The rule also updated terminology in the regulations to reflect the use of modern technology in common use by the industry.

DATES: Comments received by March 23, 2017, for the interim rule published in the **Federal Register** on December 21, 2016 (81 FR 93571), will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit comments via the internet at: *http://www.regulations.gov.* Comments submitted by mail or courier must be sent in duplicate to Francisco Grazette, United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), Specialty Crops Program (SCP), Specialty Crops Inspection (SCI) Division, 1400 Independence Ave. SW., Room 1536, Stop 0240, Washington, DC 20250 or Facsimile: (202) 720–0393. All comments should reference the document number and the dates and page numbers of the December 21, 2016, issue and this issue of the **Federal Register**. All comments received will be posted online without change, including any personal information provided, and will be made available for public inspection at the above physical address during regular business hours.

FOR FURTHER INFORMATION CONTACT: Francisco Grazette, USDA, AMS, SCP, SCI Division, 1400 Independence Ave. SW., Room 1536, Stop 0240, Washington, DC 20250–5870; facsimile: (202) 720–0393; or email: *Francisco.Grazette@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: An interim rule was published in the **Federal Register** on December 21, 2016 (81 FR 93571), and was made effective on December 22, 2016. The rule revised the inspection, certification, and standards requirements for domestic and imported fresh and processed fruits, vegetables, and other products by adding an option for electronic submissions of inspection applications. As well, the rule removed outdated terminology referring to the use of the telegraph. The changes are administrative in nature and do not impose any new requirements on applicants. The interim rule supports the use of electronic forms to streamline the export and import process for America's businesses, and will allow businesses to electronically submit required data to U.S. Customs and Border Protection and its Partner Government Agencies.

The 60-day comment period provided in the interim rule would have closed February 21, 2017. The Agricultural Marketing Service is extending the public comment period for an additional 30 days to ensure that interested persons have sufficient time to review and comment on the interim rule.

Authority: 7 U.S.C. 1621–1627.

Dated: February 14, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–03256 Filed 2–16–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0054]

Drawbridge Operation Regulation; Trent River, New Bern, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the U.S. 70 (Alfred A. Cunningham) Bridge across the Trent River, mile 0.0, at New Bern, NC. The deviation is necessary to accommodate the free movement of pedestrians and vehicles during the 2017 Neuse River Bridge Run. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 6:30 a.m. to 9 a.m. on March 11, 2017.

ADDRESSES: The docket for this deviation, [USCG–2017–0054], is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Mickey Sanders, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6587, email *Mickey.D.Sanders2@uscg.mil.*

SUPPLEMENTARY INFORMATION: The event director, Game On Inc., with approval from the North Carolina Department of Transportation, who owns and operates the U.S. 70 (Alfred A. Cunningham) Bridge across the Trent River, mile 0.0, at New Bern, NC, has requested a temporary deviation from the current operating regulations. This temporary deviation is necessary to accommodate the free movement of pedestrians and vehicles during the 2017 Neuse River Bridge Run. The bridge is a double bascule bridge and has a vertical clearance in the closed position of 14 feet above mean high water.

The current operating schedule is set out in 33 CFR 117.843(a). Under this temporary deviation, the bridge will be maintained in the closed-to-navigation position from 6:30 a.m. to 9 a.m. on March 11, 2017. The Trent River is used by a variety of vessels including small commercial vessels and recreational vessels. The Coast Guard has carefully coordinated the restrictions with waterway users in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed position may do so at any time. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels unable to pass through the bridge in the closed position. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notice to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impacts caused by this temporary deviation.

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

Dated: February 13, 2017.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2017–03192 Filed 2–16–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0071]

Drawbridge Operation Regulation; Atchafalaya River, Morgan City, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Morgan City Railroad Bridge across the Atchafalaya River (also known as Berwick Bay), mile 17.5 [Gulf Intracoastal Waterway (Morgan City-Port Allen Alternate Route), mile 0.3] in Morgan City, St. Mary Parish, Louisiana. This deviation is necessary to perform maintenance needed for the continued safe operation of the bridge. This deviation allows for the bridge to remain closed-to-navigation for two (2) separate two-day periods between Thursday, March 9, 2017, and Friday, March 17, 2017.

DATES: This deviation is effective from 6 a.m. Thursday, March 9, 2017, through 9 p.m. on Friday, March 17, 2017.

ADDRESSES: The docket for this deviation, [USCG–2017–0071] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

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

SUPPLEMENTARY INFORMATION: The BNSF Railway requested a temporary deviation from the operating schedule of the Morgan City Railroad vertical lift drawbridge across Atchafalaya River, (aka Berwick Bay), mile 17.5 [GIWW (Morgan City-Port Allen Alternate Route), mile 0.3] in Morgan City, St. Mary Parish, Louisiana. This deviation is necessary to install new Conley joints, transition rails and track panels on the west side of the bridge's north and south rails.

For the purposes of this deviation, the bridge will be allowed to remain in the closed-to-navigation position from 6 a.m. to 1 p.m. each day. From 1 p.m. until 2:30 p.m. the bridge will be opened for the passage of vessels. The bridge will again be closed-to-navigation from 2:30 p.m. to 9 p.m. This schedule will occur for two (2) separate two-day periods, on March 9 through 10, and on March 16 through March 17, 2017. At all other times the bridge will operate in accordance with 33 CFR 117.5.

The vertical clearance of the bridge is 4 feet above mean high water (MHW), elevation 8.2 feet above MHW in the closed-to-navigation position and 73 feet above MHW in open-to-navigation position. Navigation on the waterway consists of tugs with tows, oil industry related work and crew boats, commercial fishing vessels and some recreational crafts.

Vessels able to pass under the bridge in the closed position may do so at anytime. The bridge will be able to open for emergencies and the Morgan City-Port Allen Landside route through Amelia, LA can be used as an alternate route. The Coast Guard will inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge, so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35, the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 13, 2017.

Eric A. Washburn,

Bridge Administrator, Eighth Coast Guard District.

[FR Doc. 2017–03186 Filed 2–16–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0056]

Drawbridge Operation Regulation; Isle of Wight (Sinepuxent) Bay, Ocean City, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the U.S. 50 (Harry Kelly) Bridge across the Isle of Wight (Sinepuxent) Bay, mile 0.5, at Ocean City, MD. The deviation is necessary to accommodate the free movement of pedestrians and vehicles during the 2017 Island 2 Island Half Marathon Bridge Run. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 8 a.m. to 10:30 a.m. on April 29, 2017.

ADDRESSES: The docket for this deviation, [USCG–2017–0056], is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Mickey Sanders, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6587, email *Mickey.D.Sanders2@uscg.mil.*

SUPPLEMENTARY INFORMATION: The event director, OC Tri Running Sports, with approval from the Maryland State Highway Administration, who owns and operates the U.S. 50 (Harry Kelly) Bridge, has requested a temporary deviation from the current operating regulations to accommodate the free movement of pedestrians and vehicles during the 2017 Island 2 Island Half Marathon Bridge Run. The bridge is a double bascule bridge and has a vertical clearance in the closed position of 13 feet above mean high water.

The current operating schedule is set out in 33 CFR 117.559. Under this temporary deviation, the bridge will be maintained in the closed-to-navigation position from 8 a.m. to 10:30 a.m. on April 29, 2017. The Isle of Wight (Sinepuxent) Bay is used by a variety of vessels including small commercial vessels and recreational vessels. The Coast Guard has carefully considered the nature and volume of vessel traffic on the waterway in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed position may do so at any time. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels unable to pass through the bridge in the closed position. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notice to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impacts caused by this temporary deviation.

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

Dated: February 13, 2016.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2017–03193 Filed 2–16–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 510 and 512

[CMS–5519–F2]

RIN 0938–AS90

Medicare Program; Advancing Care Coordination Through Episode Payment Models (EPMs); Cardiac Rehabilitation Incentive Payment Model; and Changes to the Comprehensive Care for Joint Replacement Model; Delay of Effective Date

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review'', this action delays for 60 days from the date of the memorandum the effective date of the rule entitled ''Advancing Care Coordination Through Episode Payment Models (EPMs); Cardiac Rehabilitation Incentive Payment Model; and Changes to the Comprehensive Care for Joint Replacement Model'' published in the January 3, 2017 **Federal Register** (82 FR 180). That rule implements three new Medicare Parts A and B episode payment models and a Cardiac Rehabilitation (CR) Incentive Payment model, and implements changes to the existing Comprehensive Care for Joint Replacement model under section 1115A of the Social Security Act (the Act). Under the three new episode payment models, acute care hospitals in certain selected geographic areas will participate in retrospective episode payment models targeting care for Medicare fee-for-service beneficiaries receiving services during acute myocardial infarction, coronary artery bypass graft, and surgical hip/femur fracture treatment episodes. All related care within 90 days of hospital discharge will be included in the episode of care. Under the CR Incentive Payment model, acute care hospitals in certain selected geographic areas will receive retrospective incentive payments for beneficiary utilization of cardiac rehabilitation/intensive cardiac rehabilitation services during the 90 days following discharge from a hospitalization treatment of an acute myocardial infarction or coronary artery bypass graft surgery. We believe these models will further our goals of improving the efficiency and quality of care for Medicare beneficiaries receiving care for these common clinical conditions and procedures.

DATES:

Effective date: The effective date of the final rule published in the January 3, 2017 **Federal Register** (82 FR 180) for provisions that were to become effective on February 18, 2017, is delayed to a new effective date of March 21, 2017. The provisions contained in the following amendatory instructions remain effective July 1, 2017: Number 3 amending 42 CFR 510.2; number 4 adding 42 CFR 510.110; number 6 amending 42 CFR 510.120; number 14 amending 42 CFR 510.405; number 15 amending 42 CFR 510.410; number 16 revising 42 CFR 510.500; number 17 revising 42 CFR 510.505; number 18 adding 42 CFR 510.506; and number 19 amending 42 CFR 510.515.

Applicability date: The regulations at 42 CFR part 512 are applicable on July 1, 2017.

FOR FURTHER INFORMATION CONTACT: Nora Fleming, (410) 786–6908.

For questions related to the EPMs: *EPMRULE@cms.hhs.gov.* For questions related to the CJR model: *CJR@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION: To the extent that section 553 of the Administrative Procedure Act (APA) applies to this action to temporarily delay the rule's effective date, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Furthermore, 5 U.S.C. 553(b)(B) permits a waiver of prior notice and comment if an agency finds good cause that a notice-and-comment procedure is impracticable, unnecessary, or contrary to the public interest. Similarly, section 1871 of the Act, which normally requires prior notice and a 60-day public comment period for rules that establish or change a substantive legal standard, permits waiver of the comment period when there is good cause for an exception under 5 U.S.C. 553(b)(B). In addition, the requirement under section 553(d) of the APA for a 30-day delay in the effective date of a rule can be waived for good cause. Consistent with the Assistant to the President and Chief of Staff's memorandum of January 20, 2017, we are postponing for 60 days from the date of the memorandum, the effective date of the final rule to allow Department officials the opportunity for further review and consideration of new regulations. Moreover, we are exercising no discretion in implementing this specific provision of the memorandum. As a result, undertaking notice and comment procedure for this delay is unnecessary and contrary to the public interest, and we find good cause to waive the notice and comment requirements. For these same reasons, we find good cause to waive the 30-day delay in effective date provided for in 5 U.S.C. 553(d). Based on these findings, this rule is effective immediately upon publication in the **Federal Register**.

Dated: February 10, 2017.

Patrick H. Conway,

Acting Administrator, Centers for Medicare & Medicaid Services.

Approved: February 15, 2017.

Thomas E. Price,

Secretary, Department of Health and Human Services.

[FR Doc. 2017–03347 Filed 2–15–17; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2016–0002; Internal Agency Docket No. FEMA–8467]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *https://www.fema.gov/national-flood-insurance-program-community-status-book.*

DATES: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Patricia Suber, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW., Washington, DC 20472, (202) 646–4149.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National

Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/ cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region III				
Virginia:				
Leesburg, Town of, Loudoun County.	510091	March 21, 1975, Emerg; September 30, 1982, Reg; February 17, 2017, Susp.	February 17, 2017	February 17, 2017.
Loudoun County, Unincorporated Areas.	510090	September 15, 1972, Emerg; January 5, 1978, Reg; February 17, 2017, Susp.	.....do*	Do.
Lovettsville, Town of, Loudoun County.	510259	N/A, Emerg; October 22, 2013, Reg; February 17, 2017, Susp.	.....do	Do.
Middleburg, Town of, Loudoun County.	510360	N/A, Emerg; July 31, 2001, Reg; February 17, 2017, Susp.	.....do	Do.
Norfolk, City of, Independent City.	510104	August 15, 1973, Emerg; August 1, 1979, Reg; February 17, 2017, Susp.	.....do	Do.
Purcellville, Town of, Loudoun County.	510231	July 30, 1976, Emerg; November 15, 1989, Reg; February 17, 2017, Susp.	.....do	Do.
Round Hill, Town of, Loudoun County.	510279	N/A, Emerg; January 10, 2006, Reg; February 17, 2017, Susp.	.....do	Do.
Region V				
Illinois:				
Fulton, City of, Whiteside County	170690	July 2, 1975, Emerg; July 3, 1985, Reg; February 17, 2017, Susp.	.....do	Do.
Hopedale, Village of, Tazewell County.	170791	July 8, 1975, Emerg; July 18, 1985, Reg; February 17, 2017, Susp.	.....do	Do.
Marquette Heights, City of, Tazewell County.	170650	December 2, 1982, Emerg; July 3, 1985, Reg; February 17, 2017, Susp.	.....do	Do.
Morton, Village of, Tazewell County.	170652	June 23, 1975, Emerg; September 2, 1988, Reg; February 17, 2017, Susp.	.....do	Do.
North Pekin, Village of, Tazewell County.	170653	July 22, 1975, Emerg; June 4, 1980, Reg; February 17, 2017, Susp.	.....do	Do.
Pekin, City of, Peoria and Tazewell Counties.	170654	July 30, 1975, Emerg; June 4, 1980, Reg; February 17, 2017, Susp.	.....do	Do.
Washington, City of, Tazewell County.	170655	May 16, 1975, Emerg; February 5, 1986, Reg; February 17, 2017, Susp.	.....do	Do.
Whiteside County, Unincorporated Areas.	170687	March 16, 1973, Emerg; February 19, 1986, Reg; February 17, 2017, Susp.	.....do	Do.
Region VIII				
Colorado: Arapahoe County, Unincorporated Areas.	080011	February 4, 1972, Emerg; August 15, 1977, Reg; February 17, 2017, Susp.	.....do	Do.

*.....do = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: February 13, 2017.

Michael M. Grimm,

Assistant Administrator for Mitigation, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2017–03211 Filed 2–16–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 150916863–6211–02]

RIN 0648–XF229

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands

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

ACTION: Temporary rule.

SUMMARY: NMFS is reallocating the projected unused amounts of the Aleut Corporation pollock directed fishing allowance from the Aleutian Islands subarea to the Bering Sea subarea. This action is necessary to provide opportunity for harvest of the 2017 total allowable catch of pollock, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 17, 2017, through 2400 hrs, A.l.t., December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In the Aleutian Islands subarea, the portion of the 2017 pollock total allowable catch (TAC) allocated to the Aleut Corporation directed fishing allowance (DFA) is 14,700 metric tons (mt) as established by the final 2016 and 2017 harvest specifications for groundfish in the BSAI (81 FR 14773, March 18, 2016), and as adjusted by an inseason adjustment (82 FR 2916, January 10, 2017).

As of February 10, 2017, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that 9,000 mt of the Aleut Corporation pollock DFA in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(*4*), NMFS reallocates 6,764 mt of A season pollock DFA and 2,236 mt of B season pollock DFA from the Aleutian Islands subarea to the 2017 Bering Sea subarea DFAs. The 9,000 mt of the Aleut Corporation pollock DFA is added to the 2017 Bering Sea non-CDQ DFAs. As a result, the 2017 harvest specifications for pollock in the Aleutian Islands subarea included in the final 2016 and 2017 harvest specifications for groundfish in the BSAI (81 FR 14773, March 18, 2016), and as adjusted by an inseason adjustment (82 FR 2916, January 10, 2017) are revised as follows: 5,700 mt to the annual Aleut Corporation pollock DFA and 5,700 mt to the A season Aleut Corporation pollock DFA. Furthermore, pursuant to § 679.20(a)(5), Table 5 of the final 2016 and 2017 harvest specifications for groundfish in the Bering Sea and Aleutian Islands (81 FR 14773, March 18, 2016, and 82 FR 2916, January 10, 2017), is revised to make 2017 pollock allocations consistent with this reallocation. This reallocation results in adjustments to the 2017 pollock allocations established at § 679.20(a)(5).

TABLE 5—FINAL 2017 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]

[Amounts are in metric tons]

Area and sector	2017 allocations	2017 A season [1]		2017 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA
Bering Sea subarea TAC [1]	1,355,900	n/a	n/a	n/a
CDQ DFA	136,400	61,380	38,192	75,020
ICA [1]	47,210	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,172,291	527,531	328,241	644,760
AFA Inshore	586,145	263,765	164,121	322,380
AFA Catcher/Processors [3]	468,916	211,012	131,297	257,904
Catch by C/Ps	429,058	193,076	n/a	235,982
Catch by CVs [3]	39,858	17,936	n/a	21,922
Unlisted C/P Limit [4]	2,345	1,055	n/a	1,290
AFA Motherships	117,229	52,753	32,824	64,476
Excessive Harvesting Limit [5]	205,151	n/a	n/a	n/a
Excessive Processing Limit [6]	351,687	n/a	n/a	n/a
Aleutian Islands subarea ABC	36,061	n/a	n/a	n/a
Aleutian Islands subarea TAC [1]	8,100	n/a	n/a	n/a
CDQ DFA	0	0	n/a	0
ICA	2,400	1,200	n/a	1,200
Aleut Corporation	5,700	5,700	n/a	0
Area harvest limit: [7]				
541	10,818	n/a	n/a	n/a
542	5,409	n/a	n/a	n/a
543	1,803	n/a	n/a	n/a

TABLE 5—FINAL 2017 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]—Continued

[Amounts are in metric tons]

Area and sector	2017 allocations	2017 A season [1]		2017 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA
Bogoslof District ICA [8]	500	n/a	n/a	n/a

[1] Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA (3.9 percent), is allocated as a DFA as follows: Inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the Bering Sea subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10) and 55 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(*2*)(*i*)—(*iii*), the annual Aleutian Islands pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second the ICA (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the Aleutian Islands subarea, the A season is allocated less than or equal to 40 percent of the ABC and the B season is allocated the remainder of the pollock directed fishery.

[2] In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1.

[3] Pursuant to § 679.20(a)(5)(i)(A)(*4*), not less than 8.5 percent of the DFA allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

[4] Pursuant to § 679.20(a)(5)(i)(A)(*4*)(*iii*), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector's allocation of pollock.

[5] Pursuant to § 679.20(a)(5)(i)(A)(*6*), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

[6] Pursuant to § 679.20(a)(5)(i)(A)(*7*), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

[7] Pursuant to § 679.20(a)(5)(iii)(B)(*6*), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the Aleutian Islands pollock ABC.

[8] The Bogoslof District is closed by the final harvest specifications to directed fishing for pollock. The amounts specified are for ICA only and are not apportioned by season or sector.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of Aleutian Island subarea pollock. Since the pollock fishery is currently underway, it is important to immediately inform the industry as to the final Bering Sea and Aleutian Islands pollock allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery; allow the industry to plan for the fishing season and avoid potential disruption to the fishing fleet as well as processors; and provide opportunity to harvest increased seasonal pollock allocations while value is optimum. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as February 10, 2017.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: February 13, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–03177 Filed 2–14–17; 11:15 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 32
Friday, February 17, 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 46

[Doc. No. AMS–FV–15–0045]

Regulations Under the Perishable Agricultural Commodities Act (PACA): Growers' Trust Protection Eligibility and Clarification of ''Written Notification''

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of comment period.

SUMMARY: Notice is hereby given that the comment period for the proposed rule published in the **Federal Register** on December 14, 2016 (81 FR 90255), is extended until March 15, 2017. The rule invited comments on proposed amendments to the regulations under the Perishable Agricultural Commodities Act (PACA) that would clarify how growers and other principals may preserve their PACA trust rights. The proposed amendments would also provide guidance on the type of notification required to initiate U.S. Department of Agriculture (USDA) investigations of alleged PACA violations.

DATES: Written or electronic comments received by March 15, 2017, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit comments via the Internet at: *http://www.regulations.gov.* Comments may also be submitted to ''PACA Regulatory Enhancements,'' AMS, Specialty Crops Program, PACA Division, 1400 Independence Avenue SW., Room 1510–S, Stop 0242, Washington, DC 20250–0242; or fax: (202) 690–4413. All comments should reference the document number and the dates and page numbers of the December 14, 2016, issue and this issue of the **Federal Register**. All comments received will be posted online without change, including any personal information provided, and will be made available for public inspection at the above physical address during regular business hours.

FOR FURTHER INFORMATION CONTACT: Josephine E. Jenkins, Chief, Investigative Enforcement Branch, (202) 720–6873; or *PACAinvestigations@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: The PACA trust provisions protect participants trading in fruits and vegetables by improving their chances of recovering money owed them when buyers default. A proposed rule regarding amendments to the PACA regulations was published in the **Federal Register** on December 14, 2016 (81 FR 90255). The Agricultural Marketing Service (AMS) proposed the amendments to clarify how growers and other produce sellers in the marketing chain can preserve their PACA trust rights and how they can notify USDA of the need for investigations into alleged violations of PACA regulations.

The 60-day comment period provided in the proposed rule would have closed February 13, 2017. The comment period for the proposed rule is extended until March 15, 2017. AMS is extending the public comment period for an additional 30 days to ensure that interested persons have sufficient time to review and comment on the proposed rule.

Authority: 7 U.S.C. 499a–499t.

Dated: February 14, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–03252 Filed 2–16–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 65

[Doc. No. AMS–LPS–16–0014]

Addition of Mandatory Country of Origin Labeling Requirements for Venison

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; extension of comment period.

SUMMARY: Notice is hereby given that the comment period for the proposed rule published in the **Federal Register** on January 13, 2017 (82 FR 4198), is extended until April 13, 2017. The proposed rule invited comments on proposed amendments to the Country of Origin Labeling (COOL) regulation to add muscle cuts of venison and ground venison to mandatory COOL requirements.

DATES: Comments received by April 13, 2017, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit comments via the Internet at: *http://www.regulations.gov.* Comments may also be submitted to: Doug McKalip, Acting Director, COOL Division; Livestock, Poultry, and Seed Program, Agricultural Marketing Service, USDA; Room 2619–S, STOP 0216; 1400 Independence Avenue SW., Washington, DC 20250–0216; or email *COOL@ams.usda.gov.* All comments should reference the document number and the dates and page numbers of the January 13, 2017, issue and this issue of the **Federal Register**. All comments received will be posted online without change, including any personal information provided, and will be made available for public inspection at the above physical address during regular business hours.

FOR FURTHER INFORMATION CONTACT: Doug McKalip, Acting Director, COOL Division; Livestock, Poultry, and Seed Program, Agricultural Marketing Service, USDA; Room 2619–S, STOP 0216; 1400 Independence Avenue SW., Washington, DC 20250–0216; telephone (202) 720–4486; or email *COOL@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: A proposed rule published in the **Federal Register** on January 13, 2017 (82 FR 4198), requested comments on revisions to the COOL regulations that would add venison to the list of regulated products. Under the proposed rule, suppliers and retailers of venison products would be required to keep records and provide their customers notification of the country of origin of muscle cuts and ground venison that they sell.

The 60-day comment period provided in the proposed rule would have closed March 14, 2017. The comment period for the proposed rule is extended until April 13, 2017.

The Agricultural Marketing Service is extending the public comment period

for an additional 30 days to ensure that interested persons have sufficient time to review and comment on the proposed rule.

Authority: 7 U.S.C. 1621 *et seq.*

Dated: February 14, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–03255 Filed 2–16–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[Doc. No. AMS–NOP–16–0052; NOP–16–03]

National Organic Program (NOP); Sunset 2017 Amendments to the National List

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of comment period.

SUMMARY: Notice is hereby given that the comment period for the proposed rule published in the **Federal Register** on January 18, 2017, is extended until April 19, 2017. The rule invited comments on recommendations submitted to the Secretary of Agriculture (Secretary) by the National Organic Standards Board (NOSB) following their October 2015 meeting. The proposed rule would remove eleven substances from the National List of Allowed and Prohibited Substances (National List) for use in organic production and handling.

DATES: Comments must be received by April 19, 2017.

ADDRESSES: Interested persons are invited to submit comments via the Internet at: *http://www.regulations.gov.* Comments may also be submitted by mail to: Robert Pooler, Standards Division, National Organic Program, USDA–AMS–NOP, 1400 Independence Avenue SW., Room 2642–S, STOP 0268, Washington, DC 20250–0268. All comments should reference the document number and the dates and page numbers of the January 18, 2017, issue and this issue of the **Federal Register**. All comments received will be posted online without change, including any personal information provided, and will be made available for public inspection at the above physical address during regular business hours.

FOR FURTHER INFORMATION CONTACT: Robert Pooler, Standards Division; email: *bob.pooler@ams.usda.gov;* Telephone: (202) 720–3252; or Fax: (202) 205–7808.

SUPPLEMENTARY INFORMATION: A proposed rule to remove eleven substances from the National List was published in the **Federal Register** on January 18, 2017 (82 FR 5431). The National List identifies the substances that may and may not be used in organic production and handling. As required by the Organic Foods Production Act of 1990 (OFPA), the substances included on the National List are reviewed periodically by the NOSB, which recommends National List revisions to the Secretary. The proposed rule would remove eleven substances from the National List as recommended by the NOSB on October 29, 2015.

The 60-day comment period provided in the proposed rule would have closed March 20, 2017. The comment period for the proposed rule is extended until April 19, 2017. The Agricultural Marketing Service is extending the public comment period for an additional 30 days to ensure that interested persons have sufficient time to review and comment on the proposed rule.

Authority: 7 U.S.C. 6501–6522.

Dated: February 14, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–03250 Filed 2–16–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1260

[Doc. No. AMS–LPS–16–0071]

Beef Promotion and Research; Reapportionment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; extension of comment period.

SUMMARY: Notice is hereby given that the comment period for the proposed rule published in the **Federal Register** on January 13, 2017 (82 FR 4203), is extended until April 13, 2017. The proposed rule invited comments on proposed adjustments to representation on the Cattlemen's Beef Promotion and Research Board (Board) to reflect recent changes in domestic cattle inventories and levels of imported cattle, beef, and beef products. The proposed adjustment would decrease Board membership from 100 to 99.

DATES: Comments received by April 13, 2017, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit comments via the Internet at: *http://www.regulations.gov.* Comments may also be submitted by mail to: Mike Dinkel, Agricultural Marketing Specialist; Research and Promotion Division; Livestock, Poultry, and Seed Program, AMS, USDA; Room 2610–S, STOP 0249, 1400 Independence Avenue SW., Washington, DC 20250–0249; or via fax to (202) 720–1125. All comments should reference the document number and the dates and page numbers of the January 13, 2017, issue and this issue of the **Federal Register**. All comments received will be posted online without change, including any personal information provided, and will be made available for public inspection at the above physical address during regular business hours.

FOR FURTHER INFORMATION CONTACT: Mike Dinkel, Research and Promotion Division, at (301) 352–7497; fax (202) 720–1125; or email *Michael.Dinkel@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: A proposed rule regarding the apportionment of certified producer and importer seats on the Board was published in the **Federal Register** on January 13, 2017 (82 FR 4203). The Board developed recommendations for reapportionment based on reviews of the geographic distribution of cattle inventories throughout the United States and the volume of imported cattle, beef, and beef products. The proposal would increase the number of importers on the Board by one, and it would decrease the number of producers from both Virginia and Texas by one each, for a net decrease of one Board member. If adopted, the proposed reapportionment would be effective with appointments for terms beginning in 2018.

The 60-day comment period provided in the proposed rule would have closed March 14, 2017. The comment period for the proposed rule is extended until April 13, 2017.

Authority: 7 U.S.C. 2901–2911.

Dated: February 14, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–03251 Filed 2–16–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9574; Directorate Identifier 2016–NM–063–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A300 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. This proposed AD is intended to complete certain mandated programs intended to support the airplane reaching its limit of validity (LOV) of the engineering data that support the established structural maintenance program. This proposed AD would require inspecting the forward passenger doors to identify the part number, and for affected doors, inspecting to identify existing repairs and corrective actions if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 3, 2017.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com*; Internet: *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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–2016–9574; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–2125; fax: 425–227–1149.

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–2016–9574; Directorate Identifier 2016–NM–063–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

As described in FAA Advisory Circular 120–104 (*http://www.faa.gov/documentLibrary/media/Advisory_Circular/120-104.pdf*), several programs have been developed to support initiatives that will ensure the continued airworthiness of aging airplane structure. The last element of those initiatives is the requirement to establish an LOV of the engineering data that support the structural maintenance program under 14 CFR 26.21. This proposed AD is the result of an assessment of the previously established programs by the DAH during the process of establishing the LOV for the affected airplanes. The actions specified in this proposed AD are necessary to complete certain programs to ensure the continued airworthiness of aging airplane structure and to support an airplane reaching its LOV.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016–0079, dated April 21, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A300 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. The MCAI states:

> In the frame of the ''Ageing Aeroplane Safety Rule Project'', a review of the A300, A300–600 and A310 Structural Repair Manuals (SRMs) was performed against Fatigue and Damage Tolerance criteria to satisfy the ageing aeroplane regulation.
>
> As a result of this review, some repairs concerning the forward passenger door flanges were identified as no longer applicable and had to be de-activated. Those repairs may however have been accomplished on some aeroplanes passenger door flanges prior to de-activation of the repair.
>
> This condition, if not detected and corrected, could reduce the structural integrity of the aeroplane.
>
> To address this potential unsafe condition, Airbus issued Service Bulletin (SB) A300–52–0180, SB A300–52–6084 and SB A310–52–2076 to provide inspection instructions.
>
> For the reasons described above, this [EASA] AD requires identification of the forward passenger door part number (P/N) and a one-time Detailed Inspection (DET) of the forward passenger door frame segments inner flanges for SRM repair embodied and, depending on the results from the identification and inspection, accomplishment of corrective action(s) [*e.g.,* repair].

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9574.

Related Service Information Under 1 CFR Part 51

We reviewed the following Airbus service information:

- Airbus Service Bulletin A300–52–0180, Revision 01, dated October 14, 2014.
- Airbus Service Bulletin A310–52–2076, Revision 01, dated October 14, 2014.

• Airbus Service Bulletin A300–52–6084, Revision 01, dated October 14, 2014.

The service information describes procedures for inspecting the forward passenger doors on the left- and right-hand sides to identify the part number, and for affected doors, inspecting to identify existing repairs and corrective actions if necessary. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 128 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Part number inspection	1 work-hour × $85 per hour = $85	$0	$85	$10,880.
Reporting for forward passenger door having P/N A521–71851–000 or P/N A521–71851–001.	1 work-hour × $85 per hour = $85	0	85	Up to 10,880.

We estimate the following costs to do any necessary corrective actions that would be required based on the results of the part number inspection. We have no way of determining the number of airplanes that might need these corrective actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Detailed inspection	7 work-hours × $85 per hour = $595	$0	$595

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

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 proposed AD is 2120–0056. The paperwork cost associated with this proposed AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this proposed AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2016–9574; Directorate Identifier 2016–NM–063–AD.

(a) Comments Due Date

We must receive comments by April 3, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus airplanes identified in paragraphs (c)(1) through (c)(6) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.

(2) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(3) Model A300 B4–605R and B4–622R airplanes.

(4) Model A300 F4–605R and F4–622R airplanes.

(5) Model A300 C4–605R Variant F airplanes.

(6) Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Reason

This AD is intended to complete certain mandated programs intended to support the airplane reaching its limit of validity (LOV) of the engineering data that support the established structural maintenance program. We are issuing this AD to detect and correct widespread fatigue damage of the forward passenger doors, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Parts Identification

Within 36 months after the effective date of this AD, or before exceeding the applicable airplane design service goal specified in table 1 to paragraph (g) of this AD, whichever occurs later: Identify the part number on the forward passenger doors on the left-hand and right-hand sides, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraph (g)(1), (g)(2), or (g)(3) of this AD.

(1) Airbus Service Bulletin A300–52–0180, Revision 01, dated October 14, 2014.

(2) Airbus Service Bulletin A300–52–6084, Revision 01, dated October 14, 2014.

(3) Airbus Service Bulletin A310–52–2076, Revision 01, dated October 14, 2014.

TABLE 1 TO PARAGRAPH (g) OF THIS AD—DESIGN SERVICE GOAL

Airplane model/series	Design service goal flight cycles or flight hours
A300 B2–100, B2–200, B2–320	Before the accumulation of 48,000 total flight cycles.
A300 B4–100	Before the accumulation of 40,000 total flight cycles.
A300 B4–200	Before the accumulation of 34,000 total flight cycles.
A300 B4–600, B4–600R, F4–600R, C4–600R	Before the accumulation of 30,000 total flight cycles or 67,500 total flight hours, whichever occurs first.
A310–200	Before the accumulation of 40,000 total flight cycles or 60,000 total flight hours, whichever occurs first.
A310–300	Before the accumulation of 35,000 total flight cycles or 60,000 total flight hours, whichever occurs first.

(h) Corrective Actions

(1) For airplanes on which no forward passenger door having part number (P/N) A521–71851–000 or P/N A521–71851–001 is found to be installed, after identifying the part number as specified in paragraph (g) of this AD: No further action is required for these airplanes.

(2) For airplanes on which any forward passenger door having P/N A521–71851–000 or P/N A521–71851–001 is found to be installed, after identifying the part number as specified in paragraph (g) of this AD: Before further flight, do a detailed inspection of all frame segment inner flanges of the forward passenger doors with the affected part numbers for installed repairs, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraph (g)(1), (g)(2), or (g)(3) of this AD.

(i) For Airbus Model A300 airplanes: Before further flight, do applicable corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–52–0180, Revision 01, dated October 14, 2014. Where Airbus Service Bulletin A300–52–0180, Revision 01, dated October 14, 2014, specifies to contact Airbus for appropriate action, and specifies that action as ''RC'' (Required for Compliance): Before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (l)(2) of this AD.

(ii) For Airbus Model A310 and A300–600 series airplanes on which the repair principle A310 Structural Repair Manual (SRM) 52–10–00, page block (PB) 201, Figure 209, or A300–600 SRM 52–10–00, PB 201, Figure 206, as applicable, is not embodied on any inner flange, no further action is required for these airplanes.

(iii) For Airbus Model A310 and A300–600 series airplanes on which the repair principle A310 SRM 52–10–00, PB 201, Figure 209, or A300–600 SRM 52–10–00, PB 201, Figure 206, as applicable, is embodied on at least one inner flange: Before further flight, do applicable corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–52–6084, Revision 01, dated October 14, 2014; or Airbus Service Bulletin A310–52–2076, Revision 01, dated October 14, 2014, as applicable. Where Airbus Service Bulletins A300–52–6084, Revision 01, dated October 14, 2014; and A310–52–2076, Revision 01, dated October 14, 2014, specify to contact Airbus for appropriate action, and specify that action as ''RC'': Before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (l)(2) of this AD.

(i) Reporting Requirement

At the applicable time specified in paragraph (i)(1) or (i)(2) of this AD, report the results of the inspection required by paragraph (h)(2) of this AD to Airbus Service Bulletin Reporting Online Application on Airbus World (*https://w3.airbus.com/*).

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(j) Parts Installation Limitations

As of the effective date of this AD, no person may replace a forward passenger door on any airplane, unless the replacement door has been inspected in accordance with the requirements of this AD.

(k) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using the applicable service information identified in paragraph (k)(1), (k)(2), or (k)(3) of this AD.

(1) Airbus Service Bulletin A300–52–0180, dated September 23, 2014.

(2) Airbus Service Bulletin A300–52–6084, dated September 23, 2014.

(3) Airbus Service Bulletin A310–52–2076, dated September 23, 2014.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–2125; fax: 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

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

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2016–0079, dated April 21, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9574.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com*; Internet: *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on January 20, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–03019 Filed 2–16–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0068; Directorate Identifier 2014–SW–076–AD]

RIN 2120–AA64

Airworthiness Directives; Romtex Anjou Aeronautique (Romtex) Torso Restraint Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Romtex torso restraint systems (restraint systems) installed on but not limited to Airbus Helicopters Model AS350B2, AS350B3, EC130B4, EC130T2, and AS355NP helicopters. This proposed AD would require replacing certain restraint system buckles. This proposed AD is prompted by a report of several restraint system buckle knobs breaking. The proposed actions are intended to correct an unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 18, 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–2017–0068; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the European Aviation Safety Agency (EASA) AD, 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 proposed rule, contact Romtex Anjou Aeronautique, Strada Livezii nr. 98, 550042, Sibiu, Romania; telephone +40 269 243 918; email *seatbelts@anjouaero.com.* 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: David Hatfield, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–5116; email *david.hatfield@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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 might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, 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 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 proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2014–0279, dated December 19, 2014, to correct an unsafe condition for Romtex Model 358 torso restraint systems installed on Airbus Helicopters Model EC130T2, AS350B2, and AS350B3 helicopters. EASA advises that ruptures have occurred on the upper side (knob) of several rotary buckles installed on these restraint systems. EASA further states an investigation revealed the material used in two batches of the rotary buckle sub-assembly (buckle assembly) were altered by a supplier, resulting in a specification different from the approved design data. The EASA AD states that this condition could prevent the release of the restraint system straps as intended after an emergency landing. To address this unsafe condition, the EASA AD requires inspecting the buckle assembly for proper operation, replacing or marking as inoperative any buckle assembly that fails to release the straps before further flight, and replacing all buckle assemblies within 6 months. The EASA AD also prohibits installing these buckle assemblies on any aircraft.

FAA's Determination

These products have been approved by the aviation authority of Romania and are approved for operation in the United States. Pursuant to our bilateral agreement with Romania, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

We reviewed Romtex Service Bulletin No. 358SB–14–101, Revision 1, dated December 12, 2014 (SB 358SB–14–101), which specifies removing from service certain part-numbered and serial-numbered buckle assemblies, consisting of the rotary buckle, belt, and attachment.

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.

Proposed AD Requirements

For buckle assemblies with a part number and serial number identified in Romtex SB 358SB–14–101, this proposed AD would require, within 30 hours, inspecting the buckle assembly to determine whether the straps release. If the buckle fails to release the straps, this proposed AD would require marking the seat as inoperative and replacing the buckle assembly within 180 hours TIS. If the buckle releases the straps, this proposed AD would require replacing the buckle assembly within 180 hours. The proposed AD would also prohibit installing the affected buckle assemblies on any helicopter.

Differences Between This Proposed AD and the EASA AD

The EASA AD requires compliance within 30 days for the buckle inspection and 6 months for replacement; this proposed AD would require the inspection within 30 hours TIS and replacement within 180 hours TIS. The EASA AD does not apply to Model EC130B4 and AS355NP helicopters, and this proposed AD would.

Costs of Compliance

We estimate that this proposed AD would affect 893 helicopters of U.S. Registry.

We estimate that operators may incur the following costs in order to comply with this AD. At an average labor rate of $85 per hour, inspecting the buckle assembly would require about .5 work-hour, for a cost per helicopter of $43 and a total cost of $38,399 for the fleet. Replacing each buckle assembly would require about .5 work-hour, and required parts would cost $42,000, for a cost per helicopter of $42,043 and a total cost to U.S. operators of $37,544,399.

According to the Romtex service information, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage by Romtex. Accordingly, we have included all costs in our cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

We prepared an economic evaluation of the estimated costs to comply with this proposed 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.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Romtex Anjou Aeronautique (Romtex) Torso Restraint Systems: Docket No. FAA–2017–0068; Directorate Identifier 2014–SW–076–AD.

(a) Applicability

This AD applies to Romtex torso restraint systems (restraint systems) with a rotary buckle sub-assembly (buckle assembly) with a part number and serial number as listed in the Effectivity, paragraph 1.2, of Romtex Service Bulletin No. 358SB–14–101, Revision 1, dated December 12, 2014. These restraint systems are installed on, but not limited to, Airbus Helicopters Model AS350B2, AS350B3, EC130B4, EC130T2, and AS355NP helicopters, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a broken buckle knob. This condition could result in a restraint system strap failing to release from the buckle, preventing occupants from exiting the helicopter during an emergency.

(c) Comments Due Date

We must receive comments by April 18, 2017.

(d) 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.

(e) Required Actions

(1) Within 30 hours time-in-service (TIS), inspect each restraint system for correct operation.

(i) If the straps do not release from the buckle assembly, placard the seat as inoperative. Within 180 hours TIS, replace the buckle assembly with a buckle assembly not identified in paragraph (a) of this AD.

(ii) If the straps release, within 180 hours TIS, replace the buckle assembly with a buckle assembly not identified in paragraph (a) of this AD.

(2) Do not install a restraint system with a buckle assembly identified in paragraph (a) of this AD on any helicopter.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: David Hatfield, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–5116; email *9-ASW-FTW-AMOC-Requests@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.

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2014–0279, dated December 19, 2014. You may view the EASA AD on the Internet at *http://www.regulations.gov* in the AD Docket.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 2500 Cabin Equipment/Furnishings.

Issued in Fort Worth, Texas, on January 24, 2017.

Lance T. Gant,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–02858 Filed 2–16–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0053; Directorate Identifier 2016–CE–037–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Regional Aircraft Airplanes

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 British Aerospace Regional Aircraft Model HP 137 Jetstream MK1, Jetstream Series 200, and Jetstream Series 3101 airplanes that would supersede AD 2014–07–07. 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 cracking of the forward main landing gear yoke pintle resulting from corrosion pits leading to stress corrosion cracking. 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 April 3, 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 BAE Systems (Operations) Ltd, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; phone: +44 1292 675207, fax: +44 1292 675704; email: *RApublications@baesystems.com;* Internet: *http://www.jetstreamcentral.com.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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–2017–0053; 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: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@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–2017–0053; Directorate Identifier 2016–CE–037–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

On April 4, 2014, we issued AD 2014–07–07, Amendment 39–17821 (79 FR 23897; April 29, 2014) (''2014–07–07''). That AD required actions intended to address an unsafe condition on British Aerospace Regional Aircraft Model HP 137 Jetstream MK1, Jetstream Series 200, and Jetstream Series 3101 airplanes and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country.

Since we issued AD 2014–07–07, additional stress corrosion cracking in the pintle housing has been found that may not be detected during the current inspection procedures.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No.: 2016–0224, dated November 9, 2016 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Prompted by occurrences of the main landing gear (MLG) yoke pintle housing cracking, the Civil Aviation Authority (CAA) UK issued AD 003–01–86 to require repetitive inspections to detect cracks in the yoke pintle housing on MLG fitted to Jetstream 3100 aeroplanes in accordance with BAE Systems (Operations) Ltd Service Bulletin (SB) 32–A–JA851226, and, depending on findings, corrective action. After that AD was issued, an occurrence was reported of Jetstream 3100 MLG failure after landing. The subsequent investigation revealed stress corrosion cracking of the MLG yoke pintle housing to have caused this MLG failure. Furthermore, the investigation report recommended a review of the effectiveness of CAA UK AD 003–01–86 in finding cracks in the yoke pintle housing on MLG fitted to Jetstream 3100 aeroplanes.
>
> Degradation of the surface protection by abrasion can occur when the forward face of the yoke pintle rotates against the pintle bearing, which introduces corrosion pits and, consequently, stress corrosion cracking. This condition, if not detected and corrected, could lead to structural failure of the MLG, possibly resulting in loss of control of the aeroplane during take-off or landing runs.
>
> To provide protection of the affected area of the MLG assembly spigot housing, BAE Systems (Operations) Ltd issued SB 32–JM7862 to provide instructions for installation of a protective washer, fitted at the forward spigot on both left hand and right hand MLG. Consequently, BAE Systems (Operations) Ltd issued SB 32–A–JA851226 Revision 05 to provide additional accomplishment instructions for a Non-destructive testing (NDT) inspection of MLG equipped with the protective washer installed in accordance with BAE Systems (Operations) Ltd SB 32–JM7862.
>
> Consequently, EASA issued AD 2013–0208, retaining the requirements of CAA UK AD 003–01–86, which was superseded, and required implementation of revised inspection requirements, and, depending on findings, accomplishment of applicable corrective action(s). That AD also introduced an optional modification, which constituted terminating action for the inspections required by that AD.
>
> Since that AD was issued, BAE Systems (Operations) Ltd has determined that the existing inspection procedure may not be effective in identifying stress corrosion cracking in the pintle housing. Consequently BAE Systems (Operations) Ltd has published an improved inspection procedure in SB 32–A–JA851226 Revision 07. This improved inspection procedure has the ability to detect smaller corrosion pits and cracks that are proximate in size to those that will initiate stress corrosion.
>
> For the reasons described above, this AD retains the requirements of EASA AD 2013–0208, which is superseded, and requires MLG inspections in accordance with the improved procedure.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0053.

Related Service Information Under 1 CFR Part 51

British Aerospace Regional Aircraft has issued British Aerospace Jetstream Series 3100 & 3200 Service Bulletin 32–A–JA851226, Revision 7, dated May 25, 2015. The service information describes procedures for nondestructive testing (NDT) and visual inspections of the main landing gear spigot housing for cracks and repair if necessary. 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 the 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 26 products of U.S. registry. We also estimate that it would take about 14 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $30,940, or $1,190 per product.

In addition, we estimate that any necessary follow-on actions would take about 2 work-hours and require parts costing $5,000, for a cost of $5,170 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this 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 removing Amendment 39–17821 (82 FR 23897; April 29, 2014), and adding the following new AD:

British Aerospace Regional Aircraft: Docket No. FAA–2017–0053; Directorate Identifier 2016–CE–037–AD.

(a) Comments Due Date

We must receive comments by April 3, 2017.

(b) Affected ADs

This AD replaces AD 2014–07–07, Amendment 39–17821 (79 FR 23897; April 29, 2014) (''2014–07–07'').

(c) Applicability

This AD applies to British Aerospace (Operations) Limited Model HP.137 Jetstream Mk.1, Jetstream Series 200, and Jetstream Series 3101 airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 32: Landing Gear.

(e) Reason

This AD was prompted by 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 cracking of the forward main landing gear yoke pintle resulting from corrosion pits which can cause stress corrosion cracking resulting in loss of control during take-off or landing. We are issuing this AD to revise the inspection procedure to detect smaller corrosion pits and cracks that could initiate stress corrosion cracking.

(f) Actions and Compliance

Unless already done, do the following actions specified in paragraphs (f)(1) through (11) of this AD:

(1) *For all airplanes:* Before or at the next inspection that would have been required by AD 2014–07–07 or within the next 30 days after the effective date of this AD, whichever occurs later, and repetitively thereafter at intervals not to exceed 12 months or 1,200 main landing gear (MLG) flight cycles (FC), whichever occurs first, do a nondestructive testing (NDT) inspection of each MLG assembly cylinder attachment spigot housing following the Accomplishment Instructions in paragraph 2.B. Part A of British Aerospace Jetstream Series 3100 & 3200 Service Bulletin 32–A–JA851226, Revision 7, dated May 25, 2015.

(2) *For all airplanes:* Within 300 landings after a heavy or abnormal landing or 3 months after a heavy or abnormal landing, whichever occurs first, do a NDT inspection of each MLG assembly cylinder attachment spigot housing following the accomplishment instructions in paragraph 2.B. Part A of British Aerospace Jetstream Series 3100 & 3200 Service Bulletin 32–A–JA851226, Revision 7, dated May 25, 2015.

(3) *For all airplanes:* Within 3 months after accomplishment of the the latest NDT inspection required by paragraph (f)(1) of this AD or 300 MLG FC after accomplishment of the latest NDT inspection required by paragraph (f)(1) of this AD, whichever occurs first, and repetitively thereafter at intervals not to exceed 3 months or 300 MLG FC, whichever occurs first, do a visual inspection of each MLG following the accomplishment instructions in paragraph 2.B. Part B of British Aerospace Jetstream Series 3100 & 3200 Service Bulletin 32–A–JA851226, Revision 7, dated May 25, 2015. These inspections start over after every repetitive NDT inspection required by paragraph (f)(1)of this AD.

(4) *For all airplanes with a MLG incorporating a microswitch hole:* Within the next 10,600 MLG FC since new and repetitively thereafter at intervals not to exceed 1,200 MLG flight cycles, do a NDT inspection of each MLG microswitch hole following the accomplishment instructions in paragraph 2.B. Part C of British Aerospace Jetstream Series 3100 & 3200 Service Bulletin 32–A–JA851226, Revision 7, dated May 25, 2015.

(5) *For all airplanes:* If any discrepancy is found during any NDT inspection required in paragraphs (f)(1), (2), or (4) of this AD, before further flight, take all necessary corrective actions following the instructions in British Aerospace Jetstream Series 3100 & 3200 Service Bulletin 32–A–JA851226, Revision 7, dated May 25, 2015.

(6) *For all airplanes:* If any discrepancy is found during any visual inspection required in paragraph (f)(3) of this AD, before further flight, take all necessary corrective actions following the instructions in British Aerospace Jetstream Series 3100 & 3200 Service Bulletin 32–A–JA851226, Revision 7, dated May 25, 2015.

(7) *For all airplanes:* Doing all necessary corrective actions required in paragraphs (f)(5) or (6) of this AD does not constitute terminating action for the inspections required by this AD.

(8) *For all airplanes:* Modification of each MLG cylinder following BAE Systems (Operations) Ltd. Service Bulletin 32–JA880340 original issue, dated January 6, 1989, constitutes terminating action for the inspections required by this AD for that MLG.

(9) *For all airplanes:* The compliance times in paragraphs (f)(1), (2), (3), and (4) of this AD are presented in flight cycles (landings). If the total flight cycles have not been kept, multiply the total number of airplane hours time-in-service (TIS) by 0.75 to calculate the cycles. For the purposes of this AD:

(i) 100 hours TIS × .75 = 75 cycles; and

(ii) 1,000 hours TIS × .75 = 750 cycles.

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

(1) This AD allows credit for the initial inspection required in paragraph (f)(1) of this AD if done before June 3, 2014 (the effective date retained from AD 2014–07–07) following British Aerospace Jetstream Series 3100 & 3200 Service Bulletin 32–A–JA851226, Revision 5, dated April 30, 2013.

(2) This AD allows credit for the initial inspection required in paragraph (f)(4) of this AD if done before June 3, 2014 (the effective date retained from AD 2014–07–07) following APPH Ltd. Service Bulletin 32–40, at Initial Issue dated June 21, 1989.

(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: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@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.

(3) *Reporting Requirements:* For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response,

including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(i) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2016–0224, dated November 9, 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–2017–0053. For service information related to this AD, contact BAE Systems (Operations) Ltd, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; phone: +44 1292 675207, fax: +44 1292 675704; email: *RApublications@baesystems.com;* Internet: *http://www.jetstreamcentral.com.* You may review copies of the 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 January 19, 2017.

Melvin Johnson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–02771 Filed 2–16–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0078; Directorate Identifier 2015–SW–026–AD]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Limited Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Bell Helicopter Textron Canada Limited (Bell) Model 429 helicopters. This proposed AD would require adding an identification number to life-limited rod ends that do not have a serial number (S/N). The proposed actions are intended to address an unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 18, 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–2017–0078 or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the Transport Canada AD, 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 proposed rule, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/.* 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: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–5110; email *matthew.fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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 might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, 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 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 proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

Transport Canada, which is the aviation authority for Canada, has issued AD No. CF–2015–15, dated June 25, 2015, to correct an unsafe condition for Bell Model 429 helicopters, S/Ns 57001 through 57260. Transport Canada advises that, per its regulations, life-limited parts must be marked with their part number (P/N) and S/N. Transport Canada further states that the pylon restraint spring assembly (spring assembly) rod end P/N 427–010–210–105 has a life limit of 5,000 hours; however, it is not serialized, causing difficulties in tracking its accumulated air time. According to Transport Canada, this condition could result in a rod end remaining in service beyond its life limit. Therefore, the Transport Canada AD requires adding identification markings on each spring assembly rod end.

FAA's Determination

These helicopters have been approved by the aviation authority of Canada and are approved for operation in the United States. Pursuant to our bilateral agreement with Canada, Transport Canada, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

Bell Helicopter has issued Alert Service Bulletin 429–15–19, dated February 26, 2015. This service information specifies procedures for permanently marking each forward and aft rod end with the S/N of the spring assembly. This service information

applies to certain serial-numbered helicopters, as subsequent helicopters will have these actions performed during the manufacturing process.

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.

Other Related Service Information

We also reviewed Bell Model 429 Maintenance Manual BHT–429–MM–1, Chapter 4, Airworthiness Limitations Schedule, Revision 24, approved June 12, 2015, which specifies airworthiness life limits and inspection intervals for parts installed on Model 429 helicopters.

Proposed AD Requirements

This proposed AD would require cleaning and marking each forward rod end with the S/N of the spring assembly. This proposed AD would also prohibit installing a forward rod end P/N 427–010–210–105 on any helicopter unless it has been marked in accordance with this proposed AD.

Costs of Compliance

We estimate that this proposed AD would affect 70 helicopters of U.S. Registry.

We estimate that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour. Marking the rod ends would take about 0.5 work-hour for a total estimated cost of $43 per helicopter and $3,010 for the U.S. fleet. Replacing a rod end that has exceeded its life limit would take about 3 work-hours and required parts would cost about $4,100 for an estimated replacement cost of $4,355 per rod end.

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, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

We prepared an economic evaluation of the estimated costs to comply with this proposed 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.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bell Helicopter Textron Canada Limited: Docket No. FAA–2017–0078; Directorate Identifier 2015–SW–026–AD.

(a) Applicability

This AD applies to Model 429 helicopters, serial number 57001 through 57260, with a pylon restraint spring assembly (spring assembly) forward rod end (rod end) part number (P/N) 427–010–210–105 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a rod end remaining in service after reaching its life limit. This condition could result in failure of a rod end and subsequent loss of control of a helicopter.

(c) Comments Due Date

We must receive comments by April 18, 2017.

(d) 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.

(e) Required Actions

(1) Within 140 hours time-in-service, clean and identify each forward rod end with the spring assembly serial number in accordance with the Accomplishment Instructions, paragraphs 3 through 5, and 7 through 8, of Bell Helicopter Alert Service Bulletin 429–15–19, dated February 26, 2015.

(2) Do not install a forward rod end P/N 427–010–210–105 on any helicopter unless it has been marked with a serial number in accordance with paragraph (e)(1) of this AD.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@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.

(g) Additional Information

(1) Bell Model 429 Maintenance Manual BHT–429–MM–1, Chapter 4, Airworthiness Limitations Schedule, Revision 24, approved June 12, 2015, which is not incorporated by reference, contains additional information about the subject of this proposed rule. For service information identified in this proposed rule, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/.* 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.

(2) The subject of this AD is addressed in Transport Canada AD No. CF–2015–15 dated June 25, 2015. You may view the Transport Canada AD on the Internet at *http://www.regulations.gov* in the AD Docket.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 5101 Standard Practices/Structures.

Issued in Fort Worth, Texas, on January 30, 2017.

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–02863 Filed 2–16–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0061; Directorate Identifier 2016–SW–005–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Airbus Helicopters Deutschland GmbH (Airbus Helicopters) Model MBB–BK 117 C–2 (including configuration C–2e) and MBB–BK 117 D–2 helicopters. This proposed AD would require replacing the main rotor (M/R) blade vibration absorbers. This proposed AD is prompted by a report of strong M/R blade vibrations on a Model MBB–BK 117 C–2 helicopter. The proposed actions are intended to prevent an unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 18, 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–2017–0061 or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the European Aviation Safety Agency (EASA) ADs, 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 proposed AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* 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: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; email *matthew.fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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 might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, 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 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 proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2016–0002, dated January 4, 2016, to correct an unsafe condition for Airbus Helicopters Model MBB–BK 117 C–2, MBB–BK 117 C–2e, MBB–BK 117 D–2, and Model MBB–BK 117 D–2m helicopters. EASA AD No. 2016–0002 supersedes EASA AD No. 2015–0045, dated March 13, 2015. EASA advises that the M/R blade of a Model MBB–BK 117 C–2 helicopter was vibrating heavily while in service, and that bearing damage was discovered after the vibration absorber was disassembled. The bearings were damaged because of a loss of lubrication and were not freely spinning. The manufacturer reports two known cases of cracked bearings.

EASA states that bearing damage, if not corrected, could lead to the loss of balls from the ball bearing while the M/R blade is turning, possibly resulting in damage to the helicopter and injury to persons on the ground. According to EASA, this same condition may affect Model MBB–BK 117 D–2 helicopters because they have a similar design. To address this unsafe condition, EASA requires replacing the spacers with flanged spacers in the main rotor blade vibration absorber and re-identifying the vibration absorber and M/R blade. The manufacturer, meanwhile, reports that it is considering using a new boot to keep the bearings from becoming contaminated with dirt and water.

EASA advises that since AD No. 2015–0045 was issued, it was determined that re-identification of the parts as the AD instructs leads to using the same new part number (P/N) for M/R blades of different structural design. This could lead to erroneous part management and maintenance.

As a result, EASA superseded its AD with AD No. 2016–0002 to correct the part-identification instructions and expand the applicability to include Model MBB–BK 117 C–2e and Model MBB–BK117 D–2m helicopters.

FAA's Determination

These helicopters have been approved by the aviation authority of Germany and are approved for operation in the United States. Pursuant to our bilateral agreement with Germany, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Helicopters Alert Service Bulletin (ASB) MBB–BK117 C–

2–62A–009 for Model MBB–BK 117 C–2 and C–2e helicopters and ASB MBB–BK117 D–2–62A–001 for Model MBB–BK 117 D–2 and D–2m helicopters. The ASBs, both Revision 1 and both dated October 28, 2015, specify replacing the vibration absorber spacers with flanged spacers to prevent the balls from escaping from the ball bearings. The ASBs also provide procedures for re-identifying the M/R blade and vibration absorber.

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.

Proposed AD Requirements

Within 200 hours time-in-service (TIS), this proposed AD would require replacing the spacers in each M/R blade vibration absorber with flanged spacers and re-identifying the vibration absorber and M/R blades. After replacing the spacers, this proposed AD would prohibit installing M/R blade P/N B621M1002103 or P/N D621M1002101, vibration absorber P/N B621M3001101, or spacer P/N 117–801841.11 on that helicopter. This proposed AD would allow you to install M/R blade P/N B621M1002101 or P/N B621M1002102 if you first comply with the requirements of this proposed AD.

Differences Between This Proposed AD and the EASA AD

The EASA AD requires replacing the M/R blade vibration absorber spacers within 12 months after the effective date of the EASA AD. The proposed AD would require the replacement within 200 hours TIS. The EASA AD applies to Airbus Helicopters Model MBB–BK 117 D–2m helicopters. This AD would not because Model MBB–BK 117 D–2m helicopters have no FAA type certificate.

Interim Action

We consider this proposed AD to be an interim action. The design approval holder is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, we might consider additional rulemaking.

Costs of Compliance

We estimate that this proposed AD would affect 136 helicopters of U.S. Registry and that labor costs average $85 per work-hour. Based on these estimates, we expect that modifying the main rotor blade vibration absorber spacers and re-identifying the parts would require 4 work-hours and parts would cost about $1,439, for a total cost of $1,779 per helicopter and $241,944 for the U.S. fleet. The cost of recording the new part numbers would be minimal.

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, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

We prepared an economic evaluation of the estimated costs to comply with this proposed 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.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters Deutschland GmbH (Airbus Helicopters): Docket No. FAA–2017–0061; Directorate Identifier 2016–SW–0005–AD.

(a) Applicability

This AD applies to Airbus Helicopters Model MBB–BK 117 C–2 (including configuration C–2e) and Model MBB–BK 117 D–2 helicopters with a main rotor (M/R) blade vibration absorber spacer P/N 117–801841.11 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as damage to a bearing in an M/R blade vibration absorber. This condition could result in failure of the bearing, possibly resulting in the loss of the balls and damage to the helicopter and injury to persons on the ground.

(c) Comments Due Date

We must receive comments by April 18, 2017.

(d) 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.

(e) Required Actions

(1) Within 200 hours time-in-service:

(i) Replace each spacer on the vibration absorber with a flanged spacer.

(ii) Re-identify each vibration absorber and M/R blade in accordance with paragraphs 3.B.2.3. or 3.B.2.4, as applicable, of Airbus Helicopters Alert Service Bulletin (ASB) MBB–BK117 C–2–62A–009, Revision 1, dated October 28, 2015, or ASB MBB–BK117 D–2–62A–001, Revision 1, dated October 28, 2015, whichever applies to your model helicopter. Record the new part numbers and serial numbers for each M/R blade on the component history card or equivalent record.

(2) After replacing the spacer in accordance with paragraph (e)(1) of this AD, do not install M/R blade P/N B621M1002103 or P/N D621M1002101, vibration absorber P/N B621M3001101, or spacer P/N 117–801841.11 on that helicopter. You may install M/R blade P/N B621M1002101 or P/N B621M1002102 provided you have complied with the requirements of paragraph (e)(1) of this AD.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@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.

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2015–0045, dated March 13, 2015, and corrected April 2, 2015, and in EASA AD No. 2016–0002, dated January 4, 2016. You may view the EASA ADs on the Internet at *http://www.regulations.gov* in the AD Docket.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6200, Main Rotor System.

Issued in Fort Worth, Texas, on January 30, 2017.

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–02859 Filed 2–16–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Parts 147, 155, and 156

[CMS–9929–P]

RIN 0938–AT14

Patient Protection and Affordable Care Act; Market Stabilization

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule.

SUMMARY: This rule proposes changes that would help stabilize the individual and small group markets. This proposed rule would amend standards relating to special enrollment periods, guaranteed availability, and the timing of the annual open enrollment period in the individual market for the 2018 plan year; standards related to network adequacy and essential community providers for qualified health plans; and the rules around actuarial value requirements.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on March 7, 2017.

ADDRESSES: In commenting, please refer to file code CMS–9929–P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–9929–P, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–9929–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments ONLY to the following addresses prior to the close of the comment period:

a. For delivery in Washington, DC—

Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—

Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–7195 in advance to schedule your arrival with one of our staff members.

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT:

Jeff Wu, (301) 492–4305, Lindsey Murtagh, (301) 492–4106, or Michelle Koltov, (301) 492–4225, for general information.

Rachel Arguello, (301) 492–4263, for matters related to Exchange special enrollment periods and annual open enrollment periods.

Erika Melman, (301) 492–4348, for matters related to network adequacy, and essential community providers.

Allison Yadsko, (410) 786–1740, for matters related to actuarial value.

Jacob Ackerman, (301) 492–4179, for matters related to guaranteed availability.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received at *http://regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will be also available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Executive Summary

Affordable Insurance Exchanges, or ''Exchanges'' (in this proposed rule, we also call an Exchange a Health Insurance Marketplace℠,[1] or Marketplace℠) are competitive marketplaces through which qualified individuals and qualified employers can purchase health insurance coverage. Many individuals who enroll in qualified health plans (QHPs) through individual market Exchanges are eligible to receive a premium tax credit to make health insurance premiums

[1] Health Insurance Marketplace℠ and Marketplace℠ are service marks of the U.S. Department of Health & Human Services.

more affordable, and receive reductions in cost-sharing payments to reduce out-of-pocket expenses for health care services.

The health and competitiveness of the Exchanges, as well as the individual and small group markets in general, have recently been threatened by issuer exit and increasing rates in many geographic areas. Some issuers have had difficulty attracting and retaining the healthy consumers necessary to provide for a stable risk pool that will support stable rates. In particular, some issuers have cited special enrollment periods as a potential source of adverse selection that has contributed to this problem. Concerns over the risk pool have led some issuers to cease offering coverage on the Exchanges in particular states and counties, and other issuers have increased their rates.

A stabilized individual and small group insurance market will depend on greater choice to draw consumers to the market and vibrant competition to ensure consumers have access to competitively priced, affordable coverage. Higher rates, particularly for consumers who are not receiving advance payments of the premium tax credit (APTC), resulting from minimal choice and competition can cause healthier individuals to drop out of the market, further damaging the risk pool, and risking additional issuer attrition from the market. This proposed rule would take steps to provide needed flexibility to issuers to help attract healthy consumers to enroll in health insurance coverage, improving the risk pool and bringing stability and certainty to the individual and small group markets.

To improve the risk pool and promote stability in the individual insurance market, we propose taking several steps to increase the incentives for individuals to maintain enrollment in health coverage and decrease the incentives for individuals to enroll only after they discover they require services. First, we propose changing the dates for open enrollment in the individual market for the benefit year starting January 1, 2018, from a range of November 1, 2017, to January 31, 2018 (the previously established open enrollment period for 2018), to a range of November 1, to December 15. This change would require individuals to enroll in coverage prior to the beginning of the year, unless eligible for a special enrollment period, and is consistent with the open enrollment period established for the open enrollment periods for 2019 and beyond. We anticipate this change could improve the risk pool because it would reduce opportunities for adverse selection by those who learn they will need services in late December and January; and will encourage healthier individuals who might have previously enrolled in partial year coverage after December 15th to instead enroll in coverage for the full year.

Second, in response to concerns from issuers about potential abuse of special enrollment periods in the individual market Exchanges resulting in individuals enrolling in coverage only after they realize they will need services, we propose increasing pre-enrollment verification of eligibility for all categories of individual market special enrollment periods for all States served by the *HealthCare.gov* platform from 50 to 100 percent of new consumers who seek to enroll in Exchange coverage. We also propose making several additional changes to our regulations regarding special enrollment periods that we believe could improve the risk pool, improve market stability, and promote continuous coverage.

Third, we propose revising our interpretation of the guaranteed availability requirement to allow issuers to apply a premium payment to an individual's past debt owed for coverage from the same issuer enrolled in within the prior 12 months. We believe this proposal would have a positive impact on the risk pool by removing economic incentives individuals may have had to pay premiums only when they were in need of health care services. We also believe this proposal is important as a means of encouraging individuals to maintain continuous coverage throughout the year and prevent gaming.

Fourth, we propose to increase the de minimis variation in the actuarial values (AVs) used to determine metal levels of coverage for the 2018 plan year. This proposed change is intended to allow issuers greater flexibility in designing new plans and to provide additional options for issuers to keep cost sharing the same from year to year. We are not proposing a modification for the de minimis range for the silver plan variations.

We believe these changes are critical to improving the risk pool, and would together promote a more competitive market with increased choice for consumers.

The proposed amendments in this rule are also intended to affirm the traditional role of States in overseeing their health insurance markets while reducing the regulatory burden of participating in Exchanges for issuers. The first of these proposals relates to network adequacy review for QHPs. The modified approach would not only lessen the regulatory burden on issuers, but also would recognize the primary role of States in regulating this area. The second change would allow issuers to use a write-in process to identify essential community providers (ECPs) who are not on the HHS list of available ECPs for the 2018 plan year; and lower the ECP standard to 20 percent (rather than 30 percent), which we believe would make it easier for a QHP issuer to build networks that comply with the ECP standard.

Robust issuer participation in the individual and small group markets is critical for ensuring consumers have access to affordable coverage, and have real choice in coverage. Continued uncertainty around the future of the markets and concerns regarding the risk pools are two of the primary reasons issuer participation in some areas around the country has been limited. The proposed changes in this rule are intended to promote issuer participation in these markets and to address concerns raised by issuers, States, and consumers. We believe such changes would result in broader choices and more affordable coverage.

II. Background

A. Legislative and Regulatory Overview

The Patient Protection and Affordable Care Act (Pub. L. 111–148) was enacted on March 23, 2010. The Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152), which amended and revised several provisions of the Patient Protection and Affordable Care Act, was enacted on March 30, 2010. In this proposed rule, we refer to the two statutes collectively as the ''Affordable Care Act.''

The Affordable Care Act reorganizes, amends, and adds to the provisions of title XXVII of the Public Health Service Act (PHS Act) relating to group health plans and health insurance issuers in the group and individual markets.

Section 2702 of the PHS Act, as added by the Affordable Care Act, requires health insurance issuers that offer non-grandfathered health insurance coverage in the group or individual market in a State to offer coverage to and accept every employer and individual in the State that applies for such coverage unless an exception applies.

Section 2703 of the PHS Act, as added by the Affordable Care Act, and former section 2712 and section 2742 of the PHS Act, as added by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), require health insurance issuers that

offer health insurance coverage in the group or individual market to renew or continue in force such coverage at the option of the plan sponsor or individual, unless an exception applies.

Section 1302(d) of the Affordable Care Act describes the various levels of coverage based on actuarial value. Consistent with section 1302(d)(2)(A) of the Affordable Care Act, AV is calculated based on the provision of essential health benefits (EHB) to a standard population. Section 1302(d)(3) of the Affordable Care Act directs the Secretary to develop guidelines that allow for de minimis variation in AV calculations. Section 2707(a) of the PHS Act directs health insurance issuers that offer non-grandfathered health insurance coverage in the individual or small group market to ensure that such coverage includes essential health benefits.

Section 1311(c)(1)(B) of the Affordable Care Act requires the Secretary to establish minimum criteria for provider network adequacy that a health plan must meet to be certified as a QHP.

Section 1311(c)(6)(B) of the Affordable Care Act states that the Secretary is to set annual open enrollment periods for Exchanges for calendar years after the initial enrollment period.

Section 1311(c)(6)(C) of the Affordable Care Act states that the Secretary is to provide for special enrollment periods specified in section 9801 of the Internal Revenue Code of 1986 (the Code) and other special enrollment periods under circumstances similar to such periods under part D of title XVIII of the Social Security Act (the Act) for the Exchanges.

Section 1321(a) of the Affordable Care Act provides broad authority for the Secretary to establish standards and regulations to implement the statutory requirements related to Exchanges, QHPs and other components of title I of the Affordable Care Act.

1. Market Rules

A proposed rule relating to the 2014 health insurance market rules was published in the November 26, 2012 **Federal Register** (77 FR 70584). A final rule implementing the health insurance market rules was published in the February 27, 2013 **Federal Register** (78 FR 13406) (2014 Market Rules).

A proposed rule relating to Exchanges and Insurance Market Standards for 2015 and Beyond was published in the March 21, 2014 **Federal Register** (79 FR 15808) (2015 Market Standards Proposed Rule). A final rule implementing the Exchange and Insurance Market Standards for 2015 and Beyond was published in the May 27, 2014 **Federal Register** (79 FR 30240) (2015 Market Standards Rule).

2. Exchanges

We published a request for comment relating to Exchanges in the August 3, 2010 **Federal Register** (75 FR 45584). We issued initial guidance to States on Exchanges on November 18, 2010.[2] We proposed a rule in the July 15, 2011 **Federal Register** (76 FR 41865) to implement components of the Exchanges, and a rule in the August 17, 2011 **Federal Register** (76 FR 51201) regarding Exchange functions in the individual market, eligibility determinations, and Exchange standards for employers. A final rule implementing components of the Exchanges and setting forth standards for eligibility for Exchanges was published in the March 27, 2012 **Federal Register** (77 FR 18309) (Exchange Establishment Rule).

In the March 8, 2016 **Federal Register** (81 FR 12203), we published the Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2017 (2017 Payment Notice), and established additional Exchange standards, including requirements for network adequacy and essential community providers; and established the timing of annual open enrollment periods.

In the September 6, 2016 **Federal Register** (81 FR 61456), we published the Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2018 proposed rule (proposed 2018 Payment Notice). In the December 22, 2016 **Federal Register** (81 FR 94058), we published the Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2018 final rule (2018 Payment Notice) and established additional Exchange standards, including requirements for network adequacy and essential community providers.

3. Special Enrollment Periods

In the July 15, 2011 **Federal Register** (76 FR 41865), we published a proposed rule establishing special enrollment periods for the Exchange. We implemented these special enrollment periods in the Exchange Establishment Rule (77 FR 18309). In the January 22, 2013 **Federal Register** (78 FR 4594), we published a proposed rule amending certain special enrollment periods, including the special enrollment periods described in § 155.420(d)(3) and (7). We finalized these rules in the July 15, 2013 **Federal Register** (78 FR 42321).

In the June 19, 2013 **Federal Register** (78 FR 37032), we proposed to add a special enrollment period when the Exchange determines that a consumer has been incorrectly or inappropriately enrolled in coverage due to misconduct on the part of a non-Exchange entity. We finalized this proposal in the October 30, 2013 **Federal Register** (78 FR 65095). In the March 21, 2014 **Federal Register** (79 FR 15808), we proposed to amend various special enrollment periods. In particular, we proposed to clarify that later coverage effective dates for birth, adoption, placement for adoption, or placement for foster care would be effective the first of the month. The rule also proposed to clarify that earlier effective dates would be allowed if all issuers in an Exchange agree to effectuate coverage only on the first day of the specified month. Finally, this rule proposed adding that consumers may report a move in advance of the date of the move and established a special enrollment period for individuals losing medically needy coverage under the Medicaid program even if the medically needy coverage is not recognized as minimum essential coverage (individuals losing medically needy coverage that is recognized as minimum essential coverage already were eligible for a special enrollment period under the regulation). We finalized these provisions in the May 27, 2014 **Federal Register** (79 FR 30348). In the October 1, 2014 **Federal Register** (79 FR 59137), we published a correcting amendment related to codifying the coverage effective dates for plan selections made during a special enrollment period and clarifying a consumer's ability to select a plan 60 days before and after a loss of coverage.

In the November 26, 2014 **Federal Register** (79 FR 70673), we proposed to amend effective dates for special enrollment periods, the availability and length of special enrollment periods, the specific types of special enrollment periods, and the option for consumers to choose a coverage effective date of the first of the month following the birth, adoption, placement for adoption, or placement in foster care. We finalized these provisions in the February 27, 2015 **Federal Register** (80 FR 10866). In the July 7, 2015 **Federal Register** (80 FR 38653), we issued a correcting amendment to include those who become newly eligible for a QHP due to a release from incarceration. In the

[2] Initial Guidance to States on Exchanges (November 10, 2018). Available at *https://www.cms.gov/CCIIO/Resources/Files/guidance_to_states_on_exchanges.html.*

December 2, 2015 **Federal Register** (80 FR 75487) (proposed 2017 Payment Notice), we sought comment and data related to existing special enrollment periods, including data relating to the potential abuse of special enrollment periods. In the 2017 Payment Notice, we stated that in order to review the integrity of special enrollment periods, the Federally-facilitated Exchange (FFE) will conduct an assessment by collecting and reviewing documents from consumers to confirm their eligibility for the special enrollment periods under which they enrolled.

In an interim final rule with comment published in the May 11, 2016 **Federal Register** (81 FR 29146) we amended the parameters of certain special enrollment periods.

In the 2018 Payment Notice we established additional Exchange standards, including requirements for certain special enrollments.

4. Actuarial Value

On February 25, 2013, we established the requirements relating to EHBs and AVs in the Standards Related to Essential Health Benefits, Actuarial Value, and Accreditation Final Rule, which was published in the **Federal Register** (78 FR 12833) (EHB Rule), implementing section 1302 of the Affordable Care Act and 2707 of the PHS Act. In the 2018 Payment Notice published in the December 22, 2016 **Federal Register** (81 FR 94058), we finalized a provision that allow an expanded de minimis range for certain bronze plans.

B. Stakeholder Consultation and Input

HHS has consulted with stakeholders on policies related to the operation of Exchanges. We have held a number of listening sessions with consumers, providers, employers, health plans, the actuarial community, and State representatives to gather public input, with a particular focus on risks to the individual and small group markets. We consulted with stakeholders through regular meetings with the National Association of Insurance Commissioners, regular contact with States through the Exchange Establishment grant and Exchange Blueprint approval processes, and meetings with Tribal leaders and representatives, health insurance issuers, trade groups, consumer advocates, employers, and other interested parties.

III. Provisions of the Proposed Rule

A. Part 147—Health Insurance Reform Requirements for the Group and Individual Health Insurance Markets

1. Guaranteed Availability of Coverage (§ 147.104)

The guaranteed availability provisions at section 2702 of the PHS Act and § 147.104 require health insurance issuers offering non-grandfathered coverage in the individual or group market to offer coverage to and accept every individual and employer in the State that applies for such coverage unless an exception applies. Individuals and employers typically are required to pay the first month's premium to have coverage effectuated.

We have previously interpreted the guaranteed availability requirement to mean that an issuer may not apply any premium payment made for coverage in a different product to any outstanding debt owed from any previous coverage and then refuse to effectuate the enrollment based on failure to pay premiums.[3] Under that interpretation, any coverage under a different product would fall under the guaranteed availability requirements and the consumer must be allowed to purchase coverage without having to pay past due premiums. However, under our previous interpretation, should the individual seek to renew prior coverage with the same issuer in the same product, the issuer could attribute the enrollee's forthcoming premium payments to prior non-payments.

HHS has received comments from stakeholders expressing concerns about the potential for individuals with histories of non-payment to take advantage of guaranteed availability by declining to make premium payments for coverage at the end of a benefit year, for example.[4] In the preamble to the 2014 Market Rules, HHS encouraged States to consider approaches to discourage gaming and adverse selection while upholding consumers' guaranteed availability rights and indicated that we intended to address this issue in future guidance.

To address the concern about potential gaming, we propose to modify our interpretation of the guaranteed availability rules with respect to non-payment of premiums. Under this proposal, an issuer would not be considered to violate the guaranteed availability requirements if the issuer attributes a premium payment for coverage under the same or a different product to the outstanding debt associated with non-payment of premiums for coverage from the same issuer enrolled in within the prior 12 months and refuses to effectuate new coverage for failure to pay premiums. Assuming State law does not prohibit such action, this would permit an issuer to require a policyholder whose coverage is terminated for non-payment of premium in the individual or group market to pay all past due premium owed to that issuer after the applicable due date for coverage enrolled in the prior 12 months in order to resume coverage from that issuer. The issuer would be required to apply its premium payment policy uniformly to all employers or individuals regardless of health status, and consistent with applicable non-discrimination requirements.[5] This proposal would not prevent the individual or employer from enrolling in coverage with a different issuer, or affect the ability of any individual other than the person contractually responsible for the payment of premium to purchase coverage, whether from the same or different issuer. We encourage States to adopt a similar approach, with respect to any State laws that might otherwise prohibit this practice.

Because of rules regarding grace periods and termination of coverage, individuals with past due premium would generally owe no more than 3 months of premiums.[6] Furthermore, for

[3] Federally-facilitated Marketplace (FFM) and Federally-facilitated Small Business Health Options Program Enrollment Manual, Section 6.3 Terminations for Non-Payment of Premiums, available at *https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/ENR_FFMSHOP_Manual_080916.pdf.*

[4] 78 FR 13416 (Feb. 27, 2013).

[5] We remind issuers that they may also have obligations under other applicable Federal laws prohibiting discrimination, and issuers are responsible for ensuring compliance with all applicable laws and regulations. For example, issuers that receive Federal financial assistance are subject to Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and section 1557 of the Affordable Care Act, and as a result, have separate responsibilities not to discriminate on the basis of race, color, national origin, sex, age, and disability, in providing access to their services. In addition, § 156.200(e) requires QHP issuers to not discriminate on the basis of race, color, national origin, disability, age, sex, gender identity or sexual orientation. There may also be separate, independent non-discrimination obligations under State law.

[6] Section 156.270(d) requires issuers to observe a 3 consecutive month grace period before terminating coverage for those enrollees who are eligible for and have elected to receive APTC and who upon failing to timely pay their premiums are receiving APTC. Section 155.430(d)(4) requires that when coverage is terminated following this grace period, the last day of enrollment in a QHP through the Exchange is the last day of the first month of the grace period. Therefore, individuals whose coverage is terminated at the conclusion of a grace period would owe at most 1 month of premiums. Individuals who attempt to enroll in new coverage

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individuals on whose behalf the issuer received APTC, their past premium owed would be net of any APTC paid on their behalf to the issuer.

We note that due to operational constraints, the Federally-facilitated Small Business Health Options Program will be unable to offer issuers this flexibility at this time.

We seek comment on this proposal, including whether issuers that choose to adopt this type of premium payment policy should be permitted to implement it with a premium payment threshold policy, under which the issuer can consider an individual to have paid all amounts due, if the individual pays an amount sufficient to maintain a percentage of total premium paid out of the total premium owed equal to or greater than a level prescribed by the issuer. We also seek comment on whether issuers should be required to provide notice to individuals regarding whether they have adopted a premium payment policy permitted under this proposal.

In addition, we propose to amend paragraph (b)(2)(i) to conform with proposed changes to special enrollment periods discussed in greater detail in section III.B.2. of this proposed rule. Because the proposed changes to § 155.420(a)(4) through (5) are being proposed for special enrollment periods in the individual market, both inside and outside of an Exchange, we propose to amend § 147.104(b)(2)(i) to specify that these paragraphs apply to special enrollment periods throughout the individual market. We seek comment on how these changes would be operationalized outside of the Exchanges.

B. Part 155—Exchange Establishment Standards and Other Related Standards Under the Affordable Care Act

1. Initial and Annual Open Enrollment Periods (§ 155.410)

We propose to amend paragraph (e) of § 155.410, which provides the dates for the annual Exchange open enrollment period in which qualified individuals and enrollees may apply for or change coverage in a QHP. In prior rulemaking, we established that the open enrollment period for the benefit year beginning on January 1, 2018 would begin on November 1, 2017 and extend through January 31, 2018; and that the open enrollment period for benefit years beginning on January 1, 2019 and beyond would begin on November 1 and extend through December 15 of the calendar year preceding the benefit year.[7] We noted at the time that we believe that, as the Exchanges continue, a month-and-a-half open enrollment period provides sufficient time for consumers to enroll in or change QHPs for the upcoming plan year. We also noted that this timeframe would achieve our goals of shifting to an earlier end date for open enrollment so that all consumers who enroll during this time will receive a full year of coverage, which will simplify operational processes for issuers and the Exchanges. We also believe that this shorter open enrollment period may have a positive impact on the risk pool because it will reduce opportunities for adverse selection by those who learn they will need services in late December or January. While we originally included a longer transition period before moving to this shorter open enrollment period, we believe that the market and issuers are ready for this adjustment sooner. Therefore, we propose to amend § 155.410(e) to change the open enrollment period for plan year 2018 so that it begins on November 1, 2017, and ends on December 15, 2017. All consumers who select plans on or before December 15, 2017 would receive an enrollment effective date of January 1, 2018, as already required by § 155.410(f)(2)(i). We believe that this open enrollment period would align better with many open enrollment periods for employer-based coverage, as well as the open enrollment period for Medicare. We would intend to conduct extensive outreach to ensure that all consumers are aware of this change and have the opportunity to enroll in coverage within this shorter time frame.

We seek comment on this proposal, in particular on the capacity of State-based Exchanges to shift to the shorter open enrollment period for the 2018 plan year, on the effect of the shorter enrollment period on issuers' ability to enroll healthy consumers, and any difficulties agents, brokers, navigators and assisters may have in serving consumers seeking to enroll during this shorter time period.

2. Special Enrollment Periods (§ 155.420)

Section 1311(c)(6) of the Affordable Care Act establishes enrollment periods, including special enrollment periods for qualified individuals, for enrollment in QHPs through an Exchange. Section 1311(c)(6)(C) of the Affordable Care Act states that the Secretary is to provide for special enrollment periods specified in section 9801 of the Code and other special enrollment periods under circumstances similar to such periods under part D of title XVIII of the Act. Section 2702(b)(3) of the PHS Act also directs the Secretary to provide for market-wide special enrollment periods for qualifying events under section 603 of the Employee Retirement Income Security Act of 1974.

Special enrollment periods are a longstanding feature of employer-sponsored coverage. They exist to ensure that people who lose health coverage during the year (for example, through non-voluntary loss of minimum essential coverage provided through an employer), or who experience other qualifying events such as marriage or the birth or adoption of a child, have the opportunity to enroll in new coverage or make changes to their existing coverage. While the annual open enrollment period allows previously uninsured individuals to enroll in new coverage, special enrollment periods are intended, in part, to promote continuous enrollment in health coverage during the plan year by allowing those who were previously enrolled in coverage to obtain new coverage without a lapse or gap in coverage.

Our past practice, in many cases, was to permit individuals seeking coverage through the Exchanges to self-attest to their eligibility for most special enrollment periods and to enroll in coverage without further verification of their eligibility or without submitting proof of prior coverage. This practice had the virtue of minimizing barriers for consumers to obtain coverage, which can, in particular, deter enrollment by healthy individuals. However, as the Government Accountability Office noted in a November 2016 report, relying on self-attestation without verifying documents submitted to support a special enrollment period triggering event could allow applicants to obtain subsidized coverage they would otherwise not qualify for.[8] In addition, allowing previously uninsured individuals who elected not to enroll in coverage during the annual open enrollment period to instead enroll in coverage through a special enrollment period that they would not otherwise qualify for during the coverage year, undermines the incentive for enrolling in a full year of coverage through the annual open enrollment period and increases the risk of adverse selection from individuals who wait to enroll until they are sick. Such behaviors can

while in a grace period (and whose coverage has not yet been terminated) could owe up to 3 months of premium, net of any APTC paid on their behalf to the issuer.

[7] 81 FR 12203, 12273.

[8] November 2016, *Results of Enrollment Testing for the 2016 Special Enrollment Period,* GAO–17–78, U.S. Government Accountability Office.

create a sicker risk pool, leading to higher rates and less availability of coverage.

In an effort to curb abuses of special enrollment periods, in 2016 we added warnings on *HealthCare.gov* regarding inappropriate use of special enrollment periods. We also eliminated several special enrollment periods and tightened certain eligibility rules.[9] Also in 2016, we announced retrospective audits of a random sampling of enrollments through loss of minimum essential coverage and permanent move special enrollment periods, two commonly used special enrollment periods. Additionally, we created The Special Enrollment Confirmation Process under which consumers enrolling through common special enrollment periods were directed to provide documentation to confirm their eligibility.[10] Finally, we proposed to implement (beginning in June 2017) a pilot program for conducting pre-enrollment verification of eligibility for certain special enrollment periods.[11]

As discussed in the 2018 Payment Notice, the impact of special enrollment period verification on risk pools may be complex. Some commenters suggested that additional steps to determine special enrollment period eligibility worsen the problem by creating new barriers to enrollment, with healthier, less motivated individuals, the most likely to be deterred. The pilot was initially planned to sample 50 percent of consumers who were attempting to newly enroll in Exchange coverage through certain special enrollment periods in order to provide a statistically sound method to compare the claims experience in the second half of 2017 between individuals subject to pre-enrollment verification with those who were not.

However, based on strong issuer feedback and the potential to help to stabilize the market for 2018 coverage, we propose to increase the scope of pre-enrollment verification of special enrollment periods to all applicable special enrollment periods, as outlined below, in order to ensure complete verification of eligibility. We would begin to implement this expanded pre-enrollment verification starting in June 2017. We have consistently heard from issuers and other stakeholders that pre-enrollment verification of special enrollment periods is critical to promote continuous coverage, protect the risk pool, and stabilize rates. We agree that policies and practices that allow individuals to remain uninsured and wait to sign up for coverage through a special enrollment period only after becoming sick can contribute to market destabilization and reduced issuer participation, which can reduce the availability of coverage for individuals.

Therefore, this rule proposes that HHS conduct pre-enrollment verification of eligibility for Exchange coverage for all categories of special enrollment periods for all new consumers in all States served by the *HealthCare.gov* platform, which includes Federally-facilitated Exchanges and State-based Exchanges on the Federal platform (SBE–FPs).

Under pre-enrollment verification, HHS would verify eligibility for certain special enrollment period categories for all new consumers who seek to enroll in Exchange coverage through a special enrollment period. Consumers would be able to submit their applications and select a plan and, as is the current practice for most special enrollment periods, the start date of that coverage would be determined by the date of plan selection. However, the consumers' enrollment would be ''pended'' until verification of special enrollment period eligibility is completed. In this context, ''pending'' means holding the information regarding plan selection and coverage date at the FFE or SBE–FP until special enrollment period eligibility is confirmed, before releasing the enrollment information to the relevant issuer. Consumers would be given 30 days to provide documentation, and would be able to upload documents into their account on *HealthCare.gov* or send their documents in the mail. Where applicable, we intend to make every effort to verify an individual's eligibility for the applicable special enrollment period through automated electronic means instead of through documentation. For example, verifying a birth by confirming the baby's existence through existing electronic verifications or verifying electronically that a consumer was denied Medicaid or CHIP coverage, where such information is available. Otherwise, we will seek documentation from the individual applying for the special enrollment period. We note that even though we do not currently perform verification for all consumers new to the Exchange, we already require all consumers to provide documentation if they are applying for a special enrollment period based on certain triggering events. Under this proposal, we anticipate approximately the same amount of documentation and therefore would not anticipate an increased burden on consumers. We seek comment on the impact on consumers. We seek comment on our proposed method for pre-enrollment verification and whether we should retain a small percentage of enrollees outside the pre-enrollment verification process to conduct the study discussed above. If we do not, HHS would continue to monitor other indicators of risk where available in lieu of the statistical comparison. Recognizing that pre-enrollment verification could have the unintended consequence of deterring healthier individuals from purchasing Exchange coverage, we also seek comment on what strategies HHS should take to increase the chances that these individuals complete the verification process.

We also recommend that State-based Exchanges that do not currently conduct pre-enrollment verification of special enrollment period eligibility consider following this approach as well, and request comment on whether State-based Exchanges should also be required to conduct pre-enrollment verification, with an appropriate amount of time to implement such a process, and how long that transition period should be.

As noted above, the pre-enrollment verification of special enrollment period eligibility is intended to address concerns about potential adverse selection. However, we have heard concerns that existing Exchange enrollees are utilizing special enrollment periods to change plan metal levels based on ongoing health needs during the coverage year, and that this is having a negative impact on the risk pool. We have concerns about applying the approach of pending a plan selection until pre-enrollment verification is conducted while the consumer would still have an active policy because we believe the potential overlap of current, active policies and pended plan selections will create significant confusion for consumers and create burden on issuers to manage the potential operational issues. For example, if a consumer who is currently enrolled is seeking to add a new spouse under the marriage special enrollment period, the current coverage would remain in force until the consumer submits documentation to verify the marriage. At that time the pended plan selection would be released, potentially with a retroactive coverage effective date based on the date of the plan

[9] February 25, 2016. Fact Sheet: Special Enrollment Confirmation Process. Available online at *https://www.cms.gov/Newsroom/MediaReleaseDatabase/Fact-sheets/2016-Fact-sheets-items/2016-02-24.html.*

[10] Ibid.

[11] December 14, 2016, Fact Sheet: Pre-Enrollment Verification for Special Enrollment Periods, available at *https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/Downloads/Pre-Enrollment-SEP-fact-sheet-FINAL.PDF.*

selection with both individuals; and the current coverage with the single enrollee would be retroactively terminated to when the new policy begins. If the new plan selection is with a new issuer, any claims incurred during that time period would need to be reconciled across the issuers.

As an alternative, we are proposing new paragraph (a)(4) to limit the ability of existing Exchange enrollees to change plan metal levels during the coverage year. The proposed changes in paragraph (a)(4) would apply in the individual market outside the Exchanges, but would not apply in the group market. We are proposing changes to § 147.104(b)(2)(i) and § 155.725(j)(2)(i) to specify this. We are also proposing to amend the introductory language in paragraph (d) of this section and to add a new paragraph (a)(3) to conform with this proposed change. For special enrollment periods administered on the Exchange, the Exchange would limit the plan selection choices. We request comment on all aspects of this proposal, including whether it would be preferable to address adverse selection concerns for existing enrollees by applying the approach of pending plan selections until pre-enrollment verification is completed based on document reviews instead of the current plan and metal level restrictions. We also request comment on any alternative strategies for addressing potential adverse selection issues for existing enrollees who are eligible for a special enrollment period.

We understand that State-based Exchanges may not be able to implement these changes starting in 2017, and seek comment on an appropriate transitional period for State-based Exchanges, or whether these changes should be optional for State-based Exchanges.

Under new paragraph (a)(4)(i), we propose to require that if an enrollee qualifies for a special enrollment period due to gaining a dependent in paragraph (d)(2)(i) of this section, the Exchange may allow him or her to add the new dependent to his or her current QHP (subject to the ability to enroll in silver level coverage in certain circumstances as discussed in the next paragraph). Alternatively, if the QHP's business rules do not allow the new dependent to enroll, the Exchange may allow the enrollee and his or her new dependent to enroll in another QHP within the same level of coverage (or an ''adjacent'' level of coverage, if no such plans are available), as defined in § 156.140(b). This ensures that enrollees who qualify for the special enrollment period due to gaining a dependent are using this special enrollment period for its primary purpose of enrolling the new dependent in coverage. If finalized, we intend to implement this policy for the FFEs and SBE–FPs as soon as practicable. We seek comment on this proposal.

New paragraph (a)(4)(ii) proposes to require that if an enrollee or his or her dependent is not enrolled in a silver level QHP and becomes newly eligible for cost-sharing reductions and qualifies for the special enrollment periods in paragraph (d)(6)(i) and (ii) of this section, the Exchange may allow the enrollee and dependent to enroll in only a QHP at the silver level, as specified in § 156.140(b)(2). We seek comment on this proposal, including with respect to whether individuals newly eligible for APTC in this circumstance should also be able to enroll in a silver level QHP, or QHPs of other metal levels.

New paragraph (a)(4)(iii) proposes that, for an enrollee who qualifies for the remaining special enrollment periods specified in paragraph (d), the Exchange must only allow the enrollee and his or her dependents to make changes to their enrollment in the same QHP or to change to another QHP within the same level of coverage, as defined in § 156.140(b), if other QHPs at that metal level are available. This restriction would extend to enrollees who are on an application where a new applicant is enrolling in coverage through a special enrollment period. This proposal ensures that enrollees who qualify for a special enrollment period or are on an application where an applicant qualifies for a special enrollment period to newly enroll in coverage are not using this special enrollment period to simply switch levels of coverage during the coverage year. This policy would apply to most Exchange enrollees who qualify for a special enrollment period during the coverage year, further protecting the Exchanges from adverse selection. Affected special enrollment periods include special enrollment periods for enrollees who lost minimum essential coverage through the Exchange during the coverage year in accordance with paragraph (d)(1); demonstrated to the Exchange that the QHP into which they have enrolled has violated a material provision of its contract in accordance with paragraph (d)(5); gained access to a new QHP due to a permanent move in accordance with paragraph (d)(7); or were affected by a material plan or benefit display errors in accordance with paragraph (d)(12). Enrollees who qualify for the special enrollment periods in paragraphs (d)(4), (d)(9), and (d)(10) would be excluded from this new requirement because the qualifying events that enabled them to qualify for these special enrollment periods may have also resulted in an inability to enroll in their desired plan during the annual open enrollment period. In addition, we propose to exclude the special enrollment period in paragraph (d)(8) for Indians and their dependents. We seek comment on this proposal, and whether other special enrollment periods should be excluded. We also seek comment on the appropriate transitional period to enable State-based Exchanges to build these capacities, or whether the proposals in new paragraph (a)(4) should be at the option of the Exchanges. We also seek comment on how this proposal would be operationalized in the off-Exchange individual market.

In the 2018 Notice of Payment and Benefit Parameters, HHS finalized paragraph (b)(5) to allow consumers to request a later coverage effective date than originally assigned if his or her enrollment was delayed due to an eligibility verification and the consumer would be required to pay 2 or more months of retroactive premium in order to effectuate coverage or avoid termination of coverage due to nonpayment of premiums. When finalizing this amendment, we did not place a limit on how much later the coverage effective date could be. After further consideration and concerns raised by stakeholders regarding potential adverse selection impacts, we propose modifying that requirement and instead allowing consumers to start their coverage 1 month later than their effective date would ordinarily have been, if the special enrollment period verification process results in a delay in their enrollment such that they would be required to pay 2 or more months of retroactive premium to effectuate coverage or avoid termination for non-payment. Therefore, a consumer who was originally scheduled to begin coverage on March 1, may elect to have coverage start on April 1, if he or she owes retroactive premiums for March, April, and May due to delays in document verification. We note that we do not anticipate that many consumers would be eligible to request a later effective date under this paragraph, as we do not expect the pre-enrollment verification processes to result in such significant delays. However, we recognize that there may be unforeseen challenges as we implement the verification process, and believe it is important to offer this flexibility in the event of such delays. We believe the

option to have a later effective date could help keep healthier individuals in the market, who otherwise might be deterred by the prospect of paying for 2 or more months of retroactive coverage that they did not use. We seek comment on this proposal, and the appropriate coverage effective date for these consumers.

As part of our enhanced verification efforts for special enrollment periods, we are proposing to take additional steps to strengthen and streamline the parameters of several existing special enrollment periods and ensure consumers are adhering to existing and new eligibility parameters to further promote continuity of coverage and market stability.

First, in order to ensure that a special enrollment period for loss of minimum essential coverage in paragraph (d)(1) is not granted in cases where an individual was terminated for non-payment of premium, as described in paragraph (e)(1), FFE (and SBE–FPs) will permit the issuer to reject an enrollment for which the issuer has a record of termination due to non-payment of premiums unless the individual fulfills obligations for premiums due for previous coverage, consistent with the guaranteed availability approach discussed in the preamble for § 147.104. We believe that verifying that consumers are not attempting to enroll in coverage through the special enrollment period for loss of minimum essential coverage when the reason for their loss of coverage is due to non-payment of premiums is an important measure to prevent instances of gaming related to individuals only paying premiums and maintaining coverage for months in which they seek services. We seek comment on this proposal.

Further, HHS intends to explore options for verifying that a consumer was not terminated due to non-payment of premiums for coverage within the FFEs as a precursor for being eligible for the loss of minimum essential coverage special enrollment period. HHS proposes to allow Exchanges to collect and store information from issuers about whether consumers have been terminated from Exchange coverage due to nonpayment of premiums so that the Exchange may automatically prevent these consumers from qualifying for the special enrollment period due to a loss of minimum essential coverage if the consumer attempts to renew his or her Exchange coverage within 60 days of being terminated. We note that, if the consumer attempts to renew his or her Exchange coverage more than 60 days after being terminated, the consumer would not be eligible for a special enrollment period due to loss of minimum essential coverage. We seek comment on this proposal.

Second, in response to concerns that consumers are opting not to enroll in QHP coverage during the annual open enrollment period and are instead newly enrolling in coverage during the coverage year through the special enrollment period for marriage, we are proposing to add new paragraph (d)(2)(i)(A) to require that, if consumers are newly enrolling in QHP coverage through the Exchange through the special enrollment period for marriage, at least one spouse must demonstrate having had minimum essential coverage as described in 26 CFR 1.5000A–1(b) for 1 or more days during the 60 days preceding the date of marriage. However, we recognize that individuals who were previously living abroad or in a U.S. territory may not have had access to coverage that is considered minimum essential coverage in accordance with 26 CFR 1.5000A–1(b) prior to moving to the U.S. Therefore, we propose that, when consumers are newly enrolling in coverage during the coverage year through the special enrollment period for marriage, at least one spouse must either demonstrate that they had minimum essential coverage or that they lived outside of the U.S. or in a U.S. territory for 1 or more days during the 60 days preceding the date of the marriage. This proposed change would only apply in the individual market. We seek comment on this proposal.

To streamline our regulations regarding special enrollment periods that require consumers to demonstrate prior coverage, we propose to add new paragraph (a)(5) to clarify that qualified individuals who are required to demonstrate prior coverage can either demonstrate that they had minimum essential coverage as described in 26 CFR 1.5000A–1(b) for 1 or more days during the 60 days preceding the date of the qualifying event or that they lived outside of the U.S. or in a U.S. territory for 1 or more days during the 60 days preceding the date of the qualifying event. Paragraph (a)(5) would apply to paragraph (d)(2)(i)(A) for marriage (discussed above) and paragraph (d)(7)(i) for permanent move and this paragraph would replace current paragraph (d)(7)(ii). We seek comment on this proposal.

HHS acknowledges that this rule proposes changes for special enrollment periods in the individual market that differ from the rules regarding special enrollment periods in the group market. For example, this rule proposes changes that would require consumers to demonstrate prior coverage to qualify for the special enrollment period for marriage in proposed paragraph (d)(2)(i)(A) and would generally limit plan selection to the same plan or level of coverage when an enrollee qualifies for a special enrollment period during the coverage year in proposed paragraph (a)(4). However, we believe that the differences in the markets—and the impacts of those differences on the risk pool—warrant an approach in the individual market that diverges from long-standing rules and norms in the group market. Employer-sponsored coverage is generally a more stable risk pool and less susceptible to gaming because the coverage is tied to employment and often substantially subsidized by the employer. Thus, we believe taking an approach in the individual market that imposes tighter restrictions on special enrollments and the ability to change plans for current enrollees better addresses the unique challenges faced in the individual market. We believe that this approach is consistent with the requirement in section 1311(c)(6)(C) of the Affordable Care Act directing the Secretary to require Exchanges to establish special enrollment periods as specified in section 9801of the Code and under circumstances similar to such periods under Part D of title XVIII of the Act and the Secretary's authority under section 2702(b)(3) to promulgate regulations for the individual market with respect to special enrollment periods for qualifying events under section 603 of the Employee Retirement Income Security Act of 1974. We interpret section 1311 of the Affordable Care Act and section 2702 of the PHS Act to require the Secretary to implement special enrollment periods with the same triggering events as in the group market, but to provide the Secretary with flexibility in the specific parameters around how those special enrollment periods are implemented in the individual market, due to these unique dynamics of the individual market.

Third, we propose to expand the verification requirements related to the special enrollment period for a permanent move in paragraph (d)(7). This special enrollment period is only available to a qualified individual or enrollee who has gained access to new QHPs as a result of a permanent move *and* had coverage for 1 or more days in the 60 days preceding the move, unless he or she is moving to the U.S. from abroad or a U.S. territory. Currently, we require documentation to show a move occurred, and accept an attestation

regarding having had prior coverage or moving from abroad or a U.S. territory. To ensure that consumers meet all the requirements for this special enrollment period, we propose to require that new applicants applying for coverage through this special enrollment period submit acceptable documentation to the FFEs and SBE–FPs to prove both their previous and new addresses and evidence of prior coverage, if applicable, through the pre-enrollment verification process. If finalized, we intend to release guidance on what documentation would be acceptable. We seek comment on this proposal.

Fourth, for the remainder of 2017 and for future plan years, we propose to significantly limit the use of the exceptional circumstances special enrollment period described in paragraph (d)(9). In previous years, this special enrollment period has been used to address eligibility or enrollment issues that affect large cohorts of individuals where they had made reasonable efforts to enroll but were hindered by outside events. For example, in past years, the FFEs have offered exceptional circumstances special enrollment periods to groups of consumers who were enrolled in coverage that they believed was minimum essential coverage at the time of enrollment, but was not. HHS proposes to henceforth apply a more rigorous test for future uses of the exceptional circumstances special enrollment period, including requiring supporting documentation where practicable, under which we would only grant this special enrollment period if provided with sufficient evidence to conclude that the consumer's situation was truly exceptional and in instances where it is verifiable that consumers were directly impacted by the circumstance, as practicable. We would provide guidance on examples of situations that we believe meet this more rigorous text and what corresponding documentation consumers will be required to provide, if requested by the FFE. We seek comment on this proposal.

Over the past few years, the Exchange has, at times, offered special enrollment periods for a variety of circumstances related to errors that occurred more frequently in the early years of operations. However, as the Exchanges continue, HHS will evaluate existing special enrollment periods to determine their continued utility and necessity. This rule proposes to formalize previous guidance[12] from HHS that the following special enrollment periods are no longer available. We are publishing this list in this proposed rule in response to confusion by stakeholders about whether current special enrollment periods previously made available through guidance are still available to consumers, for the purposes of clarity.

- Consumers who enrolled with advance payments of the premium tax credit that are too large because of a redundant or duplicate policy;
- Consumers who were affected by a temporary error in the treatment of Social Security Income for tax dependents;
- Lawfully present non-citizens that were affected by a temporary error in the determination of their eligibility for advance payments of the premium tax credit
- Lawfully present non-citizens with incomes below 100% FPL who experienced certain processing delays; and
- Consumers who were eligible for or enrolled in COBRA and not sufficiently informed about their coverage options.

Because of concerns that improper uses of the special enrollment periods outlined in this section will lead to adverse selection and immediate, unexpected financial losses in the remaining months of this year, which could lead to premium increases or issuers exiting the market, we believe that the changes discussed above are needed to stabilize the risk pool and encourage robust issuer Exchange participation, which will also benefit both consumers and the individual market as a whole in the future.

3. Continuous Coverage

Because of the challenges in the individual market related to adverse selection, HHS believes it is especially important in this market to adopt policies that promote continuous enrollment in health coverage and to discourage individuals from waiting until illness occurs to enroll in coverage.

While the proposals in this rule relating to guaranteed availability, the annual open enrollment period, and special enrollment periods would encourage individuals to maintain coverage throughout the year, we are also actively exploring additional policies in the individual market that would promote continuous coverage and seek input on which policies would effectively do so consistent with existing legal authorities. For example, with respect to special enrollment periods that require evidence of prior coverage, we are considering policies for the individual market that would require that individuals show evidence of prior coverage for a longer ''look back'' period. For example, we could require prior coverage for 6 to 12 months, except that we might consider an individual to have had prior coverage, even if there was a small gap in coverage (for example, up to 60 days). Alternatively, for individuals who are not able to provide evidence of prior coverage during such a look back period, an exception could allow them to enroll in coverage if they otherwise qualify for a special enrollment period, but impose a waiting period of at least 90 days before effectuating enrollment, or assess a late enrollment penalty. These policies could provide a disincentive for individuals to drop out of coverage, thus promoting continuous coverage.

HHS is also interested in whether policies are needed for the individual market similar to those that existed under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. 104–191) (HIPAA), which required maintenance of continuous, creditable coverage without a 63-day break in the group market if individuals wished to avoid the pre-existing condition exclusions, and allowed waiting periods to be imposed under certain circumstances. Although the HIPAA rules did not require that individuals maintain coverage, the rules were designed to provide an important incentive for individuals to enroll in coverage year-round, not just when in need of health care services; reduce adverse selection; and help prevent premiums from climbing to levels that would keep most healthy individuals from purchasing coverage.

With these policies, we likely would seek not only to encourage uninsured individuals to enroll in coverage during the open enrollment period, but also to encourage those with coverage to maintain continuous coverage throughout the year.

We note that we seek comment on additional policies that would promote continuous coverage, but are not, at this time, proposing any of the policies described in this section III.B.3. of this notice.

4. Enrollment Periods Under SHOP

Because the proposed changes to § 155.420(a)(3) through (5) are being proposed for special enrollment periods in the individual market only, we propose to amend § 155.725(j)(2)(i) to

[12] HHS, *Clarifying, Eliminating and Enforcing Special Enrollment Periods* (January 19, 2016), available at *http://wayback.archive-it.org/2744/20170118130449/https://blog.cms.gov/2016/01/19/clarifying-eliminating-and-enforcing-special-enrollment-periods/*.

specify that these paragraphs do not apply to special enrollment periods under the Small Business Health Options Program (SHOP). A more detailed discussion of the proposed changes in § 155.420(a) is provided in section III.B.2. of this proposed rule.

5. Exchange Functions: Certification of Qualified Health Plans (Part 155, Subpart K)

In light of the need for issuers to make modifications to their products and applications to accommodate the changes proposed in this rule, should they be finalized, we would issue separate guidance to update the QHP certification calendar and the rate review submission deadlines to give additional time for issuers to develop, and States to review, form and rate filings for the 2018 plan year that reflect these changes.

C. Part 156—Health Insurance Issuer Standards Under the Affordable Care Act, Including Standards Related to Exchanges

1. Levels of Coverage (Actuarial Value) (§ 156.140)

Section 2707(a) of the PHS Act and section 1302 of the Affordable Care Act direct issuers of non-grandfathered individual and small group health insurance plans, including QHPs, to ensure that these plans adhere to the levels of coverage specified in section 1302(d)(1) of the Affordable Care Act. A plan's coverage level, or actuarial value (AV), is determined based on its coverage of the EHB for a standard population. Section 1302(d)(1) of the Affordable Care Act requires a bronze plan to have an AV of 60 percent, a silver plan to have an AV of 70 percent; a gold plan to have an AV of 80 percent; and a platinum plan to have an AV of 90 percent. Section 1302(d)(2) of the Affordable Care Act directs the Secretary to issue regulations on the calculation of AV and its application to the levels of coverage. Section 1302(d)(3) of the Affordable Care Act authorizes the Secretary to develop guidelines to provide for a de minimis variation in the actuarial valuations used in determining the level of coverage of a plan to account for differences in actuarial estimates.

In the EHB Rule, at § 156.140(c), HHS established that the allowable variation in the AV of a health plan that does not result in a material difference in the true dollar value of the health plan is +/−2 percentage points. As finalized in the 2018 Payment Notice, § 156.140(c) permits a de minimis variation of +/−2 percentage points, except if a bronze health plan either covers and pays for at least one major service, other than preventive services, before the deductible or meets the requirements to be a high deductible health plan within the meaning of 26 U.S.C. 223(c)(2), the allowable variation in AV for such plan is −2 percentage points and +5 percentage points. We established this additional flexibility for certain bronze plans in the 2018 Payment Notice to provide a balanced approach to ensure that a variety of bronze plans can be offered, including high deductible health plans, while ensuring that bronze plans can remain at least as generous as catastrophic plans. As discussed in the EHB Rule, our intention with the de minimis variation of +/−2 percentage points was to give issuers the flexibility to set cost-sharing rates that are simple and competitive while ensuring consumers can easily compare plans of similar generosity. While the de minimis range is intended to allow plans to float within a reasonable range and is not intended to freeze plan designs preventing innovation in the market, it was also intended to mitigate the need for annual plan redesign, allowing plans to retain the same plan design year to year while remaining at the same metal level.

At this time, we believe that further flexibility is needed for the AV de minimis range for metal levels to help issuers design new plans for future plan years, thereby promoting competition in the market. In addition, we believe that changing the de minimis range will allow more plans to keep their cost sharing the same from year to year. Although the AV Calculator is not a pricing tool, changing the de minimis range could also put downward pressure on premiums. Thus, we anticipate that this flexibility could encourage healthier consumers to enroll in coverage, improving the risk pool and increasing market stability. For these reasons, we believe that changing the AV de minimis range would help retain and attract issuers to the non-grandfathered individual and small group markets, which would increase competition and help consumers. Therefore, we propose amending the definition of de minimis included in § 156.140(c), to a variation of −4/+2 percentage points, rather than +/− 2 percentage points for all non-grandfathered individual and small group market plans that are required to comply with AV. Under the proposed standard, for example, a silver plan could have an AV between 66 and 72 percent. We believe that a de minimis amount of −4/+2 percentage points would provide the necessary flexibility to issuers in designing plans while striking the right balance between ensuring comparability of plans within each metal level and allowing plans the flexibility to use convenient and competitive cost-sharing metrics.

We also note that as established at § 156.135(a), to calculate the AV of a health plan, the issuer must use the AV Calculator developed and made available by HHS for the given benefit year. The AV Calculator represents an empirical estimate of the AV calculated in a manner that provides a close approximation to the actual average spending by a wide range of consumers in a standard population. For the 2018 AV Calculator, we made several key updates to the AV Calculator, including updating the claims data underlying the continuance tables that represent the standard population to reflect more current claims data. For example, all previous versions of the AV Calculator had been using 2010 (pre-Affordable Care Act) claims data and the 2018 AV Calculator is using 2015 (post-Affordable Care Act) claims data. As discussed in the 2018 AV Calculator Methodology, due to the scope and number of updates in the 2018 AV Calculator, the impact on current plans' AVs will vary.[13] Indeed, issuers have reported that the AV of 2017 plans have varied in unexpected ways when entered into the 2018 AV Calculator. Therefore, the proposed flexibility in the de minimis range is also intended to help provide some stability to those plans that are being impacted by the updates to the AV Calculator.

We are proposing to provide the increased flexibility in the *de minimis* range starting with the 2018 AV Calculator. We seek comment on whether making the change effective for the 2019 plan year would be preferable, given the lead time issuers require to design plans.

While we are proposing to modify the *de minimis* range for the metal level plans (bronze, silver, gold, and platinum), we are not proposing to modify the *de minimis* range for the silver plan variations (the plans with an AV of 73, 87 and 94 percent) under §§ 156.400 and 156.420 at this time. The *de minimis* variation for a silver plan variation of a single percentage point would still apply. In the Actuarial Value and Cost-Sharing Reductions Bulletin we issued on February 24, 2012,[14] we

[13] 2018 AV Calculator Methodology is available at *https://www.cms.gov/cciio/resources/regulations-and-guidance/#Plan.*

[14] Available at *https://www.cms.gov/CCIIO/Resources/Files/Downloads/Av-csr-bulletin.pdf.*

explained why we did not intend to require issuers to offer a cost-sharing reduction plan variation with an AV of 70. However, given our proposal, we also are considering whether the ability for an issuer to offer a standard silver level plan at an AV of 66 would require a plan variation to be offered at an AV of 70 or some other mechanism to provide for cost-sharing reductions for eligible individuals with household incomes that are more than 250 percent but not more than 400 percent of the poverty line for a family of the size involved.

We also would maintain the bronze plan *de minimis* range policy finalized in the 2018 Payment Notice at § 156.140(c) with one modification. We propose to change the *de minimis* range for the expanded bronze plans from +5/−2 percentage points to +5/−4 percentage points to align with the policy in this rule. Therefore, for those bronze plans that either cover and pay for at least one major service, other than preventive services, before the deductible or meet the requirements to be a high deductible health plan within the meaning of 26 U.S.C. 223(c)(2), we are proposing the allowable variation in AV would be −4 percentage points and +5 percentage points.[15]

We seek comment on this proposal, including on the appropriate *de minimis* values for metal level plans and silver plan variations, and whether those values should differ when increasing or decreasing AV.

To implement the amended AV *de minimis* range in this proposed rule, we would update the 2018 AV Calculator in accordance with this policy.

2. Network Adequacy (§ 156.230)

At § 156.230, we established the minimum criteria for network adequacy that health and dental plan issuers must meet to be certified as QHPs, including stand-alone dental plans (SADPs), in accordance with the Secretary's authority in section 1311(c)(1)(B) of the Affordable Care Act. Section 156.230(a)(2) requires a QHP issuer to maintain a network that is sufficient in number and types of providers, including providers that specialize in mental health and substance abuse services, to assure that all services will be accessible without unreasonable delay.

In recognition of the traditional role States have in developing and enforcing network adequacy standards, we propose to rely on State reviews for network adequacy in States in which an FFE is operating, provided the State has a sufficient network adequacy review process, rather than performing a time and distance evaluation. For the 2018 plan year, we propose to defer to the States' reviews in States with the authority that is at least equal to the ''reasonable access standard'' defined in § 156.230 and means to assess issuer network adequacy, regardless of whether the Exchange is a State-based Exchange (SBE) or FFE, and regardless of whether the State performs plan management functions.

We are also proposing a change to our approach to reviewing network adequacy in States that do not have the authority and means to conduct sufficient network adequacy reviews. In those States, we would, for the 2018 plan year, apply a standard similar to the one used in the 2014 plan year.[16] As HHS did in 2014, in States without the authority or means to conduct sufficient network adequacy reviews, we would rely on an issuer's accreditation (commercial or Medicaid) from an HHS-recognized accrediting entity. HHS has previously recognized 3 accrediting entities for the accreditation of QHPs: the National Committee for Quality Assurance, URAC, and Accreditation Association for Ambulatory Health Care.[17] We would recognize these same three accrediting entities for network adequacy reviews for the 2018 plan year. Unaccredited issuers would be required to submit an access plan as part of the QHP Application. To show that the QHP's network meets the requirement in § 156.230(a)(2), the access plan would need to demonstrate that an issuer has standards and procedures in place to maintain an adequate network consistent with the National Association of Insurance Commissioners' Health Benefit Plan Network Access and Adequacy Model Act (the Model Act is available at *http://www.naic.org/store/free/MDL-74.pdf*). This approach would supersede the time and distance criteria described in the 2018 Letter to Issuers in the Federally-facilitated Marketplaces.[18]

We would further coordinate with States to monitor network adequacy, for example, through complaint tracking. As noted elsewhere in this rule, we intend to release a proposed timeline for the QHP certification process for plan year 2018 that would provide issuers with additional time to implement proposed changes that are finalized prior to the 2018 coverage year.

We seek comment on these proposals.

3. Essential Community Providers (§ 156.235)

Essential community providers (ECPs) include providers that serve predominantly low-income and medically underserved individuals, and specifically include providers described in section 340B of the PHS Act and section 1927(c)(1)(D)(i)(IV) of the Social Security Act. Section 156.235 establishes requirements for inclusion of ECPs in QHP provider networks and provides an alternate standard for issuers that provide a majority of covered services through employed physicians or a single contracted medical group.

In conducting reviews of the ECP standard for QHP and SADP certification for the 2018 plan year, HHS proposes to follow the approach previously finalized in the 2018 Payment Notice and outlined in the 2018 Letter to Issuers in the Federally-facilitated Marketplaces, with two changes as outlined below. States performing plan management functions in the FFEs would be permitted to use a similar approach.

Section 156.235(2)(i) stipulates that a plan has a sufficient number and geographic distribution of ECPs if it demonstrates, among other criteria, that the network includes as participating practitioners at least a minimum percentage, as specified by HHS. For the 2014 plan year, we set this minimum percentage at 20 percent, but, starting with the 2015 Letter to Issuers in the Federally-facilitated Marketplaces, we increased the minimum percentage to 30 percent.[19] For certification for the 2018 plan year we propose to return to the percentage used in the 2014 plan year, and would instead again consider the issuer to have satisfied the regulatory standard if the issuer contracts with at least 20 percent of

[15] Although we are expanding the *de minimis* range for bronze plans to −4 percentage points, we recognize that achieving an AV below 58 percent is difficult with the claims distribution underlying the current AV calculator.

[16] Letter to Issuers on Federally-facilitated and State Partnership Exchanges (April 5, 2013). Available at *https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/2014_letter_to_issuers_04052013.pdf.*

[17] Recognition of Entities for the Accreditation of Qualified Health Plans 77 FR 70163 (November 23, 2012) and Approval of an Application by the Accreditation Association for Ambulatory Health Care (AAAHC) To Be a Recognized Accrediting Entity for the Accreditation of Qualified Health Plans 78 FR 77470 (December 23, 2013).

[18] 2018 Letter to Issuers in the Federally-facilitated Marketplaces (December 16, 2016). Available at *https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/Final-2018-Letter-to-Issuers-in-the-Federally-facilitated-Marketplaces.pdf.*

[19] 2015 Letter to Issuers in the Federally-facilitated Marketplaces. Available online at *https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/2015-final-issuer-letter-3-14-2014.pdf.*

available ECPs in each plan's service area to participate in the plan's provider network. The calculation methodology outlined in the 2018 Letter to Issuers in the Federally-facilitated Marketplaces and 2018 Payment Notice would remain unchanged.

We believe this standard will substantially lessen the regulatory burden on issuers while preserving adequate access to care provided by ECPs. In particular, we believe this proposal would result in fewer issuers needing to submit a justification to prove that they include in their provider networks a sufficient number and geographic distribution of ECPs to meet the standard in § 156.235. For the 2017 plan year, six percent of issuers were required to submit such a justification. Although none of their networks met the 30 percent ECP threshold, all of these justifications were deemed sufficient, and each network would have met the 20 percent threshold. We anticipate that issuers will readily be able to contract with at least 20 percent of ECPs in a service area.

We also propose to modify our previous guidance regarding which providers issuers may identify as ECPs within their provider networks. Under our current guidance, issuers would only be able to identify providers in their network who are included on a list of available ECPs maintained by HHS (''the HHS ECP list''). This list is based on data maintained by HHS, including provider data that HHS receives directly from providers through the ECP petition process for the 2018 plan year.[20] In previous years, issuers were also permitted to identify ECPs through a write-in process. Because the ECP petition process is intended to ensure qualified ECPs are included in the HHS ECP list, we indicated in guidance that we would not allow issuers to submit ECP write-ins for plan year 2018. However, we are aware that not all qualified ECPs have submitted an ECP petition, and therefore have determined the write-in process is still needed to allow issuers to identify all ECPs in their network. Therefore, as for plan year 2017, for plan year 2018, we propose that an issuer's ECP write-ins would count toward the satisfaction of the ECP standard only for the issuer that wrote in the ECP on its ECP template, provided that the issuer arranges that the written-in provider has submitted an ECP petition to HHS by no later than the deadline for issuer submission of changes to the QHP application. For example, issuers may write in any providers that are currently eligible to participate in 340B programs that are not included on the HHS list, or not-for-profit or state-owned providers that would be entities described in section 340B but do not receive federal funding under the relevant section of law referred to in section 340B, as long as the provider has submitted a timely ECP petition. Such providers include not-for-profit or governmental family planning service sites that do not receive a grant under Title X of the PHS Act. We believe this proposal would (1) help build the HHS ECP list so that it is more inclusive of qualified ECPs; and (2) better recognize issuers for the ECPs with whom they contract.

As in previous years, if an issuer's application does not satisfy the ECP standard, the issuer would be required to include as part of its application for QHP certification a satisfactory narrative justification describing how the issuer's provider networks, as presently constituted, provide an adequate level of service for low-income and medically underserved individuals and how the issuer plans to increase ECP participation in the issuer's provider networks in future years. At a minimum, such narrative justification would include the number of contracts offered to ECPs for the 2018 plan year, the number of additional contracts an issuer expects to offer and the timeframe of those planned negotiations, the names of the specific ECPs to which the issuer has offered contracts that are still pending, and contingency plans for how the issuer's provider network, as currently designed, would provide adequate care to enrollees who might otherwise be cared for by relevant ECP types that are missing from the issuer's provider network.

We seek comment on these proposals.

IV. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995, we are required to provide 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget for review and approval. This proposed rule contains information collection requirements (ICRs) that are subject to review by OMB. A description of these provisions is given in the following paragraphs, with an estimate of the annual burden, summarized in Table 1. To fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

We are soliciting public comment on each of these issues for the following sections of this proposed rule that contain ICRs.

A. ICRs Regarding Verification of Eligibility for Special Enrollment Periods (§ 155.420)

This proposed rule proposes that, starting in June 2017, HHS would begin to implement pre-enrollment verification of eligibility for all categories of special enrollment periods for all States served by the *HealthCare.gov* platform. Currently, individuals self-attest to their eligibility for many special enrollment periods and submit supporting documentation, but enroll in coverage through the Exchanges without any pre-enrollment verification. As mentioned earlier in the preamble, we planned to implement a pilot program to conduct pre-enrollment verification for a sample of 50 percent of consumers attempting to enroll in coverage through certain special enrollment periods. Under the proposed rule, we propose to expand pre-enrollment verification to all new consumers for certain categories of special enrollment periods, so that enrollment would be delayed or ''pended'' until verification of eligibility is completed. Individuals would have to provide supporting documentation within 30 days. Where applicable, the FFE would make every effort to verify an individual's eligibility for the applicable special enrollment period through automated electronic means instead of through documentation. Since consumers currently provide required supporting documentation, the proposed provisions would not impose any additional burden. We seek comment on this impact.

Based on enrollment data, we estimate that HHS Eligibility Support Staff members would conduct pre-enrollment verification for an additional 650,000 individuals. Once individuals have submitted the required verification documents, we estimate that it will take a staff member approximately 12 minutes (at an hourly cost of $40.82) to review and verify submitted verification

[20] List available at *https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Downloads/FINAL-CMS-ECP-LIST-PY-2018_12-16-16.xlsx.*

documents. The verification process would result in an additional annual burden for the federal government of 130,000 hours with an equivalent cost of $5,306,600. We will revise the information collection currently approved under OMB control number 0938–1207 (Medicaid and Children's Health Insurance Programs: Essential Health Benefits in Alternative Benefit Plans, Eligibility Notices, Fair Hearing and Appeal Processes, and Premiums and Cost Sharing; Exchanges: Eligibility and Enrollment) to account for this additional burden.

State-based Exchanges that currently do not conduct pre-enrollment verification for special enrollment periods would be encouraged to follow the same approach. States that choose to do so would change their current approach. Under 5 CFR 1320.3(c)(4), this ICR is not subject to the PRA as it would affect fewer than 10 entities in a 12-month period.

B. ICRs Regarding Network Adequacy Reviews and Essential Community Providers (§ 156.230, § 156.235)

In this proposed rule, we are proposing that, for the 2018 plan year, HHS would defer to the State's reviews in States with authority and means to assess issuer network adequacy; while in States without authority and means to conduct sufficient network adequacy reviews, HHS would rely on an issuer's accreditation (commercial or Medicaid) from an HHS-recognized accrediting entity. This would reduce the burden related to the time and distance evaluation for issuers. Unaccredited issuers would be required to submit an access plan as part of the QHP Application. We are not aware of any unaccredited issuer that plans to enter the market in 2018, therefore we expect that none of the issuers will need to submit an access plan. We estimate that this would reduce the burden related to the review by 15 hours per issuer on average. The total annual reduction in burden for 450 QHP issuers and would be 6,750 hours with an equivalent reduction in cost of $519,750 (at an hourly cost of $77). For stand-alone dental issuers, the estimated reduction in burden would be 10 hours on average annually for each issuer. For 250 issuers, the total annual reduction in burden would be 2,500 hours with an equivalent reduction in cost of $192,500 (at an hourly rate of $77).

We expect to collect access plans from all stand-alone dental issuers in states without adequate review. We assume that approximately 125 stand-alone dental issuers would need to submit access plans, and each issuer would require approximately 1 hour to prepare and submit a plan. For all 125 issuers, the total annual burden would be 125 hours, with an annual equivalent cost of $9,625 (at an hourly rate of $77).

The proposed change in the ECP standard would reduce the burden for issuers that previously needed to submit a justification to prove that they include in their provider networks a sufficient number and geographic distribution of ECPs to meet the standard in § 156.235. We estimate that in the absence of this change, approximately 20 QHP and stand-alone dental plan issuers would have each spent 45 minutes on average to prepare an submit a justification. The total reduction in burden for 20 issuers would be 15 hours with an equivalent reduction in cost of $1,155 (at an hourly rate of $77).

We will revise the information collection currently approved under OMB control number 0938–1187 (Continuation of Data Collection to Support QHP Certification and other Financial Management and Exchange Operations) to account for this reduction in burden.

TABLE 1—ANNUAL REPORTING, RECORDKEEPING AND DISCLOSURE BURDEN

Regulation section	OMB control number	Number of respondents	Responses	Burden per response (hours)	Total annual burden (hours)	Hourly labor cost of reporting ($)	Total labor cost of reporting ($)	Total cost ($)
Network Adequacy–Access Plan (§ 156.230)	0938–1187	125	125	1	125	77	9,625	9,625
Network Adequacy–QHP issuers (§ 156.230)	0938–1187	450	450	(15)	(6,750)	77	(519,750)	(519,750)
Network Adequacy–Stand-alone dental plan issuers (§ 156.230)	0938–1187	250	250	(10)	(2,500)	77	(192,500)	(192,500)
ECP justification (§ 156.235)	0938–1187	20	20	(0.75)	(15)	77	(1,155)	(1,155)

Note: There are no capital/maintenance costs associated with the information collection requirements contained in this rule; therefore, we have removed the associated column from Table 1.

V. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

VI. Regulatory Impact Analysis

A. Statement of Need

As noted previously in the preamble, the Exchanges have experienced a decrease in the number of participating issuers and many States have recently seen increases in premiums. This proposed rule, which is being published as issuers develop their proposed plan benefit structures and premiums for 2018, aims to ensure market stability and issuer participation in the Exchanges for the 2018 benefit year. This proposed rule also aims to reduce the fiscal and regulatory burden on individuals, families, health insurers, patients, recipients of health care services, and purchasers of health insurance. This proposed rule seeks to lower insurance rates and ensure a dynamic and competitive market in part by preventing and curbing potential abuses associated with special enrollment periods and gaming by individuals taking advantage of the current regulations on grace periods and termination of coverage due to the non-payment of premiums.

This proposed rule would address these issues by changing a number of requirements that HHS believes will provide needed flexibility to issuers and help stabilize the individual insurance market, allowing consumers in many State or local markets to retain or obtain health insurance while incentivizing issuers to enter, or remain, in these markets while returning autonomy to the States for a number of issues.

B. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995, Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), the Congressional Review Act (5 U.S.C. 804(2)), and Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs (January 30, 2017).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a proposed rule—(1) having an annual effect on the economy of $100 million or more in any one year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year), and a ''significant'' regulatory action is subject to review by the OMB. HHS has concluded that this rule is likely to have economic impacts of $100 million or more in at least one year, and therefore meets the definition of ''significant rule'' under Executive Order 12866. Therefore, HHS has provided an assessment of the potential costs, benefits, and transfers associated with this proposed rule.

The provisions in this proposed rule aim to improve the health and stability of the Exchanges. They provide additional flexibility to issuers for plan designs, reduce regulatory burden, seek to improve the risk pool and lower premiums by reducing gaming and adverse selection and incentivize consumers to maintain continuous coverage. Issuers would experience a reduction in costs related to network adequacy reviews. Through the reduction in financial uncertainty for issuers and increased affordability for consumers, these proposed provisions are expected to increase access to affordable health coverage. Although there is some uncertainty regarding the net effect on enrollment, premiums and total premium tax credit payments by the government, we anticipate that the provisions of this proposed rule would help further HHS's goal of ensuring that all consumers have quality, affordable health care and that markets are stable and that Exchanges operate smoothly.

In accordance with Executive Order 12866, HHS has determined that the benefits of this regulatory action justify the costs.

C. Impact Estimates and Accounting Table

In accordance with OMB Circular A–4, Table 2 depicts an accounting statement summarizing HHS's assessment of the benefits, costs, and transfers associated with this regulatory action.

The proposed provisions in this rule would have a number of effects, including reducing regulatory burden for issuers, reducing the impact of adverse selection, stabilizing premiums in the individual insurance market, and providing consumers with more affordable health insurance coverage. The effects in Table 2 reflect qualitative impacts and estimated direct monetary costs and transfers resulting from the provisions of this proposed rule.

TABLE 2—ACCOUNTING TABLE

Benefits				
Qualitative: • Improved health and protection from the risk of catastrophic medical expenditures for the previously uninsured, especially individuals with medical conditions (if health insurance enrollment increases) [a] • Cost savings due to reduction in medical service provision (if health insurance enrollment decreases) [a b] • Cost savings to issuers from not having to process claims while enrollment is ''pended'' during pre-enrollment verification of eligibility for special enrollment periods • Cost savings to the government and plans associated with the reduced open enrollment period;				
Costs	Estimate (million)	Year dollar	Discount rate percent	Period covered
Annualized Monetized ($millions/year)	($0.7) ($0.7)	2016 2016	7 3	2017–2021 2017–2021
Includes costs incurred by stand-alone dental issuers for preparing access plans and costs savings to issuers due to reduction in administrative costs related to network adequacy review for QHP certification				
Qualitative: • Harms to health and reduced protection from the risk of catastrophic medical expenditures for the previously uninsured, especially individuals with medical conditions (if health insurance enrollment decreases) [a] • Cost due to increases in medical service provision (if health insurance enrollment increases) [a b] • Decreased quality of medical services (for example, reductions in continuity of care due to lower ECP threshold) • Administrative costs incurred by the federal government and by States that start conducting verification of special enrollment period eligibility • Costs to issuers of redesigning plans • Costs to the federal government and issuers of outreach activities associated with shortened open enrollment period				

TABLE 2—ACCOUNTING TABLE—Continued

Transfers
Qualitative: • Transfers, via premium reductions, from special enrollment period abusers to all other enrollees • Transfers related to changes in actuarial value from enrollees to issuers and, via possible reductions in subsidies, from some combination of enrollees and issuers to the federal government

Notes:

[a] Enrollment could increase due to decreases in premiums resulting from pass-through of administrative cost savings (as listed) and savings associated with reductions in special enrollment period abuse. Enrollment could decrease due to lessened consumer appeal of insurance with reduced actuarial value and less access to ECPs, increases in premiums resulting from pass-through of administrative costs (as listed), former special enrollment period users discontinuing participation, or due to shortened enrollment periods. The net effect on enrollment is ambiguous.

[b] These cost and cost savings generalizations are somewhat oversimplified because uninsured individuals are relatively likely to obtain health care through high-cost providers (for example, visiting an emergency room for preventive services).

1. Guaranteed Availability of Coverage

The proposed regulation would allow issuers to apply a premium payment made for new coverage under the same or a different product to the outstanding debt associated with non-payment of premiums for coverage from the same issuer enrolled in within the prior 12 months. This means that issuers would be able to require a policyholder whose coverage is terminated for non-payment of premium in the individual or group market to pay all past due premium owed to that issuer after the applicable due date for coverage in the prior 12-month period in order to resume coverage from that same issuer. Individuals with past due premium would generally owe no more than 1 to 3 months of past-due premiums. The issuer would have to apply its premium payment policy uniformly to all employers or individuals regardless of health status. This would reduce the risk of gaming and adverse selection by consumers while likely also discouraging some individuals from obtaining coverage.

A recent study [21] surveying consumers with individual market plans concluded that approximately 21 percent of consumers stopped premium payments in 2015. Approximately 87 percent of those individuals repurchased plans in 2016, while 49 percent of these consumers purchased the same plan they had previously stopped payment on.

Based on available data, we estimate that approximately one in ten enrollees had their coverage terminated due to non-payment of premiums in 2016. We estimated that approximately 86,000 (or 16 percent) of those individuals terminated due to non-payment of premium in 2016 and living in an area where their 2016 issuer was available in 2017 had an active 2017 plan selection with the same issuer at the end of the open enrollment period. Additionally, for those individuals living in an area were their 2016 issuer was the only issuer available in 2017, 23 percent of those individuals terminated due to non-payment in 2016 had an active 2017 plan selection this issuer at the end of the open enrollment period—equating to approximately 21,000 individuals. In the absence of data, we are unable to determine the amount of past due amounts that consumers would have to pay in order to resume coverage with the same issuer, though individuals would generally owe no more than 3 months of premiums. We are seeking comments on this impact.

2. Open Enrollment Periods

The proposed regulation proposes to amend § 155.410(e) and change the annual open enrollment period for coverage year 2018 to begin on November 1, 2017 and end on December 15, 2017. This is expected to have a positive impact on the risk pool by reducing the risk of adverse selection. However, the shortened enrollment period could lead to a reduction in enrollees, primarily younger and healthier enrollees who usually enroll late in the enrollment period. The change in the open enrollment period could lead to additional reductions in enrollment if Exchanges and enrollment assisters do not have adequate support, which could lead to potential enrollees facing longer wait times. In addition, this change is expected to simplify operational processes for issuers and the Exchanges. However, the Federal government, State-based Exchanges, and issuers may incur costs if additional consumer outreach is needed.

We are seeking comments regarding the potential effects of the shortening of the open enrollment period on all stakeholders.

3. Special Enrollment Periods

Special enrollment periods ensure that people who lose health insurance during the year (for example, through non-voluntary loss of minimum essential coverage provided through an employer), or who experience other qualifying events such as marriage or birth or adoption of a child, have the opportunity to enroll in new coverage or make changes to their existing coverage. While the annual open enrollment period allows previously uninsured individuals to enroll in new insurance coverage, special enrollment periods are intended to promote continuous enrollment in health insurance coverage during the plan year by allowing those who were previously enrolled in coverage to obtain new coverage without a lapse or gap in coverage.

However, allowing previously uninsured individuals to enroll in coverage via a special enrollment period that they would not otherwise qualify for can increase the risk of adverse selection, negatively impact the risk pool, contribute to gaps in coverage, and contribute to market instability and reduced issuer participation.

Currently, in many cases, individuals self-attest to their eligibility for most special enrollment periods and submit supporting documentation, but enroll in coverage through the Exchanges without further pre-enrollment verification. As mentioned earlier in the preamble, in 2016 we took several steps to further verify eligibility for special enrollment periods and planned to implement a pilot program to conduct pre-enrollment verification for a sample of 50 percent of consumers attempting to enroll in coverage through certain special enrollment periods. The provisions in this proposed rule would increase the scope of pre-enrollment verification, strengthen and streamline the parameters of several existing special enrollment periods, and limit several other special enrollment periods. Starting in June 2017, individuals attempting to enroll through certain special enrollment periods would have to undergo pre-enrollment verification of eligibility, so that their enrollment would be delayed or ''pended'' until verification of eligibility is completed. Where applicable, the FFE would make

[21] 2016 OEP: Reflection on enrollment, Center for U.S. Health System Reform, McKinsey&Company, May 2016, available at *http://healthcare.mckinsey.com/2016-oep-consumer-survey-findings.*

every effort to verify an individual's eligibility for the applicable special enrollment period through automated electronic means instead of through documentation. Based on past experience, we estimate that the expansion in pre-enrollment verification to all individuals seeking to enroll in coverage through all applicable special enrollment periods would result in an additional 650,000 individuals having their enrollment delayed or ''pended'' annually until eligibility verification is completed. As discussed previously in the Collection of Information Requirements section there would be an increase in costs to the federal government for conducting the additional pre-enrollment verifications. State-based Exchanges that begin to conduct pre-enrollment verification would incur administrative costs to conduct those reviews. We anticipate that there would be a reduction in costs to issuers since they would not have to process any claims while the enrollments are ''pended''.

The proposed changes would promote continuous coverage and allow individuals who qualify for a special enrollment period to obtain coverage, while ensuring that uninsured individuals that would not qualify for a special enrollment period obtain coverage during open enrollment instead of waiting until they get sick, which is expected to protect the Exchange risk pools, enhance market stability, and in doing so, limit rate increases. On the other hand, it is possible that the additional steps required to verify eligibility might discourage some eligible individuals from obtaining coverage, and reduce access to health care for those individuals, increasing their exposure to financial risk. If it deters younger and healthier individuals from obtaining coverage, it could also worsen the risk pool.

If pre-enrollment verification causes premiums to fall and all individuals that inappropriately enrolled via special enrollment periods continue to be covered, there would be a transfer from such individuals to other consumers. On the other hand, if some individuals are no longer able to enroll via special enrollment period, they would experience reduced access to health care.

The net effect of pre-enrollment verification and other proposed changes on premiums and enrollment is uncertain. If there is a significant decrease in enrollment, especially for younger and healthier individuals, it is possible that premiums would not fall, and potentially might increase. We seek comment on the impacts of these provisions.

4. Levels of Coverage (Actuarial Value)

In this proposed rule, we are proposing amending the de minimis range included in § 156.140(c), to a variation of −4/+2 percentage points, rather than +/−2 percentage points for all non-grandfathered individual and small group market plans that are required to comply with AV (We also propose to change the de minimis range for the expanded bronze plans from +5/−2 percentage points to +5/−4 percentage points to align with the policy in this rule) for plans beginning in 2018. While we are proposing to modify the de minimis range for the metal level plans (bronze, silver, gold, and platinum), we are not proposing to modify the de minimis range for the silver plan variations (the plans with an AV of 73, 87 and 94 percent) under §§ 156.400 and 156.420 at this time. In the short run, the impact of this proposed change would be to generate a transfer from consumers to insurers. The proposed change in AV could reduce the value of coverage for consumers, which could lead to more consumers facing increases in out-of-pocket expenses, thus increasing their exposure to financial risks associated with high medical costs. However, in the longer run, providing issuers with additional flexibility could help stabilize premiums, increase issuer participation and ultimately provide some offsetting benefit to consumers. We estimate that the proposed change in AV could lead to up to a 1 to 2 percent reduction in premiums. This, in turn, would increase enrollment. A reduction in premiums would likely reduce the benchmark premium for purposes of the premium tax credit, leading to a transfer from credit recipients to the government. An increase in enrollment would likely result in an increase in total premium tax credit payments by the government. The net effect is uncertain. We seek comments on the impact of this proposed change.

5. Network Adequacy

Section 156.230(a)(2) requires a QHP issuer to maintain a network that is sufficient in number and types of providers, including providers that specialize in mental health and substance abuse services, to assure that all services will be accessible without unreasonable delay. In this proposed rule, we are proposing that, for the 2018 plan year, HHS would defer to the State's reviews in States with authority and means to assess issuer network adequacy; while in States without authority and means to conduct sufficient network adequacy reviews, HHS would rely on an issuer's accreditation (commercial or Medicaid) from an HHS-recognized accrediting entity. As discussed previously in the Collection of Information Requirements section, this would reduce related administrative costs for issuers. Unaccredited issuers would be required to submit an access plan as part of the QHP Application. Reduced burden for issuers could ultimately lead to reduced premiums for consumers.

Depending on the level of review by State regulators and accrediting entities, this could have an impact on plan design. Issuers could potentially use network designs to encourage enrollment into certain plans, exacerbating selection pressures. The net effect on consumers is uncertain. We are seeking comments on the potential impacts.

6. Essential Community Providers

Section 156.235(2)(i) stipulates that a plan has a sufficient number and geographic distribution of ECPs if it demonstrates, among other criteria, that the network includes as participating practitioners at least a minimum percentage, as specified by HHS. For the 2014 plan year, this minimum percentage was 20 percent, but starting with the 2015 Letter to Issuers in the Federally-facilitated Marketplaces, we increased the minimum percentage to 30 percent. In this proposed rule, we are proposing that, for certification and recertification for the 2018 plan year, we would instead consider the issuer to have satisfied the regulatory standard if the issuer contracts with at least 20 percent of available ECPs in each plan's service area to participate in the plan's provider network. In addition, we are proposing to reverse our previous guidance that we were discontinuing the write-in process for ECPs, and would continue to allow this process for the 2018 plan year. If an issuer's application does not satisfy the ECP standard, the issuer would be required to include as part of its application for QHP certification a satisfactory narrative justification describing how the issuer's provider networks, as presently constituted, provide an adequate level of service for low-income and medically underserved individuals and how the issuer plans to increase ECP participation in the issuer's provider networks in future years. We expect that issuers would be able to meet this requirement, with the exception of issuers that do not have any ECPs in their service area.

Less expansive requirements for network size would lead to both costs and cost savings. Costs could take the form of increased travel time and wait time for appointments or reductions in continuity of care for those patients whose providers have been removed from their insurance issuers' networks.

Cost savings for issuers would be associated with reductions in administrative costs of arranging contracts and, if issuers focus their networks on relatively low-cost providers to the extent possible, reductions in the cost of health care provision. In addition, fewer issuers would need to submit a justification to prove that they include in their provider networks a sufficient number and geographic distribution of ECPs to meet the standard, as discussed previously in the Collection of Information Requirements section.

We seek comments on the impacts of this proposed change.

7. Uncertainty

The net effect of these proposed provisions on enrollment, premiums and total premium tax credit payments are ambiguous. On the one hand, premiums would tend to fall if more young and healthy individuals obtain coverage, adverse selection is reduced and issuers are able to lower costs due to reduced regulatory burden, and offer greater flexibility in plan design. On the other hand, if changes such as shortened open enrollment period, pre-enrollment verification for special enrollment periods, reduced actuarial value of plans, less expansive provider networks result in lower enrollment, especially for younger, healthier adults, it would tend to increase premiums. Lower premiums in turn would increase enrollment, while higher premiums would have the opposite effect. In addition, lower premiums would tend to decrease total premium tax credit payments, which could be offset by an increase in enrollment. Increased enrollment would lead to an overall increase in healthcare spending by issuers, while a decrease in enrollment would lower it, although the effect on total healthcare spending is uncertain, since uninsured individuals are more likely to obtain health care through high cost providers such as emergency rooms.

D. Regulatory Alternatives Considered

In developing the policies contained in this proposed rule, we considered maintaining the status quo with respect to our interpretation of guaranteed availability, network adequacy requirements and essential community provider requirements. However, we determined that the changes are urgently needed to stabilize markets, to incentivize issuers to enter or remain in the market and to ensure premium stability and consumer choice.

With respect to our proposal regarding essential community providers, we considered proposing a minimum threshold other than 20 percent, but believe that reverting to the previously used 20 percent threshold that issuers were used to would better help stabilize the markets, while adequately protecting access to ECPs.

We also considered keeping the original open enrollment period for 2018 coverage, but determined that an immediate change would have a positive impact on the risk pool by reducing the risk of adverse selection and that the market is mature enough for an immediate transition.

In addition, we considered increasing the scope of pre-enrollment verification for certain special enrollment periods to 90 percent instead of 100 percent. This would have allowed us to maximize the verification of eligibility while providing some population for claims comparison as envisioned by the scaled pilot. We are seeking comment on the issue, but believe that in order to minimize the risk of adverse selection, complete pre-enrollment verification for certain special enrollment periods is necessary. We also considered maintain the existing parameters around special enrollment periods so that the individual market special enrollment periods would continue to align with group market policies. However, HHS determined that aspects of the individual market and the unique threats of adverse selection in this market justified a departure from the group market policies.

With respect to our proposal regarding AV, we considered proposing that the change would be effective for the 2019 plan year. However, given input from stakeholders regarding the 2018 AV Calculator, we determined it was better to make the proposal effective for the 2018 plan year.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) requires agencies to prepare an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities, unless the head of the agency can certify that the rule would not have a significant economic impact on a substantial number of small entities. The RFA generally defines a ''small entity'' as (1) a proprietary firm meeting the size standards of the Small Business Administration (SBA), (2) a not-for-profit organization that is not dominant in its field, or (3) a small government jurisdiction with a population of less than 50,000. States and individuals are not included in the definition of ''small entity.'' HHS uses a change in revenues of more than 3 to 5 percent as its measure of significant economic impact on a substantial number of small entities.

This proposed rule would affect health insurance issuers. We believe that health insurance issuers would be classified under the North American Industry Classification System code 524114 (Direct Health and Medical Insurance Carriers). According to SBA size standards, entities with average annual receipts of $38.5 million or less would be considered small entities for these North American Industry Classification System codes. Issuers could possibly be classified in 621491 (HMO Medical Centers) and, if this is the case, the SBA size standard would be $32.5 million or less.[22] We believe that few, if any, insurance companies underwriting comprehensive health insurance policies (in contrast, for example, to travel insurance policies or dental discount policies) fall below these size thresholds. Based on data from MLR annual report submissions for the 2015 MLR reporting year, approximately 97 out of 528 issuers of health insurance coverage nationwide had total premium revenue of $38.5 million or less. This estimate may overstate the actual number of small health insurance companies that would be affected, since almost 74 percent of these small companies belong to larger holding groups, and many, if not all, of these small companies are likely to have non-health lines of business that would result in their revenues exceeding $38.5 million.

F. Unfunded Mandates

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a proposed rule that includes any Federal mandate that may result in expenditures in any 1 year by State, local, or Tribal governments, in the aggregate, or by the private sector, of $100 million in 1995 dollars, updated annually for inflation. Currently, that threshold is approximately $146

[22] ''Table of Small Business Size Standards Matched to North American Industry Classification System Codes'', effective February 26, 2016, U.S. Small Business Administration, available at *https://www.sba.gov/contracting/getting-started-contractor/make-sure-you-meet-sba-size-standards/table-small-business-size-standards.*

million. Although we have not been able to quantify all costs, we expect the combined impact on State, local, or Tribal governments and the private sector to be below the threshold.

G. Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule that imposes substantial direct costs on State and local governments, preempts State law, or otherwise has Federalism implications.

In HHS's view, while this proposed rule would not impose substantial direct requirement costs on State and local governments, this proposed regulation has Federalism implications due to direct effects on the distribution of power and responsibilities among the State and Federal governments relating to determining standards relating to health insurance that is offered in the individual and small group markets. However, HHS anticipates that the Federalism implications (if any) are substantially mitigated because under the statute and our proposals, States have choices regarding the structure, governance, and operations of their Exchanges. This rule strives to increase flexibility for States-based Exchanges. For example, we recommend, but would not require, that State-based Exchanges engage in pre-enrollment verification with respect to special enrollment periods; and we would defer to State network adequacy reviews provided the States have the authority and the means to conduct network adequacy reviews. Additionally, the Affordable Care Act does not require States to establish these programs; if a State elects not to establish any of these programs or is not approved to do so, HHS must establish and operate the programs in that State.

In compliance with the requirement of Executive Order 13132 that agencies examine closely any policies that may have Federalism implications or limit the policy making discretion of the States, HHS has engaged in efforts to consult with and work cooperatively with affected States, including participating in conference calls with and attending conferences of the National Association of Insurance Commissioners, and consulting with State insurance officials on an individual basis.

While developing this proposed rule, HHS has attempted to balance the States' interests in regulating health insurance issuers with the need to ensure market stability. By doing so, it is HHS's view that we have complied with the requirements of Executive Order 13132.

H. Congressional Review Act

This proposed rule is subject to the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801, *et seq.*), which specifies that before a rule can take effect, the Federal agency promulgating the rule shall submit to each House of the Congress and to the Comptroller General a report containing a copy of the rule along with other specified information, and has been transmitted to Congress and the Comptroller for review.

I. Reducing Regulation and Controlling Regulatory Costs

Executive Order 13771, entitled Reducing Regulation and Controlling Regulatory Costs, was issued on January 30, 2017. Section 2(a) of Executive Order 13771 requires an agency, unless prohibited by law, to identify at least two existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation. In furtherance of this requirement, section 2(c) of Executive Order 13771 requires that the new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations. OMB's interim guidance issued on February 2, 2017, explains that for Fiscal Year 2017 the above requirements only apply to each new ''significant regulatory action that imposes costs.'' It has been determined that this proposed rule is not a ''significant regulatory action that imposes costs'' and thus does not trigger the above requirements of Executive Order 13771.''

List of Subjects

45 CFR Part 147

Health care, Health insurance, Reporting and recordkeeping requirements.

45 CFR Part 155

Administrative practice and procedure, Advertising, Brokers, Conflict of interest, Consumer protection, Grant administration, Grant programs—health, Health care, Health insurance, Health maintenance organizations (HMO), Health records, Hospitals, Indians, Individuals with disabilities, Intergovernmental relations, Loan programs—health, Medicaid, Organization and functions (Government agencies), Public assistance programs, Reporting and recordkeeping requirements, Technical assistance, Women and youth.

45 CFR Part 156

Administrative practice and procedure, Advertising, American Indian/Alaska Natives, Conflict of interest, Consumer protection, Cost-sharing reductions, Grant programs—health, Grants administration, Health care, Health insurance, Health maintenance organization (HMO), Health records, Hospitals, Individuals with disabilities, Loan programs—health, Medicaid, Organization and functions (Government agencies), Public assistance programs, Reporting and recordkeeping requirements, State and local governments, Sunshine Act, Technical assistance, Women, Youth.

For the reasons set forth in the preamble, the Department of Health and Human Services proposes to amend 45 CFR parts 147, 155, and 156 as set forth below:

PART 147—HEALTH INSURANCE REFORM REQUIREMENTS FOR THE GROUP AND INDIVIDUAL HEALTH INSURANCE MARKETS

■ 1. The authority citation for part 147 continues to read as follows:

Authority: Secs 2701 through 2763, 2791, and 2792 of the Public Health Service Act (42 U.S.C. 300gg through 300gg–63, 300gg–91, and 300gg–92), as amended.

■ 2. Section 147.104 is amended by revising paragraph (b)(2)(i) introductory text to read as follows:

§ 147.104 Guaranteed availability of coverage.

* * * * *

(b) * * *

(2) * * *

(i) Subject to § 155.420(a)(4) and (5) of this subchapter, a health insurance issuer in the individual market must provide a limited open enrollment period for the triggering events described in § 155.420(d) of this subchapter, excluding the following:

* * * * *

PART 155—EXCHANGE ESTABLISHMENT STANDARDS AND OTHER RELATED STANDARDS UNDER THE AFFORDABLE CARE ACT

■ 3. The authority citation for part 155 continues to read as follows:

Authority: Title I of the Affordable Care Act, sections 1301, 1302, 1303, 1304, 1311, 1312, 1313, 1321, 1322, 1331, 1332, 1334, 1402, 1411, 1412, 1413, Pub. L. 111–148, 124 Stat. 119 (42 U.S.C. 18021–18024, 18031–18033, 18041–18042, 18051, 18054, 18071, and 18081–18083).

■ 4. Section 155.410 is amended by revising paragraphs (e)(2) and (3) to read as follows:

§ 155. 410 Initial and annual open enrollment periods.

* * * * *

(e) * * *

(2) For the benefit years beginning on January 1, 2016 and January 1, 2017, the annual open enrollment period begins on November 1 of the calendar year preceding the benefit year, and extends through January 31 of the benefit year.

(3) For the benefit years beginning on January 1, 2018 and beyond, the annual open enrollment period begins on November 1 and extends through December 15 of the calendar year preceding the benefit year.

* * * * *

■ 5. Section 155.420 is amended by:

■ a. Adding paragraphs (a)(3) through (5);

■ b. Revising paragraphs (b)(5) and (d) introductory text;

■ c. Adding paragraph (d)(2)(i)(A) and reserved paragraph (d)(2)(i)(B); and

■ d. Removing and reserving paragraph (d)(7)(ii).

The additions and revisions read as follows:

§ 155.420 Special enrollment periods.

(a) * * *

(3) *Use of special enrollment periods by qualified individuals.* The Exchange must allow a qualified individual, and when specified in paragraph (d) of this section, his or her dependent, who are not enrolled in a QHP through the Exchange, to enroll in a QHP if one of the triggering events specified in paragraph (d) of this section occur.

(4) *Use of special enrollment periods by enrollees.* (i) If an enrollee has gained a dependent in accordance with paragraph (d)(2)(i) of this section, the Exchange must allow the enrollee to add the dependent to his or her current QHP, or, if the QHP's business rules do not allow the dependent to enroll, the Exchange must allow the enrollee and his or her dependents to change to another QHP within the same level of coverage (or one metal level higher or lower, if no such QHP is available), as outlined in § 156.140(b) of this subchapter, or enroll the dependent in a separate QHP.

(ii) If an enrollee and his or her dependents become newly eligible for cost-sharing reductions in accordance with paragraph (d)(6)(i) or (ii) and are not enrolled in a silver-level QHP, the Exchange must allow the enrollee and his or her dependents to change to a silver-level QHP if they elect to change their QHP enrollment.

(iii) If an enrollee qualifies for a special enrollment period through another triggering event specified in paragraph (d) of this section, except for paragraph (d)(4), (d)(8), (d)(9), and (d)(10), the Exchange must allow the enrollee and his or her dependents to make changes to their enrollment in the same QHP or to change to another QHP within the same level of coverage, as outlined in § 156.140(b) of this subchapter, provided that other QHPs at that metal level are available.

(5) *Prior coverage requirement.* Qualified individuals who are required to demonstrate coverage in the 60 days prior to a qualifying event can either demonstrate that they had minimum essential coverage as described in 26 CFR 1.5000A–1(b) for 1 or more days during the 60 days preceding the date of the qualifying event or that they lived outside of the United States or in a United States territory for 1 or more days during the 60 days preceding the date of the qualifying event.

(b) * * *

(5) *Option for later coverage effective dates due to prolonged eligibility verification.* At the option of the consumer, the Exchange must provide for a coverage effective date that is no more than 1 month later than the effective date specified in this paragraph (b) if a consumer's enrollment is delayed until after the verification of the consumer's eligibility for a special enrollment period, and the assignment of a coverage effective date consistent with this paragraph (b) would result in the consumer being required to pay 2 or more months of retroactive premium to effectuate coverage or avoid termination for non-payment.

* * * * *

(d) *Triggering events.* Subject to paragraphs (a)(3) through (5) of this section, the Exchange must allow a qualified individual or enrollee, and, when specified below, his or her dependent, to enroll in or change from QHP to another if one of the triggering events occur:

* * * * *

(2) * * *

(i) * * *

(A) In the case of marriage, at least one spouse must demonstrate having minimum essential coverage as described in 26 CFR 1.5000A–1(b) for 1 or more days during the 60 days preceding the date of marriage.

(B) [Reserved]

* * * * *

■ 6. Section 155.725 is amended by revising paragraph (j)(2)(i) to read as follows:

§ 155.725 Enrollment periods under SHOP.

* * * * *

(j) * * *

(2) * * *

(i) Notwithstanding § 155.420(a)(3) through (5) of this subchapter, experiences an event described in § 155.420(d)(1) (other than paragraph (d)(1)(ii)), or experiences an event described in § 155.420(d)(2), (4), (5), (7), (8), (9), (10), (11), or (12);

* * * * *

PART 156—HEALTH INSURANCE ISSUER STANDARDS UNDER THE AFFORDABLE CARE ACT, INCLUDING STANDARDS RELATED TO EXCHANGES

■ 6. The authority citation for part 156 continues to read as follows:

Authority: Title I of the Affordable Care Act, sections 1301–1304, 1311–1313, 1321–1322, 1324, 1334, 1342–1343, 1401–1402, Pub. L. 111–148, 124 Stat. 119 (42 U.S.C. 18021–18024, 18031–18032, 18041–18042, 18044, 18054, 18061, 18063, 18071, 18082, 26 U.S.C. 36B, and 31 U.S.C. 9701).

■ 7. Section 156.140 is amended by revising paragraph (c) to read as follows:

§ 156.140 Levels of coverage.

* * * * *

(c) *De minimis variation.* The allowable variation in the AV of a health plan that does not result in a material difference in the true dollar value of the health plan is −4 percentage points and + 2 percentage points, except if a health plan under paragraph (b)(1) of this section (a bronze health plan) either covers and pays for at least one major service, other than preventive services, before the deductible or meets the requirements to be a high deductible health plan within the meaning of 26 U.S.C. 223(c)(2), in which case the allowable variation in AV for such plan is −4 percentage points and +5 percentage points.

Dated: February 9, 2017.

Patrick Conway,

Acting Administrator, Centers for Medicare & Medicaid Services.

Dated: February 9, 2017.

Norris Cochran,

Acting Secretary, Department of Health and Human Services.

[FR Doc. 2017–03027 Filed 2–15–17; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 10–90; Report No. 3070]

Petition for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration.

SUMMARY: A Petition for Reconsideration (Petition) has been filed in the Commission's rulemaking proceeding by Paul C. Besozzi, on behalf of Adak Eagle Enterprises, LLC.

DATES: Oppositions to the Petition must be filed on or before March 6, 2017. Replies to an opposition must be filed on or before March 14, 2017.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Alexander Minard, Telecommunications Access Policy Division, Wireline Competition Bureau, at (202) 418–7400 or email: *Alexander.Minard@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, Report No. 3070, released February 1, 2017. The full text of the Petition is available for viewing and copying at the FCC Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554. It also may be accessed online via the Commission's Electronic Comment Filing System at: *https://ecfsapi.fcc.gov/file/10119227528923/AEE%20PFR%20FINAL.pdf.* The Commission will not send a copy of this document pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), because this document does not have an impact on any rules of particular applicability.

Subject: Connect America Fund, FCC 16–178, released by the Commission on December 20, 2016, in WC Docket No. 10–90. This document is being published pursuant to 47 CFR 1.429(e). *See also* 47 CFR 1.4(b)(1) and 1.429(f), (g).

Number of Petitions Filed: 1.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2017–03229 Filed 2–16–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket No. 16–106; Report No. 3067]

Petitions for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration.

SUMMARY: Petitions for Reconsideration (Petitions) have been filed in the Commission's rulemaking proceeding: Kenneth Gueck, on behalf of Oracle Corporation; Jonathan Banks, on behalf of United States Telecom Association; Thomas C. Power, on behalf of CTIA; Thomas Cohen, on behalf of American Cable Association; Stuart P. Ingis, on behalf Association of National Advertisers *et al.;* Steven K. Berry, on behalf of Competitive Carriers Association; Julie M. Kearney, on behalf of Consumer Technology Association; Genevieve Morelli, on behalf of ITTA—The Voice of Mid-Size Communications Companies; Brita D. Strandberg, on behalf of Level 3; Rick Chessen, on behalf of NCTA—The Internet & Television Association; and Stephen E. Coran, on behalf of Wireless Internet Service Providers Association.

DATES: Oppositions to the Petitions must be filed on or before March 6, 2017. Replies to an opposition must be filed on or before March 14, 2017.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Sherwin Siy, Competition Policy Division, Wireline Competition Bureau, at (202) 418–2783 or email: *Sherwin.Siy@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, Report No. 3067, released January 17, 2017. The full text of the Petitions is available for viewing and copying at the FCC Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554. They also may be accessed online via the Commission's Electronic Comment Filing System at *http://apps.fcc.gov/ecfs/.* The Commission will not send a copy of this document pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), because this document does not have an impact on any rules of particular applicability.

Subject: In the Matter of Protecting the Privacy of Customers of Broadband and Other Telecommunications Services, FCC 16–148, published at 81 FR 87274, December 2, 2016, in WC Docket No. 16–106. This document is being published pursuant to 47 CFR 1.429(e). *See also* 47 CFR 1.4(b)(1) and 1.429(f), (g).

Number of Petitions Filed: 11.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2017–03228 Filed 2–16–17; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 82, No. 32
Friday, February 17, 2017

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–NOP–16–0085; NOP–16–06]

National Organic Program: Notice of Draft Guidance for Calculating the Percentage of Organic Ingredients in Multi-Ingredient Products; Extension of Comment Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of availability; extension of comment period.

SUMMARY: The Agricultural Marketing Service (AMS) is extending the comment period for the notice of availability of draft guidance that appeared in the **Federal Register** on December 6, 2016 (81 FR 87902). The draft guidance document is entitled: Calculating the Percentage of Organic Ingredients in Multi-Ingredient Products (NOP 5037). This notice extends the comment period for 60 days from February 6, 2017 to April 7, 2017. The Agency is taking this action in response to a request for an extension to allow interested persons additional time to submit comments.

DATES: All comments must be received on or before April 7, 2017.

ADDRESSES: You may submit comments on this draft guidance by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Paul I. Lewis, Ph.D., Standards Division Director, National Organic Program, USDA–AMS–NOP, 1400 Independence Ave. SW., Room 2646—So., Ag Stop 0268, Washington, DC 20250–0268.

Instructions: All submissions received must include the docket number AMS–NOP–16–0085; NOP–16–06. All comments should clearly indicate your position and the reasons supporting your position. If you are suggesting changes to the draft guidance document, you should include recommended language changes, as appropriate, along with any relevant supporting documentation. AMS is specifically requesting that stakeholders comment and quantify any impacts that the guidance will have on certified operations. AMS is also requesting comments from accredited certifying agents on the policy related to the calculation of multi-ingredient ingredients: How is the industry currently calculating organic products that use organic ingredients that contain several ingredients? What are the sound and sensible approaches currently being used? All comments received will be posted without change to *www.regulations.gov.*

Docket: For access to the docket, including the draft guidance document and comments received, go to *www.regulations.gov.* The draft guidance is also available from the AMS Web site at *https://www.ams.usda.gov/rules-regulations/organic.* Comments submitted in response to this notice will also be available for viewing in person at USDA–AMS, National Organic Program, Room 2646, South Building, 1400 Independence Ave. SW., Washington, DC, from 9 a.m. to noon and from 1 to 4 p.m., Monday through Friday (except official Federal holidays). Persons wanting to visit the USDA South building to view comments from the public to this notice are requested to make an appointment by calling (202) 720–3252.

FOR FURTHER INFORMATION CONTACT: Paul I. Lewis, Ph.D., Director, Standards Division, Telephone: (202) 720–3252; Fax: (202) 260–9151.

SUPPLEMENTARY INFORMATION: This notice extends the public comment period provided in the notice of availability of draft guidance for public comment published in the **Federal Register** on December 6, 2016 (81 FR 87902). In that notice, AMS announced the availability of draft guidance on calculating the percentage of organic ingredients in multi-ingredient organic products (NOP 5037) and solicited public comments. AMS is extending the public comment period, which was set to end on February 6, 2017, to April 7, 2017.

To submit comments, or access the draft guidance docket, please follow the instructions provided under the **ADDRESSES** section. If you have questions, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 7 U.S.C. 6501–6522.

Dated: February 14, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–03254 Filed 2–16–17; 8:45 am]

BILLING CODE 3410–02–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission Business Meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights and the Federal Advisory Committee Act (FACA), that a Business Meeting of the U.S. Commission on Civil Rights will be convened at 10 a.m. on Friday, February 24, 2017.

DATES: Friday, February 24, 2017, at 10 a.m. EST.

ADDRESSES: National Place Building, 1331 Pennsylvania Ave. NW., 11th Floor, Suite 1150, Washington, DC 20425 (Building entrance on F Street NW.).

FOR FURTHER INFORMATION CONTACT: Brian Walch, Communications and Public Engagement Director. Phone: (202) 376–8371; TTY: (202) 376–8116; *publicaffairs@usccr.gov.*

SUPPLEMENTARY INFORMATION: This meeting is open to the public. There will also be a call-in line for individuals who desire to listen to the presentations. The call-in information is: 1–888–523–1228; Call ID #636–1152.

Hearing-impaired persons who will attend the briefing and require the services of a sign language interpreter should contact Pamela Dunston at (202) 376–8105 or at signlanguage@usccr.gov at least three business days before the scheduled date of the meeting.

Meeting Agenda

I. Approval of Agenda
II. Business Meeting

A. Program Planning
- Discussion on Planning Process for 2018–2022 Strategic Plan
- Discussion on OCRE Planning for 2018 Statutory Enforcement Report, Concept Papers and Briefings

B. Management and Operations
- Staff Director's Report
- Staff Changes

C. Presentation by Karen Korematsu and Neal Katyal on Executive Order 9066 and the Internment of Japanese Americans during World War II

III. Adjourn Meeting

Dated: February 15, 2017.

Brian Walch,

Director, Communications and Public Engagement.

[FR Doc. 2017–03307 Filed 2–15–17; 11:15 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Illinois Advisory Committee for a Meeting To Hear Public Testimony Regarding Civil Rights and Voter Participation in the State

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Illinois Advisory Committee (Committee) will hold a meeting on Thursday, March 09, 2017, from 8:00 a.m. to 5:00 p.m. CST, for the purpose of hearing public testimony regarding civil rights and voter participation in the state.

DATES: The meeting will be held on Thursday, March 09, 2017, from 8:00 a.m. to 5:00 p.m. CST Location: Ralph H. Metcalfe Federal Building, 77 W. Jackson Blvd., Chicago, IL 60604. 3rd Floor Conference Center.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: This meeting is free and open to the public. Persons with disabilities requiring reasonable accommodations should contact the Midwest Regional Office 10 days prior to the meeting to make appropriate arrangements. Members of the public are invited to make statements during an open comment period, beginning at 4:15 p.m. In addition, members of the public may submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Illinois Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=246*). Select ''meeting details'' and then ''documents'' to download. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Opening Remarks and Introductions (8:00 a.m.–8:15 a.m.)
- Panel 1: Legal and Academic Research on Voting Rights (8:15 a.m.–9:30 a.m.)
- Panel 2: Voting and Incarceration (9:45 a.m.–11:00 a.m.)
- Panel 3: Language Access (11:15 a.m.–12:30 p.m.)

Break (12:30 p.m.–1:30 p.m.)
- Panel 4: Voting Across Social Groups (1:30 p.m.–2:45 p.m.)
- Panel 5: Government Perspectives (3:00 p.m.–4:15 p.m.)

Open Forum (4:15 p.m.–5:00 p.m.)
Closing Remarks (5:00 p.m.)

Dated: February 13, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–03170 Filed 2–16–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Delaware Advisory Committee; Correction

AGENCY: Commission on Civil Rights.

ACTION: Notice; correction.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** of February 10, 2017, concerning a meeting of the Delaware Advisory Committee. The notice is to replace the day of the meeting and the call-in information.

FOR FURTHER INFORMATION CONTACT: Ivy Davis, (202) 376–7533.

Correction

In the **Federal Register** of February 10, 2017, in FR Doc. 2017–02734, on pages 10328–10329, correct the **SUMMARY**, first paragraph, to read:

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Delaware Advisory Committee to the Commission will convene by conference call at 12:00 p.m. (EST) on Friday, February 24, 2017. The purpose of the meeting is to discuss and vote on a project proposal regarding policing in Delaware's communities of color.

In the **Federal Register** of February 10, 2017, in FR Doc. 2017–02734, on pages 10328–10329, correct the Public Call Information to read:

Dial: (888) 737–3705, conference call ID: 5272563.

Dated: February 14, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Coordination Unit.

[FR Doc. 2017–03240 Filed 2–16–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nevada State Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of public meeting.

Date: Thursday March 9, 2017.
Time: 1:00 p.m.–2:30 p.m. (PST).

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Nevada Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Pacific Time) Thursday March 9, 2017, for the purpose of discussing the logistics and agenda for the Committee's upcoming public meeting to hear testimony on the civil rights issues regarding municipal fees in Nevada.

DATE: The meeting will be held on Thursday, March 9, 2017, at 1:00 p.m. PST.

Public Call Information:

Dial: 888–455–2295.
Conference ID: 3315820.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 888–455–2295, conference ID number: 3315820. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (312) 353–8311, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=261.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Introductions—Wendell Blaylock, Chair of the Nevada Advisory Committee
II. Discussion on Hearing
  a. Review of Panelists
  b. Logistics for Hearing
III. Discussion on Publicity for Hearing
IV. Public Comment
V. Adjournment

Dated: February 14, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–03230 Filed 2–16–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–501]

Welded Carbon Steel Standard Pipe and Tube Products From Turkey: Amended Final Results of Antidumping Duty Administrative Review; 2014–2015

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

SUMMARY: The Department of Commerce (the Department) is amending its final results of the administrative review of the antidumping duty order on welded carbon steel standard pipe and tube products (welded pipe and tube) from Turkey for the period May 1, 2014, through April 30, 2015, to correct ministerial errors. The amended final weighted-average dumping margins for the reviewed firms are listed below in the section entitled, ''Amended Final Results.''

DATES: Effective February 17, 2017.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Scott Hoefke, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4475 or (202) 482–4947, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 20, 2016, the Department published the final results of the 2014–2015 administrative review in the **Federal Register**.[1] On December 27, 2016, JMC Steel Group (JMC) filed a timely allegation that the Department made four ministerial errors in the *Final Results* and requested, pursuant to 19 CFR 351.224, that the Department correct the alleged ministerial errors. We received rebuttal comments from Borusan Istikbal Ticaret T.A.S. and Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (collectively, Borusan) and Toscelik Profil ve Sac Endustrisi A.S. and Tosyali Dis Ticaret A.S. (collectively, Toscelik) on January 3, 2017.

Scope of the Order

The merchandise subject to the order is welded pipe and tube. The welded pipe and tube subject to the order is currently classifiable under subheading 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5090 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes only. The written description is dispositive.[2]

Amended Final Results

Section 751(h) of the Tariff Act of 1930, as amended (the Act), defines ''ministerial error'' as including ''errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial.'' After analyzing all parties' comments, we have determined, in accordance with section 751(h) of the Act and 19 CFR 351.224(f), that certain ministerial errors were made in the *Final Results.* For a detailed discussion of these ministerial errors, as well as the Department's analysis of these errors, *see* Ministerial Errors Memorandum.

In accordance with section 751(h) of the Act and 19 CFR 351.224(e), we are amending the *Final Results* of this administrative review of welded pipe and tube from Turkey. The rate for the companies not selected for individual examination is equal to the simple average of Borusan's dumping margin and Toscelik's dumping margin.[3] The dumping margins for the period of

[1] *See Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Final Results of Antidumping Duty Administrative Review, and Final Determination of No Shipments; 2014–2015,* 81 FR 92785 (December 20, 2016) (*Final Results*) and accompanying Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review: Welded Carbon Steel Standard Pipe and Tube Products from Turkey; 2014–2015,'' dated December 12, 2016 (Issues and Decision Memorandum).

[2] A full written description of the scope of the order is contained in the memorandum to Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Antidumping Administrative Review of Welded Carbon Steel Standard Pipe and Tube Products from Turkey; 2014–2015: Ministerial Error Memorandum,'' (Ministerial Errors Memorandum), dated concurrently with this notice and incorporated herein by reference.

[3] We calculated a simple average, because the record does not contain usable publicly ranged data for both respondents.

review for these amended final results are as follows:

Producer or exporter	Dumping margin (percent)
Borusan Mannesmann Boru Sanayi ve Ticaret A.S.[4]	0.50
Toscelik Profil ve Sac Endustrisi A.S.[5]	3.40
Borusan Birlesik Boru Fabrikalari San ve Tic	1.95
Borusan Gemlik Boru Tesisleri A.S.	1.95
Borusan Ihracat Ithalat ve Dagitim A.S.	1.95
Borusan Ithicat ve Dagitim A.S.	1.95
Tubeco Pipe and Steel Corporation	1.95

Disclosure

We intend to disclose the calculations performed for these amended final results of review within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment

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).

For both Borusan and Toscelik, because their weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent), the Department has calculated importer-specific antidumping duty assessment rates. We calculated importer-specific *ad valorem* antidumping duty assessment rates by aggregating the total amount of dumping calculated for the examined sales of each importer and dividing each of these amounts by the total entered value associated with those sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review where an importer-specific assessment rate is not zero or *de minimis.* Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the importer-specific assessment rate is zero or *de minimis.*

For the companies which were not selected for individual review, we will instruct CBP to apply the rate assigned to them in these amended final results of this review to all entries of subject merchandise produced and/or exported by these companies.

We intend to issue instructions to CBP 15 days after publication of the amended final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of 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) of the Act: (1) The cash deposit rates will be equal to the weighted-average dumping margins established in the final results of this review; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company was reviewed; (3) if the exporter is not a firm covered in this review, a previous review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 14.74 percent, the all-others rate established in the LTFV investigation.[6] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

These amended final results and notice are issued and published in accordance with sections 751(h), and 777(i)(1) of the Act, and 19 CFR 351.224(e).

Dated: February 10, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–03205 Filed 2–16–17; 8:45 am]

BILLING CODE 3510–DS–P

[4] This rate also applies to Borusan Istikbal Ticaret T.A.S. As explained in the *Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Preliminary Results of Antidumping Duty Administrative Review, and Partial Rescission of Review; 2014–2015,* 81 FR 38131 (June 13, 2015) (*Preliminary Results*), the Department treats Borusan Mannesmann Boru Sanayi ve Ticaret A.S. and Borusan Istikbal Ticaret T.A.S. as the same legal entity. *See Preliminary Results,* and accompanying Preliminary Decision Memorandum at 1–2, n.3; unchanged in *Final Results.*

[5] Also includes Tosyali Dis Ticaret A.S. As explained in the *Preliminary Results,* the Department treats Toscelik Profil ve Sac Endustrisi A.S. and Tosyali Dis Ticaret A.S. as the same legal entity. *See Preliminary Results,* and accompanying Preliminary Decision Memorandum at 2, n.3; unchanged in *Final Results.*

[6] *See Antidumping Duty Order; Welded Carbon Steel Standard Pipe and Tube Products from Turkey,* 51 FR 17784 (May 15, 1986).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF228

Meeting of the Advisory Committee to the United States Delegation to the International Commission for the Conservation of Atlantic Tunas

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

ACTION: Notice of Advisory Committee meeting.

SUMMARY: The Advisory Committee (Committee) to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT) announces its annual spring meeting to be held March 21–23, 2017.

DATES: The open sessions of the Committee meeting will be held on March 21, 2017, 9 a.m. to 6 p.m.; March 22, 2017, 8 a.m. to 3 p.m.; and March 23, 2017, 9 a.m. to 1 p.m. Closed sessions will be held on March 22, 2017, 3 p.m. to 6 p.m., and on March 23, 2017, 8 a.m. to 9 a.m.

ADDRESSES: The meeting will be held at the Embassy Suites by Hilton Hotel, 1100 SE 17th St., Fort Lauderdale, FL 33316. The phone number is (954) 527–2700.

FOR FURTHER INFORMATION CONTACT: Rachel O'Malley at (301) 427–8373.

SUPPLEMENTARY INFORMATION: The Advisory Committee to the U.S. Section to ICCAT will meet in open session to receive and discuss presentations on bluefin tuna science; information on the 2016 ICCAT meeting results and U.S. implementation of ICCAT decisions; NMFS research and monitoring activities; global and domestic initiatives related to ICCAT; the Atlantic Tunas Convention Act-required consultation on any identification of countries that are diminishing the effectiveness of ICCAT; the results of the meetings of the Committee's Species Working Groups; and other matters relating to the international management of ICCAT species. The public will have access to the open sessions of the meeting, but there will be no opportunity for public comment. The agenda is available from the Committee's Executive Secretary upon request (see **FOR FURTHER INFORMATION CONTACT**).

The Committee will hold a bluefin tuna science workshop on March 21, 2017, from 9 a.m. to 6 p.m. This workshop will be open to the public.

The Committee will meet in its Species Working Groups for part of the afternoon of March 22, 2017, and for one hour on the morning of March 23, 2017. These sessions are not open to the public, but the results of the species working group discussions will be reported to the full Advisory Committee during the Committee's open session on March 23, 2017.

Special Accommodations

The meeting location is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Rachel O'Malley at (301) 427–8373 at least 5 days prior to the meeting date.

Dated: February 13, 2017.

John Henderschedt,

Director, Office of International Affairs and Seafood Inspection, National Marine Fisheries Service.

[FR Doc. 2017–03152 Filed 2–16–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF214

Marine Mammals; File No. 21026

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Dorian Houser, Ph.D., National Marine Mammal Foundation, 22400 Shelter Island Drive #200, San Diego, CA 92106, has applied in due form for a permit to conduct research on cetaceans stranded or in rehabilitation facilities in the United States.

DATES: Written, telefaxed, or email comments must be received on or before March 20, 2017.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 21026 from the list of available applications.

These documents are also 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, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

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: Shasta McClenahan 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.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

The applicant proposes to use evoked auditory potential testing on stranded cetaceans to determine their hearing range. Up to 15 individuals of any species and any age class of non-listed or ESA-listed cetacean may be tested. Passive acoustic recording, suction-cup sensors, subcutaneous electrodes, and ultrasound may be used during testing. Listed cetacean species may include: Beluga (*Delphinapterus leucas*), blue (*Balaenoptera musculus*), bowhead (*Balaena mysticetus*), false killer (*Pseudorca crassidens*), fin (*B. physalus*), gray (*Eschrichtius robustus*), humpback (*Megaptera novaeangliae*), killer (*Orcinus orca*), North Atlantic right (*Eubalaena glacialis*), North Pacific right (*Eubalaena japonica*), sei (*B. borealis*), and sperm (*Physeter macrocephalus*) whales, and vaquita (*Phocoena sinus*). The permit would be valid for five years from the date of issuance.

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: February 13, 2017.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–03171 Filed 2–16–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Applications and Reporting Requirements for the Incidental Take of Marine Mammals by Specified Activities (other than Commercial Fishing Operations) under the Marine Mammal Protection Act.

OMB Control Number: 0648–0151.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 93.

Average Hours per Response: 255 hours for an Incidental Harassment Authorization (IHA) application; 11 hours for an IHA interim report (if applicable); 115 hours for an IHA draft annual report; 14 hours for an IHA final annual report (if applicable); 1,100 hours for the initial preparation of an application for new regulations; 70 hours for an annual Letter of Authorization (LOA) application; 220 hours for an LOA draft annual report; 65 hours for a LOA final annual report (if applicable); 625 hours for a LOA draft comprehensive report; and 300 hours for an LOA final comprehensive report. Response times will vary for the public based upon the complexity of the requested action.

Burden Hours: 15,291.

Needs and Uses: Applications and Reporting Requirements for the Incidental Take of Marine Mammals by Specified Activities (other than Commercial Fishing Operations) under the Marine Mammal Protection Act.

Affected Public: Federal government; state, local or tribal government; business or other for-profit organizations.

Frequency: Annually and interim (90 days).

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: February 13, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–03160 Filed 2–16–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE980

Takes of Marine Mammals Incidental to Specified Activities; St. George Reef Lighthouse Restoration, Maintenance, and Tour Operations at Northwest Seal Rock, Del Norte County, California

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

ACTION: Notice; Issuance of an Incidental Harassment Authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that we have issued an incidental harassment authorization (IHA) to the St. George Reef Lighthouse Preservation Society (Society) to incidentally harass, by Level B harassment only, marine mammals during aircraft operations, lighthouse renovation, light maintenance activities, and tour operations on the St. George Reef Lighthouse Station on Northwest Seal Rock (NWSR) in the northeast Pacific ocean, off Del Norte County, California.

DATES: This Authorization is effective from February 19, 2017 through February 18, 2018.

National Environmental Policy Act (NEPA): NMFS prepared an Environmental Assessment (EA) and analyzed the potential impacts to marine mammals that would result from the Society's activities. A Finding of No Significant Impact (FONSI) was signed in February 2017. A copy of the EA and FONSI is available on our Web site at *http://www.nmfs.noaa.gov/pr/permits/incidental/research.html.*

FOR FURTHER INFORMATION CONTACT: Laura McCue, NMFS, Office of Protected Resources, NMFS (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals of a species or population stock, by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Summary of Request

On October 14, 2016, NMFS received an application from the Society for the taking of marine mammals incidental to restoration, maintenance, and tour operations at St. George Reef Lighthouse (Station) located on NWSR offshore of Crescent City, California in the northeast Pacific Ocean. NMFS determined the application complete and adequate on December 12, 2016.

The Society plans to conduct aircraft operations, lighthouse renovation, and periodic maintenance on the Station's optical light system on a monthly basis. The planned activity will occur on a monthly basis over one weekend, November through April. The Society currently has an IHA that is valid through February 18, 2017. This IHA will start on February 19, 2017, to avoid a lapse in authorization, and will be valid for one year. The following specific aspects of the planned activities would be likely to result in the take of marine mammals: Acoustic and visual stimuli from (1) helicopter landings/takeoffs; (2) noise generated during restoration activities (*e.g.,* painting, plastering, welding, and glazing); (3) maintenance activities (*e.g.,* bulb

replacement and automation of the light system); and (4) human presence. Thus, NMFS anticipates that take, by Level B harassment only, of California sea lions (*Zalophus californianus*); Pacific harbor seals (*Phoca vitulina*); Steller sea lions (*Eumetopias jubatus*) of the eastern U.S. Stock; and northern fur seals (*Callorhinus ursinus*) could result from the specified activity.

Description of the Specified Activity

Overview

To date, NMFS has issued five IHAs to the Society for the conduct of the same activities from 2010 to 2016 (75 FR 4774, January 29, 2010; 76 FR 10564, February 25, 2011; 77 FR 8811, February 15, 2012; 79 FR 6179, February 3, 2014; and 81 FR 9440, February 23, 2016). This is the Society's sixth request for an annual IHA as their current IHA will expire on February 18, 2017.

The Station, listed in the National Park Service's National Register of Historic Places, is located on NWSR offshore of Crescent City, California in the northeast Pacific Ocean. The Station, built in 1892, rises 45.7 meters (m) (150 feet (ft)) above sea level. The structure consists of hundreds of granite blocks topped with a cast iron lantern room and covers much of the surface of the islet. The purpose of the project is to restore the lighthouse, to conduct tours, and to conduct annual and emergency maintenance on the Station's optical light system.

Dates and Duration

The Society plans to conduct the activities (aircraft operations, lighthouse restoration, and maintenance activities) at a maximum frequency of one session per month. The duration for each session will last no more than three days (*e.g.,* Friday, Saturday, and Sunday). The IHA will be effective from February 19, 2017 through February 18, 2018 with restrictions on the Society conducting activities from May 1, 2017 to October 31, 2017. NMFS refers the reader to the *Detailed Description of Activities* section later in this notice for more information on the scope of the planned activities.

Specified Geographic Region

The Station is located on a small, rocky islet (41°50′24″ N., 124°22′06″ W.) approximately 9 kilometers (km) (6.0 miles (mi)) in the northeast Pacific Ocean, offshore of Crescent City, California (41°46′48″ N.; 124°14′11″ W.). NWSR is approximately 91.4 m (300 ft) in diameter that peaks at 5.18 m (17 ft) above mean sea level.

Detailed Description of Activities

A detailed description of the Society's project is provided in the **Federal Register** notice for the proposed IHA (81 FR 94326; December 23, 2016). Since that time, no changes have been made to the Society's planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS's proposal to issue an IHA to the Society was published in the **Federal Register** on December 23, 2016 (81 FR 94326). That notice described, in detail, the Society's activities, the marine mammal species that may be affected by the activities, and the anticipated effects on marine mammals. During the 30-day public comment period, NMFS received comments from the Marine Mammal Commission and one private citizen. The Marine Mammal Commission recommended that NMFS issue the IHA, subject to inclusion of the proposed mitigation, monitoring, and reporting measures.

Sound Sources and Sound Characteristics

NMFS expects that acoustic stimuli resulting from the helicopter operations; noise from maintenance and restoration activities; and human presence have the potential to harass marine mammals, incidental to the conduct of the planned activities. A detailed description of the sound sources and sound characteristics were provided in the **Federal Register** notice for the proposed IHA (81 FR 94326; December 23, 2016). Please refer to the **Federal Register** notice for more information.

Description of Marine Mammals in the Area of the Specified Activity

Table 1 provides the following information: All marine mammal species with possible or confirmed occurrence in the activity area; information on those species' regulatory status under the MMPA and the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 *et seq.*); abundance; occurrence and seasonality in the activity area. NMFS refers the public to the draft 2016 NMFS Marine Mammal Stock Assessment Report available online at: *http://www.nmfs.noaa.gov/pr/sars/* for further information on the biology and distribution of these species.

TABLE 1—GENERAL INFORMATION ON MARINE MAMMALS THAT COULD POTENTIALLY HAUL OUT ON NORTHWEST SEAL ROCK, NOVEMBER 2015 THROUGH NOVEMBER 2016

Species	Stock	Regulatory status [1] [2]	Stock abundance (CV, N_{min}, most recent abundance survey) [3]	PBR	Occurrence and seasonality
California sea lion (*Zalophus californianus*).	U.S.	MMPA—NC ESA—NL	296,750 (n/a; 153,337; 2011).	9,200	Year-round presence.
Steller sea lion (*Eumetopias jubatus*).	Eastern Distinct Population Segment.	MMPA—D ESA—DL	60,131—74,448 (n/a; 36,551; 2013).	1,645	Year-round presence.
Pacific harbor seal (*Phoca vitulina*).	California	MMPA—NC ESA—NL	30,968 (n/a; 27,348; 2012)	1,641	Occasional, spring.
Northern fur seal (*Callorhinus ursinus*).	California Breeding	MMPA—D ESA—NL	14,050 (n/a; 7,524; 2013) ..	451	Rare.

[1] MMPA: D = Depleted, S = Strategic, NC = Not Classified.
[2] ESA: EN = Endangered, T = Threatened, DL = Delisted, NL = Not listed.
[3] *2016 draft NMFS Stock Assessment Reports:* Carretta *et al.* (2015) and Muto *et al.* (2015).

A detailed description of the of the species likely to be affected by the Society's activities, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (81 FR 94326; December 23, 2016); since that time, we are not aware of any changes in the status of these species

and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' Web site (*www.nmfs.noaa/gov/pr/species/mammals/*) for generalized species accounts.

Potential Effects of the Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from the Society's activities have the potential to result in behavioral harassment of marine mammals in the vicinity of the action area. The **Federal Register** notice for the proposed IHA (81 FR 94326; December 23, 2016) included a discussion of the effects of anthropogenic noise on marine mammals, therefore that information is not repeated here; please refer to that **Federal Register** notice for that information. No instances of hearing threshold shifts, injury, serious injury, or mortality are expected as a result of the in-water construction activities.

Anticipated Effects on Marine Mammal Habitat

The only habitat modification associated with the planned activities is the restoration of the Station, which would occur on the upper levels of NWSR, which are not used by marine mammals. Thus, NMFS does not expect that the planned activity will have any effects on marine mammal habitat and NMFS expects that there will be no long- or short-term physical impacts to pinniped habitat on NWSR. These potential effects are discussed in detail in the **Federal Register** notice for the proposed IHA (81 FR 94326; December 23, 2016); therefore, that information is not repeated here; please refer to that **Federal Register** notice for that information.

Mitigation Measures

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, ''and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking'' for certain subsistence uses. NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, their habitat (50 CFR 216.104(a)(11)).

Time and Frequency: The Society will conduct restoration activities at a maximum of once per month over the course of the year, with the exception of between May 1, 2017 through October 31, 2017. Each restoration session will last no more than three days. Maintenance of the light beacon will occur only in conjunction with restoration activities.

Helicopter Approach and Timing Techniques: The Society will ensure that its helicopter approach patterns to the Station and timing techniques are conducted at times when marine mammals are less likely to be disturbed. To the extent possible, the helicopter will approach NWSR when the tide is too high for the marine mammals to haul out on NWSR. Additionally, since the most severe impacts (stampede) precede rapid and direct helicopter approaches, the Society's initial approach to the Station must be offshore from the island at a relatively high altitude (*e.g.,* 800–1,000 ft, or 244–305 m). Before the final approach, the helicopter shall circle lower, and approach from area with the lowest pinniped density. If for any safety reasons (*e.g.,* wind condition) the Society cannot conduct these types of helicopter approach and timing techniques, they must postpone the restoration and maintenance activities for that day.

Avoidance of Visual and Acoustic Contact with People on the Island: The Society will instruct its members and restoration crews to avoid making unnecessary noise and not expose themselves visually to pinnipeds around the base of the Station. Although Coastal Crescent Research (CCR) reported no impacts from these activities in the 2001 CCR study, it is relatively simple for the Society to avoid this potential impact. The door to the lower platform shall remain closed and barricaded to all tourists and other personnel since the lower platform is used at times by pinnipeds.

Mitigation Conclusions

To ensure that the ''least practicable adverse impact'' will be achieved, NMFS has carefully evaluated mitigation measures in consideration of the following factors in relation to one another: The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, their habitat, and their availability for subsistence uses (latter where relevant); the proven or likely efficacy of the measures; and the practicability of the measures for applicant implementation (including, consideration of personnel safety, practicality of implementation).

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed below:

1. Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).

2. A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to received levels of pile driving, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

3. A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to received levels from the activity, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

4. A reduction in the intensity of exposures (either total number or number at biologically important time or location) to received levels of the activity, or other activities expected to result in the take of marine mammals (this goal may contribute to a, above, or to reducing the severity of harassment takes only).

5. Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on the evaluation of the Society's planned measures, NMFS has determined that the mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring Measures

In order to issue an incidental take authorization for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for IHAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that NMFS expects to be present in the action area.

The Society submitted a marine mammal monitoring plan in Section 13 of their IHA application.

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

1. An increase in our understanding of the likely occurrence of marine mammal species in the vicinity of the action, (*i.e.,* presence, abundance, distribution, and/or density of species).

2. An increase in our understanding of the nature, scope, or context of the likely exposure of marine mammal species to any of the potential stressor(s) associated with the action (*e.g.,* sound or visual stimuli), through better understanding of one or more of the following: The action itself and its environment (*e.g.,* sound source characterization, propagation, and ambient noise levels); the affected species (*e.g.,* life history or dive pattern); the likely co-occurrence of marine mammal species with the action (in whole or part) associated with specific adverse effects; and/or the likely biological or behavioral context of exposure to the stressor for the marine mammal (*e.g.,* age class of exposed animals or known pupping, calving or feeding areas).

3. An increase in our understanding of how individual marine mammals respond (behaviorally or physiologically) to the specific stressors associated with the action (in specific contexts, where possible, *e.g.,* at what distance or received level).

4. An increase in our understanding of how anticipated individual responses, to individual stressors or anticipated combinations of stressors, may impact either: The long-term fitness and survival of an individual; or the population, species, or stock (*e.g.* through effects on annual rates of recruitment or survival).

5. An increase in our understanding of how the activity affects marine mammal habitat, such as through effects on prey sources or acoustic habitat (*e.g.,* through characterization of longer-term contributions of multiple sound sources to rising ambient noise levels and assessment of the potential chronic effects on marine mammals).

6. An increase in understanding of the impacts of the activity on marine mammals in combination with the impacts of other anthropogenic activities or natural factors occurring in the region.

7. An increase in our understanding of the effectiveness of mitigation and monitoring measures.

8. An increase in the probability of detecting marine mammals (through improved technology or methodology), both specifically within the safety zone (thus allowing for more effective implementation of the mitigation) and in general, to better achieve the above goals.

As part of its IHA application, the Society plans to sponsor marine mammal monitoring, in order to implement the mitigation measures that require real-time monitoring, and to satisfy the monitoring requirements of the IHA. These include:

A NMFS approved, experienced biologist will be present on the first flight of each day of activity. This observer will be able to identify all species of pinnipeds expected to use the island, and qualified to determine age and sex classes when viewing conditions allow. The observer will record data including species counts, numbers of observed disturbances, and descriptions of the disturbance behaviors during the activities, including location, date, and time of the event. In addition, the Society will record observations regarding the number and species of any marine mammals either observed in the water or hauled out.

Aerial photographic surveys may provide the most accurate means of documenting species composition, age and sex class of pinnipeds using the project site during human activity periods. The Society should complete aerial photo coverage of the island from the same helicopter used to transport the Society's personnel to the island during restoration trips. The Society will take photographs of all marine mammals hauled out on the island at an altitude greater than 300 m (984 ft) by the biologist, on the first flight of each day of activities. These photographs will be used by the biologist to discern marine mammal species. Data shall be provided to us in the form of a report with a data table, any other significant observations related to marine mammals, and a report of restoration activities (see Reporting). The original photographs can be made available to us or other marine mammal experts for inspection and further analysis.

Monitoring requirements in relation to the Society's planned activities will include species counts, numbers of observed disturbances, and descriptions of the disturbance behaviors during the restoration activities, including location, date, and time of the event. In addition, the Society will record observations regarding the number and species of any marine mammals either observed in the water or hauled out.

The Society can add to the knowledge of pinnipeds in the action area by including the following observations in their annual monitoring report: (1) Unusual behaviors, numbers, or distributions of pinnipeds, such that any potential follow-up research can be conducted by the appropriate personnel; (2) tag-bearing carcasses of pinnipeds, allowing transmittal of the information to appropriate agencies and personnel; and (3) rare or unusual species of marine mammals for agency follow-up.

If at any time injury, serious injury, or mortality of the species for which take is authorized should occur, or if take of any kind of any other marine mammal occurs, and such action may be a result of the Society's activities, the Society will suspend survey activities and contact NMFS immediately to determine how best to proceed to ensure that another injury or death does not occur and to ensure that the applicant remains in compliance with the MMPA.

Summary of Previous Monitoring

The Society complied with the mitigation and monitoring required under the previous authorizations (2010–2012). They did not conduct any operations for the 2013–2016 seasons. However, in compliance with the 2012 Authorization, the Society submitted a final report on the activities at the Station, covering the period of February 15, 2012 through April 30, 2012. During the effective dates of the 2012 IHA, the Society conducted one work session in March, 2012. The Society's aircraft operations and restoration activities on NWSR did not exceed the activity levels analyzed under the 2012 authorization. During the March 2012 work session, the Society observed two harbor seals hauled out on NWSR. Both animals (a juvenile and an adult) departed the rock, entered the water, and did not return to the Station during the duration of the activities.

Reporting Measures

The Society will submit a draft report to NMFS' Office of Protected Resources

no later than 90 days after the expiration of the IHA. The report will include a summary of the information gathered pursuant to the monitoring requirements set forth in the IHA. The Society will submit a final report to the NMFS within 30 days after receiving comments from NMFS on the draft report. If the Society receives no comments from NMFS on the report, NMFS will consider the draft report to be the final report.

The report will describe the operations conducted and sightings of marine mammals near the project. The report will provide full documentation of methods, results, and interpretation pertaining to all monitoring. The report will provide:

1. A summary and table of the dates, times, and weather during all research activities.

2. Species, number, location, and behavior of any marine mammals observed throughout all monitoring activities.

3. An estimate of the number (by species) of marine mammals exposed to human presence associated with the Society's activities.

4. A description of the implementation and effectiveness of the monitoring and mitigation measures of the IHA and full documentation of methods, results, and interpretation pertaining to all monitoring.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the authorization, such as an injury (Level A harassment), serious injury, or mortality (*e.g.,* stampede), Society personnel shall immediately cease the specified activities and immediately report the incident to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, and the Assistant West coast Regional Stranding Coordinator. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Description and location of the incident (including water depth, if applicable);
- Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

The Society shall not resume its activities until NMFS is able to review the circumstances of the prohibited take. We will work with the Society to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. The Society may not resume their activities until notified by us via letter, email, or telephone.

In the event that the Society discovers an injured or dead marine mammal, and the marine mammal observer determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.,* in less than a moderate state of decomposition as we describe in the next paragraph), the Society will immediately report the incident to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, and the Assistant West coast Regional Stranding Coordinator. The report must include the same information identified in the paragraph above this section. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with the Society to determine whether modifications in the activities are appropriate.

In the event that the Society discovers an injured or dead marine mammal, and the lead visual observer determines that the injury or death is not associated with or related to the authorized activities (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), the Society will report the incident to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, and the Assistant West coast Regional Stranding Coordinator within 24 hours of the discovery. Society personnel will provide photographs or video footage (if available) or other documentation of the stranded animal sighting to us. The Society can continue their survey activities while NMFS reviews the circumstances of the incident.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

All anticipated takes would be by Level B harassment, involving temporary changes in behavior. NMFS expects that the mitigation and monitoring measures would minimize the possibility of injurious or lethal takes. NMFS considers the potential for take by injury, serious injury, or mortality as remote. NMFS expects that the presence of Society personnel could disturb of animals hauled out on NWSR and that the animals may alter their behavior or attempt to move away from the Society's personnel.

NMFS uses a 3-point scale (Table 2) to determine which disturbance reactions constitute take under the MMPA. Levels two and three (movement and flush) are considered take, whereas level one (alert) is not. Animals that respond to the presence of the Society's restoration personnel by becoming alert, but do not move or change the nature of locomotion as described, are not considered to have been subject to behavioral harassment.

TABLE 2—DISTURBANCE SCALE OF PINNIPED RESPONSES TO IN-AIR SOURCES TO DETERMINE TAKE

Level	Type of response	Definition
1	Alert	Seal head orientation or brief movement in response to disturbance, which may include turning head towards the disturbance, craning head and neck while holding the body rigid in a u-shaped position, changing from a lying to a sitting position, or brief movement of less than twice the animal's body length.
2*	Movement	Movements in response to the source of disturbance, ranging from short withdrawals at least twice the animal's body length to longer retreats over the beach, or if already moving a change of direction of greater than 90 degrees.
3*	Flush	All retreats (flushes) to the water.

*Only Levels 2 and 3 are considered take, whereas Level 1 is not.

Based on the Society's previous monitoring reports, NMFS estimates that approximately 2,880 California sea lions (calculated by multiplying the maximum number California sea lions present on NWSR (160) by 18 days of the restoration and maintenance activities), 2,790 Steller sea lions (NMFS' estimate of the maximum number of Steller sea lions that could be present on NWSR (155) by 18 days of activity), 108 Pacific harbor seals (calculated by multiplying the maximum number of harbor seals present on NWSR (6) by 18 days), and 18 Northern fur seals (calculated by multiplying the maximum number of northern fur seals present on NWSR (1) by 18 days) could be potentially affected by Level B behavioral harassment over the course of the IHA. NMFS bases these estimates of the numbers of marine mammals that might be affected on consideration of the number of marine mammals that could be disturbed appreciably by a maximum of 18 days of potential activities during the course of the year. These incidental harassment take numbers represent less than one percent of the affected stocks of California sea lions, Pacific harbor seals, and Northern fur seals, and less than five percent of the stock of Steller sea lions (Table 3). However, actual take may be slightly less if animals decide to haul out at a different location for the day or if animals are foraging at the time of the survey activities.

TABLE 3—THE PERCENTAGE OF STOCK AFFECTED BY THE NUMBER OF TAKES PER SPECIES

Species	Take number	Stock abundance	Percent of stock
California sea lion (*Zalophus californianus*)	2,880	296,750	0.975
Steller sea lion (*Eumetopias jubatus*)	2,790	60,131–74,448	4.64–3.75
Pacific harbor seal (*Phoca vitulina*)	36	30,968	0.35
Northern fur seal (*Callorhinus ursinus*)	18	14,050	0.12

Because of the required mitigation measures and the likelihood that some pinnipeds will avoid the area, NMFS does not expect any injury or mortality to pinnipeds to occur and NMFS has not authorized take by Level A harassment for this activity.

Analysis and Determinations

Negligible Impact

Negligible impact' is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). The lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population level effects) forms the basis of a negligible impact finding. An estimate of the number of Level B harassment takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, and effects on habitat.

Although the Society's survey activities may disturb a small number of marine mammals hauled out on NWSR, NMFS expects those impacts to occur to a small, localized group of animals for a limited duration (*e.g.,* six hours in one day). Marine mammals would likely become alert or, at most, flush into the water in reaction to the presence of the Society's personnel during the planned activities. Disturbance will be limited to a short duration, allowing marine mammals to reoccupy NWSR within a short amount of time. Thus, the planned activities are unlikely to result in long-term impacts such as permanent abandonment of the area because of the availability of alternate areas for pinnipeds to avoid the resultant acoustic and visual disturbances from the restoration activities and helicopter operations. Results from previous monitoring reports also show that the pinnipeds returned to NWSR and did not permanently abandon haul out sites after the Society conducted their activities.

The Society's activities will occur during the least sensitive time (*e.g.,* November through April, outside of the pupping season) for hauled out pinnipeds on NWSR. Thus, pups or breeding adults will not be present during the planned activity days.

Moreover, the Society's mitigation measures regarding helicopter approaches and restoration site ingress and egress will minimize the potential for stampedes and large-scale movements. Thus, the potential for large-scale movements and stampede leading to injury, serious injury, or mortality is low.

Any noise attributed to the Society's helicopter operations on NWSR will be short-term (approximately six minutes per trip). We expect the ambient noise levels to return to a baseline state when helicopter operations have ceased for the day. As the helicopter landings take place 15 m (48 ft) above the surface of the rocks on NWSR, NMFS presumes that the received sound levels would increase above 81–81.9 dB re: 20 µPa (A-weighted) at the landing pad. However, we do not expect that the increased received levels of sound from the helicopter would cause Temporary Threshold Shift (TTS) or Permanent Threshold Shift (PTS) because the pinnipeds would flush before the helicopter approached NWSR; thus increasing the distance between the pinnipeds and the received sound levels on NWSR during the planned action.

If pinnipeds are present on NWSR, Level B behavioral harassment of pinnipeds may occur during helicopter landing and takeoff from NWSR due to the pinnipeds temporarily moving from the rocks and lower structure of the Station into the sea due to the noise and appearance of helicopter during approaches and departures. It is expected that all or a portion of the marine mammals hauled out on the island will depart the rock and slowly move into the water upon initial helicopter approaches. The movement to the water would be gradual due to the required controlled helicopter approaches (see *Mitigation Measures* for more details), the small size of the aircraft, the use of noise-attenuating blade tip caps on the rotors, and behavioral habituation on the part of the animals as helicopter trips continue throughout the day. During the sessions of helicopter activity, if present on NWSR, some animals may be temporarily displaced from the island and either raft in the water or relocate to other haul outs.

Sea lions have shown habituation to helicopter flights within a day at the

project site and most animals are expected to return soon after helicopter activities cease for that day. By clustering helicopter arrival/departures within a short time period, we expect animals present to show less response to subsequent landings. NMFS anticipates no impact on the population size or breeding stock of Steller sea lions, California sea lions, Pacific harbor seals, or Northern fur seals.

In summary, NMFS anticipates that impacts to hauled-out pinnipeds during the Society's helicopter operations and restoration/maintenance activities would be behavioral harassment of limited duration (*i.e.,* less than three days a month) and limited intensity (*i.e.,* temporary flushing at most). NMFS does not expect stampeding, and therefore injury or mortality to occur (see *Mitigation Measures* for more details). Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the Society's activities will have a negligible impact on the affected marine mammal species or stocks.

Small Numbers

As mentioned previously, NMFS estimates that the Society's planned activities could potentially affect, by Level B harassment only, four species of marine mammals under our jurisdiction. For each species, these estimates are small numbers (less than one percent of the affected stocks of California sea lions, Pacific harbor seals, and Northern fur seals, and less than five percent of the stock of Steller sea lions) relative to the population size (Table 3).

Based on the analysis contained in this notice of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS finds that the Society's activities would take small numbers of marine mammals relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

NMFS does not expect that the Society's helicopter operations and restoration/maintenance activities would affect any species listed under the ESA. Therefore, NMFS has determined that a Section 7 consultation under the ESA is not required.

National Environmental Policy Act (NEPA)

NMFS prepared an Environmental Assessment (EA) and analyzed the potential impacts to marine mammals that would result from the Society's activities. A Finding of No Significant Impact (FONSI) was signed in February 2017. A copy of the EA and FONSI is available on our Web site at *http://www.nmfs.noaa.gov/pr/permits/incidental/research.html.*

Authorization

NMFS has issued an IHA to the Society for the potential harassment of small numbers of four marine mammal species incidental to the aircraft operations and lighthouse restoration and maintenance activities on NWSR, in Del Norte County, CA, provided the previously mentioned mitigation.

Dated: February 13, 2017.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–03233 Filed 2–16–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF231

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting (webinar).

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Coastal Pelagic Species Advisory Subpanel (CPSAS) will hold a meeting via webinar that is open to the public.

DATES: The CPSAS webinar will be held Friday March 3, 2017, from 10 a.m. to 12 p.m.

ADDRESSES: The meeting will be via webinar; a public listening will be held at the Pacific Council offices. Webinar access information will be posted to the Pacific Council's Web site in advance of the meeting.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Pacific Council; telephone: (503) 820–2409.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to consider and discuss ecosystem-related agenda items on the March Pacific Council meeting agenda, and consider developing supplemental CPSAS reports.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2280 at least 10 days prior to the meeting date.

Dated: February 14, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–03198 Filed 2–16–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF222

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Notice of Intent To Prepare an Environmental Impact Statement; Scoping Process; Request for Comments

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

ACTION: Notice; intent to prepare an environmental impact statement and initiate scoping process; request for comments.

SUMMARY: The New England Fishery Management Council (Council) announces its intention to prepare, in cooperation with NFMS, an environmental impact statement (EIS) in accordance with the National Environmental Policy Act. An environmental impact statement may be necessary to provide analytic support for Amendment 23 to the Northeast Multispecies Fishery Management Plan (FMP). Amendment 23 would revise the monitoring and reporting system for the multispecies (groundfish) fishery. The

purpose of this notice is to announce a public process for determining the scope of issues to be addressed, and to alert the interested public of the scoping process, the potential development of a draft environmental impact statement, and the opportunity for participation in that process.

DATES: Written and electronic scoping comments must be received on or before April 3, 2017.

ADDRESSES: Written scoping comments on Amendment 23 may be sent by any of the following methods:

• *Email to the following address: comments@nefmc.org;*

• Mail to Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; or Fax to (978) 465–3116.

The scoping document is accessible electronically online at *www.nefmc.org/library/amendment-23.*

Requests for copies of the Amendment 23 scoping document and other information should be directed to Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, telephone, (978) 465–0492.

FOR FURTHER INFORMATION: Thomas A. Nies, Executive Director, New England Fishery Management Council, (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Background

The Northeast multispecies fishery targets 13 species comprising 20 stocks along the east coast from Maine to Cape Hatteras, NC, although most fishing activity takes place between Maine and New Jersey. Management measures were first adopted in 1977, but there have been several major revisions to the management program over the following decades.

The most recent major change occurred in 2010, when most of the fishery shifted to a system that controls total catches through explicit limits on catches by organized cooperative groups of fishermen, referred to as sectors. Each sector comprises a group of fishing permits, each with its own landings history that contributes to the allocation for all of the groundfish stocks. The sum of the allocation histories from all of the permits in the sector represents the sector's annual quota. A sector is not subject to effort controls such as trip limits, and may choose how to manage its collective quota among its members. However, in exchange for this increased business flexibility, sectors are responsible for increased monitoring requirements to comply with catch limits. About 95 percent of the catch is taken by vessels in sectors, while the remainder is harvested by vessels in the common pool. In contrast to sectors, common pool vessels operate independently and are subject to effort controls that include trip limits, limits on days fishing, and closed areas.

Successful management of the Northeast multispecies fishery depends on accurate and timely reports of catch. The term ''catch'' refers to fish that are landed, as well as those that may not be landed but are discarded at sea for any reason. Catch data is used to ensure compliance with catch limits and are also a key component of scientific assessments of the status of the stocks. These assessments are the basis for determining how much fish can be sustainably caught in future years. Catch is a key element of data commonly referred to as ''fishery dependent data''—that is, data collected as a result of fishing operations. At present, there are three primary sources of catch data: (1) self-reported data from fishing vessels and fish dealers; (2) data collected by third-party at-sea observers; and (3) vessel position data.

The self-reported data from fishing vessels and dealers is recorded on Vessel Trip Reports (VTRs) and dealer reports. Fishermen use VTRs to report information on trip-level fishing activity. In these reports, vessel operators submit information on trip start and end times, species landed, species discarded, locations of fishing activity, gear used, disposition of species landed, and similar activity. Fishermen may complete VTRs on paper or using electronic, computer-based programs. Fish are sold to a licensed dealer who submits information via dealer reports that detail the species and amount purchased, sale prices, selling vessel, and market category, and which are filed electronically.

While VTRs and dealer reports are generally used to determine landing amounts, estimates of fish discarded at sea are provided by at-sea observers. There are currently two types of at-sea observers employed in this fishery: Northeast Fishery Observer Program (NEFOP) observers, and at-sea monitors. Although both programs collect similar information (trip activity, species landed, discarded, gear used, etc.), NEFOP observers are funded by the Federal government and implement Federal programs (Standardized Bycatch Reporting Methodology (SBRM), Marine Mammal Protection Act, Endangered Species Act) across fisheries. At-sea monitors (ASM), specific to sector monitoring, are partly funded by fishermen and will be fully funded by fishermen in 2017.

At-sea observers are not present on all trips. Coverage levels for both programs are set annually by the National Marine Fisheries Service. NEFOP coverage levels are determined using the Standardized Bycatch Reporting Methodology (see *www.nefsc.noaa.gov/femad/fsb/SBRM/*). ASM levels are determined consistent with procedures established by the FMP. This action will not modify the SBRM, but could modify how coverage levels are determined for the at-sea monitoring program. They could also modify or remove the at-sea monitoring program as part of a holistic monitoring and reporting program for the groundfish fishery.

Framework Adjustment 55 (FW 55) clarified that the primary goal of the groundfish sector at-sea monitoring program is to verify area fished, catch, and discards by species, by gear type, and that this primary goal should be met in the most cost-effective manner practicable. All other goals and objectives of groundfish monitoring programs are considered equally-weighted, secondary goals. These goals include to (1) improve the documentation of catch, (2) reduce cost of monitoring, (3) incentivize reducing discards, (4) provide additional data streams for stock assessments, (5) enhance safety of monitoring program, and (6) perform periodic review of monitoring program effectiveness. Specific objectives are described in detail in FW 55. The Council may change the goals and/or objectives of the at-sea monitoring program in this action.

Lastly, vessel position data is provided through a Vessel Monitoring System. This data stream provides vessel positions about once each hour using a satellite-based tracking system and can be used to report fishing activity (such as changing a trip type) while at sea and to enforce compliance with time and area closures.

The Council will consider changes to the monitoring and reporting system to ensure it is providing accurate catch information necessary to manage the fishery efficiently. This could include a wide range of alternatives to tracking sector/vessel specific discards, such as setting total allowable landings and monitoring fishery-wide discards through the observer program. In recent years, most Council discussions have focused on at-sea observer coverage because it provides the highest quality data, but it is expensive, and given the current low quotas in the fishery, the high cost of at-sea monitoring is difficult

for many fishermen to afford. There are also questions about the accurate representation of the information, since there is evidence that fishing behavior may be different on observed and unobserved trips. For these reasons, the Council may explore alternatives to at-sea observers, such as using cameras to monitor fishing activity, which is usually referred to as Electronic Monitoring, or EM. The Council also may consider changes to the way landings information is provided by both dealers and vessel operators and how it is assigned to stock areas. When developing this amendment, the Council will take into account other regional projects to improve catch monitoring, such as the Fishery Dependent Data Visioning project that NMFS is pursuing. In summary, the Council may consider changes to any part of the system used to collect and report commercial catch information in the Northeast multispecies fishery.

At its September 2016 meeting, the Council identified that the purpose of this amendment will be to adjust the groundfish monitoring program to improve reliability and accountability. The Council's Groundfish Oversight Committee and the Council will identify the goal and objectives of the amendment following the scoping period and will then develop alternatives to achieve the goal and objectives. Following input from the Committee and the public, the Council will select a range of alternatives to improve the monitoring and reporting system.

Public Comment

All persons affected by or otherwise interested in Northeast multispecies management are invited to participate in commenting on the scope and significance of issues to be analyzed by submitting written comments (see **ADDRESSES**) or by attending one of the six scoping meetings, including one webinar, for this amendment. Scoping consists of identifying the range of actions, alternatives, and possible impacts to be considered. At this time, the Council believes that it may consider changing any aspect of the existing groundfish monitoring and reporting system. After the scoping process is completed, the Council will begin development of Amendment 23 and will prepare an EIS to analyze the impacts of the range of alternatives for changing the monitoring and reporting system. The Council will hold public hearings to receive comments on the draft amendment and on the analysis of its impacts presented in the Draft EIS.

The Council will take and discuss scoping comments on this amendment at the following public meetings:

Date and time	Location
Rockland, ME, Friday, March 3, 2017, 9:00 a.m.–11:00 a.m.	Samoset Resort, 220 Warrenton Street, Rockport, ME 04856.
Via Webinar, Tuesday, March 14, 2017, 6:00 p.m.–8:00 p.m.	Webinar Hearing, Register to participate: *https://attendee.gotowebinar.com/register/4567763108442151939* Call in info: Toll: +1 (415) 930–5321 Access Code: 702–360–151.
Portsmouth, NH, Tuesday, March 21, 2017, 2:00 p.m.–4:00 p.m.	Portsmouth Library, 175 Parrott Avenue, Portsmouth, NH 03801.
Gloucester, MA, Tuesday, March 21, 2017, 6:00 p.m.–8:00 p.m.	NOAA Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930.
Plymouth, MA, Wednesday, March 22, 2017, 6:00 p.m.–8:00 p.m.	Hilton Garden Inn, 4 Home Depot Drive, Plymouth, MA 02360.
Groton, CT, Thursday, March 23, 2017, 6:00 p.m.–8:00 p.m.	Hilton Garden Inn, 224 Gold Star Highway, Groton, CT. 06340.

Special Accommodations

The meetings are accessible to people with physical disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies (see **ADDRESSES**) at least five days prior to this meeting date.

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

Dated: February 14, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–03236 Filed 2–16–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF152

Council Coordination Committee Meeting; Addendum

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

ACTION: Notice of a public meeting; additional information regarding agenda and webinar.

SUMMARY: NMFS will host a meeting of the Council Coordination Committee (CCC), consisting of the Regional Fishery Management Council chairs, vice chairs, and executive directors on February 28–March 1, 2017. The intent of this meeting is to discuss issues of relevance to the Councils and NMFS, including issues related to the implementation of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act. Agenda items include discussions on budget allocations for FY2017 and budget planning for FY2018; an update on current joint science initiatives, including Ecosystem Based Fisheries Management; the FY2017 legislative outlook; updates on planning for the CCC Scientific Coordination Committee meeting, NMFS bycatch reduction strategy, the NMFS National Standard 1 guidance and implementation, Marine Recreational Information Program updates, stock assessment improvement plan; and other topics related to implementation of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act. All sessions are open to the public.

DATES: The meeting and webinar will begin at 8:30 a.m. on Tuesday, February 28, 2017, recess at 5:00 p.m. or when business is complete; and reconvene at 8:30 a.m. on Wednesday, March 1, 2017, and adjourn by 3:30 p.m. or when business is complete.

ADDRESSES: The meeting will be held at the Ritz-Carlton, Pentagon City, 1250 South Hayes Street; Arlington, VA 22202; Telephone: (703) 415–5000. The meeting presentations will also be available via WebEx webinar/conference call.

On Tuesday, February 28, 2017, the conference call information is phone number 888–455–5378; Participant Code 8262839; and the webinar event

address is: *https://noaaevents3.webex.com/noaaevents3/onstage/g.php?MTID=e71293830f973912c143fa64ae763187d;* event password: NOAA.

On Wednesday, March 1, 2017, the conference call information is phone number 888–455–5378; Participant Code: 8262839; and the webinar event address is: *https://noaaevents3.webex.com/noaaevents3/onstage/g.php?MTID=eb8395a0a32359253a01f718217e7158d;* event password: NOAA.

FOR FURTHER INFORMATION CONTACT: Brian Fredieu: telephone 301–427–8505 or email at *Brian.Fredieu@noaa.gov.*

SUPPLEMENTARY INFORMATION: The original notice published in the **Federal Register** on January 12, 2017 (82 FR 3725). This notice includes additional information regarding the agenda and webinar details. The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act established the CCC by amending Section 302 (16 U.S.C. 1852) of the MSA. The committee consists of the chairs, vice chairs, and executive directors of each of the eight Regional Fishery Management Councils authorized by the MSA or other Council members or staff. Updates to this meeting and additional information will be posted on *http://www.nmfs.noaa.gov/sfa/management/councils/ccc/ccc.htm* when available.

Proposed Agenda

Tuesday, February 28, 2017

8:30 a.m.—Morning session begins
- Welcome/Introductions
- NMFS Update & FY17 Priorities
- Management and Budget update
- Legislative Outlook
- MSA Reauthorization & CCC Comments
- Council Member Conflict of Interest and Recusal National guidance update
- National Standard 1 Guidelines: Questions and Clarifications
- National Bycatch Reduction Strategy Update
- Marine National Monuments and Fishing Restrictions

5:15 p.m.—Adjourn for the day

Thursday, March 1, 2017

9 a.m.—Morning Session Begins
- NMFS Science Update
- EBFM Roadmap Implementation
- National Academics of Science MRIP Review and Recommendations
- MRIP Strategic Plan
- Report to CCC on 2016 FAO Meeting
- Update on the Scientific Coordination Committee meeting (SCS–6)
- Other business

3:30 p.m.—Adjourn for the day

The order in which the agenda items are addressed may change. The CCC will meet as late as necessary to complete scheduled business.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Brian Fredieu at 301–427–8505 at least five working days prior to the meeting.

Dated: February 14, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–03232 Filed 2–16–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF233

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings and hearings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its 125th Scientific and Statistical Committee (SSC) meeting; Joint Advisory Group Meeting consisting of the Council's Advisory Panel (AP), Non-Commercial Fisheries Advisory Committee (NCFAC), Fishing Industry Advisory Committee (FIAC), and Community Demonstration Projects Program Advisory Panel (CDPP–AP); and its 169th Council Meeting to take actions on fishery management issues in the Western Pacific Region.

DATES: The meetings will be held between March 7 and March 23. For specific dates, times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The 125th SSC will be held at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813; telephone: (808) 522–8220. The Joint Advisory Group Meeting will be held at the Ala Moana Hotel, 410 Atkinson Drive, Honolulu, HI 96814; telephone: (808) 955–4811. The Program Planning Standing Committee, Hawaii Archipelago Standing Committee, Pelagic and International Standing Committee and Executive and Budget Standing Committee will be held at the Council office. The 169th Council meeting will also be held at the Ala Moana Hotel, as will a Fishers Forum will be held at the Ala Moana Hotel.

Council address: Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522–8220.

FOR FURTHER INFORMATION CONTACT: Contact Kitty M. Simonds, Executive Director, phone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The 125th SSC meeting will be held between 8:30 a.m. and 5 p.m. on March 7–9, 2017. The Joint Advisory Group Meeting of the AP, NCFAC, FIAC and CDPP–AP will be held between 8:30 a.m. and 5 p.m. on March 15 and March 16, 2017 and 8:30 a.m. to 12 noon on March 17. The Program Planning Standing Committee will be held on March 20, 2017 between 8:30 a.m. and 10 a.m. The Hawaii Archipelago Standing Committee will be held on March 20, 2017, between 10:30 a.m. and 12:30 p.m. The Pelagic and International Standing Committee will be held on March 20, 2017 between 1:30 p.m. and 3 p.m. The Executive and Budget Standing Committee will be held on March 20, 2017 from 3:30 p.m. to 5 p.m. The 169th Council meeting will be held between March 21, 2017 and March 23, 2017 between 8:30 a.m. to 5 p.m. On March 22, 2017, the Council will host a Fishers Forum between 6 p.m. and 9 p.m. at the Ala Moana Hotel. In addition to the agenda items listed here, the Council and its advisory bodies will hear recommendations from Council advisors. An opportunity to submit public comment will be provided throughout the agendas. The order in which agenda items are addressed may change and will be announced in advance at the Council meeting. The meetings will run as late as necessary to complete scheduled business. Background documents will be available from, and written comments should be sent to, Kitty M. Simonds, Executive Director; Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522–8220 or fax: (808) 522–8226.

Agenda for 124th SSC Meeting

Tuesday, March 7, 2017, 8:30 a.m. to 5 p.m.

1. Introductions
2. Approval of Draft Agenda and Assignment of Rapporteurs
3. Status of the 124th SSC Meeting Recommendations
4. Report from the Pacific Islands Fisheries Science Center Director
5. Program Planning
   A. Analysis of the Fishery Ecosystem Plan Management Unit Species for Ecosystem Component Designation (Action Item)

B. Report on the Data Integration Workshop
C. Report on the final National Standard 1, 3, and 7 Guidelines
D. National SSC 6 Workshop Updates
E. Report on the scheduled stock assessments by PIFSC
F. Marine Recreational Fishing Update
G. Public Comment
H. SSC Discussion and Recommendations
6. Insular Fisheries
A. Report on the WPSAR Review of the 2016 Hawaii Coral Reef Fish Stock Assessment
B. Final 2016 Stock Assessments of 27 Coral Reef Fish Species in Main Hawaiian Islands
C. Process for Acceptable Biological Catch Re-specification for 2017 and 2018
D. Update on Monument Expansion Area Scoping Meeting and Data Discovery Activities
E. Method for the Delineation of Essential Fish Habitat (EFH) for Coral Reef Ecosystem Management Unit Species in the Hawaiian Islands Archipelago
F. Public Comment
G. SSC Discussion and Recommendations

Wednesday, March 8, 2017, 8:30 a.m. to 5 p.m.

7. Pelagic Fisheries
A. Hawaii & American Samoa
1. Annual longline fisheries reports
B. Report on Am Samoa LVPA and fisheries statistics
C. Briefing on How PIFSC handles Data Confidentiality, Laws and Policy
D. International Fisheries
1. WCPFC 13
2. 2017 Bigeye Tuna Stock Assessment
3. Preparation for New Tropical Tuna Measure
4. 91st IATTC Extraordinary Meeting
E. Public Comment
F. SSC Discussion and Recommendations
8. Protected Species
A. Report on the Rare Events Bycatch Workshop
B. WCPFC Joint Analysis of Sea Turtle Mitigation Effectiveness
C. Tri-National Loggerhead Turtle Recovery Team Progress
D. Pacific Scientific Review Group Meeting Report
E. Updates on ESA Consultations
1. Deep-set Longline Fishery Consultation
2. Shallow-set Longline Fishery Consultation
F. Updates on ESA and Marine Mammal Protection Act Actions
1. False Killer Whale Recovery Planning Workshop
2. False Killer Whale Take Reduction Plan Implementation
3. Oceanic Whitetip Shark Proposed Listing
4. Other Actions
G. Public Comment
H. SSC Discussion and Recommendations

Thursday, March 9, 2017, 8:30 a.m. to 5 p.m.

9. Other Business
A. 126th SSC Meeting
B. 3 Year SSC Plan
10. Summary of SSC Recommendations to the Council

Agenda for the Joint Advisory Group Meeting of the AP, NCFAC, FIAC and CDPP–AP

Wednesday, March 15, 2017, 8:30 a.m. to 5 p.m.

1. Welcome and Introductions
2. Review of Agenda
3. Keynote Speaker
4. National and Regional Fisheries Overview
A. National Fisheries
B. Regional Fisheries
5. Advisory Group Breakout Sessions
A. American Samoa AP
B. Marianas (Guam and Commonwealth of the Northern Mariana Islands) AP
C. Hawaii AP
D. CDPP AP
E. FIAC
F. NCFAC
6. Program Area Breakout Sessions
A. Pelagics and International Fisheries
B. Island Fisheries
C. Ecosystems and Habitat
D. Fishing and Indigenous Communities
7. Report of Breakout Discussions and Recommendations

Thursday, March 16, 2017, 8:30 a.m. to 5 p.m.

8. Review of Day 1
9. Instructions for Breakout Sessions
10. Advisory Group Training Breakout Sessions
A. Grants Training
B. Communications Training
C. Council Programs and Processes
11. Review of Advisory Panel Performance
12. How Advisory Groups Can Support Fisheries
13. Advisory Group Planning
14. Discussion and Recommendations

Friday, March 17, 2017, 8:30 a.m. to 12 Noon

15. Review of Day 2
16. Keynote Speaker
17. Advisory Group Planning Discussion
18. Wrap-up Discussion and Recommendations
19. Other Business

Agenda for the Program Planning Standing Committee

Monday, March 20, 2017, 8:30 a.m. to 10 a.m.

1. Analysis of the Fishery Ecosystem Plan Management Unit Species for Ecosystem Component Designation
2. Update on Aquaculture PEIS Scoping and Draft Alternatives
3. Report on the Council's 2016 Program Review
4. Advisory Group Recommendations
5. Other Business

Agenda for the Hawaii Archipelago Standing Committee

Monday, March 20, 2017, 10:30 a.m. to 12:30 p.m.

1. Update on Data Discovery and Public Scoping for Fishing Regulations in the Monument Expansion Area
2. Report on the 2016 Hawaii Coral Reef Fish Stock Assessment
3. Process for Annual Catch Limits Re-specification for 2017 and 2018
4. Report on the Hawaii Fish Flow Workshop
5. Advisory Group Recommendations
6. Other Business

Agenda for the Pelagic and International Standing Committee

Monday, March 20, 2017, 1:30 p.m. to 3 p.m.

1. Development of New Tropical Tuna Measure
2. Update on Foreign Crew Issues in the Hawaii Longline Fleet
3. Advisory Group Report and Recommendations
A. Advisory Panel
B. Scientific & Statistical Committee
4. Standing Committee Recommendations
5. Public Comment
6. Committee Discussion and Recommendations

Agenda for the Executive and Budget Standing Committee

Monday, March 20, 2017, 3 p.m. to 5 p.m.

1. Administrative Report
2. Financial Report
3. Meetings and Workshops
4. Council Family Changes
5. Other Issues
6. Public Comment
7. Committee Discussion and Recommendations

Agenda for 169th Council Meeting

Tuesday, March, 21, 2017, 8:30 a.m. to 5 p.m.

1. Welcome and Introductions
2. Approval of the 169th Agenda
3. Approval of the 168th Meeting Minutes
4. Executive Director's Report
5. Agency Reports
   A. National Marine Fisheries Service
   1. Pacific Islands Regional Office
   2. Pacific Islands Fisheries Science Center
   B. NOAA Office of General Counsel, Pacific Islands Section
   C. U.S. State Department
   D. U.S. Fish and Wildlife Service
   E. Enforcement
   1. U.S. Coast Guard
   2. NOAA Office of Law Enforcement
   3. NOAA Office of General Counsel, Enforcement Section
   F. Other Items
   G. Public Comment
   H. Council Discussion and Action
6. Program Planning and Research
   A. Analysis of the Fishery Ecosystem Plan Management Unit Species for Ecosystem Component Designation (Action Item)
   B. Aquaculture Amendment Scoping Report and Draft Alternatives
   C. Report on the Data Integration Workshop
   D. Report on the final National Standard 1, 3, and 7 Guidelines
   E. National SSC 6 Workshop Updates
   F. Report on the Council's 2016 Program Review
   G. Regional, National and International Outreach & Education
   H. Advisory Group Report and Recommendations
   1. Advisory Panel
   2. NCFAC
   3. FIAC
   4. CDPP–AP
   5. Joint Advisory Group Meeting
   6. Scientific & Statistical Committee
   I. Public Hearing
   J. Council Discussion and Action
7. Protected Species
   A. Rare Events Bycatch Workshop Report
   B. WCPFC Joint Analysis of Sea Turtle Mitigation Effectiveness
   C. Tri-National Loggerhead Turtle Recovery Team Progress
   D. Pacific Scientific Review Group Meeting Report
   E. Updates on ESA Consultations
   1. Deep-set Longline Fishery Consultation
   2. Shallow-set Longline Fishery Consultation
   F. Overview of ESA Critical Habitat (purpose and impacts to various activities)
   G. Updates on ESA and Marine Mammal Protection Act Actions
   1. False Killer Whale Recovery Planning Workshop
   2. False Killer Whale Take Reduction Plan Implementation
   3. Oceanic Whitetip Shark Proposed Listing
   4. Other Actions
   H. Advisory Group Report and Recommendations
   1. Advisory Panel
   2. NCFAC
   3. FIAC
   4. CDPP–AP
   5. Joint Advisory Group Meeting
   6. Scientific & Statistical Committee
   I. Public Comment
   J. Council Discussion and Action

Wednesday, March 22, 2017, 8:30 a.m. to 5 p.m.

8. Pelagic & International Fisheries
   A. Update on Foreign Crew Issues in the Hawaii Longline Fleet
   B. Hawaii & Am. Samoa Annual Longline Fisheries Reports
   C. Update on Pelagic Deep-set Longline DPEIS
   D. Update on Am Samoa Longline MSC certification
   E. Legislation on new RFMOs membership
   F. United Fishing Agency & Tri-Marine Partnership Training Program
   G. International Fisheries Meetings
   1. WCPFC13
   2. Development of a New Tropical Tuna Measure
   3. 91th IATTC meeting (extraordinary mtg)
   H. Advisory Group Report and Recommendations
   1. Advisory Panel
   2. NCFAC
   3. FIAC
   4. CDPP–AP
   5. Joint Advisory Group Meeting
   6. Scientific & Statistical Committee
   I. Standing Committee Recommendations
   J. Public Comment
   K. Council Discussion and Action
9. Mariana Archipelago
   A. Guam
   1. Isla Informe
   2. Legislative Report
   3. Enforcement Issues
   4. Community Activities and Issues
   a. Report on Yigo Community Planning
   b. Report on Guam Coral Reef Fisheries Mapping
   5. Education and Outreach Initiatives
   B. Commonwealth of Northern Mariana Islands
   1. Arongol Falú
   2. Legislative Report
   3. Enforcement Issues
   4. Community Activities and Issues
   a. Report on Northern Islands Community Planning
   5. Education and Outreach Initiatives
   C. Update on Marianas Trench Marine National Monument Management Plan and Sanctuary Request
   D. Advisory Group Reports and Recommendations
   1. Advisory Panel
   2. NCFAC
   3. FIAC
   4. CDPP–AP
   5. Joint Advisory Group Meeting
   6. Scientific & Statistical Committee
   E. Public Comment
   F. Council Discussion and Action
10. American Samoa Archipelago
   A. Motu Lipoti
   B. Fono Report
   C. Enforcement Issues
   D. Community Activities and Issues
   1. Status of Aunuu Ice Plant
   2. Report on Pago Pago Fish Market
   E. Education and Outreach
   F. Advisory Group Reports and Recommendations
   1. Advisory Panel
   2. NCFAC
   3. FIAC
   4. CDPP–AP
   5. Joint Advisory Group Meeting
   6. Scientific & Statistical Committee
   G. Public Comment
   H. Council Discussion and Action

Wednesday, March 22, 2017, 6 p.m. to 9 p.m., Ala Moana Hotel

Fishers Forum

Thursday, March 23, 2017, 8:30 a.m. to 5 p.m.

11. Hawaii Archipelago & PRIA
   A. Moku Pepa
   B. Legislative Report
   C. Enforcement Issues
   D. Community Issues
   1. Promise to Paeaina
   2. Report on Puwalu Eiwa
   E. Report on Essential Fish Habitat Consultations for State Projects
   F. Report on Boating Access Sportfish Funds
   G. Update on Data Discovery and Public Scoping for Fishing Regulations in the Monument Expansion Area (Action Item)
   H. Report on the Hawaii Fish Flow Workshop
   I. Report on the WPSAR Review of the 2016 Hawaii Coral Reef Fish Stock Assessment
   J. Final 2016 Stock Assessment of 28 Coral Reef Fish Species in Hawaii
   K. Process for Annual Catch Limit Re-specification for 2017 and 2018
   L. Education and Outreach Initiatives
   M. Advisory Group Report and

Recommendations
1. Advisory Panel
2. NCFAC
3. FIAC
4. CDPP–AP
5. Joint Advisory Group Meeting
6. Scientific & Statistical Committee
N. Public Comment
O. Council Discussion and Action
12. Administrative Matters
A. Financial Reports
B. Administrative Reports
C. Update on information inquiries and responses
D. Updates on the new administration
E. Council Family Changes
F. Meetings and Workshops
G. Other Business
H. Standing Committee Recommendations
I. Public Comment
J. Council Discussion and Action
13. Other Business

Non-emergency issues not contained in this agenda may come before the Council for discussion and formal Council action during its 168th meeting. However, Council action on regulatory issues will be restricted to those issues specifically listed in this document and any regulatory issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: February 14, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–03199 Filed 2–16–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Patent Trial and Appeal Board (PTAB) Actions

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), invites comments on a proposed extension of an existing information collection: Patent Trial and Appeal Board (PTAB) Actions.

DATES: Written comments must be submitted on or before April 18, 2017.

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

- *Email: InformationCollection@uspto.gov.* Include ''0651–0063 comment'' in the subject line of the message.
- *Mail:* Marcie Lovett, Records Management Division Director, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Federal Rulemaking Portal: http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Linda Horner, Administrative Patent Judge, Patent Trial and Appeal Board, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–9797; or by email to *linda.horner@uspto.gov.* Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

The Patent Trial and Appeal Board (PTAB or Board) is established by statute under 35 U.S.C. 6. This statute directs, in relevant part, that PTAB shall ''on written appeal of an applicant, review adverse decisions of examiners upon applications for patents pursuant to section 134(a).'' PTAB has the authority, under 35 U.S.C. 134 and 306 to decide appeals in applications and ex parte reexamination proceedings, and under pre-AIA sections of the Patent Act, *i.e.,* 35 U.S.C. 134 and 315, to decide appeals in inter partes reexamination proceedings. In addition, 35 U.S.C. 6 establishes the membership of PTAB as the Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the Administrative Patent Judges. Each appeal is decided by a merits panel of at least three members of the Board.

The Board's responsibilities under the statute include the review of ex parte appeals from adverse decisions of examiners in those situations where a written appeal is taken by a dissatisfied applicant or patent owner. In inter partes reexamination appeals, PTAB reviews examiner's decisions adverse to a patent owner or a third-party requester. PTAB's opinions and decisions for publicly available files are published on the USPTO Web site.

There are no forms associated with these items. However, they are governed by rules in Part 41. Failure to comply with the appropriate rule may result in dismissal of the appeal or denial of entry of the paper.

II. Method of Collection

By mail, hand delivery, or facsimile when an applicant files a brief, petition, amendment, or request. These papers can also be filed as attachments through EFS-Web.

III. Data

OMB Number: 0651–0063.

Form Number(s): None.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households, businesses or other for profits, non-profit institutions, and the Federal Government.

Estimated Number of Respondents: 23,660 responses per year. The USPTO estimates that approximately 25% (5,915) of these responses will be from small entities and approximately 5% (1,183) of these responses will be from micro entities. The USPTO also estimates that approximately 93% (22,004) of the briefs, requests, petitions, and amendments will be filed electronically.

Estimated Time per Response: The USPTO estimates that it takes the public approximately 2 to 32 hours to complete this information, depending on the complexity of the request. This includes the time to gather the necessary information, prepare the brief, petition, and other papers, and submit the completed request to the USPTO. The USPTO calculates that, on balance, it takes the same amount of time to gather the necessary information, prepare the brief, petition, and other papers, and submit it to the USPTO, whether the applicant submits it in paper form or electronically.

Estimated Total Annual Respondent Burden Hours: 555,098 hours per year.

Estimated Total Annual Respondent Cost Burden: $227,590,180 per year. The USPTO expects that all of the information in this collection will be prepared by an attorney. Using the professional hourly rate of $410 for attorneys in private firms, the USPTO estimates that the total respondent cost burden for this collection is $227,590,180 per year.

IC #	Item	Estimated time for response (hours)	Estimated annual responses	Estimated annual burden hours	Rate ($/hr)
1	Amendment	2	19	38	$410
1	Electronic Amendment	2	248	496	410
2	Appeal Brief	32	1,135	36,320	410
2	Electronic Appeal Brief	32	15,077	482,464	410
3	Reply Brief	5	463	2,315	410
3	Electronic Reply Brief	5	6,151	30,755	410
4	Request for Rehearing Before the PTAB	5	31	155	410
4	Electronic Request for Rehearing Before the PTAB	5	411	2,055	410
5	Petitions to the Chief Administrative Patent Judge Under 37 CFR 41.3.	4	9	36	410
5	Electronic Petitions to the Chief Administrative Patent Judge Under 37 CFR 41.3.	4	116	464	410
Total			23,660	555,098	

Estimated Total Annual Non-Hour Respondent Cost Burden: $46,049,937.65 per year ($46,039,250 in fees and $10,687.50 in postage costs).

There are no maintenance, operation, capital start-up, or recordkeeping costs associated with this information collection. However, this collection does have annual (non-hour) costs in the form of postage costs and fees, which are listed in the tables below.

IC #	Item	Annual estimated responses	Fee ($)	Total cost ($)
1	Filing a Brief in Support of an Appeal in an Application or Ex Parte Re-examination Proceeding to the Board.	16,202	$0.00	$0.00
2	Filing a brief in support of an appeal in an inter partes reexamination proceeding (large).	10	2,000.00	20,000.00
2	Filing a brief in support of an appeal in an inter partes reexamination proceeding (small).	1	1,000.00	1,000.00
2	Filing a brief in support of an appeal in an inter partes reexamination proceeding (micro).	1	500.00	500.00
3	Forwarding an Appeal in an Application or Ex Parte Reexamination Proceeding to the Board (large).	11,341	2,000.00	22,682,000.00
3	Forwarding an Appeal in an Application or Ex Parte Reexamination Proceeding to the Board (small).	4,051	$1,000.00	4,051,000.00
3	Forwarding an Appeal in an Application or Ex Parte Reexamination Proceeding to the Board (micro).	810	500.00	405,000.00
4	Notice of appeal (large)	18,900	800.00	15,120,000.00
4	Notice of appeal (small)	6,750	400.00	2,700,000.00
4	Notice of appeal (micro)	1,350	200.00	270,000.00
5	Request for oral hearing (large)	508	1,300.00	660,400.00
5	Request for oral hearing (small)	181	650.00	117,650.00
5	Request for oral hearing (micro)	36	325.00	11,700.00
Total		60,139		46,039,250.00

The briefs, petitions, and other papers may be submitted by mail through the United States Postal Service. The USPTO expects the items in this collection to be mailed by Express Mail using the flat rate envelope, which can accommodate both the varying submission weights of these submissions and the various postal zones. Using the Express Mail flat rate cost for mailing envelopes, the USPTO estimates that the average cost for sending these submissions by Express Mail will be $6.45 and that approximately 1,657 will be mailed to the USPTO. The USPTO estimates that the total postage cost for this collection will be $10,687.65 per year.

IC #	Item	Responses	Postage costs ($)	Total Postage cost ($)
1	Amendment	19	$6.45	$122.55
2	Appeal Brief	1,135	6.45	7,320.75
3	Reply Brief	463	6.45	2,986.35
4	Request for Rehearing Before the PTAB	31	6.45	199.95
5	Petitions to the Chief Administrative Patent Judge Under 37 CFR 41.3	9	6.45	58.05
Total Postage Costs.		1,657		10,687.65

IV. Request for Comments

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) The accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on respondents, *e.g.,* the use of automated collection techniques or other forms of information technology.

Dated: February 13, 2017.

Rhonda Foltz,

Office of Information Management Services, OCIO, United States Patent and Trademark Office, United States Patent and Trademark Office.

[FR Doc. 2017–03195 Filed 2–16–17; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products from the Procurement List that were previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

Comments must be received on or before: 3/19/2017.

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 OR TO SUBMIT COMMENTS 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 an opportunity to submit comments on the proposed actions.

Deletions

The following products are proposed for deletion from the Procurement List:

Products

NSN(s)—Product Name(s):

8415–00–NSH–2946—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XSS

8415–00–NSH–2947—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, SS

8415–00–NSH–2948—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, MS

8415–00–NSH–2949—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, LS

8415–00–NSH–2950—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XLS

8415–00–NSH–2951—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XSR

8415–00–NSH–2952—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, SR

8415–00–NSH–2953—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, MR

8415–00–NSH–2954—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, LR

8415–00–NSH–2955—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XLR

8415–00–NSH–2956—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XSL

8415–00–NSH–2957—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, SL

8415–00–NSH–2958—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, ML

8415–00–NSH–2959—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, LL

8415–00–NSH–2960—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XLL

Mandatory Source(s) of Supply: Southeastern Kentucky Rehabilitation Industries, Inc., Corbin, KY, Peckham Vocational Industries, Inc., Lansing, MI

Contracting Activity: Army Contracting Command—Aberdeen Proving Ground, Natick Contracting Division

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–03216 Filed 2–16–17; 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 Date:* 3/19/2017.

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 1/13/2017 (82 FR 4315–4316), 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 organizations 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):
7510–00–NIB–0823—Tab, Self-Stick, Durable, 1″, Assorted Colors
7510–00–NIB–0824—Tabs, Self-Stick, Filing, Repositionable, 2″, Red/Yellow
7510–01–421–4751—Tabs, Self-Stick, Page Makers Repositionable, .5″ x 2″, Assorted Colors
Mandatory Source(s) of Supply: Association for the Blind and Visually Impaired—Goodwill Industries of Greater Rochester, Rochester, NY
Mandatory for: Total Government Requirement
Contracting Activity: General Services Administration, New York, NY
Distribution: A-List

Deletions

On 1/13/2017 (82 FR 4315–4316), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice 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):
8415–01–503–0761—Shirt, Cold Weather 100 Weight Fleece, Army, Coyote Brown, S
8415–01–503–0762—Shirt, Cold Weather 100 Weight Fleece, Army, Coyote Brown, M
8415–01–503–0763—Shirt, Cold Weather 100 Weight Fleece, Army, Coyote Brown, L
8415–01–503–0766—Shirt, Cold Weather 100 Weight Fleece, Army, Coyote Brown, XL
Mandatory Source(s) of Supply: Peckham Vocational Industries, Inc., Lansing, MI
Contracting Activity: Defense Logistics Agency Troop Support
NSN(s)—Product Name(s): 7530–01–578–9300—Label, File Folder, Recycled, Laser and Inkjet, Assorted Color Stripes, $^{15}/_{16}″ \times 3 - {}^{7}/_{16}″$
Mandatory Source(s) of Supply: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: General Services Administration, New York, NY
NSN(s)—Product Name(s): 7510–01–519–4362—Binder, Round Ring, Clear Overlay, Pockets, Cinnamon, 1½″ Capacity, Letter Size
Mandatory Source(s) of Supply: South Texas Lighthouse for the Blind, Corpus Christi, TX
Contracting Activities: Department of Veterans Affairs, Strategic Acquisition Center General Services Administration, New York, NY
NSN(s)—Product Name(s): 6645–01–467–8481—Clock, Wall, Black Custom Logo, 28″ Diameter
Mandatory Source(s) of Supply: Chicago Lighthouse Industries, Chicago, IL
Contracting Activity: General Services Administration, New York, NY
NSN(s)—Product Name(s): 7520–01–094–4309—Tray, Desk, Plastic, Side Loading, Stackable, Legal, Black
Mandatory Source(s) of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: General Services Administration, New York, NY
NSN(s)—Product Name(s): 7930–01–513–9967—Cleaner, General, Disinfectant, Aerosol, 18 oz.
Mandatory Source(s) of Supply: The Lighthouse for the Blind, St. Louis, MO
Contracting Activity: General Services Administration, Fort Worth, TX

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–03217 Filed 2–16–17; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy (USMA)

AGENCY: Department of the Army, DoD.

ACTION: Notice of committee meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces that the following Federal advisory committee meeting will take place.

DATES: The meeting will be held on Thursday, March 9, 2017, Time 1:00–4:30 p.m. Members of the public wishing to attend the meeting will be need to show photo identification in order to gain access to the meeting location. All participants are subject to security screening.

ADDRESSES: The meeting will be held in the Members Room, Library of Congress, 101 Independence Avenue SE., Washington, DC, but is subject to change dependent on room availability. Any change of room location will be posted to the Web site at *http://www.usma.edu/bov/SitePages/Home.aspx.*

FOR FURTHER INFORMATION CONTACT: Mrs. Deadra K. Ghostlaw, the Designated Federal Officer for the committee, in writing at: Secretary of the General Staff, ATTN: Deadra K. Ghostlaw, 646 Swift Road, West Point, NY 10996; by email at: *deadra.ghostlaw@usma.edu* or *BoV@usma.edu;* or by telephone at (845) 938–4200.

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. The USMA BoV provides independent advice and recommendations to the President of the United States on matters related to morale, discipline, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and any other matters relating to the Academy that the Board decides to consider.

Purpose of the Meeting: This is the 2017 Organizational Meeting of the USMA BoV. Members of the Board will be provided updates on Academy issues. Agenda: Board Business: Election of Chair and Vice Chair, Review and Approval of the ''Rules of the USMA Board of Visitors,'' Swearing In of Presidential Appointees, Approval of the Minutes from November's Meeting, Status of the Annual Report. Agenda: Key Events since the last Board Meeting; Culture of Excellence; Strategic Planning and Continuous Improvement; Developing Leaders of Character; Building and Sustaining Effective and Diverse Teams: Admissions Update, USMA Preparatory School (USMAPS) Update, Sexual Harassment/Assault Response and Prevention (SHARP) Update; Intellectual Capital; Stewardship: Army West Point Athletic Association (AWPAA) Update, Facilities Update; Upcoming Events.

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165 and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Mrs. Ghostlaw, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Pursuant to 41 CFR 102–3.140d, the committee is not obligated to allow a member of the public to speak or otherwise address the committee during the meeting, and members of the public attending the committee meeting will not be permitted to present questions from the floor or speak to any issue under consideration by the committee. Because the committee meeting will be held in a Federal Government facility security screening is required. A government photo ID is required to enter the building. Please note that security and gate guards have the right to inspect vehicles and persons seeking to enter and exit the installation. Longworth House Office Building, is fully handicap accessible. Wheelchair access is available at the entrance on Independence Avenue SE at the Driveway Level. For additional information about public access procedures, contact Mrs. Ghostlaw, the committee's Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the committee, in response to the stated agenda of the open meeting or in regard to the committee's mission in general. Written comments or statements should be submitted to Mrs. Ghostlaw, the committee Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. Written comments or statements should be submitted to Mrs. Ghostlaw, the committee Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Designated Federal Official at least seven business days prior to the meeting to be considered by the committee. The Designated Federal Official will review all timely submitted written comments or statements with the committee Chairperson and ensure the comments are provided to all members of the committee before the meeting. Written comments or statements received after this date may not be provided to the committee until its next meeting.

Pursuant to 41 CFR 102–3.140d, the committee is not obligated to allow a member of the public to speak or otherwise address the committee during the meeting. However, the committee Designated Federal Official and Chairperson may choose to invite certain submitters to present their comments verbally during the open portion of this meeting or at a future meeting. The Designated Federal Officer, in consultation with the committee Chairperson, may allot a specific amount of time for submitters to present their comments verbally.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–03202 Filed 2–16–17; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF THE ARMY

Notice of Termination of the Intent To Prepare an Environmental Impact Statement in Connection With Dakota Access, LLC's Request for an Easement To Cross Lake Oahe, North Dakota

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In light of the President's memorandum to the Secretary of the Army dated January 24, 2017, published in the **Federal Register** on January 30, 2017 (82 FR 8661), this notice advises the public that the Department of the Army (Army), as lead agency, effective immediately, no longer intends to prepare an environmental impact statement (EIS) in connection with the Dakota Access, LLC's request to grant an easement to cross Lake Oahe, which is on the Missouri River and owned by the U.S. Army Corps of Engineers (Corps). Therefore, the Notice of Intent announced in the **Federal Register** on January 18, 2017 (82 FR 5543) is terminated.

SUPPLEMENTARY INFORMATION: This notice is published in accordance with sections 1503.1 and 1506.6 of the CEQ's Regulations (40 CFR parts 1500–1508) implementing the procedural requirements of NEPA, as amended (42 U.S.C. 4321 *et seq.*), and the Army and Corps' NEPA implementation policies (32 CFR part 651 and 33 CFR part 230), and exercises the authority delegated to the Assistant Secretary of the Army (Civil Works) by General Orders No. 2017–1, January 5, 2017.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–03204 Filed 2–16–17; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Defense Science Board (DSB) 2017 Summer Study Task Force on Nuclear Deterrence in the 21st Century's Multi-Polar, Multi-Threat Strategic Environment (''the Nuclear Deterrence 2017 Summer Study Task Force'') will meet in closed session on Tuesday, February 14, 2017, from 7:50 a.m. to 5:00 p.m. at the Virginia Tech Applied Research Center, 900 Glebe Road, 7th Floor, Arlington, VA and Wednesday, February 15, 2017, from 8:00 a.m. to 3:30 p.m. at the Executive Conference Center, 4075 Wilson Blvd., 3rd Floor, Arlington, VA.

DATES: Tuesday, February 14, 2017, from 7:50 a.m. to 5:00 p.m.; Wednesday, February 15, 2017, from 8:00 a.m. to 3:30 p.m.

ADDRESSES: Virginia Tech Applied Research Center, 900 Glebe Road, 7th Floor, Arlington, VA (February 14, 2017); and Executive Conference Center, 4075 Wilson Blvd., Suite 350, Arlington, VA (February 15, 2017).

FOR FURTHER INFORMATION CONTACT: Ms. Debra Rose, Executive Officer, Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301–3140, via email at *debra.a.rose20.civ@mail.mil,* or via phone at (703) 571–0084 or the Defense Science Board Designated Federal Officer (DFO) Ms. Karen D.H. Saunders, Executive Director, Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301, via email at *karen.d.saunders.civ@mail.mil* or via phone at (703) 571–0079.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the

Designated Federal Officer and the Department of Defense, the Defense Science Board was unable to provide public notification concerning it meeting on February 14 through 15, 2017, of the Defense Science Board 2017 Summer Study Task Force on Nuclear Deterrence in the 21st Century's Multi-Polar, Multi-Threat Strategic Environment, as required by 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

The mission of the Defense Science Board is to provide independent advice and recommendations on matters relating to the DoD's scientific and technical enterprise. The objective of the Nuclear Deterrence Summer Study Task Force is to address the topic of nuclear force modernization and recapitalization, focusing on ways to reduce the affordability problem and on ways to respond to the changing strategic environment through technical, programmatic, and operational innovation. The Nuclear Deterrence 2017 Summer Study Task Force will consider the critical issues associated with the status and trends in major power threats and proliferator s that could threaten the United States or its allies, to include their nuclear, advanced conventional, and cyber capabilities that might threaten the operational viability of our nuclear deterrent; make our ability to control escalation through non-nuclear means problematic; or impact the assurance of U.S. extended deterrence globally. This two-day session will focus on the DoD's Nuclear Weapons, Warheads, and Platforms. This meeting will provide overview briefings to study members on the future plans and programs that the DoD is currently pursuing. Day One briefings will include a mission, organization, and operations overview of the Nuclear Weapons Council by Mr. Wayne Hudson, Principal Deputy to the Deputy Assistant Secretary of Defense for Nuclear Matters; a mission, organization, and operations overview of the U.S. Strategic Command Enterprise by Mr. Jim Colasacco, Chief Global Strike Division, Capability and Resource Integration Directorate, U.S. Strategic Command; an operational and technical presentation on the Air Forces' nuclear platform and warhead programs by the Air Force Nuclear Deterrence Staff; an overview briefing on the Nuclear Command, Control, and Communications domain by Dr. Richard Roca, John Hopkins University Applied Physics Laboratory; an operational and technical presentation on the DoD's nuclear platform and warhead programs by Mr. Tom Troyano, Director, Strategic Systems & Treaty Compliance, OUSD(AT&L); a brief on the Master Plan for Nuclear Warheads and the joint DoD and Department of Energy study on threats to the U.S. ability to maintain its strategic deterrence in support of the Joint Strategic Deterrence Review by Mr. Sean McDonald, National Nuclear Security Administration; and a mission, organization, and operations brief of DoD's Cyber Command. The day two briefing will be an operational and technical presentation on the Navy's nuclear platform and warhead programs by VADM Terry Benedict, Director, Navy Strategy Systems Program. The remainder of this day will be the Nuclear Deterrence 2017 Summer Study Task Force's six panel break-out sessions: Deterrence Theory, Scenarios; Cyber; Conventional Force Elements; Nuclear Weapons; Nuclear Delivery Platforms and NC2; and Experimentation, Exercises, Messaging.

These panels will meet simultaneously to discuss topics to analyze in support of the study. The day will conclude with a full session of the Nuclear Deterrence 2017 Summer Study Task Force to share the discussions from the panel session.

In accordance with section 10(d) of the FACA and 41 CFR 102–2.155, the DoD has determined that the Nuclear Deterrence 2017 Summer Study Task Force meeting will be closed to the public. Specifically, the Under Secretary of Defense (Acquisition, Technology, and Logistics), in consultation with the DoD Office of General Counsel, has determined in writing that all sessions will be closed to the public because they will consider matters covered by 5 U.S.C. 552b(c)(1). The determination is based on the consideration that it is expected that discussions throughout will involve classified matters of national security concern.

Such classified material is so intertwined with the unclassified information that it cannot reasonably be segregated into separate discussions without defeating the effectiveness and meaning of the overall meeting. To permit the meeting to be open to the public would preclude discussion of such matters and would greatly diminish the ultimate utility of the DSB's findings and recommendations to the Secretary of Defense and to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

In accordance with section 10(a)(3) of the FACA and 41 CFR 102–3.l05(j) and 102–3.140, interested persons may submit a written statement for consideration by the Nuclear Deterrence 2017 Summer Study Task Force at any time regarding its mission or in response to the stated agenda of a planned meeting. Individuals submitting a written statement must submit their statement to the DSB's DFO—Ms. Karen D.H. Saunders, Executive Director, Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301, via email at *Karen.d.saunders.civ@mail.mil* or via phone at (703) 571–0079 at any point; however, if a written statement is not received at least 3 calendar days prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the Nuclear Deterrence 2017 Summer Study Task Force until the next meeting of this task force.

The DFO will review all submissions with the Nuclear Deterrence 2017 Summer Study Task Force co-Chairs and ensure they are provided to Nuclear Deterrence Summer Study Task Force members prior to the end of the two-day meeting on February 15, 2017.

Dated: February 14, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–03189 Filed 2–16–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Defense Science Board (DSB) 2017 Summer Study Task Force on Countering Anti-access Systems with Longer Range and Standoff Capabilities (''the Long Range Effects 2017 Summer Study Task Force'') will meet in closed session on Tuesday, February 14, 2017, from 7:50 a.m. to 5:00 p.m. at the Strategic Analysis Inc. Executive Conference Center, 4075 Wilson Blvd., Suite 350, Arlington, VA and Wednesday, February 15, 2017, from 8:00 a.m. to 5:00 p.m. at the Virginia Tech Advanced Research Center, 900 Glebe Road, 7th Floor, Arlington, VA.

DATES: Tuesday, February 14, 2017, from 7:50 a.m. to 5:00 p.m.; and Wednesday, February 15, 2017, from 8:00 a.m. to 5:00 p.m.

ADDRESSES: Strategic Analysis Inc. Executive Conference Center, 4075 Wilson Blvd., Suite 350, Arlington, VA and Virginia Tech Advanced Research Center, 900 Glebe Road, 7th Floor, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Ms. Debra Rose, Executive Officer, Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301–3140, via email at *debra.a.rose20.civ@mail.mil,* or via phone at (703) 571–0084 or the Defense Science Board's Designated Federal Officer (DFO) Ms. Karen D.H. Saunders, Executive Director, Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301, via email at *karen.d.saunders.civ@mail.mil* or via phone at (703) 571–0079.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Designated Federal Officer and the Department of Defense, the Defense Science Board was unable to provide public notification concerning is meeting on February 14 through 15, 2017, of the Defense Science Board 2017 Summer Study Task Force on Countering Anti-access Systems with Longer Range and Standoff Capabilities, as required by 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

The mission of the DSB is to provide independent advice and recommendations on matters relating to the Department of Defense's (DoD) scientific and technical enterprise. The objective of the Long Range Effects 2017 Summer Study Task Force is to explore new defense systems and technologies that will enable cost effective power projection that relies on the use of longer stand-off distances than current capabilities. System components may be deployed on manned or unmanned platforms with a range of potential autonomous capabilities. Use of cost reducing technology and advanced production practices from defense and commercial industry may be a major part of the strategy for deploying adequate numbers of weapons. The study should investigate and analyze all of these areas and recommend preferred system options. This two-day session will focus on providing general threat briefings, to include country briefings and respective threat system capabilities. United States capabilities will also be briefed by combatant commands, Office of Secretary of Defense and the military services. Day One briefings will include an overview of the study and expectations from Dr. David Whelan and Mr. Mark Russell, task force co-chairs; a briefing on the operations and threats to military satellite communications and tactical networking from Mr. Al Grasso, President of MITRE; an overview of the Missile Defense Agency's (MDA) efforts to address Anti-access/Area denial (A2/AD) by Mr. Michael Ramsdell, MDA; an overview of U.S. European Command's (EUCOM) operational plans from Col Kelly Houlgate, the EUCOM Liaison Officer; an assessment of the DoD's capabilities to counter A2/AD from Mr. Gregory Cox of the Institute for Defense Analyses; and an overview briefing on the National Reconnaissance Office's (NRO) architecture and approach to countering A2/AD. The remainder of this day will be the Long Range Effects 2017 Summer Study Task Force's four panel break-out sessions: Architecture; Intelligence, Surveillance, and Reconnaissance (ISR); Basing, Delivery, and Weapons; Command, Control, Communications, and Cyber. These panels will meet simultaneously to discuss topics to analyze in support of the study. Day Two briefings will include an overview briefing on maintaining and preserving defense technological superiority by Mr. Mike Olmstead from the Office of the Undersecretary of Defense (Acquisition, Technology, and Logistics) (OUSD (AT&L)); an analysis of conventional prompt global strike by Ms. Amy Woolf of Congressional Research Service (CRS); and an overview of U.S. Defense space policy from Mr. John Hill from the Office of the Secretary of Defense (Space). The day will conclude with the same four panel break-out sessions from the previous day: Architecture; Intelligence, Surveillance, and Reconnaissance (ISR); Basing, Delivery, and Weapons; Command, Control, Communications, and Cyber. These panels will meet simultaneously to discuss topics to analyze in support of the study.

In accordance with section 10(d) of the FACA and 41 CFR 102–2.155, the DoD has determined that the Long Range Effects 2017 Summer Study Task Force meeting will be closed to the public. Specifically, the Under Secretary of Defense (Acquisition, Technology, and Logistics), in consultation with the DoD Office of General Counsel, has determined in writing that the meeting will be closed to the public because matters covered by 5 U.S.C. 552b(c)(1) will be considered. The determination is based on the consideration that it is expected that discussions throughout will involve classified matters of national security concern. Such classified material is so intertwined with the unclassified material that it cannot reasonably be segregated into separate discussions without defeating the effectiveness and meaning of the overall meetings. To permit the meeting to be open to the public would preclude discussion of such matters and would greatly diminish the ultimate utility of the DSB's findings and recommendations to the Secretary of Defense and to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

In accordance with section 10(a)(3) of the FACA and 41 CFR 102–3.l05(j) and 102–3.140, interested persons may submit a written statement for consideration by the Long Range Effects 2017 Summer Study Task Force members at any time regarding its mission or in response to the stated agenda of a planned meeting. Individuals submitting a written statement must submit their statement to the DSB's DFO—Ms. Karen D.H. Saunders, Executive Director, Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301, via email at *karen.d.saunders.civ@mail.mil* or via phone at (703) 571–0079 at any point; however, if a written statement is not received at least 3 calendar days prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the Long Range Effects 2017 Summer Study Task Force until the next meeting of this task force. The DFO will review all submissions with the Long Range Effects 2017 Summer Study Task Force Co-Chairs and ensure they are provided to Long Range Effects 2017 Summer Study Task Force members prior to the end of the two day meeting on February 15, 2017.

Dated: February 14, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–03194 Filed 2–16–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, U.S. Army Corps of Engineers

Notice of Extension of the Public Comment Period for the Draft Missouri River Recovery Management Plan and Environmental Impact Statement

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice.

SUMMARY: On December 16, 2016 the U.S. Army Corps of Engineers (USACE) issued a Notice of Availability in the **Federal Register** (81 FR 91151) for the Draft Missouri River Recovery Management Plan and Environmental Impact Statement (MRRMP–EIS). The original comment period was scheduled to end February 24, 2017. This notice extends the public comment period to April 24, 2017.

DATES: Submit written comments on the draft EIS on or before April 24, 2017.

ADDRESSES: Send written comments to U.S. Army Corps of Engineers, Omaha District, ATTN: CENWO–PM–AC—MRRMP–EIS, 1616 Capitol Ave., Omaha, NE 68102; or provide comments via an online comment form (preferred method) at *http://parkplanning.nps.gov/MRRMP.*

FOR FURTHER INFORMATION CONTACT: The above address or email to *cenwo-planning@usace.army.mil.*

SUPPLEMENTARY INFORMATION: None.

Dated: February 6, 2017.

Mark Harberg,

Missouri River Recovery Program Manager, U.S. Army Corps of Engineers.

[FR Doc. 2017–03210 Filed 2–16–17; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Intent To Prepare a Draft Supplemental Environmental Impact Statement, Mill Creek Project Operation and Maintenance, Walla Walla County, in the State of Washington

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (Corps) intends to prepare a Supplemental Environmental Impact Statement (SEIS), in compliance with the National Environmental Policy Act (NEPA), for the continued operation and maintenance (O&M) of the federally managed portion of the Mill Creek Flood Control Project (Project) at Walla Walla, Washington, and implementation of actions to avoid or minimize potential effects to Endangered Species Act (ESA)—listed fish and/or associated critical habitat. The SEIS will supplement the *June 1975, Mill Creek Project, Walla Walla, Washington, Final Environmental Impact Statement* (FEIS), prepared by the Corps for the operation, maintenance, and improvement of the federally managed portion of the Project. The SEIS will identify and evaluate current O&M actions that may not have been adequately addressed in the 1975 FEIS or have been implemented since completion of the 1975 FEIS, and actions that are proposed for the future. It will also identify and evaluate operational and structural measures the Corps has proposed to improve fish passage through the Project. The 1975 FEIS did not adequately address the effects of the Project on fish species, particularly Mid-Columbia River steelhead and Columbia Basin bull trout. These species were listed under the ESA in the 1990's, and both Mill Creek and Yellowhawk Creek (a distributary of Mill Creek) have been designated as critical habitat.

ADDRESSES: Comments should be mailed to Walla Walla District, Corps of Engineers, CENWW–PPL–C, Mill Creek SEIS, 201 North Third Avenue, Walla Walla, WA 99362–1876, or submitted via email to *NEPANWW@usace.army.mil* and inserting ''Mill Creek SEIS'' in the subject line. Comments may also be submitted at the public scoping meeting.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and SEIS can be answered by Mr. Alex Colter, Project Manager, Walla Walla District, Corps of Engineers, CENWW–PM–PPL–P, 201 North Third Avenue, Walla Walla, WA 99362–1876, phone (509) 527–7254; or Ms. Sandra Shelin, NEPA Coordinator, Walla Walla District, Corps of Engineers, CENWW–PPL–C, 201 North Third Avenue, Walla Walla, WA 99362–1876, phone (509) 527–7265; or via email to *NEPANWW@usace.army.mil* and inserting ''Mill Creek SEIS'' in the subject line.

SUPPLEMENTARY INFORMATION: The Mill Creek Flood Control Project (MCFCP) was constructed to provide flood risk reduction for the City of Walla Walla (City) and adjacent downstream areas. The major structural components of the Project were completed in 1942 with minor components added thereafter. Fish ladders were constructed in 1982. The federally managed portion of the MCFCP (Project) consists of a diversion dam on Mill Creek to divert flood waters about 1½ miles upstream of the City to an off-stream storage reservoir (Bennington Lake); a dam that impounds Bennington Lake; a division works downstream on Mill Creek to direct flows into two distributaries, Yellowhawk and Garrison creeks; and about one mile of engineered channel extending between the diversion dam to just downstream of the division works. The local flood control district maintains the remaining six miles of engineered channel extending downstream from the federally managed channel through the City to Gose Street Bridge in Walla Walla County. The primary purpose of the Project is to provide flood risk management, but recreation was added as a project purpose in 1944. The Project also provides fish and wildlife habitat and recreational opportunities associated with fish and wildlife. For the purpose of this SEIS, the ''Project'' consists of only the federally operated and maintained portion of the MCFCP.

The Corps has identified several on-going O&M activities that may not have been adequately addressed in the 1975 FEIS or were implemented after the 1975 FEIS, as well as proposed new O&M actions. These include:

On-Going O&M

- Update pest management to address invasive species.
- Perform levee vegetation maintenance.
- Periodically remove accumulated sediment from the diversion dam forebay.
- Periodically remove debris from the Russell Creek Canal (used to drain flood flows from Bennington Lake).
- Perform trail construction and maintenance.
- Install recreation features such as benches and shelters.
- Maintain a conservation pool for fish stocking and recreational use of Bennington Lake.

Proposed New O&M Actions

- Plant food plots for pollinating insects.
- Construct an interpretive center.
- Use prescribed burning to manage vegetation.
- Upgrade and improve the water seepage monitoring system at the storage dam.
- Remove accumulated sediment from around the intake tower in Bennington Lake.
- Evaluate the flow level for starting to divert flood flows into Bennington Lake.

The Corps initiated consultation with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service (the Services) on the effects of Project O&M activities on species listed under ESA. As part of that consultation, the Corps has proposed several conservation measures that would modify structures or O&M of the Project. The Services are preparing their respective Biological Opinions (BiOps) and the Corps expects the Services may incorporate the conservation measures as part of their respective BiOps. The Corps will need to complete applicable environmental compliance, including evaluation under NEPA, prior to adopting and implementing any terms and conditions in the BiOps. The proposed SEIS would constitute that evaluation under NEPA. The Corps has proposed several measures to improve conditions for steelhead and bull trout, including the following, subject to authority and funding:

- Use an existing Memorandum of Understanding with Washington Department of Ecology to continue to allow diversion of flows down Yellowhawk Creek during non-flood periods to benefit fish.
- Construct a low flow channel through the remaining 81 weirs in the one-mile section of engineered channel managed by the Corps.
- Construct a new fish ladder at the diversion dam.
- Construct a new fish ladder at the division works.
- Continue fish passage monitoring.
- Continue to operate and maintain the rotating drum fish screens at the entrance to the intake canal to prevent diversion of fish to Bennington Lake during non-flood flow diversions.
- Strive to make non-flood flow diversions to Bennington Lake when those diversions will not reduce flows in the engineered channel below an acceptable minimum flow.
- Conduct fish salvage, as necessary, during O&M activities that have the potential to strand fish.
- Use trap nets or similar methods to capture fish after a flood event if an unscreened diversion of flood flows into Bennington Lake occurs.
- Perform in-water work during identified in-water work windows.
- Take specific precautions to minimize effects of operating vehicles in or near streams.

The SEIS may address some of the measures, alternatives, and impacts on a programmatic level. However, the SEIS will present the coordination and environmental review steps the Corps will take with regard to any subsequent site-specific actions.

Request for Scoping Comments: The Corps invites affected Federal, state, and local agencies, affected Native American tribes, and other interested organizations and persons to participate in the development of the SEIS. The Corps invites interested parties to provide specific comments on issues and alternatives the Corps should evaluate in the SEIS related to the continued O&M of the Project. Comments, requests to be placed on the SEIS mailing list, and requests for information may be submitted to either of the addresses above. All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public. Interested parties should not submit confidential business or otherwise sensitive or protected information.

Public Scoping Meeting: The Corps currently plans to conduct a public scoping meeting for this SEIS in early 2017. The exact date, time, and location of the scoping meeting has not yet been determined. The Corps will publicize this information once the meeting arrangements have been made. The draft SEIS is currently scheduled to be available for public review in fall 2017. The final SEIS is currently scheduled to be available for public review in summer 2018.

Lieutenant Damon A. Delarosa,

LTC, EN, Commanding.

[FR Doc. 2017–03203 Filed 2–16–17; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2016–ICCD–0123]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application for the Rural Education Achievement Program (REAP)

AGENCY: Department of Education (ED), Office of Elementary and Secondary Education (OESE).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before March 20, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2016–ICCD–0123. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E–349, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Eric Schulz, 202–260–7349.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application for the Rural Education Achievement Program (REAP).

OMB Control Number: 1810–0646.

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

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 6,049.

Total Estimated Number of Annual Burden Hours: 20,683.

Abstract: This data collection is pursuant to the Secretary's authority under Part B of Title V of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA, Pub. L. 114–95) to award funds under two grant programs designed to address the unique needs of rural school districts—the Small, Rural School Achievement (SRSA) program (ESSA Section 5211) and the Rural and Low-Income School (RLIS) program (ESSA Section 5221). For both grant programs, the Department awards funds based on a calculation of the allocation each eligible LEA should receive according to formulas prescribed in the statute. This data collection package consists of two forms and related documents that are used to accomplish the grant award process: (1) Form 1 is a spreadsheet used by SEAs to submit information to identify RLIS- and SRSA-eligible LEAs and to allocate funds based on the appropriate formula, and (2) Form 2 is an application form for SRSA-eligible LEAs to apply for funding. The REAP Eligibility Spreadsheet (Form 1) has been modified from the previously-approved collection under OMB #1810–0646, to exclude data that is no longer needed because of improvements in processes, and to include data that is now required due to changes in the new statute.

The main thrust of this revision involves the SRSA Application Package (Form 2). The REAP program office seeks to replace the existing G5 document with the Standard Form (SF) 424 (OMB #4040–0004), available through *GRANTS.gov.* The move to *GRANTS.gov* is necessary because beginning with the FY 2017 grant award cycle, all SRSA-eligible LEAs will submit an annual application in order to receive SRSA grant funds. In addition, this revision removes Standard Form-LLL Disclosure of Lobbying activities, which no longer applies to SRSA applicants, and adds the General Education Provisions Act (GEPA) Section 427 requirements, which do apply.

Dated: February 14, 2017.

Tomakie Washington,

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

[FR Doc. 2017–03200 Filed 2–16–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

DOE/NSF High Energy Physics Advisory Panel

AGENCY: Department of Energy, Office of Science.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the DOE/NSF High Energy Physics Advisory Panel (HEPAP). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Monday, March 13, 2017; 12:00 p.m. to 3:00 p.m.

ADDRESSES: Teleconference. Instructions for access can be found on the HEPAP Web site: *http://science.energy.gov/hep/hepap/meetings/* or by contacting Dr. John Kogut by email *john.kogut@science.doe.gov* or by phone (301) 903–1298.

FOR FURTHER INFORMATION CONTACT: John Kogut, Executive Secretary; High Energy Physics Advisory Panel (HEPAP); U.S. Department of Energy; SC–25/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585–1290; Telephone: 301–903–1298.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To provide advice and guidance on a continuing basis to the Department of Energy and the National Science Foundation on scientific priorities within the field of high energy physics research.

Tentative Agenda: Agenda will include discussions of the following:

Monday, March 13, 2017

- Discussion of Department of Energy High Energy Physics Program
- Discussion of National Science Foundation Elementary Particle Physics Program
- Reports on and Discussions of Topics of General Interest in High Energy Physics
- Public Comment (10-minute rule)

Public Participation: The meeting is open to the public. A webcast of this meeting will be available. Please check the Web site below for updates and information on how to view the meeting. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact John Kogut at 301–903–1298 or by email at: *John.Kogut@science.doe.gov.* You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Panel will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available on the U.S. Department of Energy's Office of High Energy Physics Advisory Panel Web site, at: (*http://science.energy.gov/hep/hepap/meetings/*).

Issued at Washington, DC, on February 9, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–03197 Filed 2–16–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Portsmouth

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, March 2, 2017, 6:00 p.m.

ADDRESSES: Ohio State University, Endeavor Center, 1862 Shyville Road, Piketon, Ohio 45661.

FOR FURTHER INFORMATION CONTACT: Greg Simonton, Alternate Deputy Designated Federal Officer, Department of Energy Portsmouth/Paducah Project Office, Post Office Box 700, Piketon, Ohio 45661, (740) 897–3737, *Greg.Simonton@lex.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda

- Call to Order, Introductions, Review of Agenda
- Approval of January 2017 Minutes
- Deputy Designated Federal Officer's Comments
- Federal Coordinator's Comments
- Liaison's Comments
- Presentation
- Administrative Issues
- Subcommittee Updates

- Public Comments
- Final Comments from the Board
- Adjourn

Public Participation: The meeting is open to the public. The EM SSAB, Portsmouth, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Greg Simonton at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Greg Simonton at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Greg Simonton at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.ports-ssab.energy.gov/.*

Issued at Washington, DC, on February 9, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–03196 Filed 2–16–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4814–000]

Watterra Energy, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On January 5, 2017, Watterra Energy, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Tuttle Creek Dam Hydroelectric Project (Tuttle Creek Project or project) to be located at the U.S. Army Corps of Engineers' (Corps) Tuttle Creek Dam on the Big Blue River in Manhattan County, Kansas. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following all new facilities: (1) An 18-foot-diameter, 800-foot-long steel penstock that bifurcates into one 18-foot-diameter, 60-foot-long steel penstock discharging into an existing stilling basin and one 18-foot-diameter, 250-foot-long steel penstock carrying flows to the project's powerhouse; (2) a bifurcation structure located at the end of the 800-foot-long penstock near an existing stilling basin; (3) a 70-foot-long, 55-foot-wide, 30-foot-high powerhouse located on the south side of the stilling basin; (4) two horizontal Francis turbines each with an installed capacity of 5.93 megawatts (MW) for a total capacity of 11.86 MW; (5) a single generator connected to the two Francis turbines; (6) a 8,200-foot-long, 12.7 kilovolt transmission line interconnecting to an existing distribution system using an existing substation; and (7) appurtenant facilities. The estimated annual generation of the Tuttle Creek Project would be 64,643 megawatt-hours.

Applicant Contact: Mr. Craig Dalton, 7100 Commercial Avenue, Suite 4, Billings, MT 59101; Email: *cdalton@watterraenergy.com;* phone: (406) 384–0080.

FERC Contact: Sergiu Serban; Email: *sergiu.serban@ferc.gov;* phone: (202) 502–6211.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14814–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14814) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: February 10, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–03155 Filed 2–16–17; 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 exempt wholesale generator filings:

Docket Numbers: EG17–58–000.
Applicants: Whitney Point Solar, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Whitney Point Solar, LLC.
Filed Date: 2/13/17.
Accession Number: 20170213–5034.
Comments Due: 5 p.m. ET 3/6/17.

Docket Numbers: EG17–59–000.
Applicants: Westside Solar, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Westside Solar, LLC.
Filed Date: 2/13/17.
Accession Number: 20170213–5035.
Comments Due: 5 p.m. ET 3/6/17.

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

Docket Numbers: ER16–505–001.
Applicants: South Central MCN LLC.
Description: Compliance filing: South Central MCN LLC Compliance Filing to be effective 4/1/2016.
Filed Date: 2/10/17.
Accession Number: 20170210–5158.
Comments Due: 5 p.m. ET 3/3/17.

Docket Numbers: ER17–446–002.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing: Errata Capacity Exports Compliance to be effective 1/29/2017.
Filed Date: 2/10/17.
Accession Number: 20170210–5161.

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

Docket Numbers: ER17–961–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: § 205(d) Rate Filing: MMU TOP 539 0.1.0 Agrmt Filing to be effective 4/11/2017.

Filed Date: 2/10/17.

Accession Number: 20170210–5152.

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

Docket Numbers: ER17–962–000.

Applicants: MS Solar 2, LLC.

Description: Baseline eTariff Filing: Baseline new to be effective 4/11/2017.

Filed Date: 2/10/17.

Accession Number: 20170210–5159.

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

Docket Numbers: ER17–963–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. submits Fourth Quarter 2016 Capital Budget Report.

Filed Date: 2/10/17.

Accession Number: 20170210–5187.

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

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

Docket Numbers: ES17–12–000.

Applicants: Xcel Energy Southwest Transmission Company, LLC.

Description: Supplement (Corrected Exhibits) to January 31, 2017 Application under Section 204 of the Federal Power Act of Xcel Energy Southwest Transmission Company, LLC.

Filed Date: 2/7/17.

Accession Number: 20170207–5232.

Comments Due: 5 p.m. ET 2/21/17.

Docket Numbers: ES17–13–000.

Applicants: Xcel Energy Transmission Development Company, LLC.

Description: Supplement (Corrected Exhibits) to January 31, 2017 Application under Section 204 of the Federal Power Act of Xcel Energy Transmission Development Company, LLC.

Filed Date: 2/7/17.

Accession Number: 20170207–5233.

Comments Due: 5 p.m. ET 2/21/17.

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: February 13, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–03207 Filed 2–16–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–40–000; PF16–9–000]

Spire STL Pipeline, LLC; Notice of Application

Take notice that on January 26, 2017, Spire STL Pipeline LLC (Spire), 700 Market Street, St. Louis, Missouri 63101, filed an application pursuant to section 7(c) of the Natural Gas Act (NGA) and Parts 157 and 284 of the Commission's Regulations requesting authority to construct and operate a pipeline project which would include: (i) The construction of approximately 59 miles of a new greenfield, 24-inch-diameter pipeline; (ii) the acquisition of approximately seven miles of existing Line 880, currently owned by Laclede Gas Company (Laclede); and (iii) minor modifications to line 880 after it is acquired. Spire's new pipeline would extend from an interconnection with the Rockies Express Pipeline (REX) southward through Scott, Greene and Jersey Counties, Illinois and St. Charles and St. Louis Counties, Missouri to an interconnection with the Laclede's Line 880. Combined the project will be a new, approximately 66 mile long interstate natural gas pipeline that is designed to provide approximately 400,000 dekatherms per day (Dth/d) of new firm natural gas transportation service to the St. Louis metropolitan area. The cost to construct and acquire the project facilities is approximately $220 million dollars.

The filing may be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application should be directed to Scott Jaskowiak, Vice President, Spire STL Pipeline LLC, 700 Market Street, St. Louis, Missouri 63101, phone: 314–516–8588, email: *scott.jaskowiak@spireenergy.com.*

On July 22, 2016 the Commission granted Spire's request to utilize the Pre-Filing Process and assigned Docket No. PF16–9–000 to staff activities involved in the Spire project. Now, as of the filing of the January 26 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP17–40–000 as noted in the caption of this Notice.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 5 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as

possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on February 27, 2017.

Dated: February 6, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–03157 Filed 2–16–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD17–8–000]

Reliability Technical Conference; Notice of Technical Conference

Take notice that the Federal Energy Regulatory Commission (Commission) will hold a Technical Conference on Thursday, June 22, 2017, from 9:30 a.m. to 4:30 p.m. This Commissioner-led conference will be held in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The purpose of the conference is to discuss policy issues related to the reliability of the Bulk-Power System. The Commission will issue an agenda at a later date.

The conference will be open for the public to attend. There is no fee for attendance. However, members of the public are encouraged to preregister online at: *https://www.ferc.gov/whats-new/registration/06-22-17-form.asp.*

Those wishing to be considered for participation in panel discussions should submit nominations no later than close of business on March 3, 2017 online at: *https://www.ferc.gov/whats-new/registration/06-22-17-speaker-form.asp.*

Information on this event will be posted on the Calendar of Events on the Commission's Web site, *http://www.ferc.gov,* prior to the event. The conference will also be webcast and transcribed. Anyone with Internet access who desires to listen to this event can do so by navigating to the Calendar of Events at *http://www.ferc.gov* and locating this event in the Calendar. The event will contain a link to the webcast. The Capitol Connection provides technical support for webcasts and offers the option of listening to the meeting via phone-bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or call (703) 993–3100. Transcripts of the technical conference will be available for a fee from Ace-Federal Reporters, Inc. at (202) 347–3700.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1 (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

For more information about this conference, please contact: Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8368, *sarah.mckinley@ferc.gov*.

Dated: February 10, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–03156 Filed 2–16–17; 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: ER17–848–000.
Applicants: Iron Horse Battery Storage, LLC.
Description: Supplement to January 24, 2017 Iron Horse Battery Storage, LLC tariff filing.
Filed Date: 2/6/17.
Accession Number: 20170206–5224.
Comments Due: 5 p.m. ET 2/16/17.

Docket Numbers: ER17–945–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3103R1 Plains and Eastern Clean Line Oklahoma & SPS Int Agr to be effective 1/27/2017.
Filed Date: 2/8/17.
Accession Number: 20170208–5029.
Comments Due: 5 p.m. ET 3/1/17.

Docket Numbers: ER17–946–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original Service Agreement No. 4620; Queue No. AA1–085 to be effective 1/9/2017.
Filed Date: 2/8/17.
Accession Number: 20170208–5032.
Comments Due: 5 p.m. ET 3/1/17.

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

Docket Numbers: QF17–630–000.
Applicants: Taylor Farms Retail, Inc.
Description: Form 556 of Taylor Farms Retail, Inc.
Filed Date: 2/3/17.
Accession Number: 20170203–5283.
Comments Due: None Applicable.

Docket Numbers: QF17–631–000.
Applicants: True Leaf Energy, LLC.
Description: Form 556 of True Leaf Energy, LLC.
Filed Date: 2/3/17.
Accession Number: 20170203–5285.
Comments Due: None Applicable.

Docket Numbers: QF17–639–000.
Applicants: Holcim (US) Inc.
Description: Form 556 of Holcim (US) Inc.
Filed Date: 2/7/17.
Accession Number: 20170207–5098.
Comments Due: None Applicable.

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

Any person desiring to intervene or protest in any of the above proceedings

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

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

Dated: February 8, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–03221 Filed 2–16–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2242–078]

Eugene Water and Electric Board; Notice of Technical Conference

a. *Date and Time of Meeting:* Wednesday, March 29, 2017, beginning at 9:00 a.m. (PST) and concluding no later than 4:00 p.m. (PST)

b. *Place:* Willamette National Forest Supervisor's Office, 3106 Pierce Parkway, Suite D, Room 213, Springfield, Oregon 97477. For directions, please contact the Supervisor's Office at (541) 225–6300.

c. *FERC Contact:* Dianne Rodman at (202) 502–6077 or *dianne.rodman@ferc.gov.*

d. *Purpose of Meeting:* To discuss the amended settlement agreement, filed on November 30, 2016 by the Eugene Water and Electric Board (EWEB), as part of the application for new license for EWEB's Carmen-Smith Hydroelectric Project No. 2242.

e. There will be no transcript of the conference, but a summary will be prepared for the project record.

f. All local, state, and federal agencies, Indian tribes, and other interested parties are invited to participate either in person or by telephone. Please call Patty Boyle at (541) 685–7406 by 5:00 p.m. March 27, 2017, to RSVP and to receive specific instructions on how to participate by telephone.

g. EWEB and FERC staff will conduct a project Environmental Site Review beginning at 9:00 a.m. on Tuesday, March 28, 2017. All interested individuals, organizations, and agencies are invited to attend. The Carmen-Smith Project is located approximately 71 miles east of Eugene, Oregon.

h. All participants should meet at the project headquarters on U.S. Highway 126 (McKenzie Highway), immediately upstream from the Carmen powerhouse. Parking during the Environmental Site Review will be limited and carpooling is encouraged. Participants should dress for outdoor winter weather. Anyone intending to participate or with questions about the Environmental Site Review should contact Patty Boyle of EWEB at (541) 685–7406.

Dated: February 10, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–03154 Filed 2–16–17; 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: ER17–955–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Third Revised ISA No. 2554, Queue No. Z1–087 to be effective 1/9/2017.

Filed Date: 2/9/17.

Accession Number: 20170209–5212.

Comments Due: 5 p.m. ET 3/2/17.

Docket Numbers: ER17–956–000.

Applicants: Louisville Gas and Electric Company.

Description: § 205(d) Rate Filing: Att. O Formula Rate Protocols Revisions to be effective 4/12/2017.

Filed Date: 2/10/17.

Accession Number: 20170210–5045.

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

Take notice that the Commission received the following electric reliability filings.

Docket Numbers: RD16–10–000.

Applicants: North American Electric Reliability Corporation, Western Electricity Coordinating Council.

Description: Joint Petition of the North American Electric Reliability Corporation and Western Electricity Coordinating Council for Approval of Retirement of Regional Reliability Standard TOP–007–WECC–1a. Also, on 11/16/2016 Supplemental Information for Petition was submitted.

Filed Date: 3/23/2016; 11/16/16.

Accession Number: 20160323–5219; 20161116–5174.

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

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

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

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

Dated: February 10, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–03218 Filed 2–16–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

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

Docket Numbers: EC17–47–000.

Applicants: Wisconsin Power and Light Company, Wisconsin Public Service Corporation, Madison Gas and Electric Company.

Description: Amendment to December 13, 2016 Joint Amendment to December 13, 2016 Joint Application (Revised Pro Forma Accounting Entries) under Section 203 of the Federal Power Act of Wisconsin Power and Light Company, et al.

Filed Date: 2/9/17.

Accession Number: 20170209–5266.

Comments Due: 5 p.m. ET 3/2/17.

Docket Numbers: EC17–60–000.

Applicants: TerraForm Private LLC, Meadow Creek Project Company LLC, Goshen Phase II LLC, Wolverine Creek Goshen Interconnection LLC, Canadian Hills Wind, LLC, Rockland Wind Farm LLC, Burley Butte Wind Park, LLC, Golden Valley Wind Park, LLC, Milner Dam Wind Park, LLC, Oregon Trail Wind Park, LLC, Pilgrim Stage Station Wind Park, LLC, Thousand Springs Wind Park, LLC, Tuana Gulch Wind Park, LLC, Camp Reed Wind Park, LLC,

Payne's Ferry Wind Park, LLC, Salmon Falls Wind Park, LLC, Yahoo Creek Wind Park, LLC.

Description: Supplement to January 6, 2017 Application for Authorization under Section 203 of the FPA of TerraForm Private LLC, et al.

Filed Date: 2/9/17.

Accession Number: 20170209–5275.

Comments Due: 5 p.m. ET 2/21/17.

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

Docket Numbers: ER17–763–001.

Applicants: Wabash Valley Power Association, Inc.

Description: Tariff Amendment: Submission of Corrected Formulary Rate Tariff Depreciation Rates to be effective 3/10/2017.

Filed Date: 2/10/17.

Accession Number: 20170210–5062.

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

Docket Numbers: ER17–957–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Rev OATT & OA RE Clarifications Related to Pumped Storage to be effective 4/11/2017.

Filed Date: 2/10/17.

Accession Number: 20170210–5054.

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

Docket Numbers: ER17–958–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: Letter Agreement Stanton Energy Reliability Center Project SA No. 945 to be effective 2/3/2017.

Filed Date: 2/10/17.

Accession Number: 20170210–5072.

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

Docket Numbers: ER17–959–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Revised ISA, Service Agreement No. 1816, Queue No U1–032—Assigned to City Point to be effective 9/28/2009.

Filed Date: 2/10/17.

Accession Number: 20170210–5122.

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

Docket Numbers: ER17–960–000.

Applicants: Cedar Bay Generating Company, Limited Partnership.

Description: Tariff Cancellation: FPL on Behalf of Cedar Bay Generating Company, L P PPA (Tolling) Cancellation to be effective 1/1/2017.

Filed Date: 2/10/17.

Accession Number: 20170210–5124.

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

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

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

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

Dated: February 10, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–03219 Filed 2–16–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 298–080]

Southern California Edison Company; Notice of Intent To File License Application, Filing of Pre-Application Document (PAD), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the PAD and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent To File License Application for a New License and Commencing Pre-filing Process.

b. *Project No.:* 298–080.

c. *Date Filed:* December 14, 2016.

d. *Submitted by:* Southern California Edison Company (Applicant or SCE).

e. *Name of Project:* Kaweah Hydroelectric Project.

f. *Location:* On the Kaweah River and East Fork Kaweah River in Tulare County, California. The project occupies public lands administered by the Bureau of Land Management. The project incorporates non-project facilities (diversion structures and water conveyance facilities) located within Sequoia National Park, which are authorized by a National Park Service special use permit.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Wayne P. Allen, Principle Manager, Hydro Licensing and Implementation, Southern California Edison Company, 1515 Walnut Grove Avenue, Rosemead, CA 91770, (626) 302–9741 or email at *wayne.allen@sce.com.*

i. *FERC Contact:* Jim Hastreiter at (503) 552–2760 or email at *james.hastreiter@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating the Applicant as the Commission's non-federal representatives for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. On December 14, 2016, the Applicant filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and

Commission's staff Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–298–080.

All filings with the Commission must bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by April 13, 2017.

p. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, this meeting will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the times and places noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Daytime Scoping Meeting

Date: Tuesday, March 14, 2017.
Time: 9:00 a.m.
Location: Wyndham Visalia, 9000 W. Airport Drive, Visalia, CA 93277.
Phone: (559) 651–5000.

Evening Scoping Meeting

Date: Tuesday, March 14, 2017.
Time: 6:00 p.m.
Location: Wyndham Visalia, 9000 W. Airport Drive, Visalia, CA 93277.
Phone: (559) 651–5000.

SD1, which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the Web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

The potential applicant and Commission staff will conduct an Environmental Site Review (site visit) of the project Wednesday March 15, 2017, starting at 9:00 a.m. and ending at or about 4:00 p.m. All participants should meet at the Memorial Building located at 43490 Sierra Drive, Three Rivers, California. Participants are responsible for their own transportation. Persons planning on participating in the site visit, or with questions about it, should contact Mr. David Moore of Southern California Edison Company at (626) 302–9494 or *David.Moore@sce.com* on or before March 1, 2017.

Meeting Objectives

At the scoping meetings, staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n. of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will be placed in the public records of the project.

Dated: February 10, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–03158 Filed 2–16–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

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

Docket Numbers: ER17–964–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–02–13_SA 2919 Cadillac Renewable Energy-MISO E–NRIS Agreement (J406) to be effective 2/14/2017.
Filed Date: 2/13/17.
Accession Number: 20170213–5192.
Comments Due: 5 p.m. ET 3/6/17.

Docket Numbers: ER17–965–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 4623, Queue No. NQ145 to be effective 12/31/9998.
Filed Date: 2/13/17.
Accession Number: 20170213–5202.
Comments Due: 5 p.m. ET 3/6/17.

Docket Numbers: ER17–966–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: International Paper Construction Agreement ? Kraft Sub to be effective 4/15/2017.
Filed Date: 2/13/17.
Accession Number: 20170213–5195.
Comments Due: 5 p.m. ET 3/6/17.

Docket Numbers: ER17–967–000.
Applicants: The Connecticut Light and Power Company.
Description: § 205(d) Rate Filing: Town of Wallingford Transmission Line Separation Agreement to be effective 2/13/2017.

Filed Date: 2/13/17.
Accession Number: 20170213–5189.
Comments Due: 5 p.m. ET 3/6/17.

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: February 13, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–03208 Filed 2–16–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP17–41–000 PF15–7–000]

Eagle LNG Partners Jacksonville, LLC; Notice of Application

Take notice that on January 31, 2017, Eagle LNG Partners Jacksonville, LLC (Eagle LNG), 20445 State Highway 249, Suite 250, Houston, Texas 77070, filed an application, in Docket No CP17–41–000, pursuant to section 3(a) of the Natural Gas Act (NGA) and Parts 153 and 380 of the Commission's Regulations, requesting authorization to site, construct, modify, and operate a natural gas liquefaction, storage and liquefied natural gas export facilities (Jacksonville Project), located at a site on the St. Johns River in Jacksonville, Florida.

Specifically, the Jacksonville Project consists of three liquefaction trains with a total capacity of 132 million cubic feet per day, one containment LNG storage tank capable of storing 12,000,000 gallons of LNG (equivalent to 1.0 billion cubic feet of natural gas), marine and truck loading terminal facilities. The purpose of the project is to receive natural gas through transmission pipeline facilities located adjacent to the project and liquefy the supplies for domestic LNG markets and for export overseas, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

On December 3, 2014, the Commission staff granted Eagle LNG's request to use the National Environmental Policy Act (NEPA) Pre-Filing Process and assigned Docket No. PF15–7–000 to staff activities involved in the above referenced project. Now, as of the filing of this application on January 31, 2017, the NEPA Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP17–41–000, as noted in the caption of this Notice.

Any questions concerning this application may be directed to Sean Lalani, President, Eagle LNG Partners Jacksonville LLC, 20445 State Highway 249, Suite 250, Houston, TX 77070, by telephone at (832) 709–0744, or by email to *seanlalani@eaglelng.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice, the Commission staff will issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) for this proposal. The issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit five copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and five copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on March 6, 2017.

Dated: February 13, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–03231 Filed 2–16–17; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission

DATE AND TIME: Wednesday, February 22, 2017 at 10:00 a.m. and its continuation at the conclusion of the open meeting on February 23, 2017.

PLACE: 999 E Street NW., Washington, DC

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 52 U.S.C. 30109.

Matters relating to internal personnel decisions, or internal rules and practices.

Investigatory records compiled for law enforcement purposes and production would disclose investigative techniques.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

Matters concerning participation in civil actions or proceedings or arbitration.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Dayna C. Brown,

Acting Secretary and Clerk of the Commission.

[FR Doc. 2017–03371 Filed 2–15–17; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Notice of Meeting

Agenda

Federal Retirement Thrift Investment Board Member Meeting

8:30 a.m. (In-Person)

February 27, 2017

Open Session

1. Approval of the Minutes of the January 23, 2017 Board Member Meeting
2. Monthly Reports
   (a) Participant Activity Report
   (b) Investment Policy Report
   (c) Legislative Report
3. Quarterly Reports
   (d) Metrics
   (e) Project Activity
   (f) Audit Status
   (g) Audit Reports
4. FISMA Report
5. Enterprise Risk Framework
6. Blended Retirement Projections

Closed Session

7. Information covered under 5 U.S.C. 552b(c)(4) and (c)(9)(B).

Adjourn

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: February 15, 2017.

Dharmesh Vashee,

Acting General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2017–03356 Filed 2–15–17; 4:15 pm]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Notice of Opportunity for Hearing on Compliance of Alabama State Plan Provisions Concerning Provision of Terminating Coverage and Denying Reenrollment to Otherwise Eligible Individuals Based on a Determination of Fraud or Abuse With Titles XI and XIX (Medicaid) of the Social Security Act

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of opportunity for a hearing; compliance of Alabama Medicaid State Plan—provision of providing medicaid to all individuals who meet eligibility criteria, and requirements for handling of suspected fraud and abuse by providers, applicants, and beneficiaries.

CLOSING DATE: Requests to participate in the hearing as a party must be received by the presiding officer by March 20, 2017.

FOR FURTHER INFORMATION CONTACT: Benjamin R. Cohen, Hearing Officer, Centers for Medicare & Medicaid Services, 2520 Lord Baltimore Drive, Suite L, Baltimore, MD 21244.

SUPPLEMENTARY INFORMATION: This notice announces the opportunity, pursuant to section 1904 of the Social Security Act (the Act), for an administrative hearing concerning the finding of the Administrator of the Centers for Medicare & Medicaid Services (CMS) that the State of Alabama is significantly out of compliance with the requirements of section 1902 of the Act in administering its state plan because Alabama fails to promptly enroll and extend coverage to eligible individuals who were subject to an agency determination that they previously engaged in fraud or program abuse, but were never convicted of any act of fraud. This finding will be the basis for withholding federal financial participation (FFP) of one percent of the Alabama Medicaid agency's quarterly claim for administrative expenditures, an amount that was developed based on the proportion of total state Medicaid expenditures that are used for expenditures for eligibility determinations. The withholding percentage will increase by one percentage point for every quarter in which the Alabama Medicaid agency remains out of compliance. The withholding will end when the Alabama Medicaid agency fully and satisfactorily implements a corrective action plan to bring its procedures for processing eligibility determinations under its Medicaid program into compliance with the federal requirements.

The CMS supports state efforts to appropriately address fraud and abuse, and federal law and regulations provide mechanisms to do so. Specifically, federal law and regulations allow states to impose penalties—including suspension, fines and imprisonment—on individuals who are convicted of concealing or failing to disclose information. Federal regulations also require that states investigate instances of beneficiary abuse of program rules and, if confirmed, take appropriate action authorized under the state plan. These federal provisions both provide the state with a mechanism to address fraud and abuse and take precedence over state law and policies.

The CMS has found that Alabama's policies and practices violate sections 1902(a)(8) and 1902(a)(10) of the Act requiring states to provide Medicaid to all individuals who meet the eligibility criteria required under the state plan, consistent with title XIX of the Act and federal regulations. Specifically, re-enrollment in Alabama's Medicaid program is denied to otherwise-eligible individuals who were terminated based on an agency determination that they previously engaged in fraud or abuse for at least one year or until restitution is made, whichever is later. Alabama's practice of recouping funds or otherwise imposing financial penalties or barring otherwise eligible individuals from Medicaid coverage, absent a criminal conviction, also is not consistent with or authorized by section 1128B(a) of the

Act, regulations at 42 CFR 455.15 and 455.16 or Alabama's Medicaid state plan.

Alabama's practices were not identified in Alabama's approved state plan, or otherwise submitted to CMS for review. CMS has raised this issue previously with the state, as we discuss below, but has been unable to resolve the state's non-compliance.

Alabama will have an opportunity for a hearing on these findings. Alabama will have 30 days to request such a hearing. If a request for hearing is timely submitted, the hearing will be convened by the designated hearing officer below, no later than 60 days after the date of this **Federal Register** notice, or a later date by agreement of the parties and the Hearing Officer, at the CMS Regional Office in Atlanta, Georgia, in accordance with the procedures set forth in federal regulations at 42 CFR part 430, subpart D. The Hearing Officer also should be notified if the Alabama Medicaid agency requests a hearing but cannot meet the timeframe expressed in this notice. The Hearing Officer designated for this matter is: Benjamin R. Cohen, Hearing Officer, Centers for Medicare & Medicaid Services, 2520 Lord Baltimore Drive, Suite L, Baltimore, MD 21244.

After a final determination that the Alabama Medicaid agency has failed to comply substantially with these requirements in the administration of its state Medicaid plan, made after a hearing or absent a hearing request, consistent with the provisions of section 1904 of the Act, CMS will begin withholding federal funds as specified above. Such withholding will continue until the Alabama Medicaid agency comes into compliance with the requirements described in sections 1902(a)(8) and 1902(a)(10) of the Act, requiring states to provide Medicaid to all individuals who meet eligibility criteria required under the state plan, and with section 1128B(a) of the Act and regulations at 42 CFR 455.15 and 455.16, requiring that the agency refer cases of suspected fraud to appropriate law enforcement, conduct a full investigation of suspected abuse and limit sanctions to those permitted under the regulations or specified in its approved state plan.

Details about the facts relating to Alabama's practices are set forth in the letter notifying Alabama of the Administrator's finding. The following issues will be considered at any requested hearing:

1. Whether the penalties set forth in Section 22–6–8 of the Alabama Code are consistent with the requirements of sections 1902(a)(8) and 1902(a)(10) of the Act.

2. If so, whether an administrative finding of the type described in section 22–6–8 of the Alabama Code, without a conviction in a court of law, is a sufficient basis to impose such penalties consistent with the requirements of sections 1902(a)(8) and 1902(a)(10) of the Act, and the remedies set forth in sections 1128 and 1128B of the Act, regulations at 42 CFR 455.15 and 455.16 and the Alabama Medicaid state plan.

Beginning in early February 2016, CMS notified Alabama that the state's actions are inconsistent with federal statutory and regulatory requirements. CMS has communicated with the state both in writing and by phone on several occasions since that time, including a July 6, 2016, notice of non-compliance in which CMS advised the Alabama Medicaid agency that if it did not submit a corrective action plan (CAP) to come into compliance with federal policy and the approved state plan within 30 days of the notice, formal compliance proceedings would be initiated. Alabama has consistently defended its policy, including in an August 1, 2016, letter responding to the notice of non-compliance in which the Alabama Medicaid agency requested reconsideration of CMS' determination and a stay of the 30 day deadline for submission of the CAP. CMS reviewed the Alabama Medicaid agency's response and, for the reasons stated above, has determined the Alabama Medicaid agency is not in compliance with the federal statute and regulations or Alabama's Medicaid state plan.

The letter notifying Alabama of the details concerning this compliance issue, the proposed withholding of FFP, opportunity for a hearing, and possibility of postponing and ultimately avoiding withholding by coming into compliance, reads as follows:

Ms. Stephanie Azar
Commissioner
Alabama Medicaid Agency
501 Dexter Avenue
Montgomery, AL 36116

Dear Ms. Azar:

This letter provides notice and an opportunity for a hearing on a finding by the Centers for Medicare & Medicaid Services (CMS) of significant noncompliance with applicable statutory and regulatory requirements in the operation of the Alabama Medicaid program, because the Alabama Medicaid agency inappropriately denies coverage to otherwise eligible individuals who were terminated based on an agency determination that they previously engaged in fraud or abuse.

The CMS supports state efforts to appropriately address fraud and abuse, and federal law and regulations provide mechanisms to do so. As described further in this letter, federal law and regulation allow states to impose penalties—including suspension, fines and imprisonment—for individuals who are convicted of concealing or failing to disclose information. Federal regulations also require that states conduct a full investigation into instances of beneficiary abuse of program rules and, if confirmed, take appropriate action authorized under the state plan. Except in such conditions, states are required by federal statute to promptly enroll and provide medical assistance to all eligible individuals. These federal provisions, discussed in more detail below, take precedence over state law and policies.

The CMS has learned in discussions with state agency staff that Alabama's policies and practices are not consistent with the federal statutory framework governing instances of alleged beneficiary fraud or abuse. Specifically, Alabama denies enrollment in Alabama's Medicaid program to otherwise-eligible individuals who were never convicted of wrong-doing, but were the subject of an agency determination that they previously engaged in fraud or abuse, for at least one year or until restitution is made, whichever is later. This practice is in violation of sections 1902(a)(8) and 1902(a)(10) of the Social Security Act (the Act) requiring states to provide Medicaid to all individuals who meet the eligibility criteria required under the state plan, consistent with title XIX of the Act and federal regulations. Furthermore, Alabama's practice of recouping funds or otherwise imposing financial penalties or barring otherwise eligible individuals from Medicaid coverage, absent a criminal conviction, is not consistent with or authorized by section 1128B(a) of the Act, regulations at 42 CFR 455.15 and 455.16 or Alabama's Medicaid state plan.

Alabama's practices were not identified in Alabama's approved state plan, or otherwise submitted to CMS for review. CMS has raised this issue previously with the state, as we discuss below, but has been unable to resolve the state's non-compliance.

Pursuant to section 1904 of the Act and 42 CFR 430.35, CMS is providing the Alabama Medicaid agency with an opportunity for a hearing on this finding of noncompliance with statutory and regulatory requirements. If the finding is upheld or unchallenged following this opportunity for a hearing, a portion of the federal financial participation (FFP) of the administrative costs associated with the operation of the Alabama Medicaid program, as specified in more detail below, will be withheld until the state ceases this impermissible practice and CMS makes a finding that the state has come into compliance with the statute and regulations.

The factual details of the finding, the proposed withholding, how the Alabama Medicaid agency can request a hearing on the finding, and the steps Alabama can take to avoid sanctions by coming into compliance are described below.

Factual Findings

Section 22–6–8 of the Alabama Code provides that ''Upon determination by a utilization review committee or the designated state medicaid agency that a

medicaid recipient has abused, defrauded, or misused the benefits of the program said recipient shall immediately become ineligible for Medicaid benefits.'' Section 22–6–8 of the Code further provides that ''Medicaid recipients whose eligibility has been revoked due to abuse, fraud or other deliberate misuse of the program shall not be deemed eligible for future Medicaid services for a period of not less than one year, and until full restitution has been made to the designated State Medicaid Agency.''

In implementing section 22–6–8 of the Alabama Code, state agency staff explained that if a beneficiary does not report a change in circumstances which the agency determines would have resulted in termination of eligibility, any payments for services provided to the beneficiary after the change in circumstances may be considered to be an ''overpayment.'' State agency staff further explained that when the Alabama Medicaid agency has made such an overpayment to providers that exceeds $300, the beneficiary's case record is referred to the agency's Payment Review Unit for evaluation. If the Payment Review Unit determines an overpayment has been made, it forwards the case to the agency's Utilization Review Committee (URC) with a recommendation for suspension of eligibility. If the URC votes to suspend, the individual is suspended from Medicaid eligibility for a minimum of one year or until the overpayment to the Medicaid providers during the period of eligibility is paid in full by the beneficiary to the Alabama Medicaid agency, whichever is later.

Applicable Statutory and Regulatory Provisions

In general, the Medicaid statute at section 1902(a)(10) of the Act sets out the groups of Medicaid-eligible individuals, and the conditions under which they are eligible. Some groups are mandatory for states to cover under the state plan, and other groups are covered under the state plan at state option. Section 1902(a)(8) of the Act requires states to provide medical assistance to eligible individuals with ''reasonable promptness.'' The applicable federal statutory and regulatory provisions do not authorize states to impose additional conditions on eligibility, including exclusion of individuals who meet the conditions of eligibility but are suspected by the state agency of fraud or abuse, and only permit recovery of overpayments from providers, not beneficiaries.

Federal law and regulations do provide for state Medicaid agencies to address instances of beneficiary fraud or abuse. Specifically, 42 CFR 455.15 and 455.16 require that state Medicaid agencies refer cases of suspected fraud to an appropriate law enforcement agency. If an individual is convicted of concealing or failing to disclose information ''with an intent fraudulently to secure [Medicaid benefits],'' a fine of up to $25,000 or imprisonment up to 5 years or both may be imposed under section 1128B of the Act. Further, per section 1128B(a) of the Act, the agency may limit, restrict or suspend, for up to one year, coverage of an otherwise-eligible individual convicted of fraud. Absent conviction, however, there is no authority either to impose sanctions or deny eligibility under the statute or regulations based on fraud.

Unlike suspected fraud, suspected abuse does not require referral to law enforcement or criminal proceedings. Rather, if the agency believes an individual is abusing the benefits of the Medicaid program, 42 CFR 455.15(c) directs the agency to conduct a full investigation. Per 42 CFR 455.16, the agency's investigation must continue until appropriate legal action has been initiated, the case has been dropped because of insufficient supporting evidence, or the case has been otherwise resolved. Per 42 CFR 455.16(c), if, after a full investigation, the agency finds that an applicant or beneficiary has abused the program, the agency may issue a warning letter or impose ''other sanctions provided under the State plan.''

Under 42 CFR 455.16(c), resolution of an investigation into allegations of abuse may include suspension of and/or recovery of overpayments from providers. However, these regulations do not authorize recovery of overpayments from beneficiaries. Further, while section 1903(d)(2)(C) of the Act and 42 CFR part 433 Subpart F provide for recovery of overpayments from providers, there is nothing in the statute or regulations that permits states to recoup payments to providers directly from beneficiaries.

Alabama's Medicaid State plan does not authorize suspension of eligibility from the program merely based on a determination by the Payment Unit or URC that an overpayment has been made or on an agency finding that an applicant or beneficiary otherwise has abused the program; nor does it authorize restitution or recovery of overpayments as a condition of coverage. Instead, Page 36 of Section 4.5 of Alabama's approved Medicaid state plan calls for the agency to establish and maintain methods, criteria and procedures that meet all requirements of 42 CFR 455.13 through 455.23 for prevention and control of program fraud and abuse.

Federal regulations provide for appropriate measures that states must take whenever the agency obtains information indicating a beneficiary is no longer eligible for Medicaid. Specifically, regulations at 42 CFR 435.916(d) provide for a redetermination of eligibility in such circumstances, and regulations in 42 CFR part 431 Subpart E provide for advance notice and due process protections for beneficiaries determined no longer eligible. While beneficiaries are expected to report changes in their circumstances per 42 CFR 435.916(c), failure to do so does not necessarily constitute fraud or abuse. Some states have instituted periodic data matching with available data sources in order to proactively detect changes in beneficiary circumstances. If a change that may impact eligibility is detected, the Medicaid agency must follow up, in accordance with 42 CFR 435.916(d), to give the beneficiary an opportunity to dispute the change, and provide documentation of ongoing eligibility if necessary. Before terminating, the agency must consider whether there other potential bases for continued eligibility and, for individuals determined ineligible for Medicaid, the agency must determine potential eligibility for other insurance affordability programs in accordance with 42 CFR 435.916(f). We encourage the Alabama Medicaid agency to consider adopting periodic data matching with available sources if it believes that failure on beneficiaries part to report changes in their circumstances poses a program integrity risk.

Although the Alabama Medicaid agency reported that beneficiaries terminated per section 22–6–8 of the Alabama Code are given advance notice prior to being terminated and may appeal their termination, requiring that an individual pay the agency back for the cost of services furnished prior to his or her termination from coverage effectively represents a retroactive termination of eligibility which renders meaningless the 10-day advance notice of termination required under 42 CFR 431.211 and is not permitted under the regulations.[1] If the agency believes that a beneficiary's failure to report a change in circumstances rises to the level of fraud or abuse of the program, referral to law enforcement for investigation of fraud, or institution of a full investigation into abuse by the agency, are the only appropriate next steps under the statute and federal regulations.

Discussions With the State Medicaid Agency

Beginning in early February 2016, CMS notified Alabama that the state's actions are inconsistent with federal statutory and regulatory requirements. CMS has communicated with the state both in writing and by phone on several occasions since that time, including a July 6, 2016, notice of non-compliance in which CMS advised the Alabama Medicaid agency that if it did not submit a corrective action plan (CAP) to come into compliance with federal policy and the approved state plan within 30 days of the notice, formal compliance proceedings would be initiated. Alabama has consistently defended its policy, including in an August 1, 2016, letter responding to the notice of non-compliance in which the Alabama Medicaid agency requested reconsideration of CMS' determination and a stay of the 30 day deadline for submission of the CAP. CMS reviewed the Alabama Medicaid agency's response and, for the reasons stated above, has determined the Alabama Medicaid agency is not in compliance with the federal statute and regulations or Alabama's Medicaid state plan.

In a phone call on November 3, 2016, the Alabama Medicaid agency suggested that CMS' enforcement of the federal statutory and regulatory provisions at issue would prevent it from taking action against applicants who intentionally misrepresent information or beneficiaries who fail to report changes in circumstances. CMS explained that several tools are available to enable states to effectively address such situations, including robust verification procedures, such as instituting periodic data matching with available data sources in order to proactively detect changes in beneficiary

[1] The advance notice of termination required is reduced to a minimum 5 days per 42 CFR 431.214 in a case involving probable fraud; such fraud must be verified if possible through secondary sources.

circumstances. CMS also explained the steps which the agency can and must follow under regulations at 42 CFR 435.916(d) and 42 CFR part 435 subpart E in the event that the agency later discovers information that suggests someone was not at application, or is no longer, eligible for coverage. Again, if the agency believes that an applicant intentionally provided false information on his or her application, referral to law enforcement for investigation of fraud, or institution of a full investigation by the agency into potential abuse, are the only appropriate next steps under the statute and regulations.

The Alabama Medicaid agency's submission of its quarterly expenditure reports through the CMS–64 includes a certification that the Alabama Medicaid agency is operating under the authority of its approved Medicaid state plan. However, at this time, CMS has not received information from the agency providing evidence of compliance with its approved state plan, sections 1902(a)(8), 1902(a)(10) and 1128B(a) of the Act or regulations at 42 CFR 455.15 and 455.16.

Determination of Non-Compliance and FFP Withholding

The CMS has concluded that the Alabama Medicaid agency is operating its program in substantial noncompliance with federal requirements described in sections 1902(a)(8) and 1902(a)(10) of the Act, requiring states to provide Medicaid to all individuals who meet eligibility criteria required under the state plan, and with section 1128B(a) of the Act and regulations at 42 CFR 455.15 and 455.16, requiring that the agency refer cases of suspected fraud to appropriate law enforcement, conduct a full investigation of suspected abuse, and limit sanctions to those permitted under the regulations or specified in its approved state plan. Subject to the state's opportunity for a hearing, CMS will withhold a portion of federal financial participation (FFP) from the Alabama Medicaid agency's quarterly claim of expenditures for administrative costs until such time as the Alabama Medicaid agency is, and continues to be, in compliance with the federal requirements.

The withholding will initially be one percent of the federal share of the Alabama Medicaid agency's quarterly claim for administrative expenditures, an amount that was developed based on the proportion of total state Medicaid expenditures that are used for expenditures for eligibility determinations, as reported on Form CMS–64.10 Line 50. The withholding percentage will increase by one percentage point for every quarter in which the Alabama Medicaid agency remains out of compliance. The withholding will end when the Alabama Medicaid agency fully and satisfactorily implements a corrective action plan to bring its eligibility policies and procedures under its Medicaid program into compliance with the federal requirements.

Opportunity To Request a Hearing

The state has 30 days from the date of this letter to request a hearing. If a request for hearing is submitted timely, the hearing will be convened by the designated hearing officer below, no later than 60 days after the date of the **Federal Register** notice, or a later date by agreement of the parties and the Hearing Officer, at the CMS Regional Office in Atlanta, Georgia, in accordance with the procedures set forth in federal regulations at 42 CFR part 430, subpart D. The Hearing Officer also should be notified if the Alabama Medicaid agency requests a hearing but cannot meet the timeframe expressed in this notice. The Hearing Officer designated for this matter is:

Benjamin R. Cohen, Hearing Officer
Centers for Medicare & Medicaid Services
2520 Lord Baltimore Drive, Suite L
Baltimore, MD 21244

At issue in any such hearing will be:

1. Whether the penalties set forth in Section 22–6–8 of the Alabama Code are consistent with the requirements of sections 1902(a)(8) and 1902(a)(10) of the Act.

2. If so, whether an administrative finding of the type described in section 22–6–8 of the Alabama Code, without a conviction in a court of law, is a sufficient basis to impose such penalties consistent with the requirements of sections 1902(a)(8) and 1902(a)(10) of the Act, and the remedies set forth in sections 1128 and 1128B of the Act, regulations at 42 CFR 455.15 and 455.16 and the Alabama Medicaid state plan.

If the Alabama Medicaid agency plans to come into compliance with the approved state plan, the Alabama Medicaid agency should submit, within 30 days of the date of this letter, an explanation of how the Alabama Medicaid agency plans to come into compliance with federal requirements and the timeframe for doing so. If that explanation is satisfactory, CMS may consider postponing any requested hearing, which could also delay the imposition of the withholding of funds as described above. Our goal is to have the Alabama Medicaid agency come into compliance, and CMS continues to be available to provide technical assistance to the Alabama Medicaid agency in achieving this outcome. However, if CMS does not find the Alabama Medicaid agency's plan or explanation satisfactory, CMS will not postpone any requested hearing.

Should you not request a hearing within 30 days, a notice of withholding will be sent to you and the withholding of federal funds will begin as described above.

If you have any questions or wish to discuss this determination further, please contact:

Jackie Glaze
Associate Regional Administrator
Division of Medicaid and Children's Health Operations
CMS Atlanta Regional Office, 61 Forsyth Street, Suite 4T20
Atlanta, Georgia 30303
404–562–7417

Sincerely,

Patrick H. Conway
Acting Administrator

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program.)

Dated: February 14, 2017.

Patrick H. Conway,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2017–03292 Filed 2–16–17; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–R–10, CMS–10116, CMS–R–26, CMS–10069, CMS–10629, CMS–10266, CMS–8003, CMS–4040, CMS–10156, CMS–10170, CMS–10198, CMS–10227, CMS–10344, CMS–416, CMS–R–244, and CMS–10219]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. 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 or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *March 20, 2017.*

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax

Number: (202) 395–5806 *OR*, Email: *OIRA_submission@omb.eop.gov*.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''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 publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a previously approved collection; *Title of Information Collection:* Advance Directives (Medicare and Medicaid) and Supporting Regulations; *Use:* The advance directives requirement was enacted because Congress wanted individuals to know that they have a right to make health care decisions and to refuse treatment even when they are unable to communicate. Steps have been taken at both the Federal and State level, to afford greater opportunity for the individual to participate in decisions made concerning the medical treatment to be received by an adult patient in the event that the patient is unable to communicate to others, a preference about medical treatment. The individual may make his preference known through the use of an advance directive, which is a written instruction prepared in advance, such as a living will or durable power of attorney. This information is documented in a prominent part of the individual's medical record. Advance directives as described in the Patient Self-Determination Act have increased the individual's control over decisions concerning medical treatment. Sections 4206 of the Omnibus Budget Reconciliation Act of 1990 defined an advance directive as a written instruction recognized under State law relating to the provision of health care when an individual is incapacitated (those persons unable to communicate their wishes regarding medical treatment).

All states have enacted legislation defining a patient's right to make decisions regarding medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate advance directives. Participating hospitals, skilled nursing facilities, nursing facilities, home health agencies, providers of home health care, hospices, religious nonmedical health care institutions, and prepaid or eligible organizations (including Health Care Prepayment Plans (HCPPs) and Medicare Advantage Organizations (MAOs) such as Coordinated Care Plans, Demonstration Projects, Chronic Care Demonstration Projects, Program of All Inclusive Care for the Elderly, Private Fee for Service, and Medical Savings Accounts must provide written information, at explicit time frames, to all adult individuals about: (a) The right to accept or refuse medical or surgical treatments; (b) the right to formulate an advance directive; (c) a description of applicable State law (provided by the State); and (d) the provider's or organization's policies and procedures for implementing an advance directive. *Form Number:* CMS–R–10 (OMB control number: 0938–0610); *Frequency:* Yearly; *Affected Public:* Business or other for-profits; *Number of Respondents:* 39,479; *Total Annual Responses:* 39,479; *Total Annual Hours:* 2,836,441. (For policy questions regarding this collection contact Jeannine Cramer at 410–786–5664.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Conditions for Payment of Power Mobility Devices, including Power Wheelchairs and Power-Operated Vehicles; *Use:* We are renewing our request for approval for the collection requirements associated with the final rule, CMS–3017–F (71 FR 17021), which published on April 5, 2006, and required a face-to-face examination of the beneficiary by the physician or treating practitioner, a written prescription, and receipt of pertinent parts of the medical record by the supplier within 45 days after the face-to-face examination that the durable medical equipment (DME) suppliers maintain in their records and make available to CMS and its agents upon request. *Form Number:* CMS–10116 (OMB control number: 0938–0971); *Frequency:* Yearly; *Affected Public:* Business or other for-profits; *Number of Respondents:* 46,000; *Number of Responses:* 72,500; *Total Annual Hours:* 14,434. (For policy questions regarding this collection contact Stuart Caplan at 410–786–8564)

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Clinical Laboratory Improvement Amendments (CLIA) Regulations; *Use:* The information is necessary to determine an entity's compliance with the Congressionally-mandated program with respect to the regulation of laboratory testing (CLIA). In addition, laboratories participating in the Medicare program must comply with CLIA requirements as required by section 6141 of OBRA 89. Medicaid, under the authority of section 1902(a)(9)(C) of the Social Security Act, pays for services furnished only by laboratories that meet Medicare (CLIA) requirements. *Form Number:* CMS–R–26 (OMB Control Number: 0938–0612); *Frequency:* Monthly, occasionally; *Affected Public:* Business or other for-profits and Not-for-profit institutions, State, Local or Tribal Governments, and the Federal government; *Number of Respondents:* 70,861; *Total Annual Responses:* 1,979,300; *Total Annual Hours:* 14,975,785. (For policy questions regarding this collection contact Raelene Perfetto at 410–786–6876).

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare/Medicaid Demonstration/Model Application; *Use:* The application is used for solicitation of proposals that are either congressionally mandated or Administration high priority demonstration initiatives which would be used to strengthen and modernize the Medicare and/or Medicaid programs. The standardized proposal format is not controversial and will reduce burden on applicants and reviewers. Responses are strictly voluntary. The standard format will enable CMS to select proposals that meet CMS objectives and show the best potential for success. *Form Number:* CMS–10069 (OMB control number: 0938–0880); *Frequency:* Once; *Affected*

Public: Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 75; *Total Annual Responses:* 75; *Total Annual Hours:* 6,000. (For policy questions regarding this collection contact John Amoh at 410–786–4910).

5. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Waiver Application for Providers and Suppliers Subject to an Enrollment Moratorium; *Use:* This demonstration, in conjunction with an expansion of the existing provider enrollment moratoria, will allow CMS to mitigate known vulnerabilities within the existing moratoria and will lead to increased investigations of fraud. Section 402(a)(l)(J) of the Social Security Amendments of 1967 (42 U.S.C. 1395b–l(a)(l)(J)) permits the Secretary to ''develop or demonstrate improved methods for the investigation and prosecution of fraud in the provision of care or services under the health programs established by the Social Security Act.'' In addition to the development and demonstration of improved methods for investigations, CMS will utilize this demonstration to address beneficiary access to care issues. CMS received one comment during the 60-day comment period (81 FR 75408). *Form Number:* CMS–10629 (OMB control number: 0938–1313); *Frequency:* Occasionally; *Affected Public:* Business or other for-profit, Not-for-profit institutions; *Number of Respondents:* 800; *Total Annual Responses:* 800; *Total Annual Hours:* 4,800. (For policy questions regarding this information collection contact Kim Jung at 410–786–9370).

6. *Type of Information Collection Request:* Extension of a previously approved collection; *Title of Information Collection:* Conditions of Participation: Requirements for Approval and Reapproval of Transplant Centers to Perform Organ Transplants; *Use:* The Conditions of Participation and accompanying requirements specified in the regulations are used by our surveyors as a basis for determining whether a transplant center qualifies for approval or re-approval under Medicare. We, along with the healthcare industry, believe that the availability to the facility of the type of records and general content of records is standard medical practice and is necessary in order to ensure the well-being and safety of patients and professional treatment accountability. *Form Number:* CMS–10266 (OMB Control Number: 0938–1069); *Frequency:* Yearly; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 165; *Total Annual Responses:* 425; *Total Annual Hours:* 2,593. (For policy questions regarding this collection contact Diane Corning at 410–786–8486.)

7. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* 1915(c) Home and Community Based Services (HCBS) Waiver; *Use:* We will use the web-based application to review and adjudicate individual waiver actions. The web-based application will also be used by states to submit and revise their waiver requests. *Form Number:* CMS–8003 (OMB control number 0938–0449); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 47; *Total Annual Responses:* 71; *Total Annual Hours:* 6,005. (For policy questions regarding this collection contact Kathy Poisal at 410–786–5940.)

8. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Request for Enrollment in Supplementary Medical Insurance; *Use:* Form CMS–4040 is used to establish entitlement to and enrollment in Medicare Part B for beneficiaries who file for Part B only. The collected information is used to determine entitlement for individuals who meet the requirements in section 1836(2) of the Social Security Act as well as the entitlement of the applicant (or their spouses) to an annuity paid by OPM for premium deduction purposes. *Form Number:* CMS–4040 (OMB control number: 0938–0245); *Frequency:* Once; *Affected Public:* Individuals or households; *Number of Respondents:* 10,000; *Total Annual Responses:* 10,000; *Total Annual Hours:* 2,500. (For policy questions regarding this collection contact Carla Patterson at 410–786–8911.)

9. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Retiree Drug Subsidy (RDS) Application and Instructions; *Use:* Plan sponsors (*e.g.,* employers, unions) who offer prescription drug coverage to their qualified covered retirees are eligible to receive a 28 percent tax-free subsidy for allowable drug costs. To qualify, plan sponsors must submit a complete application with a list of retirees for whom it intends to collect the subsidy. Once we review and analyze the information on the application and the retiree list, notification will be sent to the plan sponsor about its eligibility to participate in the RDS program. *Form Number:* CMS–10156 (OMB control number: 0938–0957); *Frequency:* Yearly and monthly; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 2,482; *Total Annual Responses:* 2,482; *Total Annual Hours:* 158,848. (For policy questions regarding this collection contact Ivan Iveljic at 410–786–3312.)

10. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Retiree Drug Subsidy (RDS) Payment Request and Instructions; *Use:* Plan sponsors (*e.g.,* employers, unions) who offer prescription drug coverage meeting specified criteria to their qualified covered retirees are eligible to receive a 28 percent tax-free subsidy for allowable drug costs. Plan sponsors must submit required prescription drug cost data and other information in order to receive the subsidy. Plan sponsors may elect to submit RDS payment requests on a monthly, quarterly, interim annual, or annual basis; once selected, the payment frequency may not be changed during the plan year. *Form Number:* CMS–10170 (OMB control number: 0938–0977); *Frequency:* Occasionally; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 2,482; *Total Annual Responses:* 2,482; *Total Annual Hours:* 374,782. (For policy questions regarding this collection contact Ivan Iveljic at 410–786–3312.)

11. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Creditable Coverage Disclosure to CMS On-Line Form and Instructions; *Use:* Most entities that currently provide prescription drug benefits to any Medicare Part D eligible individual must disclose whether their prescription drug benefit is creditable (expected to pay at least as much, on average, as the standard prescription drug plan under Medicare). The disclosure must be provided annually and upon any change that affects whether the coverage is creditable prescription drug coverage. *Form Number:* CMS–10198 (OMB control number: 0938–1013); *Frequency:* Yearly and semi-annually; *Affected Public:* Business or other for-profits and Not-for-profit institutions, and State, Local, or Tribal Governments; *Number of Respondents:* 85,635; *Total Annual Responses:* 87,265; *Total Annual Hours:* 7,272. (For policy questions regarding this collection contact Tammie Wall at 410–786–3317.)

12. *Type of Information Collection Request:* Extension of a currently

approved collection; *Title of Information Collection:* PACE State Plan Amendment Preprint; *Use:* If a state elects to offer PACE as an optional Medicaid benefit, it must complete a state plan amendment preprint packet described as ''Enclosures 3, 4, 5, 6, and 7.'' CMS will review the information provided in order to determine if the state has properly elected to cover PACE services as a state plan option. In the event that the state changes something in the state plan, only the affected page must be updated. *Form Number:* CMS–10227 (OMB control number: 0938–1027); *Frequency:* Once and occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 7; *Total Annual Responses:* 2; *Total Annual Hours:* 140. (For policy questions regarding this collection contact Angela Cimino at 410–786–2638.)

13. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Elimination of Cost-Sharing for Full Benefit Dual-Eligible Individuals Receiving Home and Community-Based Services; *Use:* This collection eliminates Part D cost-sharing for full benefit dual-eligible beneficiaries who are receiving home and community based services. In this regard, states are required to identify the affected beneficiaries in their monthly Medicare Modernization Act Phase Down reports. *Form Number:* CMS–10344 (OMB control number: 0938–1127); *Frequency:* Monthly; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 51; *Total Annual Responses:* 612; *Total Annual Hours:* 612. (For policy questions regarding this collection contact Roland Herrera at 410–786–0668.)

14. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Annual Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Participation Report; *Use:* The collected baseline data is used to assess the effectiveness of state early and periodic screening, diagnostic and treatment (EPSDT) programs in reaching eligible children (by age group and basis of Medicaid eligibility) who are provided initial and periodic child health screening services, referred for corrective treatment, and receiving dental, hearing, and vision services. This assessment is coupled with the state's results in attaining the participation goals set for the state. The information gathered from this report, permits federal and state managers to evaluate the effectiveness of the EPSDT law on the basic aspects of the program. *Form Number:* CMS–416 (OMB control number 0938–0354); *Frequency:* Yearly and on occasion; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 168; *Total Annual Hours:* 1,624. (For policy questions regarding this collection contact Kimberly Perrault at 410–786–2482.)

15. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Programs for All-inclusive Care of the Elderly (PACE) and Supporting Regulations in 42 CFR part 460; *Use:* This information collection addresses all operational components of the PACE program (as defined in 42 CFR part 460) with the exception of the application process (§ 460.12). We are removing the application requirements and burden since this CMS–R–244 package is lengthy and we recognize that it can be somewhat time consuming to review. We believe the change will help streamline the public and OMB's review of the application as well as the remaining requirements and burden under the CMS–R–244 package.

The application is being moved under a new information collection request with a new CMS identification number (CMS–10631). An OMB control number specific to the application process is pending. The CMS–10631 information collection request was submitted to OMB on October 6, 2016, under ICR Reference No: 201610–0938–001. When approved, the control number can be found on *www.reginfo.gov/public/.*

Form Number: CMS–R–244 (OMB control number: 0938–0790); *Frequency:* Once and occasionally; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 130; *Total Annual Responses:* 145,455; *Total Annual Hours:* 61,350. (For policy questions regarding this collection contact Debbie Van Hoven at 410–786–6625).

16. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Healthcare Effectiveness Data and Information Set (HEDIS®) Data Collection for Medicare Advantage; *Use:* We use the collected data to: monitor Medicare Advantage organization performance, inform audit strategies, and inform beneficiary choice through their display in our consumer-oriented public compare tools and Web sites. Medicare Advantage organizations use the data for quality assessment and as part of their quality improvement programs and activities. Quality Improvement Organizations and our contractors use HEDIS® data in conjunction with their statutory authority to improve quality of care. Consumers use the information to help make informed health care choices. In addition, the data is made available to researchers and others as public use files at *www.cms.hhs.gov. Form Number:* CMS–10219 (OMB control number: 0938–1028); *Frequency:* Yearly; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 576; *Total Annual Responses:* 576; *Total Annual Hours:* 184,320. (For policy questions regarding this collection contact Lori Teichman at 410–786–6684.)

Dated: February 14, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–03235 Filed 2–16–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–304/304a, CMS–368/CMS–R–144, CMS–R–308, CMS–10151, CMS–10199, CMS–R–13, and CMS–10279]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated

collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by April 18, 2017.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–304/304a	Reconciliation of State Invoice and Prior Quarter Adjustment Statement.
CMS–368/CMS–R–144	Medicaid Drug Rebate Program Forms.
CMS–R–308	State Children's Health Insurance Program and Supporting Regulations.
CMS–10151	Data Collection for Medicare Beneficiaries Receiving Implantable Cardioverter-Defibrillators for Primary Prevention of Sudden Cardiac Death.
CMS–10199	Data Collection for Medicare Facilities Performing Carotid Artery Stenting with Embolic Protection in Patients at High Risk for Carotid Endarterectomy.
CMS–R–13	Conditions of Coverage for Organ Procurement Organizations and Supporting Regulations ate Children's Health Insurance Program and Supporting Regulations.
CMS–10279	Ambulatory Surgical Center Conditions for Coverage.

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. The term ''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 requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Reconciliation of State Invoice and Prior Quarter Adjustment Statement; *Use:* Form CMS–304 (Reconciliation of State Invoice) is used by manufacturers to respond to the state's rebate invoice for current quarter utilization. Form CMS–304a (Prior Quarter Adjustment Statement) is required only in those instances where a change to the original rebate data submittal is necessary. *Form Number:* CMS–304 and –304a (OMB control number: 0938–0676); *Frequency:* Quarterly; *Affected Public:* Business or other for-profits; *Number of Respondents:* 1,037; *Total Annual Responses:* 4,148; *Total Annual Hours:* 187,880. (For policy questions regarding this collection contact Andrea Wellington at 410–786–3490.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicaid Drug Rebate Program Forms; *Use:* We develop the rebate amount per drug unit from information supplied by the drug manufacturers and distributes these data to the states. States then must report quarterly to the drug manufacturers and report to us the total number of units of each dosage form/strength of their covered outpatient drugs reimbursed during a quarter and the rebate amount to be refunded. This report is due within 60 days of the end of each calendar quarter. The information in the report is based on claims paid by the state Medicaid agency during a calendar quarter. Form CMS–R–144 (Quarterly Report Data) is required from states quarterly to report utilization for any drugs paid for during that quarter. Form CMS–368 (Administrative Data) is required only in those instances where a change to the original data submittal is necessary. *Form Number:* CMS–368 and –R–144 (OMB control number: 0938–0582); *Frequency:* Quarterly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 224; *Total Annual Hours:* 12,101. (For policy questions regarding this collection contact Andrea Wellington at 410–786–3490.)

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* State Children's Health Insurance Program and Supporting Regulations; *Use:* States must submit title XXI plans and amendments for approval by the Secretary. We use the plan and its subsequent amendments to determine if the state has met the requirements of title XXI. Information provided in the state plan, state plan amendments, and from the other information we are collecting will be used by advocacy groups, beneficiaries, applicants, other governmental agencies, providers groups, research organizations, health care corporations, health care consultants. States will use the information collected to assess state plan performance, health outcomes and an evaluation of the amount of substitution of private coverage that occurs as a result of the subsidies and the effect of the subsidies on access to coverage. *Form Number:* CMS–R–308 (OMB control number: 0938–0841);

Frequency: Yearly, Once, and Occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 28,294,596; *Total Annual Hours:* 1,473,885. (For policy questions regarding this collection contact Amy Lutzky at 410–786–0721).

4. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Data Collection for Medicare Beneficiaries Receiving Implantable Cardioverter-Defibrillators for Primary Prevention of Sudden Cardiac Death; *Use:* We provide coverage for implantable cardioverter-defibrillators (ICDs) for secondary prevention of sudden cardiac death based on extensive evidence showing that use of ICDs among patients with a certain set of physiologic conditions are effective. Accordingly, we consider coverage for ICDs reasonable and necessary under Section 1862(a)(1)(A) of the Social Security Act. However, evidence for use of ICDs for primary prevention of sudden cardiac death is less compelling for certain patients.

To encourage responsible and appropriate use of ICDs, we issued a ''Decision Memo for Implantable Defibrillators'' on January 27, 2005, indicating that ICDs will be covered for primary prevention of sudden cardiac death if the beneficiary is enrolled in either an FDA-approved category B IDE clinical trial (42 CFR 405.201), a trial under the CMS Clinical Trial Policy (NCD Manual § 310.1) or a qualifying prospective data collection system (either a practical clinical trial or prospective systematic data collection, which is sometimes referred to as a registry). *Form Number:* CMS–10151 (OMB control number: 0938–0967); *Frequency:* Occasionally; *Affected Public:* Business or other for-profits, Not-for-profit institutions; *Number of Respondents:* 1,600; *Total Annual Responses:* 80,000; *Total Annual Hours:* 20,000. (For policy questions regarding this collection contact JoAnna Baldwin at 410–786–7205.)

5. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Data Collection for Medicare Facilities Performing Carotid Artery Stenting with Embolic Protection in Patients at High Risk for Carotid Endarterectomy; *Use:* We provide coverage for carotid artery stenting (CAS) with embolic protection for patients at high risk for carotid endarterectomy and who also have symptomatic carotid artery stenosis between 50 percent and 70 percent or have asymptomatic carotid artery stenosis ≥ 80 percent in accordance with the Category B IDE clinical trials regulation (42 CFR 405.201), a trial under the CMS Clinical Trial Policy (NCD Manual § 310.1, or in accordance with the National Coverage Determination on CAS post approval studies (Medicare NCD Manual 20.7). Accordingly, we consider coverage for CAS reasonable and necessary (section 1862 (A)(1)(a) of the Social Security Act). However, evidence for use of CAS with embolic protection for patients with high risk for carotid endarterectomy and who also have symptomatic carotid artery stenosis ≥ 70 percent who are not enrolled in a study or trial is less compelling. To encourage responsible and appropriate use of CAS with embolic protection, we issued a Decision Memo for Carotid Artery Stenting on March 17, 2005, indicating that CAS with embolic protection for symptomatic carotid artery stenosis ≥ 70 percent will be covered only if performed in facilities that have been determined to be competent in performing the evaluation, procedure and follow-up necessary to ensure optimal patient outcomes. In accordance with this criteria, we consider coverage for CAS reasonable and necessary (section 1862 (A)(1)(a) of the Social Security Act). *Form Number:* CMS–10199 (OMB control number: 0938–1011); *Frequency:* Yearly; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 1,000; *Total Annual Responses:* 1,000; *Total Annual Hours:* 500. (For policy questions regarding this collection contact Sarah Fulton at 410–786–2749.)

6. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Conditions of Coverage for Organ Procurement Organizations and Supporting Regulations; Use: Section 1138(b) of the Social Security Act, as added by section 9318 of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99–509), sets forth the statutory qualifications and requirements that organ procurement organizations (OPOs) must meet in order for the costs of their services in procuring organs for transplant centers to be reimbursable under the Medicare and Medicaid programs. An OPO must be certified and designated by the Secretary as an OPO and must meet performance-related standards prescribed by the Secretary. The corresponding regulations are found at 42 CFR part 486 (Conditions for Coverage of Specialized Services Furnished by Suppliers) under subpart G (Requirements for Certification and Designation and Conditions for Coverage: Organ Procurement Organizations).

Since each OPO has a monopoly on organ procurement within its designated service area (DSA), we must hold OPOs to high standards. Collection of this information is necessary for us to assess the effectiveness of each OPO and determine whether it should continue to be certified as an OPO and designated for a particular donation service area by the Secretary or replaced by an OPO that can more effectively procure organs within that DSA. *Form Number:* CMS–R–13 (OMB control number: 0938–0688); *Frequency:* Occasionally; *Affected Public:* Not-for-profit institutions; *Number of Respondents:* 58; *Total Annual Responses:* 58; *Total Annual Hours:* 13,546. (For policy questions regarding this collection contact Diane Corning at 410–786–8486.)

7. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Ambulatory Surgical Center Conditions for Coverage; *Use:* The Ambulatory Surgical Center (ASC) Conditions for Coverage (CfCs) focus on a patient-centered, outcome-oriented, and transparent processes that promote quality patient care. The CfCs are designed to ensure that each facility has properly trained staff to provide the appropriate type and level of care for that facility and provide a safe physical environment for patients. The CfCs are used by Federal or state surveyors as a basis for determining whether an ASC qualifies for approval or re-approval under Medicare. We, along with the healthcare industry, believe that the availability to the facility of the type of records and general content of records, which this regulation specifies, is standard medical practice and is necessary in order to ensure the well-being and safety of patients and professional treatment accountability. *Form Number:* CMS–10279 (OMB control number: 0938–1071); *Frequency:* Annual; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 5,500; *Total Annual Responses:* 5,500; *Total Annual Hours:* 209,000. (For policy questions regarding this collection contact Jacqueline Leach at 410–786–4282.)

Dated: February 14, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–03234 Filed 2–16–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0001]

Food and Drug Administration/Xavier University PharmaLink Conference—Leadership in a Global Supply Chain

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public conference.

SUMMARY: The Food and Drug Administration (FDA) Cincinnati District, in co-sponsorship with Xavier University, is announcing a public conference entitled ''FDA/Xavier University PharmaLink Conference: Leadership in a Global Supply Chain.'' The PharmaLink conference seeks solutions to important and complicated issues by aligning with the strategic priorities of FDA, and includes presentations from key FDA officials and industry experts.

DATES: The public conference will be held on March 15, 2017, from 8:30 a.m. to 5 p.m.; March 16, 2017, from 8:30 a.m. to 5 p.m.; and March 17, 2017, from 8:30 a.m. to 12:20 p.m. The conference is preceded by a Welcome Reception on March 14, 2017, from 5 p.m. to 7 p.m. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public conference will be held on the campus of Xavier University, 3800 Victory Pkwy., Cincinnati, OH 45207, 513–745–3073 or 513–745–3483.

FOR FURTHER INFORMATION CONTACT:

For information regarding this notice: Nicholas Paulin, Food and Drug Administration, Cincinnati South Office, 36 East 7th St., Cincinnati, OH 45202, 513–246–4134, email: *nicholas.paulin@fda.hhs.gov.*

For information regarding the conference and registration: Marla Phillips, Xavier University, 3800 Victory Pkwy., Cincinnati, OH 45207–5471, 513–745–3073, email: *phillipsm4@xavier.edu.*

SUPPLEMENTARY INFORMATION:

I. Background

The public conference helps fulfill the Department of Health and Human Services' and FDA's important mission to protect the public health. The most pressing challenges of the global pharmaceutical industry require solutions which are inspired by collaboration to ensure the on-going health and safety of patients. These challenges include designing products with the patient in mind, building quality into the product from the starting point, selecting the right suppliers, and considering total product lifecycle systems. Meeting these challenges requires vigilance, innovation, supply chain strategy, relationship management, proactive change management, and a commitment to doing the job right the first time. FDA has made education of the drug and device manufacturing community a high priority to help ensure the quality of FDA-regulated drugs and devices.

The conference helps to achieve objectives set forth in section 406 of the Food and Drug Administration Modernization Act of 1997 (21 U.S.C. 393), which includes working closely with stakeholders and maximizing the availability and clarity of information to stakeholders and the public. The conference also is consistent with the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) by providing outreach activities by Government Agencies to small businesses.

The conference includes the following:

- Welcome Reception at the Hilton Netherland Plaza.
- Lunch Networking by Topic.
- The Solution ''Xchange''.
- Case Studies and Small Group Discussions.
- Action Plans.

II. Topics for Discussion at the Public Conference

The public conference will engage those involved in FDA-regulated global supply chain quality and management through the following topics:

- FDA Metrics Program—Path Forward to Reduce Risks Within FDA and Across Industry.
- Predictive Capabilities Through a Living Metrics Model.
- How Big Data and Artificial Intelligence Can Enhance Your Proactive Risk Monitoring Programs.
- Connecting Culture to Performance.
- Data Integrity—Detection and Successful Practices.
- Building a Bridge Across Generations.
- Good Supply Practices (GSPs)—Paradigm Shifting Solutions.
- How to Develop and Execute a Robust Risk-Based Due Diligence Plan.
- Maximizing Post-Merger Success.
- Your Company Bought a New Business—Now What?
- Supply Chains in China—Strategies for Regulatory Success.
- Top 3 Challenges for Successful Serialization Implementation Across Your Supply Chain.
- Strategic Direction of the Food & Drug Administration, Center for Drug Evaluation and Research (CDER), Office of Manufacturing Quality.
- Office of Regulatory Affairs Key Initiatives.
- FDA Investigator Case Study Insights.

III. Registration for the Public Conference

Registration: To register online for the public conference, please visit the ''Registration'' link on the conference Web site at *http://www.XavierPharmaLink.com.* Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone. FDA has verified the Web site address in this document, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

To register by mail, please send your name, title, firm name, address, telephone and fax numbers, email, and payment information for the fee to Xavier University, Attention: Marla Phillips, 3800 Victory Pkwy., Cincinnati, OH 45207–5471. An email will be sent confirming your registration.

If you need special accommodations due to a disability, please contact Marla Phillips (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the conference.

There is a registration fee. The conference registration fees cover the cost of the presentations, training materials, receptions, breakfasts, lunches, and dinners for the 2.5 days of the conference, including the Welcome Reception that precedes the conference. There will be onsite registration if space is available. The cost of registration is as follows:

TABLE 1—REGISTRATION FEES [1]

Attendee type	Standard rate
Industry	$1,895
Small Business (<100 employees)	1,295
Start-up Manufacturer	300
Academic	300
Media	Free

TABLE 1—REGISTRATION FEES [1]—Continued

Attendee type	Standard rate
Government	Free

[1] The fourth registration from the same company is free. Payment for the three paying registrants must be made prior to registering the fourth person free.

The following forms of payment will be accepted: American Express, Visa, Mastercard, and company checks.

Attendees are responsible for their own accommodations. The conference headquarter hotel is the Downtown Cincinnati Hilton Netherlands Plaza, 35 West 5th St., Cincinnati, OH 45202, 513–421–9100. To make reservations online, please visit the ''Venue & Logistics'' link at *http://www.XavierPharmaLink.com.* The hotel is expected to sell out during this timeframe, so early reservation in the conference room-block is encouraged.

Dated: February 13, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–03176 Filed 2–16–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–2191]

Raymond Sean Brown: Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The U.S. Food and Drug Administration (FDA or Agency) is issuing an order under the Federal Food, Drug, and Cosmetic Act (the FD&C Act) permanently debarring Dr. Raymond Sean Brown from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on a finding that Dr. Brown was convicted of a felony under Federal law for conduct relating to the regulation of a drug product under the FD&C Act. Dr. Brown was given notice of the proposed permanent debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. Dr. Brown failed to request a hearing. Dr. Brown's failure to request a hearing constitutes a waiver of his right to a hearing concerning this action.

DATES: This order is effective February 17, 2017.

ADDRESSES: Submit applications for special termination of debarment to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kenny Shade (ELEM–4144), Division of Enforcement, Office of Enforcement and Import Operations, Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Dr., Rockville, MD 20857, 301–796–4640.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(a)(2)(B) of the FD&C Act (21 U.S.C. 335a(a)(2)(B)) requires debarment of an individual if FDA finds that the individual has been convicted of a felony under Federal law for conduct relating to the regulation of any drug product under the FD&C Act. On April 2, 2015, the U.S. District Court for the Eastern District of Tennessee entered judgment against Dr. Brown for one count of receiving and distributing misbranded drugs in interstate commerce with intent to defraud and mislead in violation of section 301(a) of the FD&C Act (21 U.S.C. 331(c)), which according to section 303(a)(2) of the FD&C Act (21 U.S.C. 333(a)(2)) constitutes a felony.

FDA's finding that the debarment is appropriate based on the felony conviction referenced herein. The factual basis for this conviction is as follows: Dr. Brown was a licensed medical doctor in the state of Tennessee with a practice address listed in Cleveland, TN. The Tennessee Department of Health also lists Bradley PM&R as a licensed health care facility. Dr. Brown was the medical director of Bradley PM&R, and Dr. Brown's medical practice was listed at the same address. As a part of the treatment of patients for pain management, Bradley PM&R purchased assorted prescription drugs, including Botulinum Toxin Type A, also known as Botox Onabotulinumtoxin A (hereinafter referred to as ''Botox''), which was prescribed by Dr. Brown and was administered and dispensed through Bradley PM&R. Prior to 2009, Botox®/Botox® Cosmetic, a product manufactured by Allergan, Inc., was the only Botulinum Toxin Type A product licensed by FDA for use in humans for any indication, including pain management.

Axon Medical Supplies was a business operating in Surry, BC, Canada. Axon offered for sale to physicians and other health care providers in the United States drugs that had been obtained from foreign sources and that had not been approved by FDA for distribution or use in the United States.

From May 2008 until December 2012, Dr. Brown received $7,482,968 in reimbursement from Medicare for Botox injections alone, with none of these payments resulting from properly payable claims for FDA approved Botox injections.

Beginning in or about January 2007 and continuing through in or about December 2012, Dr. Brown ordered 254 vials (25,400 units) of Botox from Axon Medical Supplies that were misbranded within the meaning of the FD&C Act in that the drug's labeling failed to bear adequate directions for use and all words, statements, or other information required by or under authority of the FD&C Act to appear on the label and labeling were not present, in fact many of the words were not in the English language. These misbranded drugs were sent to Bradley PM&R clinic and Dr. Brown injected these drugs into his patients, while purporting them to be FDA-approved drugs.

Dr. Brown billed Medicare for all of these Botox units as if they were FDA-approved drugs. Dr. Brown also provided diluted Botox injections and billed as if they were full doses. Dr. Brown billed Medicare for an additional 15,865 vials that he did not inject into patients. Dr. Brown admitted that he received the Botox in interstate commerce for delivery that was misbranded and he acted with intent to defraud and/or mislead. Dr. Brown's conduct constituted a violation of section 303(c) of the FD&C Act, which according to section 303(a)(2) constitutes a felony.

As a result of this conviction, FDA sent Dr. Brown by certified mail on October 28, 2016, a notice proposing to permanently debar him from providing services in any capacity to a person that has an approved or pending drug product application. The proposal was based on a finding, under section 306(a)(2)(B) of the FD&C Act, that Dr. Brown was convicted of a felony under Federal law for conduct relating to the regulation of a drug product under the FD&C Act. FDA determined that Dr. Brown's felony conviction was related to the regulation of drug products because the conduct underlying his conviction undermined FDA's regulatory oversight over drug products marketed in the United States—Dr. Brown knowingly received and distributed misbranded drugs in interstate commerce with intent to defraud and mislead. The proposal also offered Dr. Brown an opportunity to

request a hearing, providing him 30 days from the date of receipt of the letter in which to file the request, and advised him that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. The proposal was received on October 31, 2016. Dr. Brown did not request a hearing and has, therefore, waived his opportunity for a hearing and any contentions concerning his debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Director, Office of Enforcement and Import Operations, Office of Regulatory Affairs, under section 306(a)(2)(B) of the FD&C Act, under authority delegated to him (Staff Manual Guide 1410.35), finds that Dr. Raymond Sean Brown has been convicted of a felony under Federal law for conduct relating to the regulation of a drug product under the FD&C Act. Section 306(c)(2)(A)(ii) of the FD&C Act requires that Dr. Brown's debarment be permanent.

As a result of the foregoing finding, Dr. Raymond Sean Brown is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application under sections 505, 512, or 802 of the FD&C Act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective (see **DATES**) (see section 201(dd), 306(c)(1)(B), and 306(c)(2)(A)(ii) of the FD&C Act (21 U.S.C. 321(dd), 335a(c)(1)(B), and 335a(c)(2)(A)(ii)). Any person with an approved or pending drug product application who knowingly employs or retains as a consultant or contractor, or otherwise uses the services of Dr. Brown, in any capacity during his debarment, will be subject to civil money penalties (section 307(a)(6) of the FD&C Act (21 U.S.C. 335b(a)(6))). If Dr. Brown provides services in any capacity to a person with an approved or pending drug product application during his period of debarment he will be subject to civil money penalties (section 307(a)(7) of the FD&C Act). In addition, FDA will not accept or review any abbreviated new drug applications from Dr. Brown during his period of debarment (section 306(c)(1)(B) of the FD&C Act).

Any application by Dr. Brown for special termination of debarment under section 306(d)(4) of the FD&C Act should be identified with Docket No. FDA–2016–N–2191 and sent to the Division of Dockets Management (see **ADDRESSES**). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20.

Publicly available submissions will be placed in the docket, and will be viewable at *https://www.regulations.gov* or at the Division of Dockets Management (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 13, 2017.

Armando Zamora,

Deputy Director, Office of Enforcement and Import Operations, Office of Regulatory Affairs.

[FR Doc. 2017–03173 Filed 2–16–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–1677]

Karis Copper Delong: Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is issuing an order under the Federal Food, Drug, and Cosmetic Act (the FD&C Act) debarring Karis Copper Delong for a period of 12 years from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on a finding that Ms. Delong was convicted of four misdemeanor counts under the FD&C Act for introducing, delivering for introduction, and causing the introduction and delivery for introduction of a misbranded drug into interstate commerce, which relates to the regulation of drug products under the FD&C Act. In addition, FDA determined that the type of conduct that served as the basis for the conviction undermines the process for the regulation of drugs. Ms. Delong was given notice of the proposed debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. Ms. Delong failed to request a hearing. Ms. Delong's failure to request a hearing constitutes a waiver of her right to a hearing concerning this action.

DATES: This order is effective February 17, 2017.

ADDRESSES: Submit applications for termination of debarment to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kenny Shade, Division of Enforcement, Office of Regulatory Affairs (ELEM–4144), Food and Drug Administration, 12420 Parklawn Dr., Rockville, MD 20857, 301–796–4640.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(b)(2)(B)(i)(I) of the FD&C Act (21 U.S.C. 335a(b)(2)(B)(i)(I)) permits debarment of an individual if FDA finds that the individual has been convicted of a misdemeanor under federal law for conduct relating to the regulation of drug products under the FD&C Act, and if FDA finds that the type of conduct that served as the basis for the conviction undermines the process for the regulation of drugs.

On June 9, 2015, in the U.S. District Court for the Eastern District of Washington, judgment was entered against Ms. Delong after she entered a plea of guilty to four counts of shipment of misbranded drugs in interstate commerce, in violation of section 301(a) of the FD&C Act (21 U.S.C. 331(a)), which according to section 303(a)(1) of the FD&C Act (21 U.S.C. 333(a)(1)) constitutes a misdemeanor.

FDA's finding that debarment is appropriate is based on the misdemeanor convictions referenced herein. The factual basis for these convictions is as follows: Beginning as early as April 2008, Ms. Delong assisted Louis Daniel Smith and others in the operation of Project Green Life (PGL). PGL was a Nevada corporation with physical operations at various locations in Spokane, WA. PGL marketed and sold various health-related products over the Internet. PGL's flagship product was the Miracle Mineral Solution (MMS), a mixture of sodium chlorite and water.

Although Ms. Delong acted primarily at the direction of Louis Daniel Smith, she had access to PGL's operations. On various occasions, she handled shipping for PGL, including the delivery of packages containing MMS for shipment in interstate commerce to PGL customers nationwide and internationally. Although at times PGL marketed MMS as a water purification product, Ms. Delong knew that MMS was also used by consumers to treat disease. At times, PGL provided instructions to consumers that directed consumers to mix MMS with a citric acid solution and consume orally to treat various diseases. Ms. Delong knew that PGL provided such instructions to consumers.

At no time did Ms. Delong or anyone else employed by PGL register their MMS manufacturing facilities with FDA as required under section 510 of the FD&C Act (21 U.S.C. 360). In addition, bottled MMS that PGL shipped to consumers did not bear labeling that bore the full place of business of the manufacturer.

On or about November 1, 2010, November 12, 2010, November 16, 2010, and June 30, 2011, Ms. Delong or another person involved with PGL, delivered for introduction into interstate commerce a number of packages containing bottled MMS. These packages contained MMS that Ms. Delong knew was primarily intended as a treatment for disease.

As a result of these convictions, FDA sent Ms. Delong by certified mail on October 12, 2016, a notice proposing to debar her for 12 years from providing services in any capacity to a person that has an approved or pending drug product application. The proposal was based on a finding under section 306(b)(2)(B)(i)(I) of the FD&C Act, that Ms. Delong was convicted of misdemeanors under Federal law for conduct relating to the regulation of drug products under the FD&C Act, and that the type of conduct that served as the basis for the conviction undermines the process for the regulation of drugs.

The proposal offered Ms. Delong an opportunity to request a hearing, providing her 30 days from the date of receipt of the letter in which to file the request, and advised her that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. Ms. Delong received the proposal on October 20, 2016. Ms. Delong did not request a hearing within the timeframe prescribed by regulation and has, therefore, waived her opportunity for a hearing and has waived any contentions concerning her debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Director, Office of Enforcement and Import Operations, Office of Regulatory Affairs, under section 306(b)(2)(B)(i)(I) of the FD&C Act, under authority delegated to the Director (Staff Manual Guide 1410.35), finds that Karis Copper Delong has been convicted of four misdemeanor counts under federal law for conduct relating to the regulation of drug products under the FD&C Act, and that the type of conduct that served as the basis for the conviction undermines the process for the regulation of drugs.

Based on consideration of the factors under section 306(c)(3) of the FD&C Act, FDA finds that each offense be accorded a debarment period of 3 years. Under section 306(c)(2)(A) of the FD&C Act, in the case of a person debarred for multiple offenses, FDA shall determine whether the periods of debarment shall run concurrently or consecutively. FDA has concluded that the 3-year period of debarment for each of the four offenses of conviction need to be served consecutively, resulting in a total debarment period of 12 years.

As a result of the foregoing finding, Karis Copper Delong is debarred for a period of 12 years from providing services in any capacity to a person with an approved or pending drug product application under sections 505, 512, or 802 of the FD&C Act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective (see **DATES**) (see sections 306(c)(1)(B), (c)(3), and 201(dd) of the FD&C Act (21 U.S.C. 335a(c)(1)(B), (c)(3), and 321(dd))). Any person with an approved or pending drug product application who knowingly employs or retains as a consultant or contractor, or otherwise uses the services of Karis Copper Delong, in any capacity during Ms. Delong's debarment, will be subject to civil money penalties (section 307(a)(6) of the FD&C Act (21 U.S.C. 335b(a)(6))). If Ms. Delong provides services in any capacity to a person with an approved or pending drug product application during her period of debarment she will be subject to civil money penalties (section 307(a)(7) of the FD&C Act). In addition, FDA will not accept or review any abbreviated new drug applications submitted by or with the assistance of Karis Copper Delong during her period of debarment (section 306(c)(1)(B) of the FD&C Act).

Any application by Ms. Delong for termination of debarment under section 306(d)(4) of the FD&C Act should be identified with Docket No. FDA–2016–N–1677 and sent to the Division of Dockets Management (see **ADDRESSES**). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20(j).

Publicly available submissions will be placed in the docket, and will be viewable at *https://www.regulations.gov* or at the Division of Dockets Management (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 13, 2017.

Armando Zamora,

Deputy Director, Office of Enforcement and Import Operations, Office of Regulatory Affairs.

[FR Doc. 2017–03172 Filed 2–16–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Advisory Committee on Minority Health

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Minority Health.

ACTION: Notice of meeting.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (DHHS) is hereby giving notice that the Advisory Committee on Minority Health (ACMH) will hold a meeting. This meeting will be open to the public. Preregistration is required for both public attendance and comment. Any individual who wishes to attend the meetings and/or participate in the public comment session should email *OMH–ACMH@hhs.gov.*

DATES: The meeting will be held on Thursday, March 23, 2017, from 9:00 a.m. to 5:00 p.m. and Friday, March 24, 2017, from 9:00 a.m. to 1:00 p.m.

ADDRESSES: The meeting will be held at the 5600 Fishers Lane Building, Room 05N76, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Dr. Minh Wendt, Designated Federal Officer, ACMH; Tower Building, 1101 Wootton Parkway, Suite 600, Rockville, Maryland 20852. Phone: 240–453–8222, Fax: 240–453–8223; *OMH–ACMH@hhs.gov.*

SUPPLEMENTARY INFORMATION: In accordance with Public Law 105–392, the ACMH was established to provide advice to the Deputy Assistant Secretary for Minority Health in improving the health of each racial and ethnic minority group and on the development of goals and specific program activities of the Office of Minority Health.

Topics to be discussed during this meeting will include strategies to improve the health of racial and ethnic minority populations through the development of health policies and programs that will help eliminate health disparities, as well as other related issues.

Public attendance at this meeting is limited to space available. Individuals

who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the designated contact person at least fourteen (14) business days prior to the meeting. Members of the public will have an opportunity to provide comments at the meeting. Public comments will be limited to three minutes per speaker. Individuals who would like to submit written statements should mail or fax their comments to the Office of Minority Health at least seven (7) business days prior to the meeting. Any members of the public who wish to have printed material distributed to ACMH committee members should submit their materials to the Designated Federal Officer, ACMH, Tower Building, 1101 Wootton Parkway, Suite 600, Rockville, Maryland 20852, prior to close of business on Thursday, March 16, 2017.

Dated: February 14, 2017.

Minh Wendt,

Designated Federal Officer, ACMH, Office of Minority Health, U.S. Department of Health and Human Services.

[FR Doc. 2017–03247 Filed 2–16–17; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Presidential Advisory Council on HIV/AIDS

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Health.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the U.S. Department of Health and Human Services is hereby giving notice that the Presidential Advisory Council on HIV/AIDS (PACHA or the Council) will be holding a meeting to continue discussions and possibly develop recommendations regarding People Living with HIV/AIDS. The meeting will be open to the public.

DATES: The Council meeting is scheduled to be held on March 13, 2017, from 9:00 a.m. to approximately 5:00 p.m. (ET) and March 14, 2017, from 9:00 a.m. to approximately 12:00 p.m. (ET). The meeting will be open to the public.

ADDRESSES: 330 Independence Avenue SW., Washington, DC 20201 in the Snow Room (Conference Room 5051).

FOR FURTHER INFORMATION CONTACT: Ms. Caroline Talev, Public Health Analyst, Presidential Advisory Council on HIV/AIDS, 330 C Street SW., Room L106B, Washington, DC 20024; (202) 795–7622 or *Caroline.Talev@hhs.gov.* More detailed information about PACHA can be obtained by accessing the Council's page on the *AIDS.gov* Web site at *www.aids.gov/pacha.*

SUPPLEMENTARY INFORMATION: PACHA was established by Executive Order 12963, dated June 14, 1995, as amended by Executive Order 13009, dated June 14, 1996. In a memorandum, dated July 13, 2010, and under Executive Order 13703, dated July 30, 2015, the President gave certain authorities to the PACHA for implementation of the National HIV/AIDS Strategy for the United States (Strategy). PACHA is currently operating under the authority given in Executive Order 13708, dated September 30, 2015.

PACHA provides advice, information, and recommendations to the Secretary regarding programs, policies, and research to promote effective treatment, prevention, and cure of HIV disease and AIDS, including considering common co-morbidities of those infected with HIV as needed, to promote effective HIV prevention and treatment and quality services to persons living with HIV disease and AIDS.

Substantial progress has been made in addressing the domestic HIV epidemic since the Strategy was released in July 2010. Under Executive Order 13703, the National HIV/AIDS Strategy for the United States: Updated to 2020 (Updated Strategy) was released. PACHA shall contribute to the federal effort to improve HIV prevention and care.

The functions of the Council are solely advisory in nature.

The Council consists of not more than 25 members. Council members are selected from prominent community leaders with particular expertise in, or knowledge of, matters concerning HIV and AIDS, public health, global health, philanthropy, marketing or business, as well as other national leaders held in high esteem from other sectors of society. Council members are appointed by the Secretary or designee, in consultation with the White House Office on National AIDS Policy. The agenda for the upcoming meeting will be posted on the *AIDS.gov* Web site at *www.aids.gov/pacha.*

Public attendance at the meeting is limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify Caroline Talev at *Caroline.Talev@hhs.gov.* Due to space constraints, pre-registration for public attendance is advisable and can be accomplished by contacting Caroline Talev at *Caroline.Talev@hhs.gov* by close of business on Monday, March 6, 2017. Members of the public will have the opportunity to provide comments during the meeting. Comments will be limited to two minutes per speaker. Any individual who wishes to participate in the public comment session must register with Caroline Talev at *Caroline.Talev@hhs.gov* by close of business on Monday, March 6, 2017; registration for public comment will not be accepted by telephone. Individuals are encouraged to provide a written statement of any public comment(s) for accurate minute taking purposes. Public comment will be limited to two minutes per speaker. Any members of the public who wish to have printed material distributed to PACHA members at the meeting are asked to submit, at a minimum, 1 copy of the material(s) to Caroline Talev, no later than close of business on Monday, March 6, 2017.

Dated: February 9, 2017.

B. Kaye Hayes,

Executive Director, Presidential Advisory Council on HIV/AIDS.

[FR Doc. 2017–03245 Filed 2–16–17; 8:45 am]

BILLING CODE 4150–43–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel Review of RFA–TR–16–021: Coordination Center for the CTSA Program (U24).

Date: March 14, 2017.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Democracy Blvd., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Victor Henriquez, Ph.D., Scientific Review Officer, Office of Scientific Director, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health, 6701 Democracy Blvd., Democracy 1, Room 1080, Bethesda, MD 20892–4878, 301–451–2405, *henriquv@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B–Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: February 13, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–03165 Filed 2–16–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Kidney Precision Medicine Program Applications Review Meeting.

Date: March 14–15, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Alexandria Old Town/Duke Street, 1456 Duke Street, Alexandria, VA 22314.

Contact Person: Jason D. Hoffert, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7343, 6707 Democracy Boulevard, Bethesda, MD 20817, 301–496–9010, *hoffertj@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Pathogenesis of Calcium Nephrolithiasis (P01).

Date: March 15, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7345, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Pediatric Nephrology Centers.

Date: March 15–16, 2017.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Capital View, 2850 South Potomac Avenue, Arlington, VA 22202.

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7353, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Indomethacin and the Microbiome: The Stent vs Indomethacin Trial.

Date: March 16, 2017.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7345, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Exploratory Studies for Delineating Microbiome: Host Interactions in Obesity, Digestive and Liver Diseases and Nutrition (R21).

Date: March 21, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Alexandria Old Town, 1456 Duke Street, Alexandria, VA 22314.

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7345, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Nutrition Obesity Research Centers (P30).

Date: March 22, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7021, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 13, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–03167 Filed 2–16–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; SBIR/STTR Applications in Drug Discovery and Development.

Date: March 13, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Sergei Ruvinov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, 301–435–1180, *ruvinser@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Endocrinology, Metabolism, Nutrition and Reproductive Sciences.

Date: March 15–16, 2017.
Time: 10:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.
Contact Person: Clara M. Cheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170, MSC 7892, Bethesda, MD 20892, 301–435–1041, *chengc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cancer Diagnostics and Treatments (CDT).
Date: March 20–21, 2017.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.
Contact Person: Zhang-Zhi Hu, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6186, MSC 7804, Bethesda, MD 20892, (301) 594–2414, *huzhuang@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–GM–17–004: Maximizing Investigators' Research Award for Early Stage; Investigators (R35).
Date: March 20–21, 2017.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Mark Caprara, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7844, Bethesda, MD 20892, 301–613–5228, *capraramg@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Clinical Neurophysiology, Devices, Neuroprosthetics, and Biosensors.
Date: March 20–21, 2017.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Fairmont Hotel San Francisco, 950 Mason Street, San Francisco, CA 94108.
Contact Person: Cristina Backman, Ph.D., Scientific Review Officer, ETTN IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7846, Bethesda, MD 20892, *cbackman@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Non-HIV Anti-Infective Therapeutics.
Date: March 20–21, 2017.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.
Contact Person: Neerja Kaushik-Basu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301) 435–2306, *kaushikbasun@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cancer Drug Development and Therapeutics.
Date: March 20–21, 2017.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Lilia Topol, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, 301–451–0131, *ltopol@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR: Immune System Plasticity in Dental, Oral, and Craniofacial Diseases.
Date: March 20, 2017.
Time: 1:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Yi-Hsin Liu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, 301–435–1781, *liuyh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 16–121: Early-Stage Preclinical Validation of Therapeutic Leads for, Diseases of Interest to the NIDDK.
Date: March 20, 2017.
Time: 1:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Antonello Pileggi, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6166, Bethesda, MD 20892–7892, (301) 402–6297, *pileggia@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Psycho/Neuropathology, Lifespan Development, and STEM Education.
Date: March 20, 2017.
Time: 1:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: John H. Newman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3222, MSC 7808, Bethesda, MD 20892, (301) 435–0628, *newmanjh@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 13, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–03163 Filed 2–16–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Partnerships for Structure-Based Design of Novel Immunogens for Vaccine Development (R01).
Date: March 13–14, 2017.
Time: 8:00 a.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: EVEN Hotel Rockville, Previously Holiday Inn, 1775 Rockville Pike, Rockville, MD 20852.
Contact Person: Maryam Feili-Hariri, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Rockville, MD 20852, 240–669–5026, *haririmf@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 13, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–03164 Filed 2–16–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; NIAMS CORT P50 Peer Review.

Date: March 9–10, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Kan Ma, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 812, Bethesda, MD 20892, 301–451–4838, *mak2@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 10, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–03168 Filed 2–16–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Kidney, Urologic and Hematologic Diseases D Subcommittee.

Date: March 1–2, 2017.

Open: March 01, 2017, 8:00 a.m. to 8:30 a.m.

Agenda: To review policy and procedures.

Place: Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202.

Closed: March 1, 2017, 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202.

Closed: March 2, 2017, 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Barbara A. Woynarowska, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7009, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 402–7172, *woynarowskab@niddk.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Diabetes, Endocrinology and Metabolic Diseases B Subcommittee.

Date: March 8–10, 2017.

Open: March 8, 2017, 5:30 p.m. to 6:00 p.m.

Agenda: To review policy and procedures.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Closed: March 8, 2017, 6:00 p.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Closed: March 9, 2017, 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Closed: March 10, 2017, 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: John F. Connaughton, Ph.D., Chief, Scientific Review Branch, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7007, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7797, *connaughtonj@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Digestive Diseases and Nutrition C Subcommittee.

Date: March 8–10, 2017.

Open: March 0, 2017, 6:00 p.m. to 6:30 p.m.

Agenda: To review policy and procedures.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Closed: March 8, 2017, 6:30 p.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Closed: March 9, 2017, 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Closed: March 10, 2017, 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7017, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 13, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–03166 Filed 2–16–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Analytical Tools and Approaches for (Multidimensional) Scholarly Research Assessment and Decision Support in the Biomedical Enterprise (1214).

Date: February 22, 2017.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Gerald L. McLaughlin, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4238, MSC 9550, Bethesda, MD 20892–9550, 301–827–5819, *gm145a@nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program No.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 10, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–03169 Filed 2–16–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Arthritis and Musculoskeletal and Skin Diseases Initial Review Group; Arthritis and Musculoskeletal and Skin Diseases Clinical Trials Review Committee.

Date: March 7, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Kathy Salaita, SC.D., Chief, Scientific Review Branch, NIAMS/National Institutes of Health, 6701 Democracy Boulevard, Room 818, Bethesda, MD 20892, *Kathy.Salaita@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 13, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy

[FR Doc. 2017–03162 Filed 2–16–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; NIAAA—Review of Member Conflict applications (AA2 & AA3).

Date: March 17, 2017.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 5635 Fishers Lane, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5365 Fishers Lane, Room 2085, Rockville, MD 20852, (301) 451–2067, *srinivar@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: February 13, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–03161 Filed 2–16–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning the opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer at (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information

are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Mandatory Guidelines for Federal Workplace Drug Testing Programs (OMB No. 0930–0158)—Revision

SAMHSA will request OMB approval for the Federal Drug Testing Custody and Control Form (CCF) for federal agency and federally regulated drug testing programs which must comply with the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs using Urine (82 FR 7920) dated January 23, 2017, and OMB approval for information provided by test facilities (laboratories and Instrumented Initial Test Facilities, IITFs) for the National Laboratory Certification Program (NLCP).

The CCF is used by all federal agencies and employers regulated by the Department of Transportation (DOT) and the Nuclear Regulatory Commission (NRC) to document the collection and chain of custody of urine specimens at the collection site, for HHS-certified test facilities to report results, and for Medical Review Officers (MROs) to document and report a verified result. SAMHSA allows the use of the CCF as a paper or electronic form.

The current OMB-approved CCF has a May 31, 2017 expiration date. SAMHSA has resubmitted the CCF with minor content revisions to the form for OMB approval. These revisions are:

- Remove the checkbox, the letters ''DOT'', and hash line in front of Specify DOT Agency in Step 1: Completed by collector or employer Representative; Line D: Specify Testing Authority.
- Addition of four new analytes (oxycodone, oxymorphone, hydrocodone, and hydromorphone) in Step 5A: Primary Specimen Report—Completed by Test Facility.
- Removal of the analyte methylenedioxyethylamphetamine (MDEA) in Step 5A: Primary Specimen Report—Completed by Test Facility.

Based upon information from federal agencies and from DOT concerning their regulated industries, the number of respondents has been reduced from a total of 6.1 million in 2013 to 5.4 million, which reduces the total burden hours by 188,766.

Laboratories and IITFs seeking HHS certification under the NLCP must complete and submit the NLCP application form. The NLCP application form has not been revised compared to the previous form.

Prior to an inspection, an HHS-certified laboratory or IITF is required to submit specific information regarding its procedures. Collecting this information prior to an inspection allows the inspectors to thoroughly review and understand the testing procedures before arriving for the onsite inspection. The NLCP information checklist has not been revised compared to the previous form.

The annual total burden estimates for the CCF, the NLCP application, the NLCP information checklist, and the NLCP recordkeeping requirements are shown in the following table.

Form/respondent	Number of respondents	Responses per respondent	Total number of responses	Burden per response (hours)	Annual burden (hours)
Custody and Control Form: [1]					
Donor	5,400,000	1	5,400,000	0.08	450,000
Collector	5,400,000	1	5,400,000	0.07	360,000
Laboratory	5,400,000	1	5,400,000	0.05	270,000
IITF	0	0	0	0	0
Medical Review Officer	5,400,000	1	5,400,000	0.05	270,000
NLCP Application Form: [2]					
Laboratory	1	1	1	3	3
IITF	0	0	0	0	0
Sections B and C—NLCP Inspection Checklist: [3]					
Laboratory	30	1	30	1	30
IITF	0	0	0	0	0
Record Keeping:					
Laboratory	30	1	30	250	7,500
IITF	0	0	0	0	0
Total	5,400,061	.....	5,400,061	.....	1,357,533

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 15 E57B, 5600 Fishers Lane, Rockville, MD 20857 *OR* email a copy to *summer.king@samhsa.hhs.gov.* Written comments should be received by April 18, 2017.

Summer King,

Statistician.

[FR Doc. 2017–03190 Filed 2–16–17; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2008–0010]

Board of Visitors for the National Fire Academy

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee management; notice of open Federal Advisory Committee Meeting.

SUMMARY: The Board of Visitors for the National Fire Academy (Board) will meet via teleconference on March 16, 2017. The meeting will be open to the public.

DATES: The meeting will take place on Thursday, March 16, 2017, from 1:00 to 3:00 p.m. Eastern Daylight Time. Please note that the meeting may close early if the Board has completed its business.

ADDRESSES: Members of the public who wish to participate in the teleconference should contact Ruth MacPhail as listed in the **FOR FURTHER INFORMATION CONTACT** section by close of business

March 14, 2017, to obtain the call-in number and access code. For information on services for individuals with disabilities or to request special assistance, contact Ruth MacPhail as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Board as listed in the **SUPPLEMENTARY INFORMATION** section. Comments must be submitted in writing no later than March 14, 2017, and must be identified by Docket ID FEMA–2008–0010 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FEMA-RULES@fema.dhs.gov.* Include the docket number in the subject line of the message.
- *Mail/Hand Delivery:* Ruth MacPhail, 16825 South Seton Avenue, Emmitsburg, Maryland 21727.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the Docket ID for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the Board, go to *http://www.regulations.gov,* click on ''Advanced Search,'' then enter ''FEMA–2008–0010'' in the ''By Docket ID'' box, then select ''FEMA'' under ''By Agency,'' and then click ''Search.''

FOR FURTHER INFORMATION CONTACT: *Alternate Designated Federal Officer:* Kirby E. Kiefer, telephone (301) 447–1117, email *Kirby.Kiefer@fema.dhs.gov.*

Logistical Information: Ruth MacPhail, telephone (301) 447–1333 and email *Ruth.Macphail@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix.

Purpose of the Board

The purpose of the Board is to review annually the programs of the National Fire Academy (Academy) and advise the Federal Emergency Management Agency (FEMA) Administrator, through the United States Fire Administrator, on the operation of the Academy and any improvements therein that the Board deems appropriate. In carrying out its responsibilities, the Board examines Academy programs to determine whether these programs further the basic missions that are approved by the FEMA Administrator, examines the physical plant of the Academy to determine the adequacy of the Academy's facilities, and examines the funding levels for Academy programs. The Board submits a written annual report to the FEMA Administrator, through the United States Fire Administrator. The report provides detailed comments and recommendations regarding the operation of the Academy.

Agenda

The Board will discuss the direction of the Executive Fire Officer Program to include curriculum, projects, and other requirements.

There will be one 10-minute comment period after the one agenda item; each speaker will be given no more than 2 minutes to speak. Please note that the public comment period may end before the time indicated, following the last call for comments. Contact Ruth MacPhail to register as a speaker. Meeting materials will be posted at *https://www.usfa.fema.gov/training/Academy/about/bov.html* by February 22, 2017.

Dated: February 8, 2017.

Kirby E. Kiefer,

Acting Superintendent, National Fire Academy, United States Fire Administration, Federal Emergency Management Agency.

[FR Doc. 2017–03188 Filed 2–16–17; 8:45 am]

BILLING CODE 9111–45–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2007–0008]

National Advisory Council

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee management; request for applicants for appointment to the National Advisory Council.

SUMMARY: The Federal Emergency Management Agency (FEMA) is requesting that qualified individuals who are interested in serving on the FEMA National Advisory Council (NAC) apply for appointment as identified in this notice. Pursuant to the *Post-Katrina Emergency Management Reform Act of 2006* (PKEMRA), the NAC advises the FEMA Administrator on all aspects of emergency management to incorporate input from and ensure coordination with state, local, tribal, and territorial governments, and the non-governmental and private sectors on the development and revision of national plans and strategies, the administration of and assessment of FEMA's grant programs, and the development and evaluation of risk assessment methodologies. The NAC consists of up to 35 members, all of whom are experts and leaders in their respective fields. FEMA seeks to appoint individuals to eight (8) discipline-specific positions on the NAC and up to five (5) members as Administrator Selections. If other positions open during the application and selection period, FEMA may select qualified candidates from the pool of applications.

DATES: FEMA will accept applications until 11:59 p.m. EDT on March 15, 2017.

ADDRESSES: The preferred method for application package submission is by email:

- *Email: FEMA-NAC@fema.dhs.gov.* Please save materials as one document using the naming convention, ''Last Name_First Name_NAC Application'' and attach to the email.

You may also submit your application package by fax or U.S. mail:

- *Fax:* (540) 504–2331.
- *U.S. Mail:* Office of the National Advisory Council, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472–3184.

Use only ONE method to submit your application. The Office of the National Advisory Council will send you an email that confirms receipt of your application and will notify you of the final status of your application once FEMA selects new members.

FOR FURTHER INFORMATION CONTACT: Deana Platt, Designated Federal Officer, Office of the National Advisory Council, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472–3184; telephone (202) 646–2700; fax (540) 504–2331; and email *FEMA-NAC@fema.dhs.gov.* For more information on the NAC, including membership application instructions, visit *http://www.fema.gov/national-advisory-council.*

SUPPLEMENTARY INFORMATION: The NAC is an advisory committee established in accordance with the provisions of the *Federal Advisory Committee Act* (FACA), 5 U.S.C. Appendix. As required by PKEMRA, the Secretary of Homeland Security established the NAC to ensure effective and ongoing coordination of Federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other man-made disasters. FEMA is requesting that individuals who are

interested in and qualified to serve on the NAC apply for appointment to an open position in one of the following discipline areas: Elected Tribal Government Executive (Representative), Non-elected Tribal Government Official (Representative), Emergency Management (Representative), Emergency Response Providers (Representative), Standards Setting and Accrediting Organizations (Representative), Individuals with Disabilities (Representative), Health Scientist (Special Government Employee (SGE)), and Infrastructure Protection Expert (SGE). The Administrator may appoint up to five (5) additional candidates to serve as FEMA Administrator Selections (as SGE appointments). Appointments will be for three-year terms that start in September 2017.

The NAC Charter contains more information and can be found at: *https://www.fema.gov/media-library/assets/documents/35316#.*

If you are interested, qualified, and want FEMA to consider appointing you to fill an open position on the NAC, please submit an application package to the Office of the NAC as listed in the **ADDRESSES** section of this notice. Current NAC members whose terms are ending should notify the Office of the NAC of their interest in reappointment in lieu of submitting a new application, and if desired, provide updated application materials for consideration. There is no application form; however, each application package MUST include the following information:

- Cover letter, addressed to the Office of the NAC, that includes or indicates: Current position title and employer or organization you represent, home and work addresses, and preferred telephone number and email address; the discipline area position(s) for which you are qualified; why you are interested in serving on the NAC; and how you heard about the solicitation for NAC members;
- Resume or Curriculum Vitae (CV); and
- One Letter of Recommendation addressed to the Office of the NAC.

Information contained in your application package should clearly indicate your qualifications to serve on the NAC and fill one of the current open positions. FEMA will not consider incomplete applications. FEMA will review the information contained in application packages and make selections based on: (1) Leadership attributes, (2) emergency management experience, (3) expert knowledge in discipline area, and (4) ability to meet NAC member expectations. FEMA will also consider overall NAC composition, including geographic diversity and mix of officials, emergency managers, and emergency response providers from state, local, and tribal governments, when selecting members.

Appointees may be designated as a SGE as defined in section 202(a) of title 18, United States Code, or as a Representative member. SGEs speak as experts in their field and Representative members speak for the stakeholder group they represent. Candidates selected for appointment as SGEs are required to complete a Confidential Financial Disclosure Form (Office of Government Ethics (OGE) Form 450) each year. You can find this form at the Office of Government Ethics Web site (*http://www.oge.gov*). However, please do not submit this form with your application.

The NAC generally meets in person twice per year. FEMA does not pay NAC members for their time, but will pay for or reimburse travel expenses such as airfare, per diem to include hotel stays, and other transportation costs within federal travel guidelines when pre-approved by the Designated Federal Officer. NAC members must serve on one of the three NAC Subcommittees, which meet regularly by teleconference. FEMA estimates the total time commitment for subcommittee participation to be 1–2 hours per week (more for NAC leadership).

DHS does not discriminate on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employee organization, or other non-merit factor. DHS strives to achieve a widely diverse candidate pool for all of its recruitment actions. Current DHS and FEMA employees, FEMA Reservists, and DHS and FEMA contractors and potential contractors are not eligible for membership. Federally registered lobbyists may apply for positions designated as Representative appointments but are not eligible for positions that are designated as SGE appointments.

Dated: February 9, 2017.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–03187 Filed 2–16–17; 8:45 am]

BILLING CODE 9111–48–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5995–N–07]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), call the toll-free Title V information line at 800–927–7588 or send an email to *title5@hud.gov*.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days

from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to: Ms. Theresa M. Ritta, Chief Real Property Branch, the Department of Health and Human Services, Room 12–07, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–2265 (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 or send an email to *title5@hud.gov* for detailed instructions, or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*e.g.,* acreage, floor plan, condition of property, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following address(es): AGRICULTURE: Ms. Debra Kerr, Department of Agriculture, OPPM, Property Management Division, Agriculture South Building, 300 7th Street SW., Washington, DC 20024, (202) 720–8873; COE: Ms. Brenda Johnson-Turner, HQUSACE/CEMP–CR, 441 G Street NW., Washington, DC 20314, (202) 761–7238; GSA: Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040 Washington, DC 20405, (202) 501–0084; NASA: Mr. William Brodt, National Aeronautics AND Space Administration, 300 E Street SW., Room 2P85, Washington, DC 20546, (202) 358–1117; NAVY: Ms. Nikki Hunt, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374, (202) 685–9426; (These are not toll-free numbers).

Dated: February 9, 2017.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 02/17/2017

Suitable/Available Properties

Building

California

14 Buildings
4675 Ponderosa Dr.
Lake Isabella CA 92340
Landholding Agency: Agriculture
Property Number: 15201710002
Status: Underutilized
Directions: OVER LOOK TB (324 sq. ft.), LAKE ISA. ADMIN OFFICE (3520 sq. ft.), LAKE ISA. ADMIN OFFICE ADDITION (1750 sq. ft.), LAKE ISA. FIRE ENGINE STATION (2184 sq. ft.), LAKE ISA. WELDING SHOP (638 sq. ft.), LAKE ISA. WOOD SHOP (2004 sq. ft.), LAKE ISA. ADMIN OFFICE (750 sq. ft.), LAKE ISA. W/C STEEL BLDG (1,000 sq. ft.), LAKE ISA. PLUMBING SUPPLY BLDG (128 sq. ft.), LAKE ISA. PAINT STORAGE BLDG (130 sq. ft.), LAKE ISA. SMALL ENGINE BLDG (34 sq. ft.), LAKE ISA. JANITORIAL SUPPLY BLDG (36 sq. ft.), LAKE ISA. ELECTRICAL SUPPLY BLDG (64 sq. ft.), LAKE ISA. OIL & GREASE SUPPLY BLDG. (80 sq. ft.), RAPPEL TOWER (200 sq. ft.)?
Comments: off-site removal only; no future agency need; removal extremely difficult due to size/type; storage/warehouse/office; contact Agriculture for more details on a property listed above.

North Carolina

Davidson River Bath House #2
Hemloop Loop (070011)
35°16′58.06″ N. 82°43′16.92″ W.
Pisgah Forest NC 28768
Landholding Agency: Agriculture
Property Number: 15201710003
Status: Excess
Comments: off-site removal only; difficult to removal due to concrete foundation; 391 sq. ft.; renovations needed; contact Agriculture for more information.

Land

North Carolina

Outlaying Land Field (OLF)
Naval Air Station (NAS) Oceana (Parcel 003)
NAS NC
Landholding Agency: GSA
Property Number: 54201710009
Status: Surplus
GSA Number: 4–D–NC–0831–AB
Directions: Landholding Agency: Navy; Disposal Agency: Navy
Comments: 558.4 acres; agricultural use; 100% currently occupied; license for agricultural use expires 12/31/17 w/gov't retaining termination rights upon providing license 60-day written notice.

Outlaying Land Field (OLF)
Naval Air Station (NAS) Oceana (Parcel 002)
NAS NC
Landholding Agency: GSA
Property Number: 54201710010
Status: Surplus
GSA Number: 4–D–NC–0831–AA
Directions: Landholding Agency: Navy; Disposal Agency: GSA
Comments: 463 acres; agricultural use; currently 100% occupied; license for agricultural use expires 03/31/2017 w/gov't retaining termination rights upon providing licenses 60-day written notice.

Unsuitable Properties

Building

California

Area 1 & Area 2
Naval Weapons Station
Seal Beach Detachment Norco
Norco CA 92860
Landholding Agency: Navy
Property Number: 77201710008
Status: Unutilized
Directions: Area 1 (8.5 acres) and Area 2 (10 acres)
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

North Carolina

Outlying Landing Field (OLF)
(NAS) Oceana (Parcel 007A)
Naval Air Station NC
Landholding Agency: GSA
Property Number: 54201710011
Status: Surplus
GSA Number: 4–D–NC–0831–AE
Directions: Landholding Agency: Navy; Disposal Agency: GSA
Comments: abandoned for 12+ yrs.; overgrown by vegetation makes access extremely difficult.
Reasons: Extensive deterioration
Outlaying Land Field (OLF)
Naval Air Station (NAS) Oceana (Parcel 007)
NAS NC
Landholding Agency: GSA
Property Number: 54201710012
Status: Surplus
GSA Number: 4–D–NC–0831–AD
Directions: Landholding Agency: Navy; Disposal Agency: GSA

Comments: abandoned for 12+ yrs.; overgrown by vegetation makes access extremely difficult.
Reasons: Extensive deterioration

Outlaying Land Field (OLF)
Naval Air Station (NAS) Oceana Parcel 004
NAS NC
Landholding Agency: GSA
Property Number: 54201710013
Status: Surplus
GSA Number: 4–D–NC–0831–AC
Directions: Landholding Agency: Navy; Disposal Agency: GSA
Comments: documented deficiencies: severe dilapidated; bldg. is most likely to collapse due to the deteriorated state.
Reasons: Extensive deterioration

Ohio

8133, Pump Station No. 1
Glenn Research Center
Sandusky OH 44870
Landholding Agency: NASA
Property Number: 71201710006
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Texas

Waco Lake; Twin Bridges
Park Gatehouse
3201 N. Hwy 6.
Waco TX 76712
Landholding Agency: COE
Property Number: 31201710003
Status: Excess
Directions: Public access denied and no alternative method to gain access without compromising national security.
Comments: gatehouse is separating in the middle & frame work on exterior is falling due to shifting/settling of the foundation. Severe water damage due to flooding.
Reasons: Extensive deterioration; Secured Area

Texas

Waco Lake; Airport Park
Restroom #2–WA 26059
4600 Skeet Eason Rd.
Waco TX 76708
Landholding Agency: COE
Property Number: 31201710004
Status: Excess
Directions: Public access denied and no alternative method to gain access without compromising national security.
Comments: separating in the middle and frame work on exterior is falling due to shifting/settling of the foundation.
Reasons: Extensive deterioration; Secured Area

[FR Doc. 2017–02937 Filed 2–16–17; 8:45 am]

BILLING CODE 4210–67–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–563 and 731–TA–1331–1333 (Final)]

Finished Carbon Steel Flanges From India, Italy and Spain; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–563 and 731–TA–1331–1333 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of finished carbon steel flanges from India, Italy, and Spain, provided for in subheading 7307.91 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce to be subsidized by the government of India and sold at less-than-fair-value.[1]

DATES: Effective February 8, 2017.

FOR FURTHER INFORMATION CONTACT: Drew Dushkes (202–205–3229), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in India, Italy and Spain of finished carbon steel flanges, and that such products are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on June 30, 2016, by Weldbend Corporation, Argo, Illinois and Boltex Mfg. Co., L.P., Houston, Texas.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21

[1] For purposes of these investigations, the Department of Commerce has defined the subject merchandise as finished carbon steel flanges. Finished carbon steel flanges differ from unfinished carbon steel flanges (also known as carbon steel flange forgings) in that they have undergone further processing after forging, including, but not limited to, beveling, bore threading, center or step boring, face machining, taper boring, machining ends or surfaces, drilling bolt holes, and/or deburring or shot blasting. Any one of these post-forging processes suffices to render the forging into a finished carbon steel flange for purposes of this investigation. However, mere heat treatment of a carbon steel flange forging (without any other further processing after forging) does not render the forging into a finished carbon steel flange for purposes of this investigation. For a full description of the scope of these investigations, see 82 FR 9711, 9719, and 9723, February 8, 2017.

days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on April 11, 2017, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Tuesday, April 25, 2017, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before April 19, 2017. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on April 24, 2017, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is April 18, 2017. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is May 1, 2017. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before May 1, 2017. On May 16, 2017, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before May 18, 2017, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's Web site at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: February 13, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–03150 Filed 2–16–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Lee B. Drake, M.D. Decision and Order

On December 5, 2016, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Lee B. Drake, M.D. (Registrant), of Hattiesburg, Mississippi. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration, on the ground that he does not hold authority to dispense controlled substances in Mississippi, the State in which he is registered with the Agency. Show Cause Order, at 1 (citing 21 U.S.C. 824(a)(3)).

As to the Agency's jurisdiction, the Show Cause Order alleged that Registrant is registered with DEA as a practitioner with authority to dispense controlled substances in schedules II through V under Registration No. BD3577965, at the registered address of 6524 U.S. Highway 98, Hattiesburg, Mississippi. *Id.* The Order also alleged that Registrant's registration does not expire until June 30, 2017. *Id.*

The Show Cause Order then alleged that on July 8, 2016, Registrant surrendered his authority ''to prescribe and administer controlled substances in . . . Mississippi'' and that he is ''without authority to [dispense] controlled substances in'' the State. *Id.* The Order asserted that as a consequence of the loss of his state authority, ''DEA must revoke'' his registration. *Id.* (citing 21 U.S.C. 802(21), 823(f) and 824(a)(3)).

The Show Cause Order notified Registrant of his right to request a hearing on the allegations, or to submit a written statement in lieu of a hearing, the procedure for electing either option, and the consequence for failing to do either. *Id.* at 2 (citing 21 CFR 1301.43). The Order also notified Registrant of his right to submit a corrective action plan. *Id.* at 2–3 (citing 21 U.S.C. 824(c)(2)(C)).

On December 7, 2016, a Diversion Investigator (DI) with the DEA Jackson, Mississippi District Office accomplished service by hand-delivery of the Show Cause Order to Registrant. *See* GX 2, at 2 (DI's Declaration).

On January 10, 2017, the Government forwarded to my Office its Request for Final Agency Action (cited as RFFA) along with an evidentiary record. In its Request, the Government represents that since the date of service of the Show Cause Order, it ''has not received a request for hearing or any other reply from'' Registrant. RFFA, at 1–2. Based on the Government's representation and the DI's declaration, I find that more than 30 days have passed since the date of service of the Show Cause Order and that neither Registrant, nor anyone purporting to represent him, has requested a hearing or submitted a written statement while waiving his right to a hearing. I therefore find that Registrant has waived his right to a hearing or to submit a written statement in lieu of hearing, and issue this Decision and Order based on relevant evidence contained in the record submitted by the Government. 21 CFR 1301.43(d) & (e). I make the following findings of fact.

Findings of Fact

Registrant is the holder of DEA Certificate of Registration No. BD3577965, pursuant to which he is authorized to dispense controlled substances in schedules II through V, as a practitioner, at the registered address of Women's Pavilion of South Mississippi, 6524 U.S. Highway 98, Hattiesburg, Mississippi. GX 1 (Certificate of Registration). His registration does not expire until June 30, 2017. *Id.*

On July 8, 2016, Registrant voluntarily surrendered his medical license to the Mississippi State Board of Medical Licensure (Medical Board), stating in a letter to the Board's President that he was relinquishing his right to practice medicine. GX 3, at 2. On July 13, 2016, the Medical Board issued a memorandum to various governmental and private entities informing them that Registrant had voluntarily surrendered his medical license effective July 12, 2016. *Id.* at 3. As Registrant neither responded to the Show Cause Order nor submitted any evidence to show that his state license has been reinstated, I find that he does not possess authority to dispense controlled substances in Mississippi, the State in which he is registered with the DEA.

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.'' DEA has also 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). Thus, the Agency has further held that '' 'the controlling question is not whether a practitioner's license to practice medicine in the state is suspended or revoked; rather[,] it is whether the Respondent is currently authorized to handle controlled substances in the [S]tate.' '' *Hooper,* 76 FR at 71371 (quoting *Anne Lazar Thorn,* 62 FR 12847, 12848 (1997)).

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; *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.

By virtue of the surrender of his medical license, Registrant currently lacks authority to dispense controlled substances in Mississippi, the State in which he holds his DEA registration, and he is not entitled to maintain his registration. Accordingly, I will order that his registration be revoked.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration BD3577965, issued to Lee B. Drake, M.D., be, and it hereby is, revoked. Pursuant to the authority vested in me by 21 U.S.C. 823(f), as well as 28 CFR 0.100(b), I further order that any pending application of Lee B. Drake, M.D., to renew or modify his registration, be, and it hereby is, denied. This Order is effective March 20, 2017.

Dated: February 9, 2017.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2017–03222 Filed 2–16–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Paul E. Pilgram, M.D.; Decision and Order

On November 29, 2016, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Paul E. Pilgram,[1] M.D. (Registrant), of West Jordan, Utah. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration, on the ground that he does not have authority to handle controlled substances in Utah, the State in which he is registered with the Agency. Show Cause Order, at 1 (citing 21 U.S.C. 824(a)(3)).

As the jurisdictional basis for the proceeding, the Show Cause Order alleged that Registrant is registered as a practitioner in schedules II through V under DEA registration No. AP1393038, at the registered address of 1561 West 7000 South, Suite 200, West Jordan, Utah. *Id.* The Order alleged that Registrant's registration does not expire until March 31, 2017. *Id.*

The Show Cause Order then alleged that on October 17, 2016, the State of Utah revoked Registrant's authority to prescribe and administer controlled substances and that he is ''without authority to handle controlled substances in . . . the [S]tate in which [he is] registered with the'' Agency. *Id.* The Order then asserted that as a consequence of the loss of his state authority, ''DEA must revoke'' his registration. *Id.* (citing 21 U.S.C. 802(21), 823(f) and 824(a)(3)). The Show Cause Order also notified Registrant of his right to request a hearing on the allegations, or to submit a written statement in lieu of a hearing, the procedure for electing either option, and the consequence for failing to do elect either option. *Id.* at 2 (citing 21 CFR 1301.43). The Order further notified Registrant of his right to submit a corrective action plan. *Id.* at 2–3 (citing 21 U.S.C. 824(c)(2)(C)).

On December 6, 2016, a Diversion Investigator (DI) from the DEA Salt Lake City District Office effected service by hand-delivery of a copy of the Show Cause Order to Registrant at his registered address of 1561 West 7000 South, Suite 200, West Jordan, Utah. GX 2, at 1–2 (Declaration of Diversion Investigator). According to the Government, since the date of service of

[1] Registrant's name in the Order to Show Cause is spelled ''Pilgrim''; however, all other documents in the record, including Registrant's Certificate of Registration, use the correct spelling (Pilgram).

the Show Cause Order, the Agency ''has not received a request for hearing or any other reply from'' Registrant. Request for Final Agency Action (RFFA), at 2.

On January 10, 2017, the Government forwarded this matter to my Office for final agency action along with an evidentiary record. RFFA, at 1. Based upon the Government's representation and my review of the record, I find that more than 30 days have now passed since the date of service of the Show Cause Order, and that neither Registrant, nor anyone purporting to represent him, has requested a hearing or submitted a written statement in lieu of a hearing. I therefore find that Registrant has waived his right to a hearing or to submit a written statement in lieu of a hearing, and issue this Decision and Order based on relevant evidence contained in the record submitted by the Government. 21 CFR 1301.43(d) & (e). I make the following findings of fact. *Id.* § 1301.43(e).

Findings of Fact

Registrant is the holder of Certificate of Registration AP1393038, pursuant to which he is authorized to dispense controlled substances in schedules II through V as a practitioner, at the registered address of 1561 West 7000 South, Suite 200, West Jordan, Utah. GX 2. His registration does not expire until March 31, 2017. *Id.*

On October 17, 2016, the Utah Division of Occupational and Professional Licensing, Department of Commerce (the Division), issued an order revoking Registrant's license to prescribe and administer controlled substances in the State. GX 3, at 2. Therein, the Division adopted the recommended order of the Utah Physicians Licensing Board (Physician's Board), which the latter issued following a hearing it held on August 24–25, 2016 at which Registrant was represented by counsel. *Id.* at 5.

The Physician's Board found that Registrant ''did not [ ] meet the standard of care of the profession for pain management patients'' and failed to follow the Model Policy for the Use of Controlled Substances for the Treatment of Pain (2004) in his treatment of nine patients. As support for its finding, the Board specifically cited: (1) ''[t]he inadequacy of the documented evaluation of the patients,'' (2) ''[t]he failure to obtain or document informed consent as to major risks of the high opioid regimes,'' (3) ''[t]he perfunctory consideration or enforcement of agreements for treatment,'' (4) ''[t]he improperly low level of consultation with other health and mental professionals [sic]),'' and (5) ''[t]he failure to maintain accurate and complete medical records.'' *Id.* at 6–7. The Board further found that Registrant ''failed to demonstrate a legitimate medical purpose for his prescribing practices, [that] there was an absence of sound clinical judgment on [his] part . . . and the pattern of prescribing practices was not based on clear documentation of unrelieved pain.'' *Id.* at 7. The Board then made detailed findings with respect to nine patients. *Id.* at 8–26.

The Physician's Board thus concluded that Registrant had engaged in unprofessional conduct:

> by failing, as a prescribing practitioner, to follow the Model Policy for the Use of Controlled Substances for the Treatment of Pain, 2004 [ ], in [his]evaluation of the patient, obtaining or documenting informed consent, giving more than perfunctory consideration to, or enforcement of, agreements for treatment, conducting periodic reviews, consultation with other medical specialists, maintaining accurate and complete medical records, and complying with the state laws referenced in [its] conclusions.

Id. at 27 (citing Utah Admin. Code r. 156–1–501(6)).[2] The Board further concluded that ''[t]he prescribing of controlled substances by [Registrant] on too many occasions did not have a legitimate medical purpose, did not show sound clinical judgment and was not based on clear documentation of unrelieved pain.'' *Id.* at 28.[3]

The Board thus recommended that Registrant's state ''license to prescribe and administer controlled substances . . . be revoked.'' *Id.* at 29. On October 17, 2016, the Division adopted the Board's factual findings, legal conclusions and recommended order ''in its entirety.'' *Id.* at 2, 4. According to the online records of the Utah Division of Occupational and Professional Licensing of which I take official notice, Registrant's controlled substance license remains revoked as of the date of this Decision and Order. [4] *See also https://secure.utah.gov/llv/search/index.html.* I therefore find that Registrant is without authority to dispense controlled substances under the laws of Utah, the State in which he holds his registration.

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

[2] As for Registrant's conduct after the Board adopted its 2013 Model Policy on the Use of Opioids Analgesics in the Treatment of Chronic Pain, the Board also found that he engaged in unprofessional conduct. GX 3, at 28 (citing Utah Admin. Code r. 156–1–501(7)).

[3] Under the Division's rules, ''unprofessional conduct'' includes: ''failing, as a prescribing practitioner, to follow the 'Model Policy for the Use of Controlled Substances for the Treatment of Pain,' 2004, established by the Federation of State Medical Boards,'' and ''failing, as a prescribing practitioner, to follow the 'Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain,' July 2013, adopted by the Federation of State Medical Boards.'' Utah Admin. Code r. 156–1–501(6) and (7) (2016).

[4] In accordance with the Administrative Procedure Act (APA), an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' U.S. Dept. of Justice, *Attorney General's Manual on the Administrative Procedure Act* 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). In accordance with the APA and DEA's regulations, Respondent is ''entitled on timely request to an opportunity to show to the contrary.'' 5 U.S.C. 556(e); *see also* 21 CFR 1316.59(e). To allow Respondent the opportunity to refute the facts of which I take official notice, Respondent may file a motion for reconsideration within 15 calendar days of the date of service of this Order which shall commence on the date this Order is mailed.

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.

Because Registrant currently lacks authority to handle controlled substances in Utah, the State in which he holds his DEA registration, he is not entitled to maintain his registration. Accordingly, I will order that his registration be revoked.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration AP1393038, issued to Paul E. Pilgram, M.D., be, and it hereby is, revoked. Pursuant to the authority vested in me by 21 U.S.C. 823(f), as well as 28 CFR 0.100(b), I further order that any pending application of Paul E. Pilgram, M.D., to renew or modify this registration, be, and it hereby is, denied. This Order is effective immediately.[5]

Dated: February 9, 2017.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2017–03223 Filed 2–16–17; 8:45 am]

BILLING CODE 4410–09–P

[5] Based on the extensive findings of the Utah Division of Occupational and Professional Licensing, I find that the public interest necessitates that this Order be effective immediately. 21 CFR 1316.67.

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0005]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change, of a Currently Approved Collection; Age, Sex, Race, and Ethnicity of Persons Arrested Under 18 Years of Age; Age, Sex Race, and Ethnicity of Persons Arrested 18 Years of Age and Over

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services Division (CJIS), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 18, 2017.

FOR FURTHER INFORMATION CONTACT: All comments, suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, Criminal Information Services Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–3566.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Federal Bureau of Investigation, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Age, Sex, Race, and Ethnicity of Persons Arrested Under 18 Years of Age; and Age, Sex, Race, and Ethnicity of Persons Arrested 18 Years of Age and Over.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is 1–708 and 1–708a. The applicable component within the Department of Justice is the Criminal Justice Information Services Division, in the Federal Bureau of Investigation.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: City, county, state, tribal and federal law enforcement agencies.

Abstract: Under Title 28, U.S. Code, Section 534, Acquisition, Preservation, and Exchange of Identification Records; and Appointment of Officials, 1930, this collection requests the number of arrests from from city, county, state, tribal, and federal law enforcement agencies in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of arrest data and to publish these statistics in Crime in the United States.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 11,791 law enforcement agency respondents; calculated estimates indicate 12 minutes for form 1–708a and 15 minutes for form 1–708 per month. The total annual burden hours per respondent is 5 hours and 24 minutes.

Total Annual Hour Burden: 15 minutes + 12 minutes × 12 months = 324 / 60 = 5 hours and 24 minutes.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are approximately 63,671 hours, annual burden, associated with this information collection.

1-708a: 11,791 respondents x 12 responses/year = 141,492 total annual responses

$$\frac{141{,}492 \times 12 \text{ minutes}}{60 \text{ minutes (1 hour)}} = 28{,}298 \text{ total annual hour burden}$$

1-708: 11,791 respondents x 12 responses/year = 141,492 total annual responses

$$\frac{141{,}492 \times 15 \text{ minutes}}{60 \text{ minutes (1 hour)}} = 35{,}373 \text{ total annual hour burden}$$

Total annual hour burden: 28,298 + 35,373 = 63,671

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: February 14, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–03214 Filed 2–16–17; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0008]

Agency Information Collection Activities; Proposed Collection Comments Requested; Extension Without Change, of a Currently Approved Collection; Monthly Return of Arson Offenses Known to Law Enforcement

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services Division (CJIS), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 18, 2017.

FOR FURTHER INFORMATION CONTACT: All comments, suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Mrs. Amy Blasher, Unit Chief, Federal Bureau of Investigation, Criminal Information Services Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–3566.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Federal Bureau of Investigation, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Monthly Return of Arson Offenses Known to Law Enforcement.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is 1–725. The applicable component within the Department of Justice is the Criminal Justice Information Services Division, in the Federal Bureau of Investigation.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: City, county, state, tribal and federal law enforcement agencies.

Abstract: Under Title 28, U.S. Code, Section 534, Acquisition, Preservation, and Exchange of Identification Records; Appointment of Officials, 1930, and the Anti-Arson Act of 1982, this collection request the number of arson from city, county, state, tribal, and federal law enforcement agencies in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of arson data and to publish these statistics in the Preliminary report and Crime in the United States.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 9,623 law enforcement agency respondents that submit monthly for a total of 111,222 responses with an estimated response time of 9 minutes per response.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are approximately 16,683 hours, annual burden, associated with this information collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: February 14, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–03212 Filed 2–16–17; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0004]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change, of a Currently Approved Collection; Number of Full-Time Law Enforcement Employees as of October 31

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services Division (CJIS), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 18, 2017.

FOR FURTHER INFORMATION CONTACT: All comments, suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Ms. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, Criminal Information Services Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–3566.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Number of Full-time Law Enforcement Employees as of October 31.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is 1–711. The applicable component within the Department of Justice is the Criminal Justice Information Services Division, in the Federal Bureau of Investigation.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: City, county, state, tribal and federal law enforcement agencies.

Abstract: Under Title 28, U.S. Code, Section 534, Acquisition, Preservation, and Exchange of Identification Records; and Appointment of Officials, 1930, this collection requests the number of full-time law enforcement employees, both officers and civilians, from city, county, state, tribal, and federal law enforcement agencies in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of police employee data and to publish these statistics in Crime in the United States.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 18,439 law enforcement agency respondents that submit once a year for a total of 18,439 responses with an estimated response time of 8 minutes per response.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are approximately 2,459 hours, annual burden, associated with this information collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: February 14, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–03213 Filed 2–16–17; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[Docket No. ODAG 169]

Notice of Public Comment Period on Revised Federal Advisory Committee Work Products

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: This notice announces the opening of the comment period on two revised subcommittee draft work products of the National Commission on Forensic Science.

DATES: Written public comment regarding revised subcommittee draft work products of the National Commission on Forensic Science meeting materials should be submitted through *www.regulations.gov* before March 20, 2017.

FOR FURTHER INFORMATION CONTACT: Jonathan McGrath, Ph.D., Designated Federal Officer, 810 7th Street NW., Washington, DC 20531, by email at *Jonathan.McGrath@usdoj.gov* by phone at (202) 514–6277.

SUPPLEMENTARY INFORMATION: On December 12, 2016, the Department of Justice published in the **Federal Register** a Notice announcing the January 9–10, 2017, Federal Advisory Committee Meeting of the National Commission on Forensic Science (81 FR 89509). During the Commission proceedings on January 9–10, 2017, subcommittees were provided an opportunity to revise existing draft Views work products; one related to report contents, and one related to statistical statements in forensic testimony. This Notice announces a public comment period to provide an opportunity for submitting comments on the revised work products.

Pursuant to section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written comments to the Commission in response to the revised draft work product. Work products are available on the Commission's Web site: *http://www.justice.gov/ncfs/work-products* and on *www.regulations.gov.*

Dated: February 10, 2017.

Jonathan McGrath,

Designated Federal Officer, National Commission on Forensic Science.

[FR Doc. 2017–03175 Filed 2–16–17; 8:45 am]

BILLING CODE 4410–18–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: The National Endowment for the Humanities will hold twenty-four meetings of the Humanities Panel, a federal advisory committee, during March, 2017. The purpose of the meetings is for panel review, discussion, evaluation, and recommendation of applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965.

DATES: See **SUPPLEMENTARY INFORMATION** section for meeting dates. The meetings will open at 8:30 a.m. and will adjourn by 5:00 p.m. on the dates specified below.

ADDRESSES: The meetings will be held at Constitution Center at 400 7th Street SW., Washington, DC 20506, unless otherwise indicated.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW., Room 4060, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given of the following meetings:

1. *Date:* March 7, 2017.

This meeting will discuss applications on the subjects of Philosophy and Religion for the Scholarly Editions and Translations grant program, submitted to the Division of Research Programs.

2. *Date:* March 7, 2017.

This meeting will discuss applications for the Humanities Initiatives at Community Colleges grant program, submitted to the Division of Education Programs.

3. *Date:* March 8, 2017.

This meeting will discuss applications for the Humanities Initiatives at Community Colleges grant program, submitted to the Division of Education Programs.

4. *Date:* March 8, 2017.

This meeting will discuss applications on the subject of American History for the Scholarly Editions and Translations grant program, submitted to the Division of Research Programs.

5. *Date:* March 9, 2017.

This meeting will discuss applications on the subjects of World History and Literature for the Scholarly Editions and Translations grant program, submitted to the Division of Research Programs.

6. *Date:* March 9, 2017.

This meeting will discuss applications for the Humanities Initiatives at Community Colleges grant program, submitted to the Division of Education Programs.

7. *Date:* March 13, 2017.

This meeting will discuss applications for the Humanities Initiatives at Community Colleges grant program, submitted to the Division of Education Programs.

8. *Date:* March 14, 2017.

This meeting will discuss applications on the subjects of World History and Literature for the Scholarly Editions and Translations grant program, submitted to the Division of Research Programs.

9. *Date:* March 15, 2017.

This meeting will discuss applications on the subject of the Arts for the Collaborative Research grant program, submitted to the Division of Research Programs.

10. *Date:* March 16, 2017.

This meeting will discuss applications on the subjects of World History and Literature for the Collaborative Research grant program, submitted to the Division of Research Programs.

11. *Date:* March 21, 2017.

This meeting will discuss applications on the subject of Philosophy for the Collaborative Research grant program, submitted to the Division of Research Programs.

12. *Date:* March 21, 2017.

This meeting will discuss applications on the subjects History and Culture for Media Projects: Development Grants, submitted to the Division of Public Programs.

13. *Date:* March 22, 2017.

This meeting will discuss applications on the subject of Native American History for the Public Humanities Projects—Exhibitions grant program (planning grants), submitted to the Division of Public Programs.

14. *Date:* March 22, 2017.

This meeting will discuss applications on the subjects of American and British Literature for the Scholarly Editions and Translations grant program, submitted to the Division of Research Programs.

15. *Date:* March 23, 2017.

This meeting will discuss applications on the subject of Art History for the Public Humanities Projects—Exhibitions grant program (implementation grants), submitted to the Division of Public Programs.

16. *Date:* March 23, 2017.

This meeting will discuss applications on the subject of Old World Archaeology for the Collaborative Research grant program, submitted to the Division of Research Programs.

17. *Date:* March 24, 2017.

This meeting will discuss applications on the subject of African American History for the Public Humanities Projects—Exhibitions grant program (planning grants), submitted to the Division of Public Programs.

18. *Date:* March 27, 2017.

This meeting will discuss applications on the subject of U.S. History for the Public Humanities Projects—Exhibitions grant program (implementation grants), submitted to the Division of Public Programs.

19. *Date:* March 28, 2017.

This meeting will discuss applications on the subjects of International History and Culture for Media Projects: Development Grants, submitted to the Division of Public Programs.

20. *Date:* March 28, 2017.

This meeting will discuss applications on the subjects of New World and Asian Archaeology for the Collaborative Research grant program, submitted to the Division of Research Programs.

21. *Date:* March 28, 2017.

This meeting will discuss applications on the subject of Tribal Collections for the Sustaining Cultural Heritage Collections grant program, submitted to the Division of Preservation and Access.

22. *Date:* March 29, 2017.

This meeting will discuss applications on the subjects of History and Social Science for the Collaborative Research grant program, submitted to the Division of Research Programs.

23. *Date:* March 30, 2017.

This meeting will discuss applications on the subjects of Museums, Historic Houses, and Material Culture for the Sustaining Cultural Heritage Collections grant program, submitted to the Division of Preservation and Access.

24. *Date:* March 30, 2017.

This meeting will discuss applications on the subject of History for Media Projects: Development Grants, submitted to the Division of Public Programs.

Because these meetings will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, the meetings will be closed to the public pursuant to sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S.C., as amended. I have made this determination pursuant to the authority

granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: February 13, 2017.

Elizabeth Voyatzis,

Committee Management Officer.

[FR Doc. 2017–03191 Filed 2–16–17; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL SCIENCE FOUNDATION

Business and Operations Advisory Committee; 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: Business and Operations Advisory Committee (9556).

Date/Time: March 13, 2017; 1:00 p.m. to 4:00 p.m. (EST).

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230; Stafford I, Room 1235.

Type of Meeting: OPEN.

Contact Person: Joan Miller, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230; (703) 292–8200.

Purpose of Meeting: To receive, consider, discuss and appropriately treat the recommendations of its Subcommittee on the Implementation of National Academy of Public Administration (NAPA) Recommendations.

Agenda

March 13, 2017; 1:00 p.m.–4:00 p.m.

Discussion of the Subcommittee Report; Meeting Wrap-Up.

Dated: February 13, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–03239 Filed 2–16–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL WOMEN'S BUSINESS COUNCIL

Quarterly Public Meeting

AGENCY: National Women's Business Council.

ACTION: Notice of open public meeting.

DATES: The National Women's Business Council's March Public Meeting will be held on Wednesday, March 8, 2017, from 2:00 p.m. to 4:00 p.m. EST.

ADDRESSES: The meeting will be held virtually via teleconference and webinar.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), the U.S. Small Business Administration (SBA) announces a meeting of the National Women's Business Council. The National Women's Business Council conducts research on issues of importance and impact to women entrepreneurs and makes policy recommendations to the SBA, Congress, and the White House on how to improve the business climate for women.

This meeting is the 2nd quarter public meeting for Fiscal Year 2017. The program, titled ''A Celebration of Women Business Owners: History, Participation and Progress,'' will include updates on the Council's research and engagement efforts, a keynote on the history of women in business, and an overview of the six national organizations represented on the Council. Time will be reserved at the end of the webinar for participants to address Council Members with questions, comments, or feedback.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; advance notice of attendance is requested. To RSVP and confirm attendance, the general public should email *info@nwbc.gov* with subject line: ''RSVP for 03/08/17 Public Meeting.'' Further teleconference and webinar details will be provided upon RSVP. For additional questions, please email *info@nwbc.gov* or call the main office number at 202–205–3850.

For more information, please visit the National Women's Business Council Web site at *www.nwbc.gov.*

Matthew Parker,

SBA Committee Management Officer.

[FR Doc. 2017–03159 Filed 2–16–17; 8:45 am]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–424, 50–425, 52–025, and 52–026; NRC–2017–0046]

Southern Nuclear Company, Inc.; Vogtle Electric Generating Plant, Units 1, 2, 3 and 4

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is making a finding of no significant impact for a proposed issuance of amendments to Renewed Facility Operating License NPF–68; Renewed Facility Operating License NPF–81; Facility Combined License NPF–91; and Facility Combined License NPF–92, held by Southern Nuclear Company, Inc. (SNC, the licensee) for the operation of Vogtle Electric Generating Plant (VEGP), Units 1, 2, 3, and 4, respectively, located in Burke County, Georgia. The proposed amendments would allow for the adoption of a common (fleet-wide) SNC Standard Emergency Plan (SEP), with site-specific annexes.

DATES: February 17, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0046 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0046. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- 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.* For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Shawn A. Williams, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1009; email: *Shawn.Williams@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of amendments pursuant to § 50.54 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Conditions of licenses,''

paragraph (q), to Renewed Facility Operating License Nos. NPF–68 and NPF–81; and Facility Combined License NPF–91 and NPF–92, held by Southern Nuclear Company, Inc. (SNC, the licensee) for the operation of Vogtle Electric Generating Plant (VEGP), Unit 1, 2, 3, and 4, respectively, located in Georgia, Burke County.

In accordance with 10 CFR 51.21, the NRC has prepared an environmental assessment (EA) that analyzes the environmental effects of the proposed licensing action. Based on the results of the EA, and in accordance with 10 CFR 51.31(a), the NRC has prepared a finding of no significant impact (FONSI) for the proposed amendments.

II. Environmental Assessment

Description of the Proposed Action

The proposed action would revise the VEGP, Unit 1 and Unit 2, Renewed Facility Operating Licenses, and the Facility Combined Licenses for Units 3 and 4 in order to allow the adoption of a fleet-wide SNC SEP that includes site-specific annexes. If approved, the SEP would establish an updated licensing basis for the SNC fleet of nuclear power plants (Farley, Units 1 and 2; Edwin I Hatch, Units 1 and 2; and VEGP; Units 1, 2, 3, and 4) that complies with current NRC regulations at 10 CFR 50.47, 10 CFR part 50, appendix E, and NUREG–0654/FEMA–REP–1, Revision 1.

Notable proposed changes are (a) adoption of a standard staff augmentation time period of 75 minutes from time of declaration of an Alert or higher Emergency Classification, (b) changes in staffing numbers, (c) changes in staffing duties, and (d) consolidation of the Joint Information Center.

The proposed action is in accordance with the licensee's application dated August 31, 2015, as supplemented by letters dated February 17, 2016; April 8, 2016; May 13, 2016; May 26, 2016; June 9, 2016; and November 2, 2016, respectively.

Need for the Proposed Action

Nuclear power plant owners, government agencies, and State and local officials work together to create a system for emergency preparedness and response that will serve the public in the unlikely event of an emergency. An effective emergency preparedness program decreases the likelihood of an initiating event at a nuclear power reactor proceeding to a severe accident. Emergency preparedness cannot affect the probability of the initiating event, but a high level of emergency preparedness increases the probability of accident mitigation if the initiating event proceeds beyond the need for initial operator actions.

Each licensee is required to establish emergency plans to be implemented in the event of an accident. These emergency plans cover preparations for evacuation, sheltering, and other actions to protect residents near plants in the event of a serious incident.

The NRC, as well as other federal and state regulatory agencies review the subject plans to ensure that the condition of emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

Separate from this EA, the NRC staff is evaluating SNC's proposed changes to the SEP for VEGP. This review will be documented in the safety evaluation report for the proposed license amendment. The staff's review will determine whether there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency in accordance with 10 CFR 50.47(b)(1) through (b)(16), and the requirements in appendix E to 10 CFR part 50.

The proposed action is needed to make SNC's fleet of nuclear power plants (SNC fleet) emergency plans easier to follow and understand. By standardizing emergency plans, with site specific annexes, SNC will align the SNC fleet using consistent standards and definitions. This will improve the consistency throughout the SNC fleet regarding: (1) Emergency planning organizations, (2) duties and responsibilities of emergency personnel, (3) procedures, and (4) training.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action. The proposed action consists mainly of administrative changes related to the rearrangement of NRC-approved Farley, Hatch, and Vogtle emergency plans into one SNC SEP with site-specific annexes. Notable changes include (a) the adoption of a standard staff augmentation time period of 75 minutes from time of declaration of an Alert or higher Emergency Classification (b) changes in staffing numbers, (c) changes in staffing duties, and (d) consolidation of the Joint Information Center.

The proposed changes would have no direct impacts on land use or water resources, including terrestrial and aquatic biota as the proposed action involves no new construction or modification of plant operational systems. There would be no changes to the quality or quantity of non-radiological effluents. No changes to the plant's National Pollutant Discharge Elimination System permit are needed. Changes in staffing levels associated with the adopted SEP, and site-specific annex for VEGP, could result in minor changes in vehicular traffic and associated air pollutant emissions, but no significant changes in ambient air quality would be expected. In addition, there would be no noticeable effect on socioeconomic conditions in the region, no environment justice impacts, and no impacts to historic and cultural resources. Therefore, there would be no significant non-radiological impacts associated with the proposed action.

The NRC has concluded that the proposed action would not significantly affect plant safety and would not have a significant adverse effect on the probability of an accident occurring. There would be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. No changes would be made to plant buildings or the site property. Therefore, the proposed action would not result in a change to the radiation exposures to the public or radiation exposure to plant workers.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). Denial of the license amendment request would result in no change in current environmental impacts.

Alternative Use of Resources

There are no unresolved conflicts concerning alternative uses of available resources under the proposed action.

Agencies and Persons Consulted

On January 11, 2017, the staff consulted with the Georgia State official, Mr. B. Simonton, Georgia Environmental Protection Division, regarding the environmental impact of the proposed action. The state official had no comments.

III. Finding of No Significant Impact

The licensee has requested license amendments pursuant to 10 CFR 50.54(q) to adopt a fleet-wide SEP, with a specific annex, for VEGP. The NRC is considering issuing the requested amendments. The proposed action would not significantly affect plant safety, would not have a significant adverse effect on the probability of an accident occurring, and would not have any significant radiological and non-

radiological impacts. The reason the environment would not be significantly affected is because the proposed changes would only result in minor changes in staffing levels and associated vehicular traffic, along with a small increase in air pollutant emissions. This FONSI incorporates by reference the EA in Section II of this notice. Therefore, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

The related environmental documents are the ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Vogtle Electric Generating Plant, Units 1 and 2, Final Report,'' NUREG–1437, Supplement 34; and the ''Final Supplemental Environmental Impact Statement for Combined Licenses (COLs) for Vogtle Electric Generating Plant Units 3 and 4,'' NUREG–1947. NUREG–1437, Supplement 34 provides the latest environmental review of current operations at VEGP, Units 1 and 2 and description of environmental conditions. NUREG–1947 provides the environmental review of initial licensing of VEGP, Units 3 and 4.

The finding and other related environmental documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. Publicly-available records will be accessible electronically from ADAMS Public Electronic Reading Room on the Internet at the NRC's Web site: *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's PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or send an email to *pdr.resource@nrc.gov.*

IV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No./ Web link/ **Federal Register** Citation
Southern Nuclear Operating Company, License Amendment Request for Adoption of Standard Emergency Plan, dated August 31, 2015.	ML15246A045
Southern Nuclear Operating Company, Response To Request for Additional Information Regarding License Amendment Request for Adoption of Standard Emergency Plan, dated February 17, 2016.	ML16060A283
Southern Nuclear Operating Company, Response to Request For Additional Information Regarding License Amendment Request for Adoption of Standard Emergency Plan, dated April 8, 2016.	ML16105A194
Southern Nuclear Operating Company, Updated Submittal of the Assessment of Emergency Response Staffing Regarding License Amendment Request for Adoption of Standard Emergency Plan, dated May 13, 2016.	ML16146A724
Southern Nuclear Operating Company, Corrected Response to Request For Additional Information Regarding License Amendment Request for Adoption of Standard Emergency Plan, dated May 26, 2016.	ML16147A294
Southern Nuclear Operating Company, Response to Request For Additional Information Regarding License Amendment Request for Adoption of Standard Emergency Plan, dated June 9, 2016.	ML16167A468
Southern Nuclear Operating Company, Letter RE: Standard Emergency Plan Implementation Date, dated November 2, 2016	ML16307A404
NUREG–1437, Supplement 34, Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Vogtle Electric Generating Plant, Units 1 and 2, Final Report, dated December 2008.	ML083380325
NUREG–1947, Final Supplemental Environmental Impact Statement for Combined Licenses (COLs) for Vogtle Electric Generating Plant Units 3 and 4, Final Report, dated March 2011.	ML11076A010

Dated at Rockville, Maryland, this 9th day of February 2017.

For the Nuclear Regulatory Commission.

Shawn A. Williams,

Project Manager, Plant Licensing Branch II–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–03241 Filed 2–16–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–321, 50–366; NRC–2017–0045]

Southern Nuclear Company, Inc.; Edwin I. Hatch Nuclear Plant, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is making a finding of no significant impact for a proposed issuance of an amendment to Renewed Facility Operating License Nos. DPR–57 and NPF–5, held by Southern Nuclear Company, Inc. (SNC, the licensee) for the operation of Edwin I. Hatch Nuclear Plant (Hatch), Unit 1 and Unit 2, respectively, located in Appling County, Georgia. The proposed amendments would allow for the adoption of a common (fleet-wide) SNC Standard Emergency Plan (SEP), with site-specific annexes.

DATES: February 17, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0045 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0045. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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.* For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Shawn A. Williams, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1009; email: *Shawn.Williams@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of amendments pursuant to § 50.54 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Conditions of licenses,'' paragraph (q), to Renewed Facility Operating License Nos DPR–57 and NPF–5, held by Southern Nuclear Company, Inc. (SNC, the licensee) for the operation of Edwin I. Hatch Nuclear Plant (Hatch), Unit 1 and Unit 2, respectively, located in Georgia, Appling County.

In accordance with 10 CFR 51.21, the NRC has prepared an environmental assessment (EA) that analyzes the environmental effects of the proposed licensing action. Based on the results of the environmental assessment, and in accordance with 10 CFR 51.31(a), the NRC has prepared a finding of no significant impact (FONSI) for the proposed amendments.

II. Environmental Assessment

Description of the Proposed Action

The proposed action would revise Hatch, Unit 1 and Unit 2, Renewed Facility Operating Licenses in order to allow the adoption of a fleet-wide SNC Standard Emergency Plan (SEP) that includes site-specific annexes. If approved, the SEP would establish an updated licensing basis for the SNC fleet of nuclear power plants (Farley, Units 1 and 2; Edwin I Hatch, Units 1 and 2; and Vogtle Electric Generating Plants Station; Units 1, 2, 3, and 4) that complies with current NRC's regulations at 10 CFR 50.47, 10 CFR 50, appendix E, and NUREG–0654/FEMA–REP–1, Revision 1.

Notable proposed changes are (a) adoption of a standard staff augmentation time period of 75 minutes from time of declaration of an Alert or higher Emergency Classification, (b) changes in staffing numbers, (c) changes in staffing duties, and (d) consolidation of the Joint Information Center.

The proposed action is in accordance with the licensee's application dated August 31, 2015, as supplemented by letters dated February 17, 2016; April 8, 2016; May 26, 2016; June 9, 2016; and November 2, 2016, respectively.

Need for the Proposed Action

Nuclear power plant owners, government agencies, and State and local officials work together to create a system for emergency preparedness and response that will serve the public in the unlikely event of an emergency. An effective emergency preparedness program decreases the likelihood of an initiating event at a nuclear power reactor proceeding to a severe accident. Emergency preparedness cannot affect the probability of the initiating event, but a high level of emergency preparedness increases the probability of accident mitigation if the initiating event proceeds beyond the need for initial operator actions.

Each licensee is required to establish emergency plans to be implemented in the event of an accident. These emergency plans cover preparations for evacuation, sheltering, and other actions to protect residents near plants in the event of a serious incident.

The NRC, as well as other federal and state regulatory agencies review the subject plans to ensure that the condition of emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

Separate from this EA, the NRC staff is evaluating SNC's proposed changes to the SEP for Hatch. This review will be documented in the safety evaluation report for the proposed license amendment. The staff's review will determine whether there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency in accordance with 10 CFR 50.47(b)(1) through (b)(16), and the requirements in appendix E to 10 CFR part 50.

The proposed action is needed to make SNC's fleet of nuclear power plants (SNC fleet) emergency plans easier to follow and understand. By standardizing emergency plans, with site specific annexes, SNC will align the SNC fleet using consistent standards and definitions. This will improve the consistency throughout the SNC fleet regarding: (1) Emergency planning organizations, (2) duties and responsibilities of emergency personnel, (3) procedures, and (4) training.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action. The proposed action consists mainly of administrative changes related to the rearrangement of NRC-approved Farley, Hatch, and Vogtle emergency plans into one SNC SEP with site-specific annexes. Notable changes include (a) the adoption of a standard staff augmentation time period of 75 minutes from time of declaration of an Alert or higher Emergency Classification (b) changes in staffing numbers, (c) changes in staffing duties, and (d) consolidation of the Joint Information Center.

The proposed changes would have no direct impacts on land use or water resources, including terrestrial and aquatic biota as the proposed action involves no new construction or modification of plant operational systems. There would be no changes to the quality or quantity of non-radiological effluents. No changes to the plant's National Pollutant Discharge Elimination System permit are needed. Changes in staffing levels associated with the adopted SEP, and site-specific annex for Hatch, could result in minor changes in vehicular traffic and associated air pollutant emissions, but no significant changes in ambient air quality would be expected. In addition, there would be no noticeable effect on socioeconomic conditions in the region, no environment justice impacts, and no impacts to historic and cultural resources. Therefore, there would be no significant non-radiological impacts associated with the proposed.

The NRC has concluded that the proposed action would not significantly affect plant safety and would not have a significant adverse effect on the probability of an accident occurring. There would be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. No changes would be made to plant buildings or the site property. Therefore, the proposed action would not result in a change to the radiation exposures to the public or radiation exposure to plant workers.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). Denial of the license amendment request would result in no change in current environmental impacts.

Alternative Use of Resources

There are no unresolved conflicts concerning alternative uses of available resources under the proposed action.

Agencies and Persons Consulted

On January 11, 2017, the NRC staff consulted with the Georgia State official, Mr. B. Simonton, Georgia Environmental Protection Division, regarding the environmental impact of the proposed action. The state official had no comments.

III. Finding of No Significant Impact

The licensee has requested license amendments pursuant to 10 CFR 50.54(q) to adopt a fleet-wide SEP, with a specific annex, for Edwin I. Hatch, Unit 1 and 2. The NRC is considering issuing the requested amendments. The proposed action would not significantly affect plant safety, would not have a significant adverse effect on the probability of an accident occurring, and would not have any significant radiological and non-radiological impacts. The reason the environment would not be significantly affected is because the proposed changes would only result in minor changes in staffing levels and associated vehicular traffic, along with a small increase in air pollutant emissions. This FONSI incorporates by reference the EA in Section II of this notice. Therefore, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

The related environmental document is the ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Edwin I. Hatch Nuclear Plant, Units 1 and 2, Final Report,'' NUREG–1437, Supplement 4. NUREG–1437, Supplement 4 provides the latest environmental review of current operations and description of environmental conditions at Hatch.

The finding and other related environmental documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. Publicly-available records will be accessible electronically from ADAMS Public Electronic Reading Room on the Internet at the NRC's Web site: *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's PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or send an email to *pdr.resource@nrc.gov.*

IV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No./ Web link/**Federal Register** Citation
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Southern Nuclear Operating Company, Response to Request For Additional Information Regarding License Amendment Request for Adoption of Standard Emergency Plan, Dated February 17, 2016.	ML16060A283
Southern Nuclear Operating Company, Response to Request For Additional Information Regarding License Amendment Request for Adoption of Standard Emergency Plan, Dated April 8, 2016.	ML16105A194
Southern Nuclear Operating Company, Corrected Response to Request For Additional Information Regarding License Amendment Request for Adoption of Standard Emergency Plan, Dated May 26, 2016.	ML16147A294
Southern Nuclear Operating Company, Response to Request For Additional Information Regarding License Amendment Request for Adoption of Standard Emergency Plan, Dated June 9, 2016.	ML16167A468
Southern Nuclear Operating Company, Letter RE: Standard Emergency Plan Implementation Date, Dated November 2, 2016.	ML16307A404
NUREG–1437, Supplement 4, Generic Environmental Impact Statement for License Renewal of Nuclear Plants Edwin I. Hatch Nuclear Plant, Units 1 and 2, Final Report, Dated May 2001.	ML011420018

Dated at Rockville, Maryland, this 9th day of February 2017.

For the Nuclear Regulatory Commission.

Shawn A. Williams,

Project Manager, Plant Licensing Branch II–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–03237 Filed 2–16–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0001]

Sunshine Act Meeting Notice

DATE: Weeks of February 20, 27, March 6, 13, 20, 27, 2017.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of February 20, 2017

Thursday, February 23, 2017

9:30 a.m. Joint Meeting of the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission (Public Meeting) (Contact: Denise McGovern)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of February 27, 2017—Tentative

Wednesday, March 1, 2017

10:00 a.m. Briefing on NRC International Activities (Closed Ex. 1 & 9)

Thursday, March 2, 2017

9:00 a.m. Strategic Programmatic Overview of the Fuel Facilities and the Nuclear Materials Users Business Lines (Public Meeting) (Contact: Soly Soto; 301–415–7528)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of March 6, 2017—Tentative

There are no meetings scheduled for the week of March 6, 2017.

Week of March 13, 2017—Tentative

There are no meetings scheduled for the week of March 13, 2017.

Week of March 20, 2017—Tentative

Thursday, March 23, 2017

9:00 a.m Hearing on Combined Licenses for North Anna Nuclear Plant, Unit 3: Section 189a. of the Atomic Energy Act Proceeding (Public Meeting) (Contact: James Shea: 301–415–1388)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Friday, March 24, 2017

10:00 a.m. Briefing on the Annual Threat Environment (Closed Ex. 1)

Week of March 27, 2017—Tentative

There are no meetings scheduled for the week of March 27, 2017.

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0981 or via email at *Denise.McGovern@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: February 15, 2017.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2017–03315 Filed 2–15–17; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0042]

Guidance for the Application of the Theft and Diversion Design-Basis Threat for Category I Fuel Cycle Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 1 to Regulatory Guide (RG) 5.70, ''Guidance for the Application of the Theft and Diversion Design-Basis Threat for Category I Fuel Cycle Facilities.'' This regulatory guide provides methods that the NRC staff finds acceptable for an applicant or licensee to meet the requirements of the underlying NRC's regulations. Revision 1 of RG 5.70 contains clarifying information regarding technical matters and rule language, administrative changes, and lessons learned from inspection activities, operating experience, and current threat data.

DATES: Revision 1 to RG 5.70 is available on February 17, 2017.

ADDRESSES: Revision 1 to RG 5.70 contains classified information. Therefore, this RG is being withheld from public disclosure, but is available to those affected licensees and cleared stakeholders who qualify for access and have a demonstrated need to know. For access to RG 5.70, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: William Gott, Office of Nuclear Security and Incident Response, telephone: 301–287–9256, email: *William.Gott@nrc.gov;* or Mekonen Bayssie, Office of Nuclear Regulatory Research, telephone: 301–415–1699, email: *Mekonen.Bayssie@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Alternatively, you may make suggestions or comments on RG 5.70 via email to: *RegulatoryGuideDevelopmentBranch.Resource@nrc.gov.* Please do not include any potentially classified or sensitive information in your email.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing a revision to an existing guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

Regulatory Guide 5.70 contains classified information. This RG is being withheld from public disclosure, but is available to those affected licensees and cleared stakeholders who qualify for access and have a demonstrated need to know.

II. Additional Information

The NRC did not announce the availability for comment on the draft guide because the guide contains classified information. Instead, the NRC transmitted the draft guide for comment to cleared stakeholders who demonstrated a need-to-know in a memorandum (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16007A604) on January 4, 2016. Nonetheless, the NRC is issuing this notice to inform the public of the issuance of the final RG.

The stakeholders' comment period closed on March 19, 2016. The NRC received comments from four stakeholders. The comments and the associated comment resolutions contain classified information and are not available to the public. These comment resolutions can be obtained by those who have a demonstrated need-to-know and are cleared to access classified information. For access to RG 5.70, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting

This regulatory guide provides guidance on the application of the design basis threat to the design and implementation of physical protection systems and programs required to meet the requirements set forth in 10 CFR 73.45 and 10 CFR 73.46. The regulatory guide provides methods that the NRC staff finds acceptable for an applicant or licensee to meet the requirements of the underlying NRC regulations. The issuance of the guidance in this regulatory guide is not backfitting, as that term is defined in 10 CFR 70.76, because security is not included within the scope of the NRC's backfitting protection.

Dated at Rockville, Maryland, this 10th day of February, 2017.

For the Nuclear Regulatory Commission.

Harriet Karagiannis,

Acting Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2017–03246 Filed 2–16–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–348, 50–364; NRC–2017–0044]

Southern Nuclear Company, Inc.; Joseph M. Farley Nuclear Plant, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is making a finding of no significant impact for a proposed issuance of amendments to Renewed Facility Operating License Nos. NPF–2 and NPF–8, held by Southern Nuclear Company, Inc. (SNC, the licensee) for the operation of Joseph M. Farley Nuclear Plant (Farley), Unit 1 and Unit 2, respectively, located in Houston County, Alabama. The proposed amendments would allow for the adoption of a common (fleet-wide) SNC Standard Emergency Plan (SEP), with site-specific annexes.

DATES: February 17, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0044 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0044. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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.* For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Shawn A. Williams, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1009; email: *Shawn.Williams@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of amendments pursuant to § 50.54 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Conditions of licenses,'' paragraph (q), to Renewed Facility Operating License Nos. NPF–2 and NPF–8, held by Southern Nuclear Company, Inc. (SNC, the licensee) for the operation of Joseph M. Farley Nuclear Plant (Farley), Unit 1 and Unit 2, respectively, located in Alabama, Houston County.

In accordance with 10 CFR 51.21, the NRC has prepared an environmental assessment (EA) that analyzes the environmental effects of the proposed licensing action. Based on the results of the environmental assessment, and in accordance with 10 CFR 51.31(a), the NRC has prepared a finding of no significant impact (FONSI) for the proposed amendments.

II. Environmental Assessment

Description of the Proposed Action

The proposed action would revise Farley, Unit 1 and Unit 2, Renewed Facility Operating Licenses in order to allow the adoption of a fleet-wide SNC SEP that includes site-specific annexes. If approved, the SEP would establish an updated licensing basis for the SNC fleet of nuclear power plants (Farley, Units 1 and 2; Edwin I Hatch, Units 1 and 2; and Vogtle Electric Generating Plants Station; Units 1, 2, 3, and 4) that complies with current NRC's regulations at 10 CFR 50.47, 10 CFR part 50, appendix E, and NUREG–0654/FEMA–REP–1, Revision 1.

Notable proposed changes are (a) adoption of a standard staff augmentation time period of 75 minutes from time of declaration of an Alert or higher Emergency Classification, (b) changes in staffing numbers, (c) changes in staffing duties, and (d) consolidation of the Joint Information Center.

The proposed action is in accordance with the licensee's application dated August 31, 2015, as supplemented by letters dated February 17, 2016; April 8, 2016; May 26, 2016; June 9, 2016; and November 2, 2016, respectively.

Need for the Proposed Action

Nuclear power plant owners, government agencies, and State and local officials work together to create a system for emergency preparedness and response that will serve the public in the unlikely event of an emergency. An effective emergency preparedness program decreases the likelihood of an initiating event at a nuclear power reactor proceeding to a severe accident. Emergency preparedness cannot affect the probability of the initiating event, but a high level of emergency preparedness increases the probability of accident mitigation if the initiating event proceeds beyond the need for initial operator actions.

Each licensee is required to establish emergency plans to be implemented in the event of an accident. These emergency plans cover preparations for evacuation, sheltering, and other actions to protect residents near plants in the event of a serious incident.

The NRC, as well as other federal and state regulatory agencies review the subject plans to ensure that the condition of emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

Separate from this EA, the NRC staff is evaluating SNC's proposed changes to the SEP for Farley. This review will be documented in the safety evaluation report for the proposed license amendment. The staff's review will determine whether there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency in accordance with 10 CFR 50.47(b)(1) through (b)(16), and the requirements in appendix E to 10 CFR part 50.

The proposed action is needed to make SNC's fleet of nuclear power plants (SNC fleet) emergency plans easier to follow and understand. By standardizing emergency plans, with site specific annexes, SNC will align the SNC fleet using consistent standards and definitions. This will improve the consistency throughout the SNC fleet regarding: (1) Emergency planning organizations, (2) duties and responsibilities of emergency personnel, (3) procedures, and (4) training.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action. The proposed action consists mainly of administrative changes related to the rearrangement of NRC-approved Farley, Hatch, and Vogtle emergency plans into one SNC

SEP with site-specific annexes. Notable changes include (a) the adoption of a standard staff augmentation time period of 75 minutes from time of declaration of an Alert or higher Emergency Classification (b) changes in staffing numbers, (c) changes in staffing duties, and (d) consolidation of the Joint Information Center.

The proposed changes would have no direct impacts on land use or water resources, including terrestrial and aquatic biota as the proposed action involves no new construction or modification of plant operational systems. There would be no changes to the quality or quantity of non-radiological effluents. No changes to the plant's National Pollutant Discharge Elimination System permit are needed. Changes in staffing levels associated with the adopted SEP, and site-specific annex for Farley, could result in minor changes in vehicular traffic and associated air pollutant emissions, but no significant changes in ambient air quality would be expected. In addition, there would be no noticeable effect on socioeconomic conditions in the region, no environment justice impacts, and no impacts to historic and cultural resources. Therefore, there would be no significant non-radiological impacts associated with the proposed action.

The NRC has concluded that the proposed action would not significantly affect plant safety and would not have a significant adverse effect on the probability of an accident occurring. There would be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. No changes would be made to plant buildings or the site property. Therefore, the proposed action would not result in a change to the radiation exposures to the public or radiation exposure to plant workers.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). Denial of the license amendment request would result in no change in current environmental impacts.

Alternative Use of Resources

There are no unresolved conflicts concerning alternative uses of available resources under the proposed action.

Agencies and Persons Consulted

On January 11, 2017, the staff consulted with the Alabama State official, Mr. D. Walker of the Office of Radiation Control, regarding the environmental impact of the proposed action. The state official had no comments.

III. Finding of No Significant Impact

The licensee has requested license amendments pursuant to 10 CFR 50.54(q) to adopt a fleet-wide SEP, with a specific annex, for Farley. The NRC is considering issuing the requested amendments. The proposed action would not significantly affect plant safety, would not have a significant adverse effect on the probability of an accident occurring, and would not have any significant radiological and non-radiological impacts. The reason the environment would not be significantly affected is because the proposed changes would only result in minor changes in staffing levels and associated vehicular traffic, along with a small increase in air pollutant emissions. This FONSI incorporates by reference the EA in Section II of this notice. Therefore, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

The related environmental document is the ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Joseph M. Farley Nuclear Plant, Units 1 and 2, Final Report,'' NUREG–1437, Supplement 18. NUREG–1437, Supplement 18 provides the latest environmental review of current operations and description of environmental conditions at Farley.

The finding and other related environmental documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. Publicly-available records will be accessible electronically from ADAMS Public Electronic Reading Room on the Internet at the NRC's Web site: *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's PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or send an email to *pdr.resource@nrc.gov.*

IV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No./Web link/ **Federal Register** Citation
Southern Nuclear Operating Company, License Amendment Request for Adoption of Standard Emergency Plan, Dated August 31, 2015.	ML15246A045
Southern Nuclear Operating Company, Response to Request For Additional Information Regarding License Amendment Request for Adoption of Standard Emergency Plan, Dated February 17, 2016.	ML16060A283
Southern Nuclear Operating Company, Response to Request For Additional Information Regarding License Amendment Request for Adoption of Standard Emergency Plan, Dated April 8, 2016.	ML16105A194
Southern Nuclear Operating Company, Corrected Response to Request For Additional Information Regarding License Amendment Request for Adoption of Standard Emergency Plan, Dated May 26, 2016.	ML16147A294
Southern Nuclear Operating Company, Response to Request For Additional Information Regarding License Amendment Request for Adoption of Standard Emergency Plan, Dated June 9, 2016.	ML16167A468
Southern Nuclear Operating Company, Letter RE: Standard Emergency Plan Implementation Date, Dated November 2, 2016.	ML16307A404
NUREG–1437, Supplement 18, Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Joseph M. Farley Nuclear Plant, Units 1 and 2, Final Report, Dated March 2005.	ML050680297

Dated at Rockville, Maryland, this 9th day of February 2017.

For the Nuclear Regulatory Commission.

Shawn A. Williams,

Project Manager, Plant Licensing Branch II–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–03238 Filed 2–16–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0001]

Sunshine Act Meeting Notice

DATE: Week of February 13, 2017.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of February 13—Tentative

Friday, February 17, 2017

9:25 a.m. Affirmation Session (Public Meeting) (Tentative)

Edlow International Company (Export of 93.20% Enriched Uranium) (Petition Seeking Leave to Intervene and Request for Hearing) (Tentative)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

* * * * *

Additional Information

By a vote of 3–0 on February 14, 2017, the Commission determined pursuant to U.S.C. 552b(e) and 9.107(a) of the Commission's rules that the above referenced Affirmation Session be held with less than one week notice to the public. The meeting is scheduled on February 17, 2017.

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0981 or via email at *Denise.McGovern@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: February 15, 2017.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2017–03314 Filed 2–15–17; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0267]

Information Collection: NUREG/BR–0254, Payment Methods and NRC Form 629, Authorization for Payment by Credit Card

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, NUREG/BR–0254, Payment Methods and NRC Form 629, Authorization for Payment by Credit Card.

DATES: Submit comments by April 18, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0267. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

Mail comments to: David Cullison, Office of the Chief Information Officer, Mail Stop: T–2 F43, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0267 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0267.

• *NRC's Agency wide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The supporting statement and NUREG/BR–0254, Payment Methods and NRC Form 629, Authorization for Payment by Credit Card are available in ADAMS under Accession ML16341A835.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

Please include Docket ID NRC–2016–0267 in the subject line of your

comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* NUREG/BR–0254, Payment Methods and NRC Form 629, Authorization for Payment by Credit Card.

2. *OMB approval number:* 3150–0190.

3. *Type of submission:* Revision.

4. *The form number, if applicable:* NRC Form 629.

5. *How often the collection is required or requested:* As needed to process credit card payments.

6. *Who will be required or asked to respond:* Anyone doing business with the NRC including licensees, applicants and individuals who are required to pay a fee for inspections and licenses.

7. *The estimated number of annual responses:* 677.

8. *The estimated number of annual respondents:* 677.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 113.

10. *Abstract:* The U.S. Department of the Treasury encourages the public to pay monies owed to the government through use of the Automated Clearinghouse Network and credit cards. These two methods of payment are used by licensees, applicants, and individuals to pay civil penalties, full cost licensing fees, and annual fees to the NRC.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 13th day of February, 2017.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2017–03153 Filed 2–16–17; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from October 1, 2016 to October 31, 2016.

FOR FURTHER INFORMATION CONTACT: Senior Executive Resources Services, Senior Executive Service and Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at *www.gpo.gov/fdsys/*. OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

No schedule A authorities to report during October 2016.

Schedule B

No schedule B authorities to report during October 2016.

The following Schedule C appointing authorities were approved during October 2016.

Agency name	Organization name	Position title	Authorization No.	Effective date
Department of Agriculture	Office of Communications	Advance Associate	DA160178	10/07/2016
	Risk Management Agency	Senior Advisor	DA160179	10/07/2016
Department of Commerce	Office of Director General of the United States and Foreign Commercial Service and Assistant Secretary for Global Markets.	Special Advisor	DC160209	10/04/2016
	Office of the Under Secretary	Special Assistant	DC160207	10/06/2016
	Office of Executive Secretariat	Deputy Director	DC170001	10/12/2016
	Office of Assistant Secretary and Director General for United States and Foreign Commercial Service.	Senior Advisor	DC160210	10/13/2016
	Bureau of Industry and Security	Chief of Staff	DC170007	10/27/2016
	Office of Assistant Secretary for Industry and Analysis.	Senior Advisor	DC170006	10/28/2016

Agency name	Organization name	Position title	Authorization No.	Effective date
		Director, Office of Advisory Committees and Industry Outreach.	DC170008	10/28/2016
Department of Defense	Washington Headquarters Services.	Defense Fellow (2)	DD160194	10/14/2016
			DD160195	10/14/2016
	Office of the Under Secretary of Defense (Policy).	Special Assistant for Afghanistan, Pakistan and Central Asia.	DD160192	10/31/2016
	Office of the Secretary of Defense.	Special Assistant (Personnel & Readiness).	DD170006	10/31/2016
Department of Energy	Office of Assistant Secretary for Congressional and Intergovernmental Affairs.	Special Advisor (2)	DE160165	10/04/2016
			DE170012	10/31/2016
	Office of Management	Special Assistant	DE160167	10/04/2016
	Office of Assistant Secretary for Energy Efficiency and Renewable Energy.	Special Advisor for Stakeholder Engagement.	DE170001	10/07/2016
	Office of Energy Policy and Systems Analysis.	Director of the Quadrennial Energy Review Secretariat.	DE160166	10/12/2016
	Office of the Secretary	White House Liaison and Senior Advisor.	DE160169	10/14/2016
	Office of Assistant Secretary for Fossil Energy.	Special Advisor	DE170003	10/26/2016
Environmental Protection Agency	Office of the Associate Administrator for Congressional and Intergovernmental Relations.	Senior Advisor for Congressional and Intergovernmental Relations.	EP170001	10/26/2016
Department of Health and Human Services.	Office of the Assistant Secretary for Public Affairs.	Director of Specialty Communications and Spokesperson.	DH170002	10/13/2016
		Press Assistant	DH170011	10/27/2016
		Press Secretary and Special Advisor.	DH170004	10/14/2016
	Office for Civil Rights	Special Advisor	DH170006	10/14/2016
		Senior Advisor for Operations	DH170010	10/27/2016
	Office of the Assistant Secretary for Preparedness and Response.	Senior Advisor	DH170009	10/18/2016
Department of Housing and Urban Development.	Office of Public and Indian Housing.	Special Advisor	DU170001	10/06/2016
	Office of the Secretary	Deputy White House Liaison	DU170002	10/18/2016
Department of the Interior	Bureau of Ocean Energy Management.	Advisor	DI160095	10/03/2016
	Office of Congressional and Legislative Affairs.	Special Assistant	DI160096	10/14/2016
	Secretary's Immediate Office	Special Assistant	DI170001	10/14/2016
Department of Labor	Veterans Employment and Training Service.	Special Assistant	DL160133	10/04/2016
	Office of Public Affairs	Special Assistant	DL160128	10/07/2016
	Office of Congressional and Intergovernmental Affairs.	Legislative Officer	DL170001	10/21/2016
Office of Management and Budget.	Office of E-Government and Information Technology.	Program Analyst	BO170001	10/07/2016
Department of Transportation	Immediate Office of the Administrator.	Director of Governmental, International and Public Affairs.	DT170011	10/28/2016
	Office of Assistant Secretary for Budget and Programs.	Special Assistant	DT170008	10/31/2016
Department of the Treasury	Office of Assistant Secretary (Legislative Affairs).	Special Advisor	DY170001	10/06/2016

The following Schedule C appointing authorities were revoked during October 2016.

Agency name	Organization name	Position title	Request No.	Date vacated
Department of Agriculture	Farm Service Agency	State Executive Director—Oklahoma.	DA160015	10/01/2016
Department of Commerce	Office of Deputy Assistant Secretary for Domestic Operations.	Special Advisor	DC150167	10/15/2016

Agency name	Organization name	Position title	Request No.	Date vacated
	Office of Director General of the United States and Foreign Commercial service and Assistant Secretary for Global Markets.	Special Advisor (2)	DC150149	10/15/2016
			DC140119	10/29/2016
	Office of Public Affairs	Deputy Director of Public Affairs and Director of Digital Strategy and Engagement.	DC160007	10/21/2016
	Office of Assistant Secretary for Industry and Analysis.	Deputy Director, Office of Advisory Committees and Industry Outreach.	DC160053	10/29/2016
		Director, Office of Advisory Committees and Industry Outreach.	DC160041	10/29/2016
	Office of the Secretary	Senior Advisor	DC160111	10/29/2016
Department of Education	Office of Planning, Evaluation and Policy Development.	Policy Advisor	DB160100	10/07/2016
Department of Energy	Office of the Assistant Secretary for Nuclear Energy.	Senior Advisor	DE150129	10/14/2016
	Office of the Secretary	White House Liaison	DE160043	10/15/2016
	Office of the Assistant Secretary for International Affairs.	Chief of Staff	DE160004	10/22/2016
Department of Health and Human Services.	Administration for Children and Families.	Confidential Assistant	DH150172	10/03/2016
Department of Housing and Urban Development.	Office of Housing	Special Assistant	DU160007	10/15/2016
Department of Justice	Executive Office for United States Attorneys.	Counsel	DJ160063	10/31/2016
National Aeronautics and Space Administration.	Office of Legislative and Intergovernmental Affairs.	Legislative Affairs Specialist	NN150068	10/15/2016
National Endowment for the Arts	Office of Congressional Affairs	Special Assistant for Congressional Affairs/Council Operations.	NA150006	10/24/2016
Department of Transportation	Immediate Office of the Administrator.	Director of Governmental, International and Public Affairs.	DT150041	10/15/2016
		Special Assistant to the Administrator.	DT160007	10/29/2016
	Office of the Assistant Secretary for Transportation Policy.	Deputy Assistant Secretary for Transportation Policy.	DT160014	10/29/2016
	Office of the Secretary	Director of Scheduling	DT160008	10/29/2016

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–03225 Filed 2–16–17; 8:45 am]

BILLING CODE 6325–39–P

POSTAL REGULATORY COMMISSION

[Docket No. R2017–5]

International Mail Contract

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing recent Postal Service filings for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 24, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For

request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* R2017–5; *Filing Title:* Notice of United States Postal Service of Type 2 Rate Adjustment, Notice of Filing Functionally Equivalent Agreement, and Notice of Application for Non-Public Treatment; *Filing Acceptance Date:* February 10, 2017; *Filing Authority:* 39 CFR 3010.40 *et seq.; Public Representative:* Natalie R. Ward; *Comments Due:* February 24, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–03151 Filed 2–16–17; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80032; File No. SR–NYSEARCA–2017–10]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services

February 13, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 30, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services. The Exchange proposes to implement the fee changes effective February 1, 2017. The proposed rule change is available on the Exchange's Web site at *www.nyse.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 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 the Fee Schedule, as described below, and implement the fee changes on February 1, 2017.

Tape B Tiers

Currently, a Tape B Tier 1 credit of $0.0030 per share [4] applies to ETP Holders and Market Makers, that, on a daily basis, measured monthly, directly execute providing volume in Tape B Securities during the billing month (''Tape B Adding ADV'') that is equal to at least 0.40% of US Tape B CADV over the ETP Holder's second quarter 2015 Tape B Adding ADV taken as a percentage of Tape B CADV (''Tape B Baseline % CADV'').

The Exchange proposes to revise the threshold such that, to qualify for the Tape B Tier 1 credit, providing volume executed by ETP Holders and Market Makers would no longer be measured against the ETP Holder's Tape B baseline % CADV and would instead be based on such ETP holder directly executing providing volume in Tape B Securities that is equal to at least 1.50% of US Tape B CADV for the billing month.

The Exchange is not proposing any change to the level of Tape B Tier 1 credits.

Secondly, the Exchange proposes to introduce an alternative method of qualifying for Tape B Tier 2 credits. Currently, a Tape B Tier 2 credit of $0.0028 per share [5] applies to ETP Holders and Market Makers, that, on a daily basis, measured monthly, directly execute Tape B Adding ADV that is equal to at least 0.20% of the US Tape B CADV over the ETP Holder's or Market Maker's Tape B Baseline % CADV. As proposed, ETP Holders and Market Makers could alternatively qualify for the Tape B Tier 2 credit by directly executing Tape B Adding ADV that is equal to at least 1.0% of the US Tape B CADV. The Exchange believes that, by providing for an additional method of qualifying for Tape B Tier 2, this proposed change will provide a greater incentive to attract additional liquidity in Tape B Securities so as to qualify for the Tape B Tier 2 credit.

The Exchange is not proposing any change to the level of Tape B Tier 2 credits.

Tape C Tier

The Exchange proposes to introduce a new pricing tier level—Tape C Tier—for securities with a per share price above $1.00.

As proposed, a new Tape C Tier credit of $0.0002 per share [6] would be applicable to ETP Holders and Market Makers, that, on a daily basis, measured monthly, directly execute providing volume in Tape C Securities during the billing month (''Tape C Adding ADV'') that is equal to at least 0.10% of US Tape C CADV over the ETP Holder's or Market Maker's fourth quarter 2016 Tape C Adding ADV taken as a percentage of Tape C CADV.[7] For example, if an ETP Holder's Tape C Baseline % CADV during fourth quarter 2016 was 0.500%, the ETP Holder

[4] Under the Basic Rate, ETP Holders receive a credit of $0.0020 per share for Tape B orders that provide liquidity to the Book.

[5] Under the Basic Rate, ETP Holders receive a credit of $0.0020 per share for Tape B orders that provide liquidity to the Book.

[6] Under the Basic Rate, ETP Holders receive a credit of $0.0020 per share for Tape C orders that provide liquidity to the Book.

[7] The Exchange proposes to use the same definition of US CADV for purposes of the proposed Tape C Tier. Specifically, U.S. CADV means United States Consolidated Average Daily Volume for transactions reported to the Consolidated Tape, excluding odd lots through January 31, 2014 (except for purposes of Lead Market Maker pricing), and excludes volume on days when the market closes early and on the date of the annual reconstitution of the Russell Investments Indexes. Transactions that are not reported to the Consolidated Tape are not included in U.S. CADV. *See* Fee Schedule, Footnote 3.

would need a Tape C Adding ADV of at least 0.600% in order to qualify for the proposed Tape C Tier credit of $0.0002 per share (*i.e.,* 0.500% Tape C Baseline % CADV plus 0.100% of the US Tape C CADV for the billing month).[8] The credit provided under the proposed Tape C Tier would be in addition to the ETP Holder's Tiered or Basic Rate credit(s); provided, however, that such combined credit would not be permitted to exceed $0.0031 per share.

Finally, for ETP Holders that qualify for the proposed new Tape C Tier, Tiered or Basic Rates would apply to all other fees and credits, based on a firm's qualifying levels, and if an ETP Holder qualifies for more than one tier in the Fee Schedule, the Exchange would apply the most favorable rate available under such tiers.

Deletion of the ''P'' Modifier

On April 30, 2015, the Exchange filed the first of a number of proposed rule changes (the ''first Pillar filing'') to adopt new equity trading rules to reflect the implementation of Pillar, the Exchange's new integrated trading technology platform designed to use a single specification for connecting to the equities and options markets operated by NYSE Arca and its affiliates, New York Stock Exchange LLC and NYSE MKT LLC.[9] The Commission approved the first Pillar filing, including the interim use of the ''P'' modifier.[10] The Exchange also previously filed a proposed rule change to amend its Fee Schedule to adopt references that would be applicable during the migration to Pillar,[11] including the adoption of the ''P'' modifier, where applicable, to the Fee Schedule.[12]

Once the migration of securities to Pillar was completed, the Exchange filed a proposed rule change to amend the Fee Schedule to remove references adopted in the Pillar Fee Filings,[13] with exception to references to the ''P'' modifier as the ''P'' modified rules remained in effect at that time. The Exchange has since amended its rules to, among other things, delete the ''P'' modifier,[14] and now proposes to delete references to the ''P'' modifier from the Fee Schedule.

Deletion of Obsolete Fee Language

In September 2016, the Exchange filed a proposed rule change to adopt a new Step Up pricing tier.[15] The Step Up Tier Filing adopted lower requirements for ETP Holders and Market Makers to qualify for the Step Up Tier credits for the months of September 2016 and October 2016. The Exchange previously filed a proposed rule change to delete from the Fee Schedule reference to the Step Up Tier credits applicable to ETP Holders and Market Makers for the month of September 2016,[16] and now proposes to delete from the Fee Schedule reference to the Step Up Tier credits applicable to ETP Holders and Market Makers for the month of October 2016 as that language is now obsolete.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[17] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[18] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

Tape B Tiers

The Exchange believes the proposed changes to the Tape B Tiers are reasonable and equitably allocated because they would apply to ETP Holders and Market Makers that provide liquidity to the Exchange and are designed to incentivize these market participants to increase the orders sent directly to the Exchange and therefore provide liquidity that supports the quality of price discovery and promotes market transparency. The Exchange believes the Tape B Tiers are equitable because they are open to all similarly situated ETP Holders and Market Makers on an equal basis and provide credits that are reasonably related to the value of an exchange's market quality associated with higher volumes.

The Exchange believes that the proposed thresholds for qualifying for Tape B Tiers are reasonable because they are designed to encourage increased trading activity on the NYSE Arca equity market. The Exchange believes it is reasonable, equitable and not unfairly discriminatory to require ETP Holders and Market Makers to meet the higher threshold to qualify for the Tape B Tier 1 credit because doing so would result in a higher credit paid to such participants. Further, ETP Holders and Market Makers that do not meet the proposed threshold for the Tape B Tier 1 can also avail themselves to the Tape B Tier 2 credit, which while providing for a lower credit, also has lower requirements to qualify for such credit. Further, pursuant to this proposed rule change, ETP Holders and Market Makers will now be able to alternatively qualify for the Tape B Tier 2 credit.

The proposed new method of qualifying for the Tape B Tier 2 credit is also equitable and not unfairly discriminatory because it would be available to all ETP Holders and Market Makers on an equal and non-discriminatory basis. In this regard, the Exchange notes that ETP Holders and Market Makers that do not meet the proposed alternative method would continue to have the opportunity to qualify for the Tape B Tier 2 credit by satisfying the existing requirement, which would not change as a result of this proposal.

Tape C Tier

The Exchange believes the proposed Tape C Tier is reasonable and equitably allocated because it would apply to ETP Holders and Market Makers that provide liquidity in Tape C Securities to the Exchange and is designed to incentivize these market participants to increase the orders sent directly to the Exchange and therefore provide liquidity that supports the quality of price discovery and promotes market transparency. The Exchange believes the new Tape C Tier

[8] The Exchange recognizes that a firm that becomes an ETP Holder or Market Maker after the Baseline Month would have a Tape C Baseline ADV of zero. In this regard, a new ETP Holder or Market Maker would need to have a Tape C Adding ADV during the billing month of no less than 0.100% of US Tape C CADV for the $0.0002 per share credit to apply.

[9] *See* Securities Exchange Act Release No. 74951 (May 13, 2015), 80 FR 28721 (May 19, 2015) (SR–NYSEArca–2015–38) (notice of filing of proposed rule change adopting new equity trading rules relating to trading sessions, order ranking and display, and order execution, and the use of the ''P'' modifier).

[10] *See* Securities Exchange Act Release No. 75494 (July 20, 2015), 80 FR 44170 (July 24, 2015) (SR–NYSEArca–2015–38) (approval of proposed rule change adopting new equity trading rules relating to trading sessions, order ranking and display, and order execution, and the use of ''P'' modifier).

[11] *See* Securities Exchange Act Release Nos. 77124 (February 12, 2016), 81 FR 8548 (February 19, 2016) (SR–NYSEArca–2016–18); and 77588 (April 12, 2016), 81 FR 22676 (April 18, 2016) (SR–NYSEArca–2016–54) (''Pillar Fee Filings'').

[12] *Id.*

[13] *See* Securities Exchange Act Release No. 77925 (May 26, 2016), 81 FR 35412 (June 2, 2016) (SR–NYSEArca–2016–78).

[14] *See* Securities Exchange Act Release No. 79078 (October 11, 2016), 81 FR 71559 (October 17, 2016) (SR–NYSEArca–2016–135).

[15] *See* Securities Exchange Act Release No. 78892 (September 21, 2016), 81 FR 66315 (September 27, 2016) (SR–NYSEArca–2016–128) (the ''Step Up Tier Filing'').

[16] *See* Securities Exchange Act Release No. 79054 (October 5, 2016), 81 FR 70473 (October 12, 2016) (SR–NYSEArca–2016–137).

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(4) and (5).

is equitable because it would be available to all similarly situated ETP Holders and Market Makers on an equal basis and provides a credit that is reasonably related to the value of an exchange's market quality associated with higher volumes. The Exchange further believes that the proposed Tape C Tier is reasonable, equitable and not unfairly discriminatory because the Exchange has previously implemented pricing tiers that target a particular segment of securities, such as Tape A and Tape B Securities.

The Exchange further believes that it is equitable and not unfairly discriminatory that the proposed $0.0002 credit under the Tape C Tier would not be permitted to exceed $0.0031 per share when combined with other credits available to ETP Holders under other tiers specified in the Fee Schedule because the ETP Holders that qualify for these specified tiers would already receive a higher credit for such executions.

The Exchange believes that the proposed rule change regarding Tape B and Tape C credits would create an added incentive for ETP Holders and Market Makers to execute additional orders on the Exchange. The Exchange believes that the proposed change is equitable and not unfairly discriminatory because providing incentives for orders in exchange-listed securities that are executed on a registered national securities exchange (rather than relying on certain available off-exchange execution methods) would contribute to investors' confidence in the fairness of their transactions and would benefit all investors by deepening the Exchange's liquidity pool, supporting the quality of price discovery, promoting market transparency and improving investor protection.

Volume-based rebates and fees such as the ones currently in place on the Exchange, and as proposed herein, have been widely adopted in the cash equities markets and are equitable because they are open to all ETP Holders and Market Makers on an equal basis and provide additional benefits or discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns, and introduction of higher volumes of orders into the price and volume discovery processes. The Exchange believes that the proposed amendment to Tape B Tiers and the introduction of Tape C Tier will provide such enhancements in market quality on the Exchange's equity market by incentivizing increased participation.

Deletion of the ''P'' Modifier

The Exchange believes that the proposed changes to the Fee Schedule to delete the ''P'' modifier from rules referenced in the Fee Schedule is reasonable, equitable and not unfairly discriminatory because the changes are intended to add clarity to the Fee Schedule and avoid investor confusion, which is in the public interest. The ''P'' modifier, which is no longer necessary, was intended to distinguish the Pillar trading rules from the now obsolete rules during the transitional period to a single trading platform and a single set of rules governing trading, would remove impediments to and perfect the mechanism of a national market system because these proposed changes would add greater clarity to the Exchange's rules and promote market transparency and efficiency.

Deletion of Obsolete Fee Language

The Exchange believes that it is reasonable, equitable and not unfairly discriminatory to delete reference to obsolete fees from the Fee Schedule. The Step Up Tier Filing adopted lower requirements for ETP Holders and Market Makers to qualify for the Step Up Tier credits for the month of October 2016. Given that October 2016 has now passed, the Exchange believes deletion of the outdated language will bring clarity to the Fee Schedule.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[19] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposal to revise the threshold to qualify for Tape B credits and the addition of a new Tape C credit would encourage the submission of additional liquidity to a public exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for ETP Holders and Market Makers. The Exchange believes that this could promote competition between the Exchange and other execution venues, including those that currently offer similar order types and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

With respect to the changes related to the renaming of order types [sic] on Pillar, the proposed changes are not designed to address any competitive issue but rather provide the public and investors with a Fee Schedule that is transparent.

Finally, 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 and rebates 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 and credits 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. As a result of all of these considerations, the Exchange does not believe that the proposed changes will impair the ability of ETP Holders 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 solicited or received with respect to 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) [20] of the Act and subparagraph (f)(2) of Rule 19b–4 [21] 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

[19] 15 U.S.C. 78f(b)(8).

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(2).

Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [22] 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–NYSEARCA–2017–10 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–NYSEARCA–2017–10. 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–NYSEARCA–2017–10 and should be submitted on or before March 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–03183 Filed 2–16–17; 8:45 am]

BILLING CODE 8011–01–P

[22] 15 U.S.C. 78s(b)(2)(B).

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32477; 812–14743]

General Electric Company and GE Capital International Holdings Limited; Notice of Application

February 13, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'').

SUMMARY OF APPLICATION: General Electric Company (''GE'') and GE Capital International Holdings Limited (''European Holdco'') request an order under section 6(c) of the Act exempting European Holdco from all provisions of the Act during the period from the date of the requested order to the earlier of (a) three years from such date and (b) the completion of the sales process described in the application (''Exemption Period'').

APPLICANTS: GE and European Holdco.

FILING DATES: The application was filed on February 10, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 10, 2017, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: 299 Park Avenue, New York, NY 10171.

FOR FURTHER INFORMATION CONTACT: Steven I. Amchan, Senior Counsel, at (202) 551–6826, or Daniele Marchesani, Assistant Chief Counsel, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or the applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. GE, a New York corporation, is one of the largest and most diversified infrastructure and financial services corporations in the world. Its products and services range from aircraft engines, power generation, oil and gas production equipment and household appliances to medical imaging, business and consumer financing, and industrial products. Applicants state that GE is not an investment company as defined in section 3(a) of the Act.

2. European Holdco, a UK limited company and a wholly-owned subsidiary of GE, is the successor to the former General Electric Capital Corporation (''Old GE Capital'') with respect to various foreign businesses formerly held by Old GE Capital. European Holdco, directly or through its majority-owned subsidiaries, engages in financing activities primarily for mid-sized companies within the industries in which GE provides its services.

3. On April 10, 2015, GE announced a plan to reduce the size of its financial services businesses through the sale of most of the assets of Old GE Capital over the next 24 months and to focus on the continued investment and growth of GE's industrial businesses. As part of this plan, Old GE Capital's businesses were reorganized principally into European Holdco and a separate U.S. holding company (the ''Reorganization''), with the non-U.S. businesses being contributed to European Holdco.[1] The non-U.S. businesses transferred from Old GE Capital to European Holdco include, among others, (i) banking, (ii) equipment financing, (iii) inventory financing, (iv) factoring, (v) automobile

[1] As part of the plan to restructure and reduce the Old GE Capital business, Old GE Capital formed a finance subsidiary (''FinCo''), whose primary purpose is to finance the operations of GE's foreign subsidiaries.

leasing, and (vi) aircraft and aircraft engine leasing.

4. Applicants assert that European Holdco is exempt from the Act pursuant to section 3(c)(6), the same exemption Old GE Capital was able to rely on prior to the Reorganization. Applicants state that in complying with section 3(c)(6), European Holdco relies not only on businesses described in sections 3(c)(3), (4), and (5), but also on businesses other than investing, reinvesting, owning, holding, or trading in securities. As such, to relying on section 3(c)(6), at least 25% of European Holdco's gross income (*i.e.,* revenue) generally must be derived from European Holdco's 3(c)(3), (4), and (5) businesses. GE has calculated that, as of September 30, 2016, approximately 91% of European Holdco's assets and 57% of its net income were derived from its section 3(c)(3), (4), and (5) businesses and its other businesses that are not investing, reinvesting, owning, holding, or trading in securities, and approximately 36% of its revenue was derived from its section 3(c)(3), (4), and (5) businesses. Applicants maintain that as such, European Holdco was in compliance with section 3(c)(6) as of that time.

5. Applicants state that GE intends over time to sell many of the foreign businesses contributed to European Holdco as part of the Reorganization, and would like to be able to manage this sales process so as to maximize shareholder value, rather than in a manner necessary to continuously comply with European Holdco's exemption under the Act. GE has developed a plan for selling such businesses and expects that the sales process will be mostly complete within two years, with potentially some sales activity continuing into a third year. Applicants state that the sales process may extend into a third year given the tremendous complexity of GE's structure and the Reorganization. At the conclusion of the sales process, GE expects that European Holdco will not be an investment company pursuant to rule 3a–1 under the Act (or otherwise), as its anticipated remaining businesses will involve significant amounts of assets that are not investment securities for purposes of the Act (such as aircraft and aircraft engines). Accordingly, applicants request an order of exemption for the duration of the Exemption Period to permit GE to sell various businesses without concern that it might cause European Holdco inadvertently and temporarily to become an investment company under the Act.

Applicants' Legal Analysis

1. Under section 3(a)(1)(C) of the Act, an issuer is an investment company if it is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis. Section 3(a)(2) of the Act defines ''investment securities'' to include all securities except government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner that are not investment companies and are not relying on the exception from the definition of investment company in section 3(c)(1) or 3(c)(7) of the Act.

2. Rule 3a–1 under the Act provides an exemption from the definition of investment company if, on a consolidated basis with wholly-owned subsidiaries, no more than 45% of an issuer's total assets (exclusive of government securities and cash items) consist of, and no more than 45% of its net income after taxes over the last four fiscal quarters combined is derived from, securities other than: Government securities, securities issued by employees' securities companies, and securities of certain majority-owned subsidiaries and companies controlled primarily by the issuer.

3. Applicants assert that although European Holdco's financing businesses involve significant holdings of investment securities (such as mortgages and equipment finance loans), European Holdco as currently structured is not an investment company under section 3(c)(6) of the Act, the same exemption Old GE Capital was able to rely on prior to the Reorganization. However, applicants state that there could be times during the process of selling European Holdco's businesses, depending on the order in which the businesses are sold and the remaining mix of businesses, when European Holdco would technically not satisfy section 3(c)(6), rule 3a–1, or any other exception from the definition of ''investment company,'' and thus may fall within the definition of ''investment company'' in section 3(a)(1)(C).

4. Rule 3a–2 under the Act generally provides that, for purposes of sections 3(a)(1)(A) and 3(a)(1)(C), an issuer will not be deemed to be engaged in the business of investing, reinvesting, owning, holding or trading in securities for a period not to exceed one year if the issuer has a bona fide intent to be engaged in a non-investment company business. This enables the issuer to make an orderly transition to a non-investment company business. Applicants state that the expected length of the sales process may preclude European Holdco from relying on rule 3a–2 because applicants cannot state that European Holdco has a bona fide intent to be engaged primarily in a business other than investing, reinvesting, owning, holding, or trading in securities within one year.

5. Section 6(c) of the Act permits the Commission to exempt any person from any provision of the Act, if and to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

6. Applicants request an order under section 6(c) exempting European Holdco from all provisions of the Act for the duration of the Exemption Period. Applicants believe that the period of time requested will provide GE with enough time to execute the sales plan in a manner that maximizes economic value while ensuring that, at the end of the Exemption Period, European Holdco will not be an investment company.

7. Applicants assert that as a result of GE's plan to reduce its financial services businesses through the sale of foreign businesses held by European Holdco, European Holdco may temporarily fall within the statutory definition of an investment company, even though that definition is not an accurate depiction of European Holdco's business. Applicants assert that their officers will work diligently to bring European Holdco into compliance with rule 3a–1 (or another exemption) under the Act within three years. Applicants state that European Holdco's transactions in securities will not be for speculative purposes, but rather in furtherance of its business as a holding company for certain international financial businesses of GE. Applicants contend that registration under the Act would involve unnecessary burden and expense for the applicants and GE's shareholders, and would serve no regulatory purpose. For the reasons discussed above, applicants assert that the requested relief under section 6(c) of the Act is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants' Conditions

Applicants agree that the requested exemption will be subject to the following conditions:

1. European Holdco will not engage in the trading of securities for short-term speculative purposes;

2. European Holdco will not hold itself out as being engaged primarily in the business of investing, reinvesting, or trading in securities; and

3. European Holdco will have no securities outstanding while it is relying on the order other than (i) guarantees of FinCo debt that is also guaranteed by GE, (ii) debt securities (including commercial paper) guaranteed by GE and (iii) securities held by European Holdco's affiliates.

4. European Holdco will seek to decrease the percentage of its total assets comprised of investment securities so as not to be an investment company within the meaning of the Act and the rules and regulations thereunder as soon as reasonably possible and in any event within three years from the date of the requested order.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–03184 Filed 2–16–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80025; File No. SR–BatsEDGX–2017–04]

Self-Regulatory Organizations; Bats EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Option Regulatory Fees as They Relate to the Equity Options Platform

February 13, 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 January 30, 2017, Bats EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') 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 Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[5] and non-Members of the Exchange pursuant to Exchange Rules 15.1(a) and (c) to adopt an Options Regulatory Fee (''ORF'').

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify its fee schedule applicable to its equity options platform (''EDGX Options'') to adopt an ORF in the amount of $0.0004 per contract side.[6] The per-contract ORF will be assessed by the Exchange to each Member for all options transactions executed and cleared, or simply cleared, by the Member, that are cleared by OCC in the ''customer'' range, regardless of the exchange on which the transaction occurs.[7] The ORF will be collected indirectly from Members through their clearing firms by OCC on behalf of the Exchange.

The ORF also will be charged for transactions that are not executed by a Member but are ultimately cleared by a Member. In the case where a non-Member executes a transaction and a Member clears the transaction, the ORF will be assessed to the Member who clears the transaction. In the case where a Member executes a transaction and another Member clears the transaction, the ORF will be assessed to the Member who clears the transaction.

Clearing members, however, are distinguished from executing participants because they remain identified to the Exchange regardless of the identity of the initiating executing participant, their location, and the market center on which they execute transactions. Therefore, the Exchange believes it is more efficient for the operation of the Exchange and for the marketplace as a whole to assess the ORF to clearing members.

The Exchange believes it is appropriate to charge the ORF only to transactions that clear as customer at the OCC. The Exchange believes that its broad regulatory responsibilities with respect to a Member's activities supports applying the ORF to transactions cleared but not executed by a Member. The Exchange's regulatory responsibilities are the same regardless of whether a Member executes a transaction or clears a transaction executed on its behalf. The Exchange regularly reviews all such activities, including performing surveillance for position limit violations, manipulation, front-running, contrary exercise advice

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] The Exchange notes that it previously proposed to adopt an ORF of $0.0002 per contract in August 2016 which would have been assessed to each Member and non-Member for all options transactions cleared by OCC in the ''customer'' range, regardless of the exchange on which the transaction occurred. *See* Securities Exchange Act Release No. 78452 (August 1, 2016), 81 FR 51951 (August 5, 2016) (SR–BatsEDGX–2016–33). The Exchange then filed to delay the implementation of SR–BatsEDGX–2016–33 until February 1, 2017. *See* Securities Exchange Act Release No. 78745 (September 1, 2016), 81 FR 62185 (September 8, 2016) (SR–BatsEDGX–2016–48). The Commission later issued an order suspending and [sic] SR–BatsEDGX–2016–33 and instituted proceedings to determine whether to approve or disapprove the proposed rule change asking whether the [sic] ''a sufficient regulatory nexus exists between the Exchange and a non-Member to justify imposition of the ORF on such non-Member.'' *See* Securities Exchange Act Release No. 78850 (September 15, 2016), 81 FR 64963 (September 21, 2016). On January 10, 2017, the Exchange withdrew SR–Bats–EDGX–2016–33. The Exchange also proposes in this filing to remove text from its fee schedule adopted in SR–BatsEDGX–2016–48 which delayed the implementation of SR–Bats–EDGX–2016–33 until February 1, 2017.

[7] The Exchange also proposes to insert a colon after the title ''Options Regulatory Fee''.

violations and insider trading. These activities span across multiple exchanges.

The ORF is designed to recover a material portion of the costs to the Exchange of the supervision and regulation of Members' customer options business, including performing routine surveillances and investigations, as well as policy, rulemaking, interpretive and enforcement activities. The Exchange believes that revenue generated from the ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs. The Exchange notes that its regulatory responsibilities with respect to Member compliance with options sales practice rules have been allocated to the Financial Industry Regulatory Authority, Inc. (''FINRA'') under a 17d–2 Agreement. The ORF is not designed to cover the cost of options sales practice regulation.

The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The Exchange expects to monitor its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange will notify Members of adjustments to the ORF at least 30 calendar days prior to the effective date of the change.[8]

The Exchange believes it is reasonable and appropriate for the Exchange to charge the ORF for options transactions regardless of the exchange on which the transactions occur. The Exchange has a statutory obligation to enforce compliance by Members and their associated persons under the Act and the rules of the Exchange and to surveil for other manipulative conduct by market participants (including non-Members) trading on the Exchange. The Exchange cannot effectively surveil for such conduct without looking at and evaluating activity across all options markets. Many of the Exchange's market surveillance programs require the Exchange to look at and evaluate activity across all options markets, such as surveillance for position limit violations, manipulation, front-running and contrary exercise advice violations/expiring exercise declarations. Also, the Exchange and the other options exchanges are required to populate a consolidated options audit trail (''COATS'')[9] system in order to surveil a Member's activities across markets.

In addition to its own surveillance programs, the Exchange works with other SROs and exchanges on intermarket surveillance related issues. Through its participation in the Intermarket Surveillance Group (''ISG''),[10] the Exchange shares information and coordinates inquiries and investigations with other exchanges designed to address potential intermarket manipulation and trading abuses. The Exchange's participation in ISG helps it to satisfy the requirement that it has coordinated surveillance with markets on which security futures are traded and markets on which any security underlying security futures are traded to detect manipulation and insider trading.[11]

The Exchange believes that charging the ORF across markets will avoid having Members direct their trades to other markets in order to avoid the fee and to thereby avoid paying for their fair share for regulation. If the ORF did not apply to activity across markets then a Member would send their orders to the least cost, least regulated exchange. Other exchanges do impose a similar fee on their member's activity, including the activity of those members on the Exchange.[12]

The Exchange notes that there is established precedent for an SRO charging a fee across markets, namely, FINRAs Trading Activity Fee[13] and the MIAX, NYSE Amex, NYSE Arca, CBOE, PHLX, ISE and BOX ORFs. While the Exchange does not have all of the same regulatory responsibilities as FINRA, the Exchange believes that, like other exchanges that have adopted an ORF, its broad regulatory responsibilities with respect to a Member's activities, irrespective of where their transactions take place, support a regulatory fee applicable to transactions on other markets. Unlike FINRA's Trading Activity Fee, the ORF would apply only to a Member's customer options transactions.

Implementation Date

The Exchange proposes to implement the ORF on February 1, 2017.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[14] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[15] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using its facilities. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues or providers of routing services if they deem fee levels to be excessive.

The Exchange believes the ORF is equitable and not unfairly discriminatory because it would be objectively allocated to Members in that it would be charged to all Members on all their transactions that clear as customer transactions at the OCC. Moreover, the Exchange believes the ORF ensures fairness by assessing fees to those Members that are directly based on the amount of customer options business they conduct. Regulating customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the

[8] The Exchange announced its intent to charge an ORF on December 30, 2016. *See Bats Options Exchange Regulatory Fee Schedule Update Effective February 1, 2017, available at http://cdn.batstrading.com/resources/fee_schedule/2017/Bats-Options-Exchange-Regulatory-Fee-Schedule-Update-Effective-February-1-2017.pdf.* The semi-annual review and notice provisions are similar to those adopted by NYSE Arca, Inc. (''NYSE Arca''). *See* Securities Exchange Act Release No. 70500 (September 25, 2013), 78 FR 60361 (October 1, 2013) (SR–NYSEArca–2013–91).

[9] COATS effectively enhances intermarket options surveillance by enabling the options exchanges to reconstruct the market promptly to effectively surveil certain rules.

[10] ISG is an industry organization formed in 1983 to coordinate intermarket surveillance among the SROs by co-operatively sharing regulatory information pursuant to a written agreement between the parties. The goal of the ISG's information sharing is to coordinate regulatory efforts to address potential intermarket trading abuses and manipulations.

[11] *See* Section 6(h)(3)(I) of the Act.

[12] Similar regulatory fees have been instituted by PHLX, ISE, and MIAX. *See* Securities Exchange Act Release Nos. 61133 (December 9, 2009), 74 FR 66715 (December 16, 2009) (SR–Phlx–2009–100); 61154 (December 11, 2009), 74 FR 67278 (December 18, 2009) (SR–ISE–2009–105); *and* 68711 (January 23, 2013), 78 FR 6155 (January 29, 2013) (SR–MIAX–2013–01).

[13] *See* Securities Exchange Act Release No. 47946 (May 30, 2003), 68 FR 34021 (June 6, 2003).

[14] 15 U.S.C. 78f.

[15] 15 U.S.C. 78f(b)(4).

costs associated with administering the non-customer component (*e.g.,* Member proprietary transactions) of its regulatory program. In addition, the Exchange believes the amount of the ORF is reasonable as it is lower than ORFs charged by other exchanges. By way of comparison, MIAX charges an ORF of $0.0045 per contract side,[16] and both NYSE Arca and NYSE Amex charge an ORF of $0.0055 per contract side.[17]

The ORF is designed to recover a material portion of the costs of supervising and regulating Members' customer options business including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. The Exchange will monitor, on at least a semi-annual basis the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange will notify Members of adjustments to the ORF via regulatory circular.

The Exchange has designed the ORF to generate revenues that, when combined with all of the Exchange's other regulatory fees, will be less than or equal to the Exchange's regulatory costs, which is consistent with the Commission's view that regulatory fees be used for regulatory purposes and not to support the Exchange's business side. In this regard, the Exchange believes that the initial level of the fee is reasonable.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The ORF is not intended to have any impact on competition. Rather, it is designed to enable the Exchange to recover a material portion of the Exchange's cost related to its regulatory activities. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

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. 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. The proposed ORF is also comparable to ORF charged by other options exchanges for the same or similar service.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [18] and paragraph (f) of Rule 19b–4 thereunder.[19] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–BatsEDGX–2017–04 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–BatsEDGX–2017–04. 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 No. SR–BatsEDGX–2017–04, and should be submitted on or before March 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–03178 Filed 2–16–17; 8:45 am]

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[16] *See* MIAX fee schedule *available at http://www.miaxoptions.com/sites/default/files/MIAX_Options_Fee_Schedule_01012017.pdf* (last visited January 10, 2017).

[17] *See* NYSE Arca Options fee schedule *available at https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf* (last visited January 10, 2017); *and* NYSE Amex fee schedule *available at https://www.nyse.com/publicdocs/nyse/markets/amex-options/NYSE_Amex_Options_Fee_Schedule.pdf* (last visited January 10, 2017).

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80030; File No. SR–NYSE–2017–02]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Section 902.02 of the New York Stock Exchange LLC Listed Company Manual To Waive the First Partial Year's Annual Fees for Companies Transferring From Other Exchanges

February 13, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 31, 2017, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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

The Exchange proposes to amend Section 902.02 of the NYSE Listed Company Manual (the ''Manual'') to provide a waiver of annual fees in relation to the first partial year of listing for companies transferring from another national securities exchange. The proposed rule change is available on the Exchange's Web site at *www.nyse.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 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 Section 902.02 of the Manual to provide a waiver of annual fees in relation to the first partial year of listing for companies transferring their primary class of common shares from another national securities exchange.

Section 902.02 currently provides that companies transferring their listing from another national securities exchange must pay prorated annual fees in relation to the first partial year that they are listed on the Exchange. However, Section 902.02 provides that companies transferring their primary class of common shares from NYSE Arca and NYSE MKT are not required to pay any annual fee for their first part year of listing after transferring for their primary class of common shares or any class of securities transferred in conjunction therewith. The Exchange believes that it is fairer and more consistent to treat all companies transferring from another market the same for fee purposes and therefore proposes to amend Section 902.02 to provide that all companies transferring from any other national securities exchange should benefit from an annual fee waiver for their first partial year of listing. In addition, the Exchange notes that companies transferring in mid-year will already have paid listing fees for that year to the exchange on which they were previously listed and that the double payment the Exchange's prorated annual fee imposes on them imposes a significant financial burden and acts as a disincentive to transferring. The Exchange does not believe that this waiver will have any effect on its ability to properly fund its regulatory activities.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act,[4] in general, and furthers the objectives of Sections 6(b)(4) [5] of the Exchange Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges and is not designed to permit unfair discrimination among its members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act, in particular in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is consistent with Sections 6(b)(4) and 6(b)(5) of the Exchange Act in that it represents an equitable allocation of fees and does not unfairly discriminate among listed companies. In particular, the Exchange believes the proposal represents an equitable allocation of fees and is not unfairly discriminatory because the proposed amendment will enable all companies transferring from any other national securities exchange to benefit from the same waiver with respect to annual fees for their first partial year of listing and not just those transferring from NYSE Arca and NYSE MKT, as is currently the case. The Exchange believes that the proposed waiver is not unfairly discriminatory with respect to companies that are already listed, because it is narrowly designed to address the fact that companies transferring from other markets have already paid annual listing fees at their predecessor market and would otherwise have an unusually large aggregate listing fee burden in their first partial year of listing. The Exchange also expects the effect of the proposed waiver to be small, as it is limited to the first part year of a transfer company's listing and a relatively small number of companies transfer to the Exchange in any year. Due to the very limited anticipated loss of revenue associated with the proposed waiver, the Exchange does not expect the proposed fee waiver to affect its ability to devote the same level of resources to its oversight of the companies that benefit from the waiver as it does for other listed companies or, more generally, impact its resource commitment to its regulatory oversight of the listing process or its regulatory programs.

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 Exchange Act. The proposed rule change is designed to enable all companies transferring from any other national securities exchange

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

to benefit from the same waiver with respect to annual fees for their first partial year of listing and not just those transferring from NYSE Arca and NYSE MKT, as is currently the case. The market for listings is extremely competitive. Each listing exchange has a different fee schedule that applies to issuers seeking to list securities on its exchange. Issuers have the option to list their securities on these alternative venues based on the fees charged and the value provided by each listing. Because issuers have a choice to list their securities on a different national securities exchange, the Exchange does not believe that the proposed fee change imposes a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to 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–4[7] 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–NYSE–2017–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2017–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2017–02, and should be submitted on or before March 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Assistant Secretary.

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[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).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80029; File No. SR–NYSEArca–2017–12]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE Arca Options Fee Schedule

February 13, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on February 7, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') 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 the Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Options Fee Schedule (''Fee Schedule''). The Exchange proposes to implement the fee change effective February 7, 2017. The proposed rule change is available on the Exchange's Web site at *www.nyse.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 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend the Fee Schedule effective February 7, 2017. Specifically, the Exchange proposes to introduce a Market Maker posting incentive that applies to transactions in non-Penny Pilot Issues.

Currently, the Exchange offers various incentives that apply to Market Maker posted orders in Penny Pilot issues. Among these are the Market Maker Incentive (''Penny Incentive''),[4] and the Market Maker Monthly Posting Credit Tiers for executions in Penny Pilot Issues and SPY (the ''Credit Tiers''). The Credit Tiers offer increasing incentives applied to posted orders in Penny Pilot issues, qualified by increased levels of market share. One of the Credit Tiers, designated the Super Tier, applies a posting credit of $0.37 to posted order transactions in Penny Pilot issues, and a $0.39 credit to posted order transactions in SPY. Market Makers qualify for the Super Tier in one of two ways: (1) By achieving at least 0.55% of Total Industry Customer equity and ETF option ADV (''TCADV'') from Market Maker Posted Orders in All Issues, or (2) by achieving at least 1.60% of TCADV from all orders in Penny Pilot Issues, all account types, with at least 0.80% of TCADV from Posted Orders in Penny Pilot Issues (the ''Super Tier qualification levels'').

The Exchange proposes to adopt an additional incentive program based on the Super Tier qualification levels that would apply to posted volume in non-Penny Pilot issues (the ''Non-Penny Incentive''). As proposed, a Market Maker would be eligible for a $0.55 credit for Posted Electronic Market Maker Executions in Non-Penny Pilot Issues provided the Market Maker achieved (1) at least 0.55% of TCADV from Market Maker Posted Orders in All Issues, or (2) at least 1.60% of TCADV from all orders in Penny Pilot Issues, all account types, with at least 0.80% of TCADV from Posted Orders in Penny Pilot Issues. The Exchange believes that adopting this additional incentive would encourage Market Makers to achieve a higher level of posted orders in all issues, which in turn encourages tighter market spreads and increased liquidity to the benefit of all market participants. The proposed incentive would be referred to as the ''Market Maker Incentive For Non-Penny Pilot Issues.''

The Exchange notes that, like the existing Penny Incentive, the calculations for the qualification thresholds for the proposed Non-Penny Incentive would apply solely to electronic executions and would include transaction volume from the Market Maker's affiliates or its Appointed OFP. Further, Qualified Contingent Cross (''QCC'') orders are neither posted nor taken; thus, QCC transactions would not be included in the calculation of posted or taken execution volumes. The calculations would not include volume from mini-option transactions, nor would they include volume from Complex Order transactions. Orders routed to another market for execution would not be included in the calculation of taking volume.

To avoid potential confusion and to distinguish the proposed program from the existing Penny Incentive, the Exchange proposes to re-name the Market Maker Incentive to the ''Market Maker Incentive in Penny Pilot Issues.'' The Exchange believes this proposed change would add clarity and consistency to the Fee Schedule.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[6] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed Non-Penny Incentive is reasonable, equitable, and not unfairly discriminatory because it would be available to all Market Makers on an equal and non-discriminatory basis, in particular because it offers alternative means to achieve the same credit. The Exchange believes that adopting the proposed Incentive is equitable and not unfairly discriminatory because it would encourage more Market Makers to qualify for the credit, including encouraging Market Makers to have affiliated or appointed order flow directed to the Exchange. The Exchange believes that attracting additional order flow to the Exchange would enhance market quality and would benefit all market participants by offering greater price discovery, increased transparency, and an increased opportunity to trade on the Exchange. Further, encouraging Market Makers to send higher volumes of orders to the Exchange would also contribute to the Exchange's depth of book as well as to the top of book liquidity.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[7] 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. Instead, the Exchange believes that the proposed change would continue to encourage competition, including by attracting additional liquidity to the Exchange, which would continue to make the Exchange a more competitive venue for, among other things, order execution and price discovery. The Exchange does not believe that the proposed change would impair the ability of any market participants or competing order execution venues to maintain their competitive standing in the financial markets. Further, the incentive would be available to all similarly situated Market Makers, and, as such, the proposed change would not impose a disparate burden on competition either among or between classes of market participants and should encourage competition.

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 credits to remain competitive with other exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the degree to which fee changes in this market may impose any burden on competition is extremely limited. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

[4] The Penny Incentive offers a $0.41 credit applied to posted electronic Market Maker executions in Penny Pilot Issues to any Market Maker that, together with its affiliates or Appointed OFPs, achieve at least 0.75% of TCADV from Customer Posted Orders in both Penny Pilot and non-Penny Pilot Issues and an ADV from Market Maker Posted Orders equal to 0.70% of TCADV.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] 15 U.S.C. 78f(b)(8).

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

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–4[9] 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–NYSEArca–2017–12 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–NYSEArca–2017–12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2017–12, and should be submitted on or before March 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–03180 Filed 2–16–17; 8:45 am]

BILLING CODE 8011–01–P

[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).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80031; File No. SR–C2–2017–008]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule To Amend the Fees Schedule

February 13, 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 February 1, 2017, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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. The Exchange is changing fees for functionality related to its PULSe workstation. The fees herein will be effective on February 1, 2017.

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.

Drop Copies

Financial Information eXchange (''FIX'') language-based connectivity, upon request, provides customers (both TPH and non-TPH) of TPHs that are brokers and PULSe users (''PULSe brokers'') with the ability to receive ''drop-copy'' order fill messages from their PULSe brokers. These fill messages allow customers to update positions, risk calculations and streamline back-office functions.

The Exchange is proposing reducing the monthly fee to be assessed on TPHs who are either receiving or sending drop copies via a PULSe workstation.

Whether the drop copy sender or receiver is assessed the fee is dependent upon whether the customer receiving the drop copies is a TPH or non-TPH.

If a customer receiving drop copies is a TPH, that TPH customer (the receiving TPH) will be now be charged a fee of $425 per month (down from $1000 per month), per PULSe broker from whom it receives drop copies via PULSe. For example, if TPH customer A receives drop copies from each of PULSe broker A, PULSe broker B, and PULSe broker C (all of which are TPHs), TPH A (the receiving TPH) will be charged a fee of $1275 per month for receiving drop copies via PULSe from PULSe brokers A, B and C (the sending TPHs).

If a customer receiving drop copies is a non-TPH, the PULSe broker (the sending TPH) who sends drop copies via PULSe to that customer will now be charged a fee of $400 per month (down from $500 per month). If that PULSe broker sends drop copies via PULSe to multiple non-TPH customers, the PULSe broker will be charged the fee for each customer. For example, if PULSe broker A sends drop copies via its PULSe workstation to each of non-TPH customer A, non-TPH customer B and non-TPH customer C, PULSe broker A (the sending TPH) will be charged a fee of $1200 per month for drop copies it sends via PULSe to non-TPH customers A, B and C (the receiving non-TPHs).

''OATS Reports'' to ''Equity Order Reports''

The Exchange is proposing to change the name of its fee relating to OATS Reports to ''Equity Order Reports''. The Equity Order Reports related to this fee are provided for a PULSe users own use. Electing to receive these reports does not currently and will not fulfill any PULSe users' OATS reporting obligations. The change will eliminate any potential confusion as to whether the Exchange itself or the PULSe system is able to fulfill any OATS reporting obligation for a PULSe user. Neither the content of the reports nor the manner in which they are received from PULSe is changing.

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 that lowering the $1000 per month fee to $425 per month on a TPH receiving drop copies from PULSe is reasonable because the reduced fee will continue to allow the Exchange to monitor, develop and implement upgrade, maintain and customize PULSe to ensure the TPH customer receives timely and accurate drop copies while also reducing TPH customers' costs. The Exchange believes the fee is equitable and not unfairly discriminatory because the monthly fee is assessed to any TPH electing to receive drop copies from a PULSe broker. Use of the drop copy functionality by a TPH customer is voluntary.

The Exchange believes that lowering the $500 per month fee to $400 per month on a TPH sending drop copies from PULSe to a non-TPH customer is reasonable because the reduced fee will continue to allow the Exchange to monitor, develop and implement upgrades, maintain and customize PULSe to ensure a non-TPH customer receives timely and accurate drop copies while also reducing the sending TPH's costs. The Exchange believes the fee is equitable and not unfairly discriminatory because the monthly fee is assessed equally to any TPH sending drop copies to its non-TPH customers. The Exchange believes that assessing a TPH sending drop copies to a non-TPH a monthly fee of $400, as opposed to the $425 per month rate assessed to TPH customers receiving drop copies from PULSe, is reasonable, equitable, and not unfairly discriminatory. Specially, the lower rates are designed to encourage non-TPH market participants to interact with the Exchange, which will accordingly attract more volume and liquidity to the Exchange and benefit all Exchange participants through increased opportunities to trade. Use of the drop copy functionality by a non-TPH customer is voluntary.

The Exchange believes that changing the name of the ''OATS reporting'' fee to ''Equity Order Reports'' alleviates potential confusion and maintains clarity in the Fees Schedule, which removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest.

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 PULSe-related fees relate to optional reports and/or functionality and are assessed equally on PULSe users or TPH electing to use the functionality and/or receive the reports. The Exchange does not believe that the proposed change will cause any unnecessary burden on intermarket competition because the proposed fees relate 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 has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and paragraph (f) of Rule 19b–4[7] 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

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f).

action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–C2–2017–008 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2017–008. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2017–008 and should be submitted on or before March 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–03182 Filed 2–16–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80028; File No. SR–NYSEArca–2017–09]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Regarding Investments of the Janus Short Duration Income ETF Under NYSE Arca Equities Rule 8.600

February 13, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 30, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') 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 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

The Exchange proposes to amend [sic] certain changes regarding investments of the Janus Short Duration Income ETF, which is currently listed and traded on the Exchange under NYSE Arca Equities Rule 8.600 (''Managed Fund Shares''). The proposed rule change is available on the Exchange's Web site at *www.nyse.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 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 certain changes, described below under ''Application of Generic Listing Requirements'', regarding investments of the Janus Short Duration Income ETF (the ''Fund''). The shares (''Shares'') of the Fund are currently listed and traded on the Exchange under Commentary .01 to NYSE Arca Equities Rule 8.600, which provides generic criteria applicable to the listing and trading of Managed Fund Shares.[4] The Shares are offered by Janus Detroit Street Trust (the ''Trust''), which is registered with the Commission as an open-end management investment company.[5] Janus Capital Management LLC (the ''Adviser'') is the investment adviser for the Fund. ALPS Distributors, Inc. (the ''Distributor'') is the principal underwriter and distributor of the Fund's Shares. State Street Bank and Trust Company serves as the custodian, administrator, and transfer agent (''Transfer Agent'') for the Fund.[6]

Commentary .06 to Rule 8.600 provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[5] Shares of the Fund commenced trading on the Exchange on November 17, 2016 pursuant to Commentary .01 to NYSE Arca Equities Rule 8.600.

[6] The Trust is registered under the 1940 Act. On November 16, 2016, the Trust filed with the Commission its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) (''Securities Act''), and under the 1940 Act relating to the Fund (File Nos. 333–207814 and 811–23112) (''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 31540 (March 30, 2015) (File No. 812–13819) (''Exemptive Order'').

a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio. In addition, Commentary .06 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the open-end fund's portfolio. Commentary .06 to Rule 8.600 is similar to Commentary .03(a)(i) and (iii) to NYSE Arca Equities Rule 5.2(j)(3); however, Commentary .06 in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. The Adviser is not registered as a broker-dealer but the Adviser is affiliated with a broker-dealer and has implemented and will maintain a ''fire wall'' with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the Fund's portfolio. In the event (a) the Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

Janus Short Duration Income ETF

Principal Investments

According to the Registration Statement, the Fund seeks to provide a steady income stream with capital preservation across various market cycles. The Fund seeks to outperform the London Interbank Offered Rate (''LIBOR'') 3-month rate by 2–3% through various market cycles with low volatility. The Fund pursues its investment objective by investing, under normal market conditions,[7] at least 80% of its net assets in a portfolio of financial instruments described below.

The Fund seeks value across sectors and geographies using a wide range of instruments to capitalize on investment opportunities, as well as exploiting structural inefficiencies in fixed income markets to maximize current income with low volatility.

The average portfolio duration of the Fund generally is 0–2 years under normal market conditions, although the Fund's portfolio manager may choose to vary the duration of the Fund significantly from this target under certain market conditions.

The Fund may invest in ''Fixed Income Instruments'', as defined below, issued by various U.S. and non-U.S. public- or private-sector entities, which may be represented by derivatives, as described below under ''Use of Derivatives by the Fund''.

Fixed Income Instruments are the following:

- U.S. and non-U.S. corporate debt securities (that is, corporate bonds, debentures, notes, and other similar corporate debt instruments);
- preferred stock of foreign issuers, foreign bank obligations (including bank deposits denominated in foreign currencies), and U.S. dollar or foreign currency-denominated obligations of foreign governments or supranational entities or their subdivisions, agencies, and instrumentalities;
- agency and non-agency asset-backed securities (''ABS''), namely, collateralized mortgage obligations (''CMOs''); commercial mortgage-backed securities (''CMBS''); adjustable-rate mortgage-backed securities (''ARMBS''); CMO residuals; and residential mortgage backed securities (''RMBS'');
- principal exchange rate linked securities;
- zero coupon, step coupon, and pay-in-kind securities;
- U.S. Government securities, including inflation-indexed bonds issued by the U.S. Government; Treasury bills, notes and bonds; and Treasury Inflation-Protected Securities (''TIPS''); and obligations issued or guaranteed by U.S. Government agencies and instrumentalities that are backed by the full faith and credit of the U.S. Government;
- inflation-indexed bonds not issued by the U.S. government, including municipal inflation-indexed bonds, inflation-indexed bonds issued by foreign governments, and corporate inflation-indexed bonds;
- debt securities issued by states or local governments and their agencies, authorities and other government-sponsored enterprises (''Municipal Bonds'');
- custodial receipts;[8]
- Build America Bonds;
- variable and floating rate obligations;[9]
- Brady Bonds;
- bank obligations, namely, certificates of deposit, bankers' acceptances, and fixed time deposits;
- fixed income privately-placed securities and fixed income unregistered securities;[10]
- exchange-traded or OTC bank capital securities;[11]
- subordinated or junior debt;
- credit-linked trust certificates, traded custody receipts, and participation interests;
- structured notes and indexed securities;[12]
- money market instruments.[13]

The Fund may invest in exchange-traded closed-end funds (''CEFs'') that invest substantially all of their assets in Fixed Income Instruments.

The Fund may invest in futures and options on futures on interest rates, foreign currencies and Eurodollars.

[7] The term ''normal market conditions'' is defined in NYSE Arca Equities Rule 8.600(c)(5).

[8] Custodial receipts represent the right to receive either the principal amount or the periodic interest payments or both with respect to specific underlying municipal obligations. In a typical custodial receipt arrangement, an issuer or third party owner of municipal obligations deposits the bonds with a custodian in exchange for two classes of custodial receipts. The two classes have different characteristics, but, in each case, payments on the two classes are based on payments received on the underlying municipal obligations.

[9] These types of securities have variable or floating rates of interest and, under certain limited circumstances, may have varying principal amounts. Variable and floating rate securities pay interest at rates that are adjusted periodically according to a specified formula, usually with reference to some interest rate index or market interest rate.

[10] Unregistered securities include securities of U.S. and non-U.S. issuers that are issued through private offerings without registration with the Commission pursuant to Regulation S under the 1933 Act (''Regulation S Securities''). Offerings of Regulation S Securities may be conducted outside of the United States.

[11] Bank capital securities are issued by banks to help fulfill their regulatory capital requirements. According to the Registration Statement, there are two common types of bank capital: Tier I and Tier II. Bank capital is generally, but not always, of investment grade quality. Tier I securities often take the form of trust preferred securities. Tier II securities are commonly thought of as hybrids of debt and preferred stock, are often perpetual (with no maturity date), callable and, under certain conditions, allow for the issuer bank to withhold payment of interest until a later date.

[12] Structured notes are derivative debt instruments, the interest rate or principal of which is determined by an unrelated indicator (for example, a currency, security, or index thereof). The terms of the instrument may be ''structured'' by the purchaser and the borrower issuing the note. Indexed securities may include structured notes as well as securities other than debt securities, the interest rate or principal of which is determined by an unrelated indicator. Indexed securities may include a multiplier that multiplies the indexed element by a specified factor.

[13] Money market instruments are short-term instruments referenced in Commentary .01 (c) to NYSE Arca Equities Rule 8.600.

The Fund may enter into forward contracts to purchase and sell Fixed Income Instruments and foreign currencies.

The Fund may invest in options on foreign currencies either on exchanges or in the OTC market.

The Fund may invest in options on U.S. and foreign government securities. Such options may be traded on foreign exchanges and OTC in foreign countries.

The Fund may write exchange-traded or OTC covered and uncovered put and call options and buy exchange-traded or OTC put and call options on securities that are traded on U.S. and foreign securities exchanges.

The Fund may write straddles (combinations of put and call options on the same underlying security), which are generally a non-hedging technique used for purposes such as seeking to enhance returns.

The Fund may also purchase and write exchange-listed and OTC put and call options on securities indices. Indices may also be based on a particular industry, market segment, or certain currencies such as the U.S. Dollar Index or DXY Index.

The Fund may purchase or write covered and uncovered put and call options on interest rate swaps (''swaptions''). Swaption contracts grant the purchaser the right, but not the obligation, to enter into a swap transaction at preset terms detailed in the underlying agreement within a specified period of time.

The Fund may enter into swap agreements or utilize swap-related products, which are the following: Total return swaps based on Fixed Income Instruments or an index thereon; interest rate swaps; and credit default swaps (''CDS'') and index credit default swaps (''CDXs'') based on Fixed Income Instruments. The Fund may invest in swaps on U.S. and foreign currencies. In addition, the Fund may enter into single-name credit default swap agreements.

Other Investments

While the Fund, under normal market conditions, invests at least 80% of its net assets in the securities and financial instruments described above, the Fund may invest its remaining assets in the securities and financial instruments described below.

The Fund may engage in foreign currency transactions on a spot (cash) basis.

Use of Derivatives by the Fund

Investments in derivative instruments are made in accordance with the 1940 Act and consistent with the Fund's investment objective and policies. The Fund will typically use derivative instruments as a substitute for taking a position in the underlying asset where advantageous and/or as part of a strategy designed to reduce exposure to other risks, such as interest rate or currency risk. The Fund may also use derivative instruments to enhance returns, manage portfolio duration, or manage the risk of securities price fluctuations. To limit the potential risk associated with such transactions, the Fund segregates or ''earmarks'' assets determined to be liquid by the Adviser in accordance with procedures established by the Trust's Board of Trustees (the ''Board'') and in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into certain offsetting positions) to cover its obligations under derivative instruments. These procedures have been adopted consistent with Section 18 of the 1940 Act and related Commission guidance. In addition, the Fund has included appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of the Fund, including the Fund's use of derivatives, may give rise to leverage, causing the Fund to be more volatile than if it had not been leveraged. Because the markets for certain securities, or the securities themselves, may be unavailable or cost prohibitive as compared to derivative instruments, suitable derivative transactions may be an efficient alternative for the Fund to obtain the desired asset exposure.

The Adviser believes that derivative instruments can be an economically attractive substitute, for example, for an underlying physical security that the Fund would otherwise purchase. The Adviser further believes that derivatives can be used as a more liquid means of adjusting portfolio duration as well as targeting specific areas of yield curve exposure, with potentially lower transaction costs than the underlying securities (*e.g.,* interest rate swaps may have lower transaction costs than physical bonds).

The Fund also can use derivatives to obtain credit exposure. Index CDX can be used to gain exposure to a basket of credit risk by ''selling protection'' against default or other credit events, or to hedge broad market credit risk by ''buying protection''. Single name CDS can be used to allow the Fund to increase or decrease exposure to specific issuers, saving investor capital through lower trading costs. The Fund can use total return swap contracts to obtain the total return of a reference asset or index in exchange for paying a financing cost. A total return swap may be more efficient than buying underlying securities of an index, potentially lowering transaction costs.

Net Asset Value and Derivatives Valuation Methodology for Purposes of Determining Net Asset Value

The net asset value (''NAV'') of the Shares of the Fund is determined once each day the New York Stock Exchange (the ''NYSE'') is open, as of the close of its regular trading session (normally 4:00 p.m., Eastern time) (''NYSE Close''). The per Share NAV of the Fund is computed by dividing the net assets by the number of the Fund's Shares outstanding.

For purposes of calculating NAV, portfolio securities and other assets for which market quotes are readily available are valued at market value. Market value is generally determined on the basis of last reported sales prices, or if no sales are reported, based on quotes obtained from a quotation reporting system, established market makers, or pricing services.

Fixed Income Instruments are generally valued on the basis of quotes obtained from brokers and dealers or independent pricing services which provide evaluated bid prices. Domestic and foreign Fixed Income Instruments are generally valued on the basis of quotes obtained from brokers and dealers or independent pricing services using data reflecting the earlier closing of the principal markets for those assets. Prices obtained from independent pricing services use information provided by market makers and estimates of market values obtained from yield data relating to investments or securities with similar characteristics. Short-term debt instruments having a remaining maturity of 60 days or less are generally valued at market value or amortized cost in the case of certain money market instruments.

Foreign currency-denominated derivatives are generally valued as of the respective local region's market close. Derivatives are generally valued on the basis of quotes obtained from brokers and dealers or independent pricing services

With respect to specific derivatives:

- Currency spot and forward rates from major market data vendors are generally determined as of the NYSE Close.
- Futures are generally valued at the settlement price of the relevant exchange.
- A total return swap on an index is valued at the publicly available index price. The index price, in turn, is determined by the applicable index

calculation agent, which generally values the securities underlying the index at the last reported sale price.

• All other swaps, including interest rate swaps; CDS, including CDXs; swaps on securities indices; swaptions; and swaps on U.S. and foreign currencies are generally valued by independent pricing services; provided that swaps traded on exchanges such as the Chicago Mercantile Exchange (''CME'') or the Intercontinental Exchange (''ICE–US'') are priced using the applicable exchange closing price where available or by an independent pricing service.

• Exchange-traded options on U.S. Government securities, foreign currencies, indexes, and futures are generally valued at the official settlement price determined by the relevant exchange, if available.

• OTC options are generally valued on the basis of quotes obtained from a quotation reporting system, established market makers, or pricing services.

• OTC foreign currency options are generally valued by independent pricing vendors.

Securities held by the Fund are valued in accordance with policies and procedures established by and under the supervision of the Board (the ''Valuation Procedures''). In determining NAV, securities traded on a domestic securities exchange are generally valued at the closing prices on the primary market or exchange on which they trade. If such price is lacking for the trading period immediately preceding the time of determination, such securities are valued at their current bid price.

Securities that are traded OTC are generally valued at their closing or latest bid prices as available. Foreign securities and currencies are converted to U.S. dollars using the applicable exchange rate in effect at the NYSE Close.

The Fund determines the market value of individual securities held by it by using prices provided by one or more approved professional pricing services or, as needed, by obtaining market quotations from independent broker-dealers.

Most Fixed Income Instruments are valued in accordance with the evaluated bid price supplied by the pricing service that is intended to reflect market value. The evaluated bid price supplied by the pricing service is an evaluation that may consider factors such as security prices, yields, maturities, and ratings. Certain short-term securities maturing within 60 days or less may be valued at market value or on an amortized cost basis.

Securities for which market quotations or evaluated prices are not readily available or are deemed unreliable will be valued at fair value determined in good faith under the Valuation Procedures. Circumstances in which fair value pricing may be utilized include, but are not limited to: (i) A significant event that may affect the securities of a single issuer, such as a merger, bankruptcy, or significant issuer-specific development; (ii) an event that may affect an entire market, such as a natural disaster or significant governmental action; (iii) a non-significant event such as a market closing early or not opening, or a security trading halt; and (iv) pricing of a non-valued security and a restricted or nonpublic security.

Derivatives Valuation Methodology for Purposes of Determining Portfolio Indicative Value

On each business day, before commencement of trading in Fund Shares on NYSE Arca, the Fund discloses on its Web site the identities and quantities of the portfolio instruments and other assets held by the Fund that form the basis for the Fund's calculation of NAV at the end of the business day.

In order to provide additional information regarding the intra-day value of Shares of the Fund, one or more major market data vendors disseminates every 15 seconds an updated Portfolio Indicative Value (''PIV'') for the Fund as calculated by an information provider or market data vendor.

A third party market data provider calculates the PIV for the Fund. For the purposes of determining the PIV, the third party market data provider's valuation of derivatives and other assets are expected to be similar to its valuation of all securities. The third party market data provider may use market quotes if available or may fair value securities against proxies (such as swap or yield curves).

With respect to specific derivatives:

• Foreign currency derivatives may be valued intraday using market quotes, or another proxy as determined to be appropriate by the third party market data provider.

• Futures may be valued intraday using the relevant futures exchange data, or another proxy as determined to be appropriate by the third party market data provider.

• Swaps may be valued using intraday data from market vendors, or based on underlying asset price, or another proxy as determined to be appropriate by the third party market data provider.

• Exchange listed options may be valued intraday using the relevant exchange data, or another proxy as determined to be appropriate by the third party market data provider.

• OTC options and swaptions may be valued intraday through option valuation models (*e.g.,* Black-Scholes) or using exchange-traded options as a proxy, or another proxy as determined to be appropriate by the third party market data provider.

• A third party market data provider's valuation of forwards will be similar to their valuation of the underlying securities, or another proxy as determined to be appropriate by the third party market data provider. The third party market data provider will generally use market quotes if available. Where market quotes are not available, they may fair value securities against proxies (such as swap or yield curves). The Fund's disclosure of forward positions will include information that market participants can use to value these positions intraday.

Disclosed Portfolio

The Fund's disclosure of derivative positions in the applicable Disclosed Portfolio includes information that market participants can use to value these positions intraday. On a daily basis, the Fund discloses the information regarding the Disclosed Portfolio required under NYSE Arca Equities Rule 8.600 (c)(2) to the extent applicable.

Impact on Arbitrage Mechanism

The Adviser believes there will be minimal, if any, impact to the arbitrage mechanism as a result of the use of derivatives. Market makers and participants should be able to value derivatives as long as the positions are disclosed with relevant information. The Adviser believes that the price at which Shares of the Fund trade will continue to be disciplined by arbitrage opportunities created by the ability to purchase or redeem creation Shares of the Fund at their NAV, which should ensure that Shares of the Fund will not trade at a material discount or premium in relation to their NAV.

The Adviser does not believe there is any significant impacts to the settlement or operational aspects of the Fund's arbitrage mechanism due to the use of derivatives. Because derivatives generally are not eligible for in-kind transfer, they will be substituted with a ''cash in lieu'' amount when the Fund processes purchases or redemptions of block-size ''Creation Units'' (as described below) in-kind.

Creation and Redemption of Shares

The Trust issues and sells Shares of the Fund only in Creation Units on a continuous basis through the Distributor, without a sales load, at the NAV next determined after receipt of an order in proper form as described in the ''Participant Agreement'' (as defined below), on any business day. There are 100,000 Shares in a Creation Unit. Such Creation Unit size is subject to change.

The consideration for purchase of Creation Units of the Fund generally consists of the in-kind deposit of a designated portfolio of securities (including any portion of such securities for which cash may be substituted) (''Deposit Securities'') and the Cash Component computed as described below. Together, the Deposit Securities and the Cash Component constitute the ''Fund Deposit,'' which is applicable (subject to possible amendment or correction) to creation requests received in proper form. The Fund Deposit represents the minimum initial and subsequent investment amount for a Creation Unit of the Fund.

The ''Cash Component'' is an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the ''Deposit Amount,'' which is an amount equal to the market value of the Deposit Securities, and serves to compensate for any differences between the NAV per Creation Unit and the Deposit Amount. The Fund generally offers Creation Units partially for cash.

The Adviser makes available through the National Securities Clearing Corporation (''NSCC'') on each business day prior to the opening of business on the Exchange, the list of names and the required number or par value of each Deposit Security and the amount of the Cash Component to be included in the current Fund Deposit (based on information as of the end of the previous business day for the Fund). Such Fund Deposit is applicable, subject to any adjustments as described below, to purchases of Creation Units of Shares of the Fund until such time as the next-announced Fund Deposit is made available.

The identity and number or par value of the Deposit Securities change pursuant to changes in the composition of the Fund's portfolio, and as rebalancing adjustments and corporate action events occur from time to time. The composition of the Deposit Securities may also change in response to adjustments to the weighting or composition of the component securities constituting the Fund's portfolio.

The Fund reserves the right to permit or require the substitution of a ''cash in lieu'' amount to be added to the Cash Component to replace any Deposit Security that may not be available in sufficient quantity for delivery or that may not be eligible for transfer through Depository Trust Company (''DTC'') or the Clearing Process (as discussed below).

To be eligible to place orders with the Distributor and to create a Creation Unit of the Fund, an entity must be: (i) A ''Participating Party,'' *i.e.,* a broker-dealer or other participant in the clearing process through the Continuous Net Settlement System of the NSCC (the ''Clearing Process'') or (ii) a DTC Participant, and must have executed an agreement with the Distributor, with respect to creations and redemptions of Creation Units (''Authorized Participant Agreement'') (discussed below). A Participating Party or DTC Participant who has executed an Authorized Participant Agreement is referred to as an ''Authorized Participant.'' An Authorized Participant must submit an irrevocable order to purchase Shares of the Fund generally before 4:00 p.m., Eastern time on any business day in order to receive that day's NAV.

A standard creation transaction fee is imposed to offset the transfer and other transaction costs associated with the issuance of Creation Units.

Redemption of Creation Units

Shares of the Fund may be redeemed by Authorized Participants only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Distributor or its agent and only on a business day. The Fund will not redeem shares in amounts less than Creation Units. An Authorized Participant must submit an irrevocable order to redeem Shares of the Fund generally before 4:00 p.m., Eastern time on any business day in order to receive that day's NAV.

The Adviser makes available through the NSCC, prior to the opening of business on the Exchange on each business day, the designated portfolio of securities (including any portion of such securities for which cash may be substituted) that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form on that day (''Fund Securities''), and an amount of cash (the ''Cash Amount,'' as described below). Such Fund Securities and the corresponding Cash Amount (each subject to possible amendment or correction) are applicable, in order to effect redemptions of Creation Units of the Fund until such time as the next announced composition of the Fund Securities and Cash Amount is made available. Fund Securities received on redemption may not be identical to Deposit Securities that are applicable to creations of Creation Units.

If redemptions are not paid in cash, the redemption proceeds for a Creation Unit generally will consist of Fund Securities, plus the Cash Amount, which is an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after the receipt of a redemption request in proper form, and the value of Fund Securities, less a redemption transaction fee.

The Trust may, in its sole discretion, substitute a ''cash in lieu'' amount to replace any Fund Security. The Trust also reserves the right to permit or require a ''cash in lieu'' amount in certain circumstances, including circumstances in which: (i) The delivery of a Fund Security to the Authorized Participant would be restricted under applicable securities or other local laws; or (ii) the delivery of a Fund Security to the Authorized Participant would result in the disposition of the Fund Security by the Authorized Participant becoming restricted under applicable securities or other local laws, or in certain other situations. The amount of cash paid out in such cases will be equivalent to the value of the substituted security listed as a Fund Security. In the event that the Fund Securities have a value greater than the NAV of the Shares, a compensating cash payment equal to the difference is required to be made by or through an Authorized Participant by the redeeming shareholder. When partial or full cash redemptions of Creation Units are available or specified (Creation Units of the Fund will generally be redeemed partially for cash), they will be effected in essentially the same manner as in-kind redemptions thereof. In the case of partial or full cash redemption, the Authorized Participant receives the cash equivalent of the Fund Securities it would otherwise receive through an in-kind redemption, plus the same Cash Amount to be paid to an in-kind redeemer.[14]

A standard redemption transaction fee is imposed to offset transfer and other transaction costs that may be incurred by the Fund.

Redemption requests for Creation Units of the Fund must be submitted to

[14] The Adviser represents that, to the extent the Trust effects the redemption of Shares in cash, such transactions will be effected in the same manner for all Authorized Participants.

the Transfer Agent by or through an Authorized Participant.

The right of redemption may be suspended or the date of payment postponed with respect to the Fund: (i) For any period during which the Exchange is closed (other than customary weekend and holiday closings); (ii) for any period during which trading on the Exchange is suspended or restricted; (iii) for any period during which an emergency exists as a result of which disposal of portfolio assets or determination of its NAV is not reasonably practicable; or (iv) in such other circumstance as is permitted by the Commission.

Investment Restrictions

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment) deemed illiquid by the Adviser, consistent with Commission guidance.[15] The Fund monitors its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.[16]

The Fund is diversified within the meaning of the 1940 Act.[17]

The Fund intends to qualify annually and elect to be treated as a regulated investment company under Subchapter M of the Internal Revenue Code.[18] The Fund will not concentrate its investments in a particular industry, as that term is used in the 1940 Act, and as interpreted, modified, or otherwise permitted by a regulatory authority having jurisdiction from time to time.[19]

Application of Generic Listing Requirements

The Exchange proposes that there will be no limit to the Fund's investments in OTC derivatives that are used to hedge risks associated with investments in the Fund's holdings, including forwards, OTC options and OTC swaps used to hedge, for example, currency, interest rate and credit risk.[20] The Fund's investments in OTC derivatives other than OTC derivatives used to hedge the Fund's portfolio will be limited to 20% of the assets in the Fund's portfolio, calculated as the aggregate gross notional value of such OTC derivatives.

The Exchange is submitting this proposed rule change because the change described in the preceding paragraph would result in the portfolio for the Fund not meeting all of the ''generic'' listing requirements of Commentary .01 to NYSE Arca Equities Rule 8.600 applicable to the listing of Managed Fund Shares. The Fund's portfolio would meet all such requirements except for those set forth in Commentary .01(e).[21] Specifically, the aggregate gross notional value of the Fund's investments in OTC derivatives may exceed 20% of Fund assets, calculated as the aggregate gross notional value of such OTC derivatives.

The Adviser believes that it is important to provide the Fund with maximum flexibility to manage risk associated with its investments and, therefore, that, no limit should be imposed on its ability to use OTC derivatives to hedge against risks associated with the Fund's holdings. Depending on market conditions, it may be critical that the Fund be able to utilize available OTC derivatives for this purpose, without limitation, to attempt to reduce impact of currency, interest rate or credit fluctuations on Fund assets. Therefore, the Exchange believes it is appropriate to impose no limit to the Fund's investments in OTC derivatives, including forwards, options and swaps, that are used for hedging purposes.

OTC derivatives can be tailored to hedge the specific risk arising from the Fund's investments and frequently may be a more efficient hedging vehicle than listed derivatives. For example, the Fund could obtain an OTC foreign currency derivative in a notional amount that exactly matches the notional of the Fund's investments. If the Fund were limited to using listed derivatives, the Fund might have to ''over hedge'' or ''under hedge'' if round lot sizes in listed derivatives were not available. In addition, for example, an OTC CDX option can be structured to provide protection tailored to the Fund's credit exposure and can be a more efficient way to hedge credit risk with respect to specific exposures than listed derivatives. Similarly, OTC interest rate derivatives can be more effective hedges of interest rate exposure because they can be customized to match the basis risk arising from the term of the investments held by the Fund.

The Exchange notes that, other than Commentary.01(e) to Rule 8.600, the Fund's portfolio will meet all other requirements of Rule 8.600.

Availability of Information

The Fund's Web site (*www.janus.com/etfs*) includes a form of the prospectus for the Fund that may be downloaded. The Fund's Web site includes additional quantitative

[15] The Board has authorized the Adviser to make liquidity determinations with respect to certain securities purchased by the Fund. Under the guidelines established by the Board, the Adviser will consider the following factors: (i) The frequency of trades and quoted prices for the security; (ii) the number of dealers willing to purchase or sell the security and the number of other potential purchasers; (iii) the willingness of dealers to undertake to make a market in the security; and (iv) the nature of the security and the nature of the marketplace trades, including the time needed to dispose of the security, the method of soliciting offers, and the mechanics of the transfer.

[16] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also,* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the Securities Act).

[17] The diversification standard is set forth in Section 5(b)(1) of the 1940 Act (15 U.S.C. 80e).

[18] 26 U.S.C. 851.

[19] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[20] The Fund will seek, where possible, to use counterparties, as applicable, whose financial status is such that the risk of default is reduced; however, the risk of losses resulting from default is still possible. The Adviser will monitor the financial standing of counterparties on an ongoing basis. This monitoring may include information provided by credit agencies, as well as the Adviser's credit analysts and other team members who evaluate approved counterparties using various methods of analysis, including but not limited to earnings updates, the counterparty's reputation, the Adviser's past experience with the broker-dealer, market levels for the counterparty's debt and equity, the counterparty's liquidity and its share of market participation.

[21] Commentary .01(e) to NYSE Arca Equities Rule 8.600 provides that a portfolio may hold OTC derivatives, including forwards, options and swaps on commodities, currencies and financial instruments (*e.g.,* stocks, fixed income, interest rates, and volatility) or a basket or index of any of the foregoing; however, on both an initial and continuing basis, no more than 20% of the assets in the portfolio may be invested in OTC derivatives. For purposes of calculating this limitation, a portfolio's investment in OTC derivatives will be calculated as the aggregate gross notional value of the OTC derivatives.

information updated on a daily basis. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund discloses on its Web site the Disclosed Portfolio as defined in NYSE Arca Equities Rule 8.600(c)(2) that forms the basis for the Fund's calculation of NAV at the end of the business day.

On a daily basis, the Fund discloses the information required under NYSE Arca Equities Rule 8.600 (c)(2) to the extent applicable. The Web site information is publicly available at no charge.

In addition, a basket composition file, which includes the security names and share quantities, if applicable, required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, is publicly disseminated daily prior to the opening of the Exchange via the NSCC. The basket represents one Creation Unit of the Fund. Authorized Participants may refer to the basket composition file for information regarding Fixed Income Instruments, and any other instrument that may comprise the Fund's basket on a given day.

Investors can also obtain the Trust's Statement of Additional Information (''SAI''), the Fund's Shareholder Reports, and the Fund's Forms N–CSR and Forms N–SAR, filed twice a year. The Fund's SAI and Shareholder Reports will be available free upon request from the Trust, and those documents and the Form N–CSR, Form N–PX and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Intra-day and closing price information regarding closed-end funds will be available from the exchange on which such securities are traded. Intra-day and closing price information regarding exchange-traded options (including options on futures) and futures will be available from the exchange on which such instruments are traded. Intra-day and closing price information regarding Fixed Income Instruments also will be available from major market data vendors. Price information relating to forwards, currencies, OTC options and swaps will be available from major market data vendors. Intra-day price information for exchange-traded derivative instruments will be available from the applicable exchange and from major market data vendors. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares will be available via the Consolidated Tape Association (''CTA'') high-speed line. Exchange-traded options quotation and last sale information for options cleared via the Options Clearing Corporation (''OCC'') is available via the Options Price Reporting Authority (''OPRA''). In addition, the PIV, as defined in NYSE Arca Equities Rule 8.600 (c)(3), will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session. The dissemination of the PIV, together with the Disclosed Portfolio, may allow investors to determine an approximate value of the underlying portfolio of the Fund on a daily basis and to provide an estimate of that value throughout the trading day.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments comprising the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4:00 a.m. to 8:00 p.m. Eastern time in accordance with NYSE Arca Equities Rule 7.34 (Early, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600. The Exchange represents that, for initial and/or continued listing, the Fund will be in compliance with Rule 10A–3 under the Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares for the Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, certain exchange-traded options and certain futures with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares, certain exchange-traded options and certain futures from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, certain exchange-traded options and certain futures from markets and other entities that are members of ISG or with which the

Exchange has in place a comprehensive surveillance sharing agreement (''CSSA''). The Exchange is able to access from FINRA, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's Trade Reporting and Compliance Engine (''TRACE''). FINRA also can access data obtained from the Municipal Securities Rulemaking Board (''MSRB'') relating to certain municipal bond trading activity for surveillance purposes in connection with trading in the Shares.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

All statements and representations made in this filing regarding (a) the description of the portfolio, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange rules and surveillance procedures shall constitute continued listing requirements for listing the Shares on the Exchange.

The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Equities Rule 5.5(m).

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Early and Late Trading Sessions when an updated PIV will not be calculated or publicly disseminated; (4) how information regarding the PIV and the Disclosed Portfolio is disseminated; (5) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m. Eastern time each trading day.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.600. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. The Adviser is not registered as a broker-dealer but the Adviser is affiliated with a broker-dealer and has implemented a ''fire wall'' with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the Fund's portfolio. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, certain exchange-traded options and certain futures with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares, certain exchange-traded options and certain futures from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, certain exchange-traded options and certain futures from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Exchange is able to access from FINRA, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE. FINRA also can access data obtained from the MSRB relating to certain Municipal Bond trading activity for surveillance purposes in connection with trading in the Shares.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Fund and the Shares, thereby promoting market transparency. The Web site for the Fund includes a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which trading in the Shares of the Fund may be halted. In addition, as noted above, investors have ready access to information regarding the Fund's holdings, the PIV, the Disclosed Portfolio, and quotation and last sale information for the Shares. Not more than 10% of the weight of the net assets of the Fund in the aggregate invested in futures contracts or exchange-traded options shall consist of futures contracts or options whose principal trading market is not a member of ISG or is a market with which the Exchange does not have a CSSA.

As noted above, the Adviser believes that it is it is [sic] in the best interests of the Fund's shareholders for the Fund to be allowed to reduce (that is, ''hedge'') the various risks (such as currency, interest rate or credit risk) arising from the Fund's investments using the most efficient financial instrument. While certain risks can be hedged via listed derivatives, OTC derivatives (such as forwards, options and swaps) can be customized to hedge against precise risks. Accordingly, the Adviser believes that OTC derivatives may frequently be a more efficient hedging vehicle than listed derivatives. Depending on market conditions, it may be critical that the Fund be able to utilize available OTC derivatives for this

purpose, without limitation, to attempt to reduce impact of currency, interest rate or credit fluctuations on Fund assets. Therefore, the Exchange believes that imposing no limit to the Fund's investments in OTC derivatives, including forwards, options and swaps, that are used specifically for hedging purposes would help protect investors and the public interest.

The Exchange believes that it is appropriate and in the public interest to allow the Fund, for hedging purposes only, to exceed the 20% limit in Commentary .01(e) to Rule 8.600 of portfolio assets that may be invested in OTC derivatives. Under Commentary .01(e), a series of Managed Fund Shares listed under the ''generic'' standards may invest up to 20% of its assets (calculated as the aggregate gross notional value) in OTC derivatives. Because the Fund, in furtherance of its investment objective, may invest a substantial percentage of its investments in foreign currency denominated Fixed Income Instruments, the 20% limit in Commentary .01(e) to Rule 8.600 could result in the Fund being unable to fully pursue its investment objective while attempting to sufficiently mitigate investment risks. The inability of the Fund to adequately hedge its holdings would effectively limit the Fund's ability to invest in certain instruments, or could expose the Fund to additional investment risk. For example, if the Fund's assets (on a gross notional value basis) were $100 million and no listed derivative were suitable to hedge the Fund's risk, under the generic standards the Fund would be limited to holding up to $20 million gross notional value in OTC derivatives ($100 million * 20%). Accordingly, the maximum amount the Fund would be able to invest in foreign currency denominated Fixed Income Instruments while remaining adequately hedged would be $20 million. The Fund then would hold $60 million in assets that could not be hedged, other than with listed derivatives, which, as noted above, might not be sufficiently tailored to the specific instruments to be hedged.[22]

In addition, by applying the 20% limitation in Commentary .01(e) to Rule 8.600, the Fund would be less able to protect its holdings from more than one risk simultaneously. For example, if the Fund's assets (on a gross notional basis) were $100 million and the Fund held $20 million in foreign currency denominated Fixed Income Instruments with two types of risks (*e.g.,* currency and credit risk) which could not be hedged using listed derivatives, the Fund would be faced with the choice of either holding $20 million aggregate gross notional value in OTC derivatives to mitigate one of the risks while passing the other risk to its shareholders, or, for example, holding $10 million aggregate gross notional value in OTC derivatives on each of the risks while passing the remaining portion of each risk to the Fund's shareholders.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an actively-managed exchange-traded product that, through permitted use of an increased level of OTC derivatives above that currently permitted by the generic listing requirements of Commentary .01 to NYSE Arca Equities Rule 8.600, will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a CSSA. In addition, as noted above, investors have ready access to information regarding the Fund's holdings, the PIV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

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 purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an issue of Managed Fund Shares that, through permitted use of an increased level of OTC derivatives above that currently permitted by the generic listing requirements of Commentary .01 to NYSE Arca Equities Rule 8.600 will enhance competition among market participants, to the benefit of investors and the marketplace.

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 up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (a) By order approve or disapprove such proposed rule change; or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

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–NYSEArca–2017–09 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–NYSEArca–2017–09. 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 will also be available for

[22] Implicit in expanding the ability of the Fund to enter into OTC derivatives solely for hedging purposes is that OTC derivatives will never be 100% of the Fund's portfolio because there will always be an underlying asset that is being hedged.

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–NYSEArca–2017–09 and should be submitted on or before March 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–03179 Filed 2–16–17; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15045 and #15046]

Louisiana Disaster #LA–00073

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Louisiana (FEMA–4300–DR), dated 02/11/2017.

Incident: Severe Storms, Tornadoes and Straight-line Winds.

Incident Period: 02/07/2017.

Effective Date: 02/11/2017.

Physical Loan Application Deadline Date: 04/12/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 11/13/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 02/11/2017, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Parishes (Physical Damage and Economic Injury Loans): Livingston, Orleans

Contiguous Parishes (Economic Injury Loans Only):

Louisiana: Ascension, East Baton Rouge, Jefferson, Plaquemines, Saint Bernard, Saint Helena, Saint Tammany, St John the Baptist, Tangipahoa

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	3.750
Homeowners Without Credit Available Elsewhere	1.875
Businesses With Credit Available Elsewhere	6.300
Businesses Without Credit Available Elsewhere	3.150
Non-Profit Organizations With Credit Available Elsewhere	2.500
Non-Profit Organizations Without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	3.150
Non-Profit Organizations Without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15045B and for economic injury is 150460.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–03242 Filed 2–16–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Military Reservist Economic Injury Disaster Loans Interest Rate for Second Quarter FY 2017

In accordance with the Code of Federal Regulations 13—Business Credit and Assistance § 123.512, the following interest rate is effective for Military Reservist Economic Injury Disaster Loans approved on or after January 27, 2017.

Military Reservist Loan Program: 3.150%.

Dated: February 13, 2017.

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–03244 Filed 2–16–17; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15043 and #15044]

Georgia Disaster Number GA–00092

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Georgia (FEMA–4297–DR), dated 02/07/2017.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 01/21/2017 through 01/22/2017.

Effective Date: 02/10/2017.

Physical Loan Application Deadline Date: 04/10/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 11/07/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Georgia, dated 02/07/2017, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Appling, Berrien, Brantley, Bulloch, Echols, Lowndes, Randolph, Tattnall, Upson, Ware.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–03243 Filed 2–16–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15047 and #15048]

Oklahoma Disaster #OK–00109

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Oklahoma (FEMA–4299–DR), dated 02/10/2017.

[23] 17 CFR 200.30–3(a)(12).

Incident: Severe Winter Storm.

Incident Period: 01/13/2017 through 01/16/2017.

Effective Date: 02/10/2017.

Physical Loan Application Deadline Date: 04/11/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 11/13/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 02/10/2017, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Beaver, Beckham, Dewey, Ellis, Harper, Major, Roger Mills, Texas, Woods, Woodward.

The Interest Rates are:

	Percent
For Physical Damage:	
Non–Profit Organizations With Credit Available Elsewhere ...	2.500
Non–Profit Organizations Without Credit Available Elsewhere	2.500
For Economic Injury:	
Non–Profit Organizations Without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15047B and for economic injury is 15048B.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–03249 Filed 2–16–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 9834]

60-Day Notice of Proposed Information Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to *April 18, 2017.*

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

- *Web:* Persons with access to the Internet may comment on this notice by going to *www.Regulations.gov*. You can search for the document by entering ''Docket Number: DOS–2016–0081'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: watkinspk@state.gov.*

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Pamela Watkins, Department of State, Office of Directives Management, 1800 G Street NW., Suite 2400, Washington, DC 20522–2202 who may be reached at *watkinspk@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.
- *OMB Control Number:* 1405–0193.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Office of Directives Management, A/GIS/DIR.
- *Form Number:* Various public surveys.
- *Respondents:* Individuals responding to Department of State customer service evaluation requests.
- *Estimated Number of Respondents:* 325,000.
- *Estimated Number of Responses:* 325,000.
- *Average Time per Response:* 3.5 minutes.
- *Total Estimated Burden Time:* 18,958 annual hours.
- *Frequency:* Once per request.
- *Obligation to Respond:* Voluntary.

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 information collection activity will collect qualitative customer feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. This qualitative feedback will provide insights into customer perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power

calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Methodology

Respondents will fill out a brief customer survey after completing their interaction with a Department Office or Embassy. Surveys are designed to gather feedback on the customer's experiences.

Janet Freer,

Director, Office of Directives Management, Department of State.

[FR Doc. 2017–03227 Filed 2–16–17; 8:45 am]

BILLING CODE 4710–24–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 290 (Sub-No. 4)]

Railroad Cost Recovery Procedures—Productivity Adjustment

AGENCY: Surface Transportation Board.

ACTION: Tentative Railroad Cost Recovery Procedures Productivity Adjustment.

SUMMARY: In a decision served on February 14, 2017, the Surface Transportation Board tentatively adopted 1.020 (2.0% per year) as the measure of average change in railroad productivity for the 2011–2015 (five-year) averaging period. This value represents an increase of 0.6% from the average for the 2010–2014 period. Because of the unique circumstances of this year's productivity adjustment calculation, including the proposal of a linking factor to address a change in methodology in the calculation of an input to the productivity adjustment, the Board is making its productivity adjustment tentative to allow public comment on this approach. The Board will hold a technical conference with interested parties and Board staff.

DATES: A technical conference with interested parties and Board staff will be held on February 28, 2017, at 10:00 a.m. Comments are due by March 16, 2017; replies are due by April 5, 2017. This decision adopting a tentative productivity adjustment is effective on March 1, 2017.

ADDRESSES: The technical conference will be held in the Board's Hearing Room at 395 E Street SW., Washington, DC 20423–0001. Send comments (an original and 10 copies) referring to Docket No. EP 290 (Sub-No. 4) to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez, (202) 245–0333. Federal Information Relay Service (FIRS) for the hearing impaired, (800) 877–8339.

SUPPLEMENTARY INFORMATION: This conference will be available on the Board's Web site by live video streaming. To access the conference, click on the ''Live Video'' link under ''Information Center'' at the left side of the home page beginning at February 28, 2017, at 10:00 a.m.

Additional information is contained in the Board's decision, which is available on the Board's Web site at *http://www.stb.gov.* Copies of the decision may be purchased by contacting the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0236. Assistance for the hearing impaired is available through FIRS at (800) 877–8339.

Decided: February 13, 2017.

By the Board, Board Members Begeman, Elliott, and Miller.

Raina S. Contee,

Clearance Clerk.

[FR Doc. 2017–03215 Filed 2–16–17; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

Release of Waybill Data

The Surface Transportation Board has received a request from a student at Rice University (WB17–09—2/13/17) for permission to use unmasked data from the Board's 1984–2015 Carload Waybill Samples. A copy of this request may be obtained from the Office of Economics.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Alexander Dusenberry, (202) 245–0319.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2017–03206 Filed 2–16–17; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Action on State Highway 99 (Grand Parkway) Segment B, From SH 288 to Interstate Highway (IH) 45 South, Brazoria and Galveston Counties, Texas

AGENCY: Texas Department of Transportation, Federal Highway Administration, U.S. Department of Transportation (DOT).

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by TxDOT and Federal Agencies.

SUMMARY: This notice announces actions taken by TxDOT and Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014 and executed by FHWA and TxDOT. The actions relate to a proposed highway project, State Highway 99 (Grand Parkway) Segment B, from SH 288 to IH 45 South, in Brazoria and Galveston Counties in the State of Texas. Those actions grant licenses, permits, and approvals for the project. Under MAP–21 section 1319, TxDOT has issued a separate Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) for this action.

DATES: By this notice, TxDOT is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before July 17, 2017. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Carlos Swonke, P.G., Environmental Affairs Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701; telephone: (512) 416–2734; email: *carlos.swonke@txdot.gov.* TxDOT's normal business hours are 8:00 a.m.–5:00 p.m. (central time), Monday through Friday.

SUPPLEMENTARY INFORMATION: Notice is hereby given that TxDOT and Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Texas: State Highway 99 (Grand Parkway) Segment

B, from SH 288 to IH 45 South, in Brazoria and Galveston Counties. The project will be a four-lane, controlled-access tollway facility, consisting of two lanes in each direction within a 400-foot-wide right-of-way (ROW) and auxiliary lanes between on-ramps and off-ramps where appropriate. The actions by TxDOT and the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) issued on April 28, 2016 and Record of Decision (ROD) issued on November 30, 2016, and in other documents in the TxDOT project file. The FEIS, ROD, and other documents in the TxDOT project file are available by contacting TxDOT at the addresses provided above. The TxDOT FEIS and ROD can be viewed and downloaded from the project Web site at *http://www.grandpky.com/Segment-B-Documents* or by visiting the TxDOT Houston District Office at 7600 Washington Avenue, Houston, TX 77007.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. Air: Clean Air Act, 42 U.S.C. 7401–7671(q).

3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.

4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. Wetlands and Water Resources: Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319); Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601–4604; Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)-300(j)(6); Rivers and Harbors Act of 1899, 33 U.S.C. 401–406; Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287; Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931; TEA–21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Flood Disaster Protection Act, 42 U.S.C. 4001–4128.

8. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction.)

Authority: 23 U.S.C. 139(l)(1).

Michael T. Leary,

Director, Planning and Program Development, Federal Highway Administration.

[FR Doc. 2017–03126 Filed 2–16–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Actions Pursuant to the Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of persons whose property and interests in property have been blocked pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act), 21 U.S.C. 1901–1908.

DATES: OFAC's actions described in this notice were effective on February 13, 2017.

FOR FURTHER INFORMATION CONTACT: The Department of the Treasury's Office of Foreign Assets Control: Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Regulatory Affairs, tel.: 202–622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Department of the Treasury's Office of the Chief Counsel (Foreign Assets Control), Office of the General Counsel, tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The list of Specially Designated Nationals and Blocked Persons (SDN List) and additional information concerning OFAC sanctions programs are available from OFAC's Web site at *http://www.treasury.gov/ofac.*

Notice of OFAC Actions

On February 13, 2017, OFAC blocked the property and interests in property of the following persons pursuant to section 805(b) of the Kingpin Act and placed them on the SDN List.

Individuals

1. EL AISSAMI MADDAH, Tareck Zaidan (a.k.a. EL AISSAMI, Tareck; a.k.a. EL AISSAMI, Tarek), Venezuela; DOB 12 Nov 1974; POB El Vigia, Merida, Venezuela; citizen Venezuela; Gender Male; Passport C1668015 (Venezuela); Identification Number 12.354.211 (Venezuela); Executive Vice President; Former Governor of Aragua State (individual) [SDNTK]. Playing a significant role in international narcotics trafficking, and therefore meets the criteria for designation pursuant to section 805(b)(4) of the Kingpin Act, 21 U.S.C. 1904(b)(4).

2. LOPEZ BELLO, Samark Jose (a.k.a. LOPEZ DELGADO, Samark), Caracas, Venezuela; DOB 27 Jul 1974; POB Venezuela; citizen Venezuela; Gender Male; Passport 122560011 (Venezuela); alt. Passport 055439970 (Venezuela); alt. Passport 002494535 (Venezuela); Identification Number 11.208.888 (Venezuela) (individual) [SDNTK] (Linked To: PROFIT CORPORATION, C.A.; Linked To: YAKIMA TRADING CORPORATION; Linked To: GRUPO SAHECT, C.A.; Linked To: ALFA ONE, C.A.; Linked To: SMT TECNOLOGIA, C.A.; Linked To: SERVICIOS TECNOLOGICOS INDUSTRIALES, C.A.; Linked To: MFAA HOLDINGS LIMITED; Linked To: 1425 BRICKELL AVE 63–F LLC; Linked To: 1425 BRICKELL AVENUE UNIT 46B, LLC; Linked To: 1425 BRICKELL AVENUE 64E LLC; Linked To: AGUSTA GRAND I LLC; Linked To: 200G PSA HOLDINGS LLC). Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of, and acting for or on behalf of, Tareck Zaidan EL AISSAMI MADDAH, and therefore meets the criteria for designation pursuant to sections 805(b)(2) and (3) of the Kingpin Act, 21 U.S.C. 1904(b)(2) and (3).

Entities

1. 1425 BRICKELL AVE 63–F LLC, 1425 Brickell Ave 63–F, Miami, FL 33131, United States; Tax ID No. 71–1053365 (United States) [SDNTK]. Property within the United States that is owned or controlled by Samark Jose LOPEZ BELLO, and therefore is blocked

pursuant to section 805(b) of the Kingpin Act, 21 U.S.C. 1904(b).

2. 1425 BRICKELL AVENUE 64E LLC, 1425 Brickell Avenue 64E, Miami, FL 33131, United States; Tax ID No. 90–1019707 (United States) [SDNTK]. Property within the United States that is owned or controlled by Samark Jose LOPEZ BELLO and/or MFAA HOLDINGS LIMITED, and therefore is blocked pursuant to section 805(b) of the Kingpin Act, 21 U.S.C. 1904(b).

3. 1425 BRICKELL AVENUE UNIT 46B, LLC, 1425 Brickell Avenue Unit 46B, Miami, FL 33131, United States; Tax ID No. 90–0865341 (United States) [SDNTK]. Property within the United States that is owned or controlled by Samark Jose LOPEZ BELLO, and therefore is blocked pursuant to section 805(b) of the Kingpin Act, 21 U.S.C. 1904(b).

4. 200G PSA HOLDINGS LLC, 80 SW 8th Street Suite 2000, Miami, FL 33130, United States; Tax ID No. 80–0890696 (United States) [SDNTK]. Property within the United States that is owned or controlled by Samark Jose LOPEZ BELLO, and therefore is blocked pursuant to section 805(b) of the Kingpin Act, 21 U.S.C. 1904(b).

5. AGUSTA GRAND I LLC, 80 SW 8th Street Suite 2000, Miami, FL 33130, United States; Tax ID No. 36–4802365 (United States) [SDNTK]. Property within the United States that is owned or controlled by Samark Jose LOPEZ BELLO, and therefore is blocked pursuant to section 805(b) of the Kingpin Act, 21 U.S.C. 1904(b).

6. ALFA ONE, C.A., Av. Principal, Manzana 26, Cto. Empres. Piacoa, piso 1, Ofic. 4, Zona In. Los Pinos, Puerto Ordaz, Estado Bolivar, Venezuela; RIF #J–31482089–3 (Venezuela) [SDNTK]. Owned, controlled, or directed by, or acting for or on behalf of, Samark Jose LOPEZ BELLO, and therefore meets the criteria for designation pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3).

7. GRUPO SAHECT, C.A., Av. Guaicaipuro, con Calle Urdaneta, Edificio San Marco, piso 9, Ofic. 9–2, Chacao, Caracas, Venezuela; RIF #J–29620174–9 (Venezuela) [SDNTK]. Owned, controlled, or directed by, or acting for or on behalf of, Samark Jose LOPEZ BELLO, and therefore meets the criteria for designation pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3).

8. MFAA HOLDINGS LIMITED, 281 Waterfront Drive, Road Town, Tortola, Virgin Islands, British; Company Number 1793372 (Virgin Islands, British) [SDNTK]. Owned, controlled, or directed by, or acting for or on behalf of, Samark Jose LOPEZ BELLO, and therefore meets the criteria for designation pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3).

9. PROFIT CORPORATION, C.A., Av. Venezuela con Calle Mohedano, Torre JWM, piso 4, Oficina 4, El Rosal, Caracas, Venezuela; RIF #J–00317392–4 (Venezuela) [SDNTK]. Owned, controlled, or directed by, or acting for or on behalf of, Samark Jose LOPEZ BELLO, and therefore meets the criteria for designation pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3).

10. SERVICIOS TECNOLOGICOS INDUSTRIALES, C.A., 1a Transversal, Parcela 304–26–06, Zona Industrial Los Pinos, Puerto Ordaz, Estado Bolivar, Venezuela; RIF #J–31103570–2 (Venezuela) [SDNTK]. Owned, controlled, or directed by, or acting for or on behalf of, Samark Jose LOPEZ BELLO, and therefore meets the criteria for designation pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3).

11. SMT TECNOLOGIA, C.A., Av. Venezuela, Edificio JWM, piso 7, Ofic. 72 (al lado de Banavih), El Rosal, Caracas, Venezuela; RIF #J–40068226–6 (Venezuela) [SDNTK]. Owned, controlled, or directed by, or acting for or on behalf of, Samark Jose LOPEZ BELLO, and therefore meets the criteria for designation pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3).

12. YAKIMA OIL TRADING, LLP, 7 Welbeck Street, London W1G 9YE, United Kingdom; Commercial Registry Number OC390985 (United Kingdom) [SDNTK]. Owned, controlled, or directed by, or acting for or on behalf of, YAKIMA TRADING CORPORATION, and therefore meets the criteria for designation pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3).

13. YAKIMA TRADING CORPORATION, Ph Ocean Business Plaza (Torre Banesco) Plaza Marbella, Piso 24, Oficina 24–08, Calle Aquilino de la Guardia y Calle 47 (Zona Bancaria), Panama; Barbados; RUC #3196611412868 (Panama) [SDNTK]. Owned, controlled, or directed by, or acting for or on behalf of, Samark Jose LOPEZ BELLO, and therefore meets the criteria for designation pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3).

Aircraft

1. N200VR, 80 SW 8th Street, Suite 2000, Miami, FL 33130, United States; Aircraft Model Gulfstream 200; Aircraft Manufacturer's Serial Number (MSN) 133; Aircraft Tail Number N200VR (aircraft) [SDNTK] (Linked To: 200G PSA HOLDINGS LLC). Owned or controlled by 200G PSA HOLDINGS LLC, and therefore is blocked pursuant to section 805(b) of the Kingpin Act, 21 U.S.C. 1904(b).

Dated: February 13, 2017.

Andrea M. Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2017–03209 Filed 2–16–17; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Advisory Committee on Disability Compensation

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA), is seeking nominations of qualified candidates to be considered for appointment as a member of the Advisory Committee on Disability Compensation (''the Committee''). In accordance with 38 U.S.C. 546, the Committee advises the Secretary on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities. In providing advice to the Secretary, the Committee assembles and reviews relevant information relating to the needs of Veterans with disabilities; provides information relating to the nature and character of the disabilities arising from service in the Armed Forces; provides an ongoing assessment of the effectiveness of VA's Schedule for Rating Disabilities; and provides ongoing advice on the most appropriate means of responding to the needs of Veterans relating to disability compensation in the future. In carrying out its duties, the Committee takes into special account the needs of Veterans who have served in a theater of combat operations. Nominations of qualified candidates are being sought to fill upcoming vacancies on the Committee.

Authority: The Committee is authorized by 38 U.S.C. 546 and operates under the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. 2.

DATES: Nominations for membership on the Committee must be received no later than 5:00 p.m. EST on March 31, 2017. Packages received after this time will not be considered for the current membership cycle. All nomination packages should be sent to the Advisory Committee Management Office by email (recommended) or mail. Please see contact information below.

Advisory Committee Management Office (00AC), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, *VA.Advisory.Cmte@va.gov*.

SUPPLEMENTARY INFORMATION: The Committee was established pursuant to 38 U.S.C. 546. The Committee responsibilities include:

(1) Advising the Secretary and Congress on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities.

(2) Providing a biennial report to congress assessing the needs of Veterans with respect to disability compensation and outlining recommendations, concerns and observations on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities.

(3) Meeting with VA officials, Veteran Service Organizations, and other stakeholders to assess the Department's efforts on the maintenance and periodic

readjustment of the VA Schedule for Rating Disabilities.

Management and support services for the Committee are provided by the Veterans Benefits Administration (VBA).

Membership Criteria:

VBA is requesting nominations for upcoming vacancies on the Committee. The Committee is currently composed of 11 members. As required by statute, the members of the Committee are appointed by the Secretary from the general public, including:

(1) Individuals with experience with the provision of disability compensation by VA; and

(2) Individuals who are leading medical and scientific experts in relevant fields.

In accordance with § 546, the Secretary determines the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed four years. The Secretary may reappoint any member for additional terms of service.

Professional Qualifications: In addition to the criteria above, VA seeks—

(1) Diversity in professional and personal qualifications;

(2) Experience in military service and military deployments (please identify branch of service and rank);

(3) Current work with Veterans;

(4) Committee subject matter expertise;

(5) Experience working in large and complex organizations;

Requirements for Nomination Submission:

Nominations should be type written (one nomination per nominator). Nomination package should include: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.* specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating a willingness to serve as a member of the Committee; (2) the nominee's contact information, including name, mailing address, telephone numbers, and email address; (3) the nominee's curriculum vitae, and (4) a summary of the nominee's experience and qualifications relative to the *membership criteria* and *professional qualifications* criteria listed above.

Individuals selected for appointment to the Committee shall be invited to serve a two-year term. Committee members will receive a stipend for attending Committee meetings, including per diem and reimbursement for travel expenses incurred.

The Department makes every effort to ensure that the membership of its Federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Every effort is made to ensure that a broad representation of geographic areas, males & females, racial and ethnic minority groups, and the disabled are given consideration for membership. Appointment to this Committee shall be made without discrimination because of a person's race, color, religion, sex (including gender identity, transgender status, sexual orientation, and pregnancy), national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: February 14, 2017.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–03220 Filed 2–16–17; 8:45 am]

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FEDERAL REGISTER

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Part II

Federal Communications Commission

47 CFR Part 73
Incentive Auction Task Force and Media Bureau Adopt a Post-Incentive Auction Transition Scheduling Plan; Final Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[GN Docket No. 12–268, MB Docket No. 16–306; DA 17–107]

Incentive Auction Task Force and Media Bureau Adopt a Post-Incentive Auction Transition Scheduling Plan

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Media Bureau, in consultation with the Incentive Auction Task Force, the Wireless Telecommunications Bureau, and the Office of Engineering and Technology, adopts a methodology to establish construction deadlines and transitions schedule for full power and Class A television stations that are transitioning to new channels following the incentive auction.

DATES: Effective March 20, 2017.

FOR FURTHER INFORMATION CONTACT: Evan Morris, Video Division, Media Bureau, Federal Communications Commission, (202) 418–1656 or Erin Griffith, Incentive Auction Task Force, Federal Communications Commission, (202) 418–2957.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, DA 17–107, in GN Docket No. 12–268 and MB Docket No. 16–306; released on January 27, 2017. The full text of this document, as well as all omitted Illustrations, Figures and Tables are available on the Internet at the Commission's Web site at: *http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0127/DA-17-107A1.pdf;* or by using the search function for GN Docket No. 12–268, MB Docket No. 16–306 on the Commission's Electronic Comment Filing System (ECFS) Web page at *https://www.fcc.gov/ecfs/.* The full text is also available for public inspection and copying from 8:00 a.m. to 4:30 p.m. Eastern Time (ET) Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554 (telephone: 202–418–0270, TTY: 202–418–2555). To request materials in accessible formats for people with disabilities, send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Synopsis

In the *Incentive Auction Report and Order* (*IA R&O*), 79 FR 48441, August 15, 2014, the Federal Communications Commission (Commission or FCC) delegated authority to the Media Bureau (the Bureau) to establish construction deadlines within the 39-month post-auction transition period for television stations that are assigned to new channels in the incentive auction repacking process. In consultation with the Incentive Auction Task Force (IATF), the Wireless Telecommunications Bureau (WTB), and the Office of Engineering and Technology (OET), the Bureau proposed a methodology for establishing deadlines within a ''phased'' transition schedule in the Transition Scheduling Proposal Public Notice. Commenters generally expressed support for the proposal, with some suggested modifications and additional measures to facilitate the transition. Based on the record in this proceeding, the Bureau adopts, with modifications, the phased transition plan proposed in the Transition Scheduling Proposal Public Notice, including use of the Phase Assignment Tool and the Phase Scheduling Tool. Most commenters support efforts to establish a phased transition process and the use of the tools developed to plan and create an orderly schedule. This methodology will be used after final channel reassignments are known in order to establish an orderly schedule that will allow stations, manufacturers, and other vendors and consultants, to coordinate broadcasters' post-auction channel changes. This Public Notice also addresses other matters related to the transition scheduling plan that commenters raised in response to the Transition Scheduling Proposal Public Notice.

Creating the Phased Transition Schedule. Phase Assignment Tool. As soon as possible after the forward auction satisfies the final stage rule and the final channel assignments are determined, the Bureau will use the Phase Assignment Tool to assign a transition phase to each eligible full power and Class A television station that receives a new post-auction channel as a result of the final channel assignment determination procedure. The Bureau has announced that it intends to send each eligible station that will remain on the air after the auction a confidential letter after the final stage rule is met that identifies the station's post-auction channel assignment, technical parameters, and assigned transition phase. We find that developing the final channel assignments and providing the information to affected stations as early as possible after the final stage rule is reached will facilitate early planning and provide additional time for stations to prepare construction permit applications.

We conclude that the information used to create the transition schedule is sufficiently detailed and reliable to establish phased transition deadlines once the final channel reassignments have been established. Launching an organized, phased schedule at the earliest opportunity will provide broadcasters, equipment manufacturers and other vendors and consultants, wireless providers, and television viewers with certainty and stability. This is particularly important as broadcasters prepare their construction permit applications, coordinate with other broadcasters, and begin construction planning. We understand that unforeseen circumstances may arise, and the Bureau will work closely with individual broadcasters, as well as broadcaster associations, during the transition process. However, we conclude that assigning stations to transition phases as soon as possible is necessary to carry out the transition in a timely manner.

We also decline suggestions to collect additional or different information about stations that face difficult approval processes or procurement issues prior to assigning stations to phases. The Phase Assignment Tool already includes a constraint identifying certain stations as ''complicated'' based on data collected by the Bureau. Commenters who advocated additional data collection did not identify a source of additional or different data, or explain how the Phase Assignment Tool should take such information into account. Furthermore, we emphasize that the obstacles faced by individual stations are not the only factor that the Phase Assignment Tool must consider. Regardless of the difficulty of any one station's move, certain stations must move together in the same phase or certain stations must move in one phase before additional stations can move in a subsequent phase because of station dependencies created by interference constraints. The Phase Assignment Tool is designed to organize the transition of all transitioning broadcast stations in an orderly fashion that respects station dependencies and interference constraints in addition to accounting for individual stations complexities, while simultaneously protecting television viewers. The Phase Assignment Tool as proposed strikes the appropriate balance with respect to these elements.

The constraints and objectives we adopt will minimize dependencies

created by interference issues, ensure that the 600 MHz Band is cleared as expeditiously as possible, cluster groups of stations into the same phase to help manage scarce transition resources, and minimize the impact of the transition on television viewers. Solutions identified by the Phase Assignment Tool—that is, assignments of stations to phases—must satisfy all constraints. Of the many possible solutions that meet all the constraints, the tool will use optimization techniques to then select the one that best meets the defined objectives. Each objective is implemented in order of priority. Thus, the higher the objective's priority, the greater its potential impact on the solution. We note that a few commenters specifically requested to be assigned to later phases or in the same phase. We deny such requests. The Phase Assignment Tool uses a holistic approach to assigning stations to phases that balances competing priorities and it is not practical to factor such requests into the optimization.

Constraints. The Bureau adopts eight of the constraints proposed in the *Transition Scheduling Proposal Public Notice.* The constraints are discussed below. Commenters generally support these constraints, as well as the constraints indicating that the tool would not assign stations to temporary channels, and we discuss each one below.

In addition to the eight constraints adopted below, the *Transition Scheduling Proposal Public Notice* proposed as constraints that no Canadian or U.S. station would be assigned to a temporary channel. Although temporary channels could be useful for breaking dependencies, the overwhelming number of commenters agreed with the Bureau's tentative conclusion not to use temporary channels and argued that the use of temporary channels should be permitted, but not required. Therefore, we will not assign any station to a temporary channel as part of the Phase Assignment Tool. While the restriction on temporary channels was included as a constraint in the proposal, it is unnecessary to include this restriction as a constraint in the final tool as the tool will not assign stations to temporary channels even absent such a constraint. As discussed below we will allow stations to voluntarily seek the use of a temporary channel.

Constraint 1. During the post-incentive auction transition, we will allow temporary increased pairwise (station-to-station) interference of up to two percent. As we previously stated, temporary pairwise interference increases of up to two percent could occur at any time during the transition on a station's pre-auction and/or post-auction channels. This constraint is likely to significantly reduce dependencies between stations. The Commission has in the past allowed temporary increases in interference to broadcasters in order to facilitate transitions to new service. Nothing in the Spectrum Act limits the Bureau's authority to permit temporary pairwise interference of up to two percent in order to facilitate the transition to post-auction channels.

In the *Transition Scheduling Proposal Public Notice,* we explained that limited increases in pairwise interference were unlikely to result in significant aggregate interference increases based on staff analysis, which reflects that aggregate interference levels are unlikely to exceed the pairwise limits except for a few cases. However, the Bureau will attempt to find an alternative phase assignment for any station predicted to receive more than five percent temporary aggregate interference, consistent with the constraints and objectives of the Phase Assignment Tool.

Constraints 2 and 3. No Canadian station will be assigned to a transition phase before the third phase. This constraint was developed in consultation with Canada. Additionally we will limit the number of transition phases to 10.

Constraint 4. To minimize consumer disruption during the 39-month transition period, and to promote the efficient use of tower crews, all stations within a DMA will be assigned to no more than two transition phases. This constraint alleviates concerns that viewers will need to complete frequent rescans during the transition. Broadcast commenters put forward a variety of proposals to modify this constraint, but none describe how their respective proposals would affect the overall phase assignments. One commenter proposes that the Commission modify this constraint to a single transition phase in each market. Another commenter supports the two-phase constraint, but urges the Bureau to require that the two phases occur ''back-to-back.'' Likewise, two other commenters suggest that all stations located on the same tower should be assigned to the same transition phase, or that the Commission should limit the number of stations that any one broadcast group has in a given phase. We reject these proposals. Staff analysis reflects that assigning stations within a DMA to two, potentially nonconsecutive phases, is crucial in providing the optimization with the flexibility to satisfy other constraints, such as limiting the number of linked stations per phase and keeping a relatively consistent number of stations assigned to each phase. The commenters' proposals would threaten the Phase Assignment Tool's ability to balance such competing goals.

At the same time, we agree with broadcasters that minimizing viewer disruption and efficiently clearing DMAs are important public interest goals. Accordingly, we adopt below the second objective of ''minimiz[ing] the sum, over all DMAs, of the number of times a DMA must rescan.'' If it is possible to satisfy the optimization's constraints and its first objective, and still assign stations to only one DMA, the optimization will attempt to do so using the second objective. We find that this approach gives the optimization the flexibility to balance competing priorities, including prioritizing television viewers and regional clusters.

Constraints 5 and 6. To balance the number of stations across transition phases, the difference in the number of stations in the largest transition phase and the smallest transition phase will be no more than 30 stations. One commenter suggests that the Bureau treat this constraint as an objective; however, objectives have less effect on the solution than constraints and we find that the benefits of this constraint cannot be achieved by making it an objective. While it is true that the actual makeup of stations within each phase may require varying draws on resources, we conclude that this constraint is the correct approach to ensuring the number of stations will be spread evenly throughout the transition phases. Furthermore, as proposed and adopted below, the Bureau has an objective that will attempt to further reduce the difference in the number of stations in the largest transition phase and the smallest transition phase if it can be accomplished while still satisfying all of the constraints and the objectives that come first in priority to that one. Every transitioning station will also only be assigned to one transition phase. We received no comment objecting to this constraint.

Constraint 7. No transition phase will have more than 125 linked stations as a result of the Phase Assignment Tool. One commenter proposes that the Bureau should treat this constraint as an objective. However, the commenter does not explain what priority such an objective should be given nor how its proposal would affect the overall balancing of the optimization's priorities. We decline to treat this constraint as an objective and find that

this constraint is the cornerstone of managing the breadth of coordination required of any station to complete its transition.

Constraint 8. No station falling into the ''complicated'' category will be assigned to Phase 1 under the Phase Assignment Tool. For the purposes of the Phase Assignment Tool and the Phase Scheduling Tool, ''complicated'' stations are those at locations previously determined as likely to face extraordinary hurdles. *See Auction 1000 Bidding Procedures Public Notice,* 80 FR 61917, Oct. 14, 2015 at paras. 265–75; *Application Procedures for Broadcast Incentive Auction Scheduled to Begin on March 29, 2016; Technical Formulas for Competitive Bidding,* 30 FCC Rcd 11034, 11176 n.9 (WTB 2015) (''Certain towers will require extraordinary means to move a station to a new channel . . . [S]tations at the following locations in the U.S. will be considered extraordinary: Mt. Sutro, Willis Tower, Hancock Building, Empire State Building, Times Square, Mount Mansfield, Lookout Mountain.''). One commenter asks the Bureau to clarify that the least complicated stations will be assigned to earlier transition phases. However, phase assignments hinge on several factors, and in particular must take into account station dependencies. For example, a complicated station may be positioned first in a daisy chain of interdependent stations, requiring that it move before all the other stations in that chain. Additionally, while a less complicated station with no dependencies may be able to move quickly, competing goals such as ensuring that DMAs transition in a limited number of phases and balancing resources across the transition may dictate later phase assignments for a specific station. We therefore decline to adopt the suggestion.

One commenter asks the Bureau to identify as complicated those structures that have the additional characteristics discussed in the *Auction 1000 Bidding Procedures Public Notice.* However, for purposes of the post-auction transition scheduling plan, we identified certain locations where stations are likely to encounter unusually difficult circumstances when completing their transitions. Only stations at locations on this discrete list, which have been identified as facing extraordinary hurdles, will be treated as complicated. As discussed below, however, we note that the transition schedule is based on reasonable assumptions about how long stations—whether they are within the complicated category or not—will need to complete their transitions. The amount of time used to estimate how long stations will need to transition is based on feedback from the industry and the *Widelity Report.* While the time estimates provided for complicated stations are consistent with the *Widelity Report* Case Study IV, to be even more conservative, constraint number eight guarantees that stations identified as complicated for the purpose of the Phase Scheduling Tool will have a minimum of two phases to complete their transitions since such stations will not be assigned to the first transition phase.

We adopt the four objectives and respective priorities proposed in the *Transition Scheduling Proposal Public Notice.* Specifically, the first objective will be to assign U.S. stations whose pre-auction channels are in the 600 MHz Band to earlier phases, while simultaneously assigning all Canadian stations and U.S. stations with pre-auction channels in the remaining television bands to later phases, where possible. The second objective is to minimize the sum, over all DMAs, of the number of times a DMA must rescan. The third objective is to minimize the total number of linked stations. The fourth objective is to minimize the difference between the number of stations in the largest transition phase and the smallest transition phase.

Commenters generally support these objectives; however, broadcast commenters disagree that prioritizing clearing the 600 MHz Band should be the first objective. We emphasize that all phase assignments must satisfy each of the eight constraints adopted above, most of which are designed to protect the interests that the broadcast commenters appear to believe should be of primary consideration. As noted, those constraints will protect broadcast services and television viewers from undue pairwise interference, limit the number of required rescans, minimize the impact of dependencies and thus the need for inter-station coordination, and create an organized phased approach that spreads the transition across 10 phases. The Commission also tasked the Bureau with developing a transition schedule that ''provide[s] certainty to wireless providers and [is] completed as expeditiously as possible.'' We find that the proposed prioritization of the four objectives strikes the appropriate balance and will encourage the expeditious clearing of the 600 MHz Band.

One commenter proposes that ''the two primary objectives be to maximize the health and safety of tower crews and the homes and businesses that are in close proximity to towers and to minimize service disruptions to viewers and users of other services that share broadcast towers.'' That commenter has not explained how we could incorporate such goals into the mathematical optimization model and we are unaware of any mechanism to accomplish the task. However, we note that the Phase Scheduling Tool estimates time periods for construction tasks based on industry information, and we believe that relying on such information is reasonable and will help to promote health and safety.

Phase Scheduling Tool. After the Phase Assignment Tool assigns stations to phases, the Bureau will use the Phase Scheduling Tool to produce an estimate of the average amount of time, in weeks, it will take all stations in a phase to complete their transition. The total number of estimated weeks for phase 10 is the total time estimate for the post-auction transition, based on the Phase Scheduling Tool's simulation. In order to obtain this estimate, the Phase Scheduling Tool uses the time and resource estimates to simulate how long it will take all the stations in each phase to obtain access to limited resources and complete their transitions. In the simulation, a station must complete the activities in the pre-construction and construction stages. If a required resource such as a tower crew is constrained, stations that require the resource will obtain access to it according to a randomly assigned simulation order. In other words, the Phase Scheduling Tool creates a random order within each phase to simulate the sequence in which stations within each phase will have access to limited resources. The output of the tool is the number of weeks it will take all stations in a phase to obtain necessary resources and complete their transition. Because the number of weeks needed may vary depending on the simulation order of the stations in each phase, the Bureau will run the Phase Scheduling Tool 100 times to generate the average time in weeks it takes to complete a phase. One commenter argues that the Bureau should use the longest timing estimates for all stations in a phase. We disagree that the Bureau should always use the longest timing estimate for all stations in a phase to set the phase transition deadline. By generating results for multiple simulation orders, the Phase Scheduling Tool produces a range of estimated completion times for each phase. Using those ranges as a guide will provide the staff with the flexibility it needs to create a reasonable transition schedule within the 39-month timeframe. As described below, the Bureau will use the resulting average of the estimated time required per phase to

guide its determination of the completion dates for each transition phase.

Many commenters agree that the Phase Scheduling Tool is an appropriate mechanism to guide the Bureau in setting deadlines for phases, and no commenter provided an alternative to the simulation tool. A few commenters contend that the tool is unrealistic because broadcasters often use specific vendors, and the vendors have preferred-customer relationships and may manufacture only on a first-come-first serve basis. These commenters argue that stations will not line up in a queue, especially if they risk going dark if they fail to meet their phase deadlines. However, the Phase Scheduling Tool does not mandate that broadcasters use particular vendors or access resources in a particular order in the real world. It is a simulation tool created to assist the Commission in setting reasonable deadlines for phases. Our plan provides flexibility for stations to make their preferred arrangements by starting all 10 transition phases at the same time, so that each station may start planning for its transition as soon as possible. Nevertheless, station and vendor cooperation will be an essential element of the transition plan and we urge all industry participants to be respectful of the overall demands of the transition on limited resources. We strongly encourage stations to be mindful of the overall transition plan when working with their vendors, and we note that we will closely monitor the progress of the transition. Examination of the record reflects that vendors are keenly aware of the need to prioritize projects by phase assignment where possible and would like stations to place orders for equipment as early as possible.

The Pre-Construction Stage will include (1) the time required for antenna equipment to be ordered, manufactured, and delivered and (2) the time required for all other planning and administration activities necessary to prepare for construction. These categories reflect the type of work that stations will need to do before they begin construction on their towers.

Antenna equipment manufacturing and delivery. In order to account for limits on antenna manufacturing and delivery, the Phase Scheduling Tool uses time estimates to simulate how long it will take manufacturers to manufacture and deliver an antenna to each station. The tool assumes that auxiliary antenna manufacturing and delivery will not be a constrained resource during the transition and that 75 percent of all stations will need to install an auxiliary antenna. A few commenters are concerned that manufacturers will not be able to meet the demand for antennas, and particularly auxiliary antennas, during the transition. Although several commenters point out auxiliary antennas will be a significant means of helping stations complete timely transitions, the majority of commenters contend that the manufacturing and availability of auxiliary antennas will not be constrained during the transition. We find that the model properly reflects the availability of antennas, including auxiliary antennas.

Some commenters argue further that manufacturers will not be able to maintain or increase manufacturing capacity throughout the transition. However, the other commenters argue that the vendor industry is ramping up to prepare for the transition. Additionally, the phased transition approach is designed to create a steady stream of work over the course of the transition, which should allow manufacturers to keep pace with demand. On balance, we conclude that the model accurately reflects the manufacturing and delivery capabilities of the vendors throughout the transition.

Administration/Planning. We adopt the estimates proposed in the *Transition Scheduling Proposal Public Notice* for the Administration/Planning component of the Pre-Construction Stage. The Administration/Planning component includes zoning, administration, legal work, and pre-construction alterations to tower and transmitter equipment. One commenter argues that structural tower improvements should not be considered in the Pre-Construction Stage. We disagree. Stations may start making structural tower improvements well before the transition begins in preparation for the transition and tower crews will engage tower work during both the Pre-Construction and Construction Phase. Another commenter notes that structural engineers may become a constrained resource during the process and that the transition plan should consider the availability of structural engineers when setting time estimates. While structural engineers will be needed throughout the transition, we expect that the heaviest strain on structural engineers will be in conjunction with the construction permit application process, and that structural engineers will not be a constrained resource during most of the transition. Commenters generally express two primary concerns with this component, first the amount of time it may take some stations to get through zoning and permitting, and second, the possible procurement issues facing public broadcast stations.

We acknowledge that local zoning authorities and entities such as the FAA, tribal or historic preservation offices, and municipal authorities will likely receive requests for approval during the transition and that these entities have important roles to play within their various jurisdictions. However, we are not persuaded that these procedural requirements necessitate increased time estimates. We conclude that the Widelity case studies will be sufficient for the majority of stations, and we are unconvinced that the time estimates for the transition schedule should be driven by the worst-case scenarios. The Phase Scheduling Tool provides conservative estimates for stations in three categories: Complicated, DTV, and Class A stations. This differentiation captures the varying timelines that the majority of stations in each group may face during Administration/Planning activities. We also note that because all phases will commence at the same time, stations in later phases will actually have significantly more time to complete their Administration/Planning activities than the time estimates provided in the simulation. For example, the Phase Scheduling Tool estimates that a DTV station would need 32 weeks to complete its administrative and planning activities. A station assigned to a later phase will have far more than 32 weeks to complete these tasks. The time estimates in the tool are intended to give each station the minimum time necessary to complete these tasks, but the majority of stations will have more than the minimum amount of time provided by the Tool.

Public television entities are concerned that the adopted timelines do not adequately take into account the needs of public broadcast stations, and they argue that such stations will face significant hurdles with financing and procurement. We conclude that the time estimates for the Administration/Planning component of the Phase Scheduling Tool for all stations are sufficiently conservative. Furthermore, commenters do not indicate how much additional time should be allocated to public stations. Because of the large number and variety of public stations and the case-by-case nature of each station's transition, we conclude that it is not reasonable to provide additional time to all public stations for the purposes of the Phase Scheduling Tool. Stations that anticipate these specific challenges should begin their transition process as early as possible.

The Construction Phase will include (1) the time to complete all general facets of construction (called ''Construction Related Work'') and (2) the time required by tower crews to install equipment on towers. One commenter requests clarity on the definition of ''tower work.,'' argues that tower structural modifications and RF equipment changes should not be separate as both of these activities will need to take place sequentially without any time separation to increase efficiencies and reduce crew movements (rigging and de-rigging), and also states that there are long-lead items for modifications too, such as guy wires, which can take from weeks to months for delivery. We note that the model does not break tasks down as discretely as this commenter suggests. However, the minimum time estimates for Administration/Planning and Construction Related Work provides enough time to complete the consecutive tasks and time to acquire the long lead-time equipment. Some commenters express concern regarding the time saving estimates for work done on the same tower, the number and qualifications of tower crews, and the impact of weather on construction. We adopt proposals for the Construction Phase component as described in the *Transition Scheduling Proposal Public Notice* with slight modifications based on the comments. Specifically, we adjust the time required to complete the work on towers having antennas for multiple stations. In addition, although the proposed time estimates are conservative and should provide enough to time for stations to complete their transitions without separately considering the issue of weather, in response to comments the Bureau will specifically consider the possibility of major weather-related delays when it assigns completion dates to each phase.

Tower work. Several commenters argue that the model overestimates the amount of time-savings that can be achieved by performing multiple installations on the same tower in a single, multi-station job. We find these arguments have merit. Accordingly, we modify our proposed approach to assume that construction on a tower will commence when the first station on that tower is ready to begin its construction work and the total time to complete all construction for all stations on that tower is equal to (a) the time required for the most difficult station (we assign this time to the first station) plus (b) the sum of the time estimates for all stations other than this first station, multiplied by 50 percent. This revised approach addresses the concerns identified by the commenters.

One commenter states that allowing only one week for a tower crew to install an auxiliary antenna is likely to be insufficient. On the other hand, another commenter identified that only three to four 3–5 additional days for this task. Based on the record we conclude that, as a general rule, one week is insufficient. A commenter proposes that the model should take into account special problems and timing needs of broadcasters that operate from ''fully-loaded towers.'' While we agree that fully-loaded (or close to fully-loaded) towers present some unique challenges, most such towers can be identified now and we expect stations on such towers can take mitigating steps now to work around this issue. Another commenter expresses concern that temporary antennas may not be able to solve the problem of fully-loaded towers. We note that while a tower may be fully-loaded today, it is possible that after the incentive auction, a tower may have additional capacity as the result of a station going off-air in the auction. Additionally, stations may have options beyond auxiliary facilities to help facilitate their transitions, and the Bureau is open to assisting stations with creative solutions that do not compromise the overall transition plan.

We find that the tool provides estimates intended to account for the ordinary time necessary to complete various tasks. It does not attempt to assess the specific time for each and every individual hypothetical scenario available, and it would not be possible for any scheduling tool to do so accurately. However, in response to the comments concerning potential coordination with other services (*e.g.,* FM radio or cellular providers) operating on the same tower as the reassigned station, as noted, we have modified the tool to substantially reduce the 'same tower discount' in order to account for the additional coordination that will be required. This reduced discount will more conservatively estimate the total tower work times to account for not only other television broadcasters but also other broadcast and non-broadcast facilities on the tower.

Crew availability and training. Commenters disagree about whether the Construction Phase tower crew estimates are reasonable. The Commission received varying estimates for the number of tower crews that will be available during the transition. Based on the totality of information received, we conclude that the estimated number of tower crews included in the tool for complex stations, DTV stations, and Canadian stations set forth in the *Transition Scheduling Proposal Public Notice* is reasonable. Many commenters have noted that companies are gearing up for the transition and training crews to perform tower work. Further, we disagree with one commenter that tower crews will be unavailable or untrained to work on U.S. towers and that companies will be working on wireless towers. We note that other comments offer a different assessment of crew availability. Nevertheless, the Phase Scheduling Tool includes conservative assumptions and the tool assumes that no Canadian tower crews will work on U.S. towers, and vice versa.

Weather. Although the Phase Scheduling Tool uses conservative estimates that will give most stations ample time to plan their transitions around any anticipated or unanticipated weather conditions, nearly all commenters suggest that the schedule should be more flexible in taking seasonal considerations into account. Commenters are primarily concerned with the impact of winter weather and potential hurricanes. It is not possible to adopt a scheduling plan that prevents the phase completion date of every phases from falling during winter months or hurricane season, even if we limit the restrictions to specific markets. We find that imposing such a restriction would be unnecessarily restrictive and would undermine the transition process, especially because adverse weather conditions may not materialize in all cases. However, in response to commenters, the Bureau intends to examine the output of the Phase Scheduling Tool and adjust the deadlines for early transition phases to accommodate weather. Later transition phases will be less sensitive to the impact of weather because the full transition period will be longer and industry participants will have longer periods to plan for particular weather concerns. As such, we encourage industry participants to anticipate weather-related considerations that might affect their transitions and to plan tower work accordingly in order to utilize the full transition phase. A station facing weather-related challenges may also consider implementing intermediate plans to ensure that it can be off its pre-auction channel while continuing to broadcast during the inclement weather.

The Bureau will use the simulations of the Phase Scheduling Tool to produce an estimate of the average amount of time, in weeks, it will take all stations in a phase to complete their transition. While all transition phases will begin at

the same time, the Bureau will assign each transition phase a completion date based on the average number of weeks determined by the Phase Scheduling Tool. Although the tool produces reasonable time estimates based on the detailed inputs set forth in the Appendix, it does not account specifically for certain factors that may warrant deadline adjustments, such as the relative length of the testing periods for each phase or seasonal considerations. For example, the phase completion date may be moved later if an early phase consisting primarily of stations in northern regions of the United States is projected to end in the middle of winter. Thus, the Bureau may adjust the phase completion dates from the average durations calculated by the tool to take such factors into account, consistent with the overall 39-month transition deadline imposed by the Commission's rules.

Additionally, consistent with the Bureau's proposal each phase will have sequential specified testing periods—defined by a start and end date, with the end date corresponding to the phase completion date. While stations may engage in planning and construction activities at any time prior to their phase completion date, equipment testing on post-auction channels will be confined to the specified testing periods. The wireless industry proposes that stations should be able to begin testing or operating on their post-auction channels outside of their assigned phase testing period. As a general matter, we will not allow stations to test or operate on their post-auction channels until their designated phase testing period. This restriction encourages stations to plan their transition around their particular phase deadline, which will minimize interference, incentivize the distribution of resources across the phases, and encourage stations within a phase to switch to their post-auction channels at roughly the same time, which will minimize confusion to television viewers. While the *Transition Scheduling Proposal Public Notice* contemplated that no stage would have a testing period shorter than four weeks, the Bureau may need to adjust the amount of time given to the testing periods of some phases to accommodate the overall transition schedule, particularly in the early transition phases. The Bureau retains the discretion to modify phase assignments, phase completion dates, and testing period dates as necessary throughout the 39-month transition. This discretion responds to commenters' requests that the Bureau have flexibility to accommodate real-world events. We note that as the transition progresses, the later phases should be better able to accommodate shorter testing periods because they have more time than stations in the early phases to prepare for their transition and complete their work.

While the majority of phase assignments and deadlines will not change once the initial transition schedule is released, in the unlikely event, for instance, that a station is ''unable to construct'' the facility specified in the *Closing and Channel Reassignment Public Notice* (Closing and Reassignment Public Notice), the Bureau may need to modify the transition schedule in order to grant an application filed during the first priority window for an alternate facility or channel. If changes to the transition schedule are necessary, stations impacted by the grant will only be moved to a later phase, not to an earlier phase. A station will not be moved to an earlier phase without its consent. Below we discuss in greater detail how we will evaluate direct requests to modify a station's phase assignment or other requests made after the initial transition schedule is announced in the *Closing and Reassignment Public Notice* that would necessitate a modification to the transition schedule in order to grant.

Other Matters Related to the Transition Scheduling Plan. As recognized in the *Transition Scheduling Proposal Public Notice,* there are various scenarios in which a station may seek to construct an expanded facility or use an alternate channel that differs from the technical parameters assigned to it in the *Closing and Reassignment Public Notice.* Some stations may also request extensions of their construction deadline and seek authority to continue operating on their pre-auction channel after their phase completion date, including a waiver of their phase completion deadline. In evaluating such requests, the Bureau proposed in the *Transition Scheduling Proposal Public Notice* to examine the impact that granting such requests would have on the phased transition schedule. Depending on the requesting station's proximity to Mexico or Canada, coordination may also be required from that particular country. While a station may request an extension of its construction permit deadline as set forth in 47 CFR 73.3700(b)(5), grant of such a request only permits the station additional time to complete its construction on its final channel and does not permit a station to continue operating on its pre-auction channel. In order to do so a licensee must request special temporary authority (STA).

Commenters representing wireless interests agree that any requests for relief from the requirements of the transition plan that could result in a station's transition taking longer than its assigned phase completion date, should be required to meet a high burden of proof and consider the impact on 600 MHz Band licensees. On the other hand, broadcast commenters assert that a heavy burden of proof runs counter to efforts to encourage a successful post-auction transition.

In order to facilitate a timely and orderly transition, we find that we must evaluate on a case-by-case basis requests for modification of any station's facility or transition deadline as set forth in the *Closing and Reassignment Public Notice,* to assess the impact of such requests on the transition schedule. Accordingly, we adopt the method for evaluating such requests proposed in the *Transition Scheduling Proposal Public Notice,* which states, ''[t]he Bureau will view favorably requests that are otherwise compliant with our rules and have little or no impact on the phase assignments or transition schedule. However, any request that the staff determines would be likely to delay or disrupt the transition, such as by causing pairwise interference above two percent to another station, creating additional linked-station sets, necessitating another station move to a different transition phase, or that is likely to cause a drain on limited transition resources required by other stations, will be viewed unfavorably. The Bureau will view requests that have such adverse effects on the transition schedule more favorably if the requesting station demonstrates that it has the approval of all the stations that would be affected if the request were granted, or it agrees to take steps during the transition period to mitigate the impact of the proposed request[.]'' 31 FCC Rcd at 10814–15, para. 27. We find that the proposed approach balances the important goal of clearing the 600 MHz Band within the 39-month transition period, as well as the additional goals of facilitating a smooth transition, limiting viewer impact, and providing broadcasters the flexibility to make requests that are necessary to construct their post-auction facility and address unforeseen circumstances to prevent stations from going dark. Commenters agree that flexibility is vital to facilitating a successful transition.

While the Bureau does not intend to grant requests that would disrupt the transition, our aim is not to discourage stations from proposing alternative

transition solutions that could create efficiencies or resolve unforeseen circumstances that could otherwise force a station to go dark. Indeed, such proposals may reduce reimbursement costs or implement a market-wide transition plan that could allow stations to more efficiently utilize limited resources, facilitate coordination, or reduce the impact of the transition on television viewers. Nonetheless, such proposals should specifically demonstrate that implementation would not interfere with other stations' transition efforts and address how implementation of the proposal may affect the transition schedule. If the Bureau grants such a request after considering such effects, it may choose to modify transition phase assignments and construction deadlines of the requesting station or, if necessary, other stations; however, no other station would be assigned to an earlier transition phase than it was originally assigned without its consent. Should the Bureau deny a request for a station to continue operating on its pre-auction channel past its phase completion date, stations can explore a variety of options to assist with their post-auction transitions, including the use of temporary channels and interim or auxiliary facilities.

In the *Transition Scheduling Proposal Public Notice* we also recognized that individual stations may request changes to their phase assignment, phase completion date, and/or testing period as set forth in the *Closing and Reassignment Public Notice.* We tentatively concluded that we would rely on existing rules and procedures to address such requests, and also sought comment on whether an alternative process should be established and, if changes to the transition plan are permitted, what rules or procedures would need to be waived. Commenters disagree whether existing Commission processes are appropriate for addressing such requests. Commenters that argue there should be different processes neither propose a specific process or explain why the Commission's existing rules would be insufficient. We find existing Commission processes are sufficient to address such requests.

Commenters also suggested that stations should have the flexibility to move to either an earlier or later transition phase. While our decision today does not prohibit stations from making either request, any request to modify a station's phase assignment will be subject to a high burden of proof and reviewed in the manner adopted above for determining the impact of a request on the overall transition schedule. Because earlier phases of the transition are likely to have greater resource constraints while equipment manufacturers and suppliers continue to ramp up capacity, we are less likely to be able to accommodate requests for stations to move into the first or second phase. When resolving a requested phase change we also will consider the impact such a request may have on viewers. As evidenced through our objectives and constraints, we believe viewers will benefit from stations in a given DMA transitioning together. Not only does this limit the total number of channel rescans for viewers, but multiple stations' communications with the public about the timing of a rescan supports education efforts.

We find that the record does not support the creation of any special sanction system related to transitioning stations, despite the call of some commenters to do so. A station that does not comply with the requirements of any Commission order may be subject to action as contemplated by the Commission's rules. A station that is found to have failed to comply with the requirements of any Commission order may be subject to action as contemplated by the rules. *See* 47 CFR 1.80 (forfeiture); 47 CFR 73.3598(e) (automatic forfeiture of an expired construction permit).

Temporary Joint Use of Channels and Temporary Individual Channel Assignments. The transition scheduling plan we adopt today does not mandate the use of temporary channels. However, some commenters have suggested that use of temporary channels may be appropriate on a voluntary basis, especially to prevent stations that are unable to meet their transition deadline from going dark or delaying the transition. Commenters have also suggested that the Commission could permit broadcasters to implement temporary channel sharing arrangements (hereinafter referred to as ''temporary joint use of channels'') to aide in their transition efforts. To the extent that the Commission permits the use of individual temporary channels, low power television interests request that the Commission provide transparency about when and for how long temporary channels will be used and whether a displaced LPTV station can apply for a channel that is slated to be used on a temporary basis. One commenter requests that the Commission limit the assignment of temporary channels to ''truly rare, exceptional and extreme situations,'' due to the hardship such assignments are likely to place on Class A and LPTV stations, as well as viewers.

Although we have concluded that the burdens of assigning temporary channels on a mandatory basis outweigh the benefits, we agree there may be situations in which the voluntary use of either an individual temporary channel or temporary joint use of a channel may aid the transition. We will therefore permit reassigned Class A and full power stations to make a request to operate on a temporary channel either on an individual or joint basis. When seeking authorization to operate on an individual temporary channel or engage in temporary joint use of a channel, a broadcaster must file with the Commission a request for STA proposing the channel it wishes to operate on and including the specific technical parameters. Because STAs are granted for a period of six months, a station may need to file for an extension of its initial STA authorization. Failure to do so while continuing to operate pursuant to the initial authorization would amount to operation without a valid authorization, which is a violation of Section 301 of the Communications Act. *See* 47 U.S.C. 301. Consistent with the requirements of Section 73.1635(a)(4) of the Rules, as part of any extension request an applicant must demonstrate the necessity of such extension and describe the steps that are being taken to resume operation on its post-auction channel assignment. *See* 47 CFR 73.1635(a)(4). Such requests may be made at any time during the transition period and must demonstrate that the proposal both complies with the Commission's technical rules and will not otherwise interfere with the transition. Use of an individual temporary channel or engaging in temporary joint use of a channel must be for purposes of facilitating the transition. To ensure continuity of service to viewers throughout the transition, a station availing itself of one of these voluntary options must maintain signal coverage of its community of license as required by Section 73.625 of the Rules.

A request for use of an individual temporary channel will be restricted to replicating a station's pre-auction coverage area and population served. Because we will evaluate applications requesting use of an individual temporary channel under the standard of review we have adopted for considering all requests during the transition, broadcasters should, at a minimum, evaluate whether their operation would require coordination with neighboring stations that are not already in the same linked-station set, thereby resulting in new linked-station

sets, or whether additional construction that may be required could divert resources from other stations. Temporary channels will also be subject to all applicable interference rules, unless otherwise waived by the Bureau. Furthermore, depending on the station's proximity to Mexico or Canada, coordination approval to operate on a temporary channel may be required from that particular country.

In order to provide maximum flexibility, we will permit a full power or Class A licensee to request authority to operate on an individual temporary channel in the new wireless band during the post-auction transition. Although T-Mobile supports broadcasters voluntarily using temporary channels, it requests that use of individual temporary channels be restricted to channels ''below the new wireless band.'' We believe foreclosing temporary operation in the new wireless band during the transition period would be too conservative an approach and could undercut the benefits of allowing broadcasters to request temporary channels because there may be limited available temporary channels in the television band. However, to balance the interests of wireless operators in starting construction and commencing operations in cleared spectrum, when evaluating requests for individual use of a temporary channel in the new wireless band we will require broadcasters to demonstrate that there is no reasonable alternative to operating in the new wireless band and provide written consent from the wireless licensee(s) of the channel that the broadcaster wishes to temporarily operate on, as well as written consent from any wireless licensee(s) that would otherwise be required to protect the broadcaster's operations under the Commission's inter-service interference (ISIX) rules. Consistent with the policies outlined in the *Broadcast Transition Procedures Public Notice,* no STA may cause impermissible interference to wireless licensees. Additionally, the Bureau will view unfavorably any application or request that the staff determines would be likely to delay or disrupt the transition, including by delaying or disrupting the deployment of new wireless services in the 600 MHz Band.

In the case of a request for temporary joint use of a channel, the applicant (joint user) must include with its request a written authorization from the licensee of the host station. A joint user will continue to be a Commission licensee, and will temporarily operate at variance from its authorized parameters pursuant to an STA. As such, joint users must continue to comply with all requirements under the rules and the Communications Act that would otherwise be required operating on their own channel.

Commercial and noncommercial educational (NCE) stations may request to engage in temporary joint use of a channel. A reserved channel NCE licensee that is granted authority to operate temporarily on a non-reserved channel must continue to operate on an NCE basis. We will evaluate requests by commercial stations for temporary joint use of a channel licensed to an NCE station on a case-by-case basis. We will also consider requests to allow a Class A station to operate under the Part 73 rules governing power levels and interference to jointly use a full power television station's channel on a temporary basis for the purpose of facilitating the Class A station's transition. A full power station requesting to temporarily jointly use a Class A station's channel for the purpose of facilitating the transition will be required to operate under the Part 74 power level and interference rules.

Transition Project Management and Progress Reporting. Commenters offered a number of suggestions on how the Commission should manage its staff and resources to facilitate the transition process. For instance, several commenters recommend that as part of the post-auction transition process, the Commission should consider hiring a third party contractor or a full-time internal project manager to manage the transition. One commenter suggests that the Commission should begin building relationships and working with other federal, state, and local government entities that will likely be involved in the transition, and also recommends that the Commission also establish ''an online resource center'' where service providers and suppliers can list themselves as available to work on the transition. Another commenter suggests that the Commission should designate particular FCC staff who would be familiar with the specific difficulties faced by state and institutional licensees and could be made available for purposes of supporting public broadcasters' efforts. Other commenters recommend the establishment of a ''web portal'' to disseminate transition information to all affected parties. While at this time we are declining to adopt any of the commenter's specific suggestions, we intend to dedicate sufficient resources to monitor the progress of the transition and keep affected parties informed.

Commenters have also recommended that the Commission require reassigned stations to file progress reports so that the Commission and interested parties can monitor the transition progress of reassigned stations, identify problem areas, develop solutions, and, if needed, adjust transition deadlines. In the *Incentive Auction R&O,* the Commission determined that entities receiving reimbursement will be required, on a regular basis, to provide information to the Commission showing how the disbursed funds had been spent and what portion of their construction is complete. The Bureau has developed and set filing deadlines for a progress report (FCC Form 2100 –Schedule 387) that broadcast television stations that are eligible to receive payment of relocation expenses from the Reimbursement Fund will file to track how disbursements have been spent and identify the progress and status of their construction efforts. The Bureau also proposed to require broadcast television stations that are not eligible to receive reimbursement but must transition to new channels as part of the Commission's channel reassignment plan to file the same form on the same schedule during the transition period. The Incentive Auction Task Force and Media Bureau Release Transition Progress Report Form and Filing Requirements for Stations Eligible for Reimbursement From the TV Broadcast Relocation Fund and Seek Comment on the Filing of the Report by Non-Reimbursable Stations, 82 FR 9009, February 2, 2017. As suggested by commenters, the form will allow the Commission to monitor the progress of the transition in real time, identify problem areas, and as needed develop solutions.

Interim and Auxiliary Facilities. We agree with commenters that interim and auxiliary facilities will be an important part of the transition for broadcasters and we will take action as appropriate to facilitate the use of such facilities and equipment. In order for a station to continue operating on its pre-auction channel while its current primary antenna is removed and a new channel antenna installed, we expect many stations will need to utilize auxiliary facilities and equipment. In order to operate an interim or auxiliary facility a station will need to file a request for an STA. In some cases, stations may wish to share auxiliary equipment and facilities, such as broadband antennas, with other stations.

Nothing that we adopt today restricts a station from filing a request for STA to operate on its post-auction channel using an auxiliary facility prior to its phase completion date. While we understand wireless providers' desire that the 600 MHz Band be cleared

expeditiously, we also must maintain an orderly process and respect the interference constraints that the transition presents and that transition scheduling plan is meant to address. We will therefore evaluate such requests in the same manner and subject to the same standard of review that we would a station that seeks to continue operating on its pre-auction channel after its phase completion date. Additionally, as with requests for temporary joint use of a channel, the Media Bureau will view unfavorably any application or request that the staff determines would be likely to delay or disrupt the transition, including by delaying or disrupting the deployment of new wireless services in the 600 MHz Band. We also commit to process all applications in an expeditious manner and will continue to work with interested parties to efficiently process applications, however we decline to commit to adopt specific processing prioritizations for applications as one commenter suggests.

Confidential Letters and Prohibited Communications. Nearly every commenter in this proceeding asked that the Commission restate, clarify, or, if necessary, waive, the auction rules prohibiting certain communications to enable stations to make productive use of channel reassignment information as soon as possible after receiving their channel assignment in the confidential letters that will be sent approximately three to four weeks from the date that the final stage rule was met. The prohibited communications rule prohibits broadcasters and forward auction applicants from communicating any incentive auction applicant's bids or bidding strategies to other parties covered by the relevant rules. Commenters' concern is that the rule prohibits broadcasters from engaging in communications that would be helpful in preparing for the post-auction transition, or that it discourages broadcasters from making such communications to avoid the risk of violating the prohibition. In light of these comments, we now provide guidance on the rule as it pertains to broadcasters and the post-auction transition—particularly their ability to hold discussions with vendors not covered by the rule. The Wireless Telecommunications Bureau intends to address any appropriate waiver of the rule when letters regarding post-auction channel assignments are sent.

As an initial matter, a great many preparations that broadcasters may undertake with respect to the transition to post-auction channel assignments will not involve prohibited communications. For example, broadcasters may communicate with third parties not covered by the prohibition, such as consulting engineers, equipment vendors, and counsel, without violating the prohibition, even if the communication discloses bids and bidding strategies. A broadcaster or other covered party still should take care, however, that the third party to which such communications are made does not convey the information to another covered party, which would violate the prohibition.

In addition, broadcasters may communicate with other covered parties regarding many issues in the post-auction transition without disclosing bids and bidding strategies. For example, broadcasters that did not apply to participate in the auction do not have bids and bidding strategies of their own to disclose and so may communicate regarding their own post-auction transition without violating the prohibition. Such broadcasters must bear in mind, however, that they still are prohibited from communicating any other incentive auction applicant's bids and bidding strategies of which they may have learned, such as a channel sharing partner's bids or bidding strategies. Finally, broadcasters that did apply but kept that fact confidential also may be able to communicate regarding post-auction channel assignments without disclosing bids and bidding strategies.

We recognize that certain broadcasters cannot communicate with other broadcasters regarding post-auction channel assignments without disclosing bids and bidding strategies (though they may communicate with non-covered third parties, as indicated above). For example, a UHF broadcaster with a winning bid to move to a VHF channel cannot communicate its post-auction channel assignment without communicating its bidding strategy. Likewise, a broadcaster that publicly disclosed that it had applied to participate in the auction could implicitly disclose the results of its bidding when it discloses a post-auction channel assignment. Moreover, any communications that disclose a post-auction channel sharing arrangement effectively would disclose the sharee station's bids and bidding strategies in the auction.

Since the final stage rule has been met, bidding in the reverse auction is complete, although forward auction is still ongoing. Accordingly, some relief from the prohibition for communications among broadcasters may be appropriate, particularly where doing so would assist the public interest in a smooth post-auction transition. We are sensitive to the concerns raised by commenters and will address them specifically at the time post-auction channel assignment information is provided to broadcasters.

Matters Outside of the Scope of the Proceeding or Previously Addressed in Other Proceedings. A number of commenters raised concerns regarding the sufficiency of the 39-month transition period. Modification of the length of the 39-month transition period is beyond the Bureau's delegated authority and outside the scope of this proceeding. We note that the 39-month transition period is the subject of a petition for reconsideration that remains pending before the Commission in GN Docket No. 12–268. The purpose of this notice is to carry out the Commission's directive to assign construction deadlines within the 39-month period prescribed by the Commission.

Several parties seek clarification as to the eligibility of certain costs for reimbursement from the TV Broadcaster Relocation Fund (Reimbursement Fund). One commenter states that the Commission should assure broadcasters that any costs associated with voluntary transition plans will be eligible for reimbursement from the Reimbursement Fund. The Commission anticipated the possibility of using temporary channels, as well as interim and auxiliary facilities to facilitate the transition and stated that the reasonably incurred costs of such equipment would be eligible for reimbursement. *See Incentive Auction R&O,* 79 FR 48441 at 48501, para. 451. However, as already made clear by the Commission, reassigned stations constructing alternate or expanded facilities applied for outside of the ''non-priority window'' will only be eligible for reimbursement for the eligible costs of relocating to the channel and facilities specified in the *Closing and Channel Reassignment Public Notice. See id.* 450. Another commenter expressed concern that the cost of carriage of temporary channels should not be borne by MVPDs. As stated in the *Incentive Auction R&O,* MVPDs are eligible for reimbursement when they reasonably incur costs in order to maintain carriage of a broadcast station. Finally, a broadcaster seeks clarification as to who will be financially responsible when other services, such as FM, LMR, wireless, or LPTV, are impacted by the transition. With respect to costs incurred by non-reimbursement-eligible entities, the Commission explained in the *Incentive Auction R&O,* that reimbursement claims from reassigned stations for costs incurred by non-eligible entities would

be limited to instances in which ''the reassigned broadcaster has a contractual obligation to pay these expenses through a contract'' that was entered into on, or before, the release date of the *Incentive Auction R&O,* which was June 2, 2014. *See also id.* at 48497, para. 429.

Thus, reimbursement-eligible entities with such contractual obligations may submit for consideration reimbursement claims only for expenses incurred by non-eligible entities that they are obligated to pay under such timely-entered contracts. To the extent these requests seek an affirmative declaration that certain costs will be reimbursed, we decline to pre-judge the eligibility of particular reimbursement expenses, and we remind parties that whether or not a cost is ''reasonably incurred'' and eligible for reimbursement will be evaluated on a case-by-case basis. Whether or not a specific cost meets the ''reasonably incurred'' standard for reimbursement must be evaluated on a case-by-case basis. *See id.* at 48500, para. 446.

Commenters representing the interests of LPTV and TV translator stations filed comments arguing that the Bureau failed to fully address the impact of the transition scheduling plan on LPTV and translator licensees and that the Bureau should take certain actions to address the impact of the post-incentive auction transition on their stations and interests. Commenters provided several actions the Commission could take to ease the impact of the transition on LPTV and translator stations, including: forbearing from enforcement of Section 312(g) of the Act; extending the minimum distance rule for displaced LPTV and translator stations from 30 miles to 250 miles; specifying in the transition plan when the LPTV displacement window will open; and flexibly waiving rules to minimize the impact of the transition on displaced LPTV and translator stations. We find these proposed actions have already been addressed in other Commission proceedings. We therefore decline to adopt any of these proposals. We remain sensitive, however, to the concerns of the LPTV and TV translator community and will continue to explore measures, as we have already committed to doing, to alleviate the impact of repacking on displaced LPTV and TV translator stations. The Commission also adopted rules to permit channel sharing between LPTV and TV translator stations as an additional means to help displaced stations that have difficulty finding available channels to team with other such stations in the same predicament.

Several commenters also raise issues that are already addressed by our existing rules. As an initial matter, we note that LPTV and TV translator stations that are displaced by full power or Class A stations reassigned a new channel in the repacking process may continue to operate on their current channel until the displacing television station is operational, at which time the LPTV or TV translator must cease operations. We note that a change in frequency, other than for a station that is displaced, is a ''major change'' and that applications for new stations or major changes by LPTV and TV translator stations are currently frozen. One commenter sought clarification as to when displaced LPTV and TV translators may begin operating on their new displacement channel. Because displacement facilities may not cause interference to full power or Class A television stations (either pre-auction, those set forth in the *Closing and Reassignment Public Notice,* or alternative channels and expanded facilities proposed during the applicable filing window), operation will not be contingent on the post-auction transition schedule and stations may begin operating at any time following the grant of the construction permit for their displacement facilities. *See Incentive Auction R&O,* 79 FR 48441 at 48505, para. 475. Finally, several commenters sought clarity concerning the operation of temporary facilities by displaced LPTV and TV translator stations. LPTV and TV translator stations are permitted to apply for special temporary authority to operate the facilities proposed in a pending displacement application so long as the application is acceptable for filing and has appeared on a proposed grant list.

Administrative Matters. Pursuant to the Regulatory Flexibility Act of 1980, as amended, a Final Regulatory Flexibility Analysis (FRFA) relating to the Public Notice is included.

This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

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Appendix A: Phase Assignment and Scheduling Tools

This appendix sets forth the methodology for assigning construction deadlines to stations to transition to new channel assignments following the broadcast television spectrum incentive auction. This is necessary because potential ''dependencies,'' or interference relationships, exist between certain television stations on pre-auction and post-auction channels which will impact the transition process. Stations with dependencies must coordinate in order to test equipment or begin operating on their new channels without causing interference to other stations. In many cases such coordination may only involve stations agreeing to operate at lower power or accept increased interference for short periods of time while the stations are performing tests, but dependencies can often involve numerous and/or distant stations, which makes successful coordination more complicated. The methodology adopted by this Public Notice provides a means of breaking dependencies in order to reduce the need for coordination and to make coordination more manageable.

Under this methodology, stations will be assigned to 10 transition phases. The phases will all begin at the same time when channel reassignments are announced in the *Closing and Reassignment Public Notice,* but each phase will have sequential end dates. Equipment testing on post-auction channels will be confined to set ''testing periods.'' With the exception of the first phase, the testing period for subsequent phases will begin on the day after the end of the preceding phase. Every station must cease operating on its pre-auction channel at the end of its assigned phase, also known as the ''phase completion date.''

The methodology will utilize two computer-based tools to assign stations to phases and then to establish phase completion dates for each phase. First, stations will be assigned to phases using the ''Phase Assignment Tool,'' which applies mathematical optimization techniques to identify, among possible solutions that satisfy a set of defined rules or constraints, a solution that best meets a separate set of defined objectives. Section III below discusses the Phase Assignment Tool.

After stations are assigned to phases, the ''Phase Scheduling Tool'' will be used to determine the phase completion date for each phase. The Phase Scheduling Tool estimates the total time

necessary for stations assigned to a phase to perform the tasks required to complete the transition process. In addition to accounting for factors such as transmission power and tower height that are likely to impact the time required for individual stations to complete the transition to a new channel, the Phase Scheduling Tool also accounts for potential delays created by resource limitations that may affect when a station can obtain resources such as new antennas or tower crews. The Phase Scheduling Tool simulates stations completing the transition and outputs the time needed to complete each phase given a random order (called ''simulation order'') in which stations have access to scarce resources. The tool runs 100 simulations, each with a different simulation order to generate the average time in weeks it takes to complete a phase. Based on those results, the Bureau may then exercise limited discretion to modify the phase completion dates from the average durations calculated by the tool to account specifically for certain factors that may warrant deadline adjustments, such as the relative length of the testing periods for each phase or seasonal considerations. For example, the phase completion date may be moved later if an early phase consisting primarily of stations in northern regions of the United States is projected to end in the middle of winter. This exercise of discretion will be done in consultation with Innovation, Science and Economic Development Canada (ISED Canada) as it impacts Canadian stations. In Section IV below, we discuss the Phase Scheduling Tool and its inputs, including the specific tasks required for stations to transition and the estimated time required to complete each task.

The methodology set forth herein differs from that proposed in the September 30 *Transition Scheduling Proposal Public Notice* in several respects. First, in the unlikely event that a station is predicted to incur temporary aggregate interference greater than five percent, the Phase Assignment Tool will be re-run in an attempt to reduce the temporary aggregate interference of all stations below five percent while simultaneously adhering to all constraints and objectives. The second change concerns the Phase Scheduling Tool. The amount of time allocated to tower construction on towers with multiple stations has been increased substantially. These changes were adopted in response to comments regarding the *Transition Scheduling Proposal Public Notice,* and are discussed below and in this Public Notice adopting the post-incentive auction transition scheduling plan.

This Appendix provides interested parties with sufficient information to replicate the methodology for determining the overall transition schedule. The Phase Assignment Tool implements the objectives and constraints using commercially-available optimization software. The Phase Scheduling Tool leverages an open source discrete event simulation software package using inputs described herein. The data presented is the output of applying this methodology to representative final television channel assignment plans for two 84 MHz spectrum clearing scenarios, and also making certain assumptions regarding Canada and Mexico based on ongoing coordination with those countries. The representative examples presented herein are for illustrative purposes only and are based on channel assignments that do not rely on or predict any auction results. The scenarios are ''representative'' in the sense that they are consistent with the plans generated by the Commission's Final Television Channel Assignment Plan determination procedure based on numerous auction simulations conducted by the staff. With the Final Stage Rule now met during Stage 4, the auction will clear 84 MHz. Therefore, we use two 84 MHz scenarios as representative examples. We are not publicly releasing the underlying simulations, which makes assumptions regarding reverse auction participation and outcomes. Interested parties can create their own television channel assignment plans for any spectrum clearing scenario by applying the Assignment Plan determination procedure to auction simulations based on their own assumptions of likely outcomes.

Section II: Dependencies and Means of Breaking Them. Before beginning to operate on their post-auction channels, stations ideally should be able to test equipment on their new channels. During the transition, however, there is a potential for undue interference between stations that are still operating on their pre-auction channels and stations testing or operating on their post-auction channels. The Commission's rules governing interference between stations before and after the post-auction transition will limit interference between stations that are both operating on their pre-auction channels and between stations that are both operating on their post-auction channels, respectively. In adopting a methodology for assigning construction deadlines to transitioning stations, the staff has sought to avoid undue interference while providing as much flexibility as possible for stations to test equipment prior to commencing operations on their new channels. The ''Precedence Daisy-Chain Graph'' (Graph) described in the examples below explicitly captures any interference that may occur between stations operating on their pre-auction and post-auction channels.

The Graph is constructed as follows: nodes are stations and a directed arc connects two nodes (*s* and *s'*) when station *s* cannot transition until station *s'* has transitioned to its post-auction channel because the current channel of station *s'* interferes with the future channel of station *s.* This relationship is called a *dependency.*

Example 1: Dependency. [Illustration Omitted]. In Example 1 above, suppose Station A and Station B have co- and adjacent-channel interference restrictions on all channels. Station A is reassigned from channel 25 to channel 18. Station B is reassigned from channel 45 to channel 26. Station A must vacate channel 25 before Station B can move to channel 26 so that neither station will experience undue interference. Therefore, the Example 1 graphic includes a directed arc from Station A to Station B since Station A must transition before Station B (Station B is *dependent* on Station A in order to transition).

Example 2: Daisy-Chain. [Illustration Omitted]. Multiple dependencies can be connected, forming a *daisy-chain.* Example 2 illustrates a daisy chain of 4 stations. Station A must transition before Station B. Station B must transition before Station C. And Station C must transition before Station D. Thus, Stations A, B, and C all must transition before Station D can transition.

Daisy-chains can involve numerous stations and multiple transition dependencies. Figure 1 below illustrates a single daisy-chain involving 29 stations in the Northeast in a simulated outcome where the Commission repurposes 84 MHz of broadcast spectrum through the incentive auction. [Figure 1 Omitted]

Successful coordination to avoid undue interference among the stations illustrated in Figure 1 will be challenging, given the number of stations involved and their distance from one another. In order to reduce or eliminate the need for coordination, the chain could be broken by assigning stations to transition during different time periods or ''phases.'' At least 29 separate transition phases would be needed to break the chain completely so that every station in the chain could

transition without the need for coordination. A large number of transition phases undercuts other potential transition goals, such as transitioning stations within the same region at the same time and avoiding the need for multiple channel rescans by viewers. Therefore, in order to balance these goals, a certain number of stations within a daisy chain would need to be assigned to the same transition phase, thereby reducing or ''collapsing'' the daisy chain into a more manageable size. For example, the six northern-most stations in the 29 station daisy-chain in Figure 1 above could be assigned to the first transition phase. Each station in this collapsed daisy chain would have to coordinate with one or more of the other stations in the chain in order to test their equipment without undue interference, but such coordination would be more manageable because of the much smaller number of stations, particularly if they are also more localized geographically. However, as illustrated by Example 3 below, the staff's analysis indicates that certain dependencies, known as ''cycles,'' cannot be broken by assigning stations to different transition phases.

Example 3: Cycle. [Illustartion Omitted]. Example 3 shows a cycle consisting of three stations. Station A needs to transition from channel 20 to channel 17; Station B needs to transition from channel 28 to channel 20; and Station C needs to transition from channel 17 to channel 28. Because all three stations cannot operate simultaneously on channels 17, 20, or 28, they must transition from their pre-auction to their post-auction channels simultaneously in order to commence operation on their post-auction channel. They must also coordinate in order to test equipment on their post-auction channels without causing increased interference to one another. In such circumstances, the dependencies between stations cannot be broken by assigning stations to different transition phases and these stations must be assigned to the same phase.

Cycles of much greater complexity than Example 3 are likely to occur during the post-auction transition process. Figure 2 below shows another simulated outcome in which the auction repurposes 84 MHz of broadcast spectrum. The cycle consists of 196 stations and reaches from the Southeast region of the United States through the Northeast and into Canada. [Figure 2 Omitted].

The challenge created by daisy-chains and cycles described above becomes more complicated when all dependencies are considered. Daisy-chains can intersect and overlap, creating a larger and more complicated daisy-chain. A cycle can also be part of a daisy-chain. As a result, hundreds of stations may be inter-dependent and one station may require tens (or even hundreds) of stations to transition first in order to be able to begin operating on its post-auction channel. Figure 3 below shows another simulated 84 MHz outcome with a set of 796 inter-dependent stations. [Figure 3 Omitted].

As indicated above, transition phases are a useful tool to address dependencies between stations. Stations may be assigned to different phases in order to break daisy chains, or to the same phase in order to facilitate coordination by stations involved in a cycle, or to achieve other goals. We refer to inter-dependent stations assigned to the same phase as a ''linked-station set'' and the individual stations in the linked-station set as ''linked stations.'' Stations that are part of a linked-station set must coordinate their testing with other stations in the set so as to avoid undue interference and must transition to their post-auction channel together.

Another means of breaking dependencies is to allow temporary, limited increases in station-to-station (pairwise) interference that exceed the 0.5 percent allowed under the Commission's rules governing pre-auction and post-transition interference relationships. As discussed in the *Transition Scheduling Proposal Public Notice,* allowing temporary, limited increases in pairwise interference will significantly reduce the number of dependencies between stations and in turn reduce the size, number, and complexity of daisy chains and cycles. Additionally, the staff's analysis indicates that allowing temporary, limited increases in pairwise interference will not result in significant aggregate interference increases.

Another means of breaking dependencies would be to assign stations in complicated daisy chains or cycles to operate on temporary channels prior to transitioning to their post-auction channels. Stations assigned to temporary channels would have to ''move'' twice, first to their temporary channels and then to their ultimate post-auction channels. Because the overwhelming majority of commenters were opposed to mandatory temporary moves, the adopted methodology will not require any station to use a temporary channel during the transition. However, as discussed in the *Public Notice,* staff will consider voluntary requests by stations to use either individual temporary channel or temporary joint use of a channel.

Section III—The Phase Assignment Tool. Under the methodology we adopt, stations will be assigned to one of 10 transition phases. Every station in a phase must cease operating on its pre-auction channel at the end of the phase, *i.e.,* the phase completion date. Stations will be assigned to phases using the Phase Assignment Tool. This Section discusses the Phase Assignment Tool as well as the constraints (*i.e.,* rules by which all assignments generated by the tool must abide) and objectives (*i.e.,* goals for creating the assignments). We begin by listing the specific constraints that will be imposed and the objectives used, followed by a discussion of the results of staff analysis illustrating the rationale underlying the procedure. ISED Canada is considering using a similar approach for Canadian stations and specific transition details will be published as part of its domestic process. As a result, the Baseline Results section of this Appendix may change.

Constraints and Objectives. Based on the staff's analysis and the record developed to date, we adopt the following constraints and objectives for assigning stations to phases. Phase assignments must satisfy all of these defined constraints. The objectives will be applied to identify a solution that best satisfies the Commission's transition goals. The Phase Assignment Tool prioritizes the objectives in the sequence listed below. Subsequent objectives are constrained by prior objectives.

Constraints: (1) A station cannot cause more than two percent new interference to another station during the transition. This constraint seeks to avoid undue interference during the transition and to provide stations with as much flexibility as possible to test equipment on their post-auction channels before transitioning. Although in many cases stations may be able to achieve these goals through coordination with affected stations, coordination may not be feasible in situations involving large-scale and complex dependencies among stations. As discussed in more detail in this *Public Notice,* allowing temporary, limited increases in pairwise interference will reduce the number and complexity of dependencies without resulting in significant aggregate interference increases. Doing so is also likely to promote other potential goals, such as reducing the number of channel rescans. Although allowing higher levels of temporary interference—up to five percent—would further reduce dependencies, we will allow no more than two percent as a balance between avoiding undue interference and

achieving the goal of limiting dependencies.

(2) No stations in Canada will be assigned to transition before the third transition phase. Due to dependencies between domestic and Canadian stations, a joint transition plan with Canada was agreed to by the FCC and Innovation, Science and Economic Development Canada (ISED Canada). In keeping with our discussions with ISED Canada, stations in Canada will generally be assigned to later transition phases, and in no case before the third transition phase. This constraint will promote efficient use of cross-border resources and respect the minimum notification periods to Canadian TV stations established in ISED's 600 MHz decision. *See Decision on Repurposing the 600 MHz Band,* August 14, 2015, available at *http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf11049.html.*

(3) There will be no more than 10 transition phases. Limiting the number of transition phases to 10 strikes a reasonable balance between decreasing the number of linked-station sets in each phase and other transition goals, such as transitioning stations within the same region at the same time and avoiding the need for multiple channel rescans by viewers. Note that the methodology assumes that all winning bidders affecting the first phase of the transition who have agreed to go off-air completely, or that become a channel sharee of another station with a post-auction channel assignment, will have gone dark before the stations in the first transition phase begin testing of their equipment (*e.g.,* two months before the end of the first transition phase). This assumption is reasonable given the expected timeline for paying winning stations and the estimated time for the first phase to complete. Canadian stations not impeding the transition of U.S. stations or the ability of the U.S. to repurpose the new 600 MHz may be permitted to continue to operate beyond the tenth phase based on rules to be established by ISED Canada.

(4) All stations within a DMA will be assigned to no more than two different transition phases. This DMA constraint provides similar benefits to a purely regional approach. By clustering stations in a particular geographic area into the same transition phase, this constraint will make resource allocation more efficient. Importantly, the constraint will limit the number of rescans consumers will have to complete as a result of the transition. While this constraint potentially limits the ability of the tool to minimize the number and/or size of linked-station sets within a transition phase, on balance we believe that the benefits to consumers and broadcasters outweighs the burden.

(5) The difference in the number of stations in the largest transition phase and the smallest transition phase will be no more than 30 stations. If it is not feasible to assign stations in such a way that the difference in the number of stations in the largest transition phase and the smallest transition phase is less than or equal to 30 stations, then an optimization will be performed minimizing the difference between the largest transition phase and smallest transition phase, and subsequent optimizations will be limited to no more than 1.1 times the number found in this optimization. This strikes an appropriate balance between restricting the difference in size between the largest and smallest transition phases while providing additional flexibility to achieve other objectives.

(6) Every transitioning station will be assigned to one transition phase.

(7) No phase can have more than 125 linked stations. The dependencies created by the interference constraints can affect a large number of stations across large geographic areas. This constraint will limit the effect of those dependencies and, to the extent that coordination is needed, facilitate a manageable transition process for broadcasters. We believe the 125-station limit strikes a balance between minimizing dependencies and other goals. If it is not possible to limit the number of linked stations in a phase to 125, then an optimization will be performed minimizing the maximum number of linked stations in any phase, and constraining the number of linked stations in any phase in subsequent optimization to no more than 1.2 times that maximum number. This strikes an appropriate balance between minimizing the number of linked stations in any phase while providing additional flexibility to achieve other objectives.

(8) No station falling into the ''complicated'' category for purposes of the Phase Scheduling Tool will be assigned to Phase 1. This constraint will help to ensure that the stations facing the most challenging and time-consuming transitions have adequate time, and to avoid the risk of such stations delaying others' transitions in the event of delays.

Objectives: (1) Assign U.S. stations whose pre-auction channels are in the 600 MHz Band to earlier phases in order to clear the 600 MHz Band as quickly as possible, while simultaneously assigning all Canadian stations and U.S. stations whose pre-auction channels are in the remaining television bands (U.S. TV-band stations) to later phases, where possible. This objective promotes a number of goals. It helps to clear the 600 MHz Band expeditiously. It also avoids the problem of Canadian and U.S. stations competing for limited resources and provides Canada with the time needed for its transition. To implement this objective, the Phase Assignment Tool weights assignments for stations transitioning from the 600 MHz Band after transition Phase 8. Similarly, the Phase Assignment Tool weights assignments for Canadian stations and U.S. TV-band stations assigned to any transition phase earlier than Phase 9. The weights for stations not transitioning out of the 600 MHz Band before Phase 9 is significantly higher than the weights for U.S. TV-band stations or Canadian stations transitioning early. We use the following weights when determining assignments: U.S. stations in the 600 MHz Band assigned to phase 9 are assigned a weight of 20; U.S. stations in the 600 MHz Band assigned to phase 10 are assigned a weight of 200; U.S. TV-band stations and Canadian stations assigned before phase 9 are assigned a weight of 1. The Phase Assignment Tool minimizes the sum of all weights incurred by the phase assignments.

(2) Minimize the sum, over all DMAs, of the number of times a DMA must rescan. This objective benefits viewers by minimizing the number of rescans necessary in a market and creates regionalized clusters that will make resource allocation more efficient. As with the fourth constraint above, the use of DMAs attempts to provide similar benefits to those that would flow from a purely regional approach. This DMA-based objective attempts to move all stations within the same DMA into the same phase if such a solution can be found consistent with all constraints and prior objectives.

(3) Minimize the total number of linked stations. Whereas the seventh constraint above limits the total number of linked stations in a phase to 125, this objective minimizes the total number of linked stations throughout all phases of the transition. This objective seeks to provide as many stations as possible with the ability to test their equipment on their post-auction channel while simultaneously broadcasting on their pre-auction channel without the need to coordinate.

(4) Minimize the difference between the number of stations in the largest transition phase and the smallest transition phase. Similar to the fifth constraint above, this objective equalizes the number of assigned

stations in each phase by minimizing this maximum difference. We believe that evening out the number of stations assigned to each transition phase will help manage limited resources by ensuring that they can be spread more evenly across the transition phases.

The Phase Assignment Tool may also be used during the transition to consider proposed changes to and, as appropriate, modify phase assignments where such reassignments will not impact the overall schedule. We recognize that unforeseen events may occur during the transition that may warrant adjustments in order to ensure that the transition proceeds in a timely fashion. If we modify phase assignments during the transition, the Phase Assignment Tool will restrict reassignments to later transition phases in order to provide certainty to stations that any adjustments will not require them to transition earlier than their originally scheduled phase completion date. Any exceptions will require the consent of any station moved to an earlier phase.

Preliminary Results of Staff Analysis. Baseline Results. This Section presents results from running the Phase Assignment Tool using representative final channel assignment plans, for two alternative 84 MHz spectrum clearing scenarios. We have updated these Baseline Results from those used in the *Transition Scheduling Proposal Public Notice* to reflect the fact that higher clearing targets above 84 MHz are no longer relevant given the current status of the incentive auction. In each scenario, all of the constraints above are satisfied and the objectives applied in the order specified above. The joint transition plan will consist of U.S. and Canadian stations. We also assume that Mexican stations will have already completed their transition to their new channels below channel 37 prior to the end of the first phase. The Phase Assignment Tool assumes that Mexican stations will have transitioned to their new channels before the phase completion date of the first transition phase. *See Exchange of Coordination Letters with IFT Regarding DTV Transition and Reconfiguration of 600 MHz Band Spectrum,* U.S.-Mex., July 15, 2015, available at *http://wireless.fcc.gov/incentiveauctions/learn-program/resources.html* (*Mexican Coordination*).

Figures 4 and 5 below present histograms for these two representative 84 MHz scenarios, showing the total number of broadcast stations that transition in each phase and within each phase how many are (a) Canadian stations, (b) U.S. stations whose pre-auction channel is in the new 600 MHz Band and (c) other U.S. stations that nevertheless must change channels. All Canadian stations are included in the simulations. Those Canadian analog stations that will remain on their current analog channel but are required to convert to digital are not currently reflected in the Phase Assignment Tool. However, the final joint transition plan and schedule will include all analog and digital Canadian stations changing channels and/or converting to digital. The figures show that the 600 MHz Band is mostly clear of U.S.-based impairments by the end of Phase 8. Also, the very few Canadian stations that may impede U.S. stations from transitioning are assigned to early transition phases. Table 1 sets forth the number of stations that are part of linked-station sets in each of the two scenarios. Table 2 details the maximum temporary aggregate interference (calculated consistent with the methodology presented in the Aggregate Interference Public Notice) that any station would face during the transition in either of the two 84 MHz scenarios. [Figure 4, Figure 5, Table 1, and Table 2 Omitted].

Section IV: The Phase Scheduling Tool. After stations are assigned to phases by applying the Phase Assignment Tool, we will use the Phase Scheduling Tool to inform the determination of a phase completion date for each phase. The Phase Scheduling Tool estimates the total time necessary for stations within a phase to perform the tasks required to complete the transition process. In this Section, we discuss the Phase Scheduling Tool and its inputs, including the specific tasks required for stations to transition and the estimated time required to complete each task.

The Phase Scheduling Tool models the various processes involved in a station transitioning to its post-auction channel. It is a simulation tool created to assist the Commission in setting reasonable deadlines for phases. It divides these processes into two sequential stages: (1) The ''Pre-Construction Stage'' and (2) the ''Construction Stage.'' While separate processes within a stage may occur concurrently, such as equipment procurement and zoning applications, all processes within the Pre-Construction Stage must be complete before the station is ready to move to the Construction Stage. For example, in the model, the Construction Stage process of installing a new primary antenna cannot occur until after the new antenna is manufactured and delivered during the Pre-Construction Stage. A transition phase cannot end until all stations in the model assigned to that phase have completed both stages and are ready to operate on their post-auction channels.

Some processes require specialized resources that may be in limited supply. The Phase Scheduling Tool models these limited resources by constraining the amount available at any given time. If a station needs a constrained resource to complete a process, and the resource is unavailable because other stations are using it, the model places the station in a queue until the required resource is available. As described in more detail below, the processes within each phase are not designed to be a comprehensive listing of every task required to complete the transition; we have instead separated those processes which need resources that are most limited in supply and therefore likely will have the biggest impact on scheduling.

For each Stage, the Phase Scheduling Tool uses two inputs: (1) The time it would take for a station to complete the tasks required for that stage if all resources are available when needed; and (2) the estimated availability of constrained resources. The Phase Scheduling Tool uses these inputs to calculate how long it will take each station within a transition phase to complete all work associated with both Stages. The output of the tool is the estimated number of weeks from the start of the transition required for all stations assigned to a phase to complete all of the necessary transition tasks, test equipment on their post-auction channels, and be ready to operate on their post-auction channels.

Since it is not possible to know the exact order stations will begin each process, the Phase Scheduling Tool uses discrete event simulation to model this uncertainty. The Phase Scheduling Tool does assume, however, that a station assigned to an earlier phase will begin its Pre-Construction Stage processes requiring a constrained resource (*e.g.,* ordering an antenna) before a station assigned to a later phase. By assigning the station order within a transition phase randomly, called the ''simulation order,'' and simulating the transition processes, the Phase Scheduling Tool provides a single estimate of the time required for all stations assigned to a phase to complete each transition phase. The Phase Scheduling Tool operates by simulating stations completing the transition and outputs the time needed to complete each phase given a simulation order in which stations have access to scarce resources. The tool will run 100 simulations each with a different simulation order. The tool then provides the average time in weeks it

takes to complete a phase. Based on those results, the Bureau may then exercise limited discretion to modify the phase completion dates from the average durations calculated by the tool to account specifically for certain factors that may warrant deadline adjustments, such as the relative length of the testing periods for each phase or seasonal considerations. For example, the phase completion date may be moved later if an early phase consisting primarily of stations in northern regions of the United States is projected to end in the middle of winter.

The Phase Scheduling Tool also enables the staff to analyze the sensitivity of transition phase time estimates based on changes in input data. During the transition, as new information becomes available, the tool can be rerun to assess the potential impact of unforeseen developments on the overall schedule. To give additional certainty to stations, if we decide to use the Phase Scheduling Tool during the transition to modify phase completion dates, we will not move any phase completion date forward without the consent of the impacted station.

The following subsections detail the specific processes or tasks that the Phase Scheduling Tool models for each stage, as well as the estimated time and resource availability for each process. We adopt the estimates provided in the *Transition Scheduling Proposal Public Notice* with the exception of time allocated to tower construction on towers with multiple stations. The revised estimates are based on data contained in the *Widelity Report,* submissions from interested parties, submitted comments, and informational discussions with tower crew companies, other antenna and transmitter manufacturers, and broadcasters. We believe that the estimates are conservative and that they reasonably capture each aspect of the transition. The final subsection below shows sample outputs of the Phase Scheduling Tool for the two baseline Phase Assignment Tool simulation set forth in the prior section.

Modeling the Transition Stages. The individual tasks required for a station to complete its transition have been grouped into two stages: (1) The Pre-Construction Stage and (2) the Construction Stage. In the Pre-Construction Stage, a station completes two tasks: Ordering and delivery of the main and auxiliary antennas; and administration and planning work, which includes zoning, administration, legal, possible structural tower improvements, equipment modifications, and other activities. In the Construction Stage, a station completes two additional tasks: Construction related work and tower crew work. The tasks included in each Stage are shown in Figure 6 below. [Figure 6 Omitted].

The Phase Scheduling Tool groups together all tasks within a stage that can be done regardless of how many other stations are performing similar tasks. However, since there are two constrained resources that are dependent on the actions of others (antenna deliveries and tower crew availability), these tasks are separated out and the model considers how resource availability impacts the total completion time for any station in either stage. We note that there are many other resources that are not specifically identified but are essential to completion of the transition process. Based on the staff's analysis and the record developed to date, resources such as auxiliary antenna manufacturing, transmitter manufacturing, transmission line manufacturing and RF component installers do not affect the time required for a station to complete its transition. The availability and manufacturing capacity of these resources have been identified as being sufficient to fulfill the expected demand during the transition (*i.e.,* these resources have been designated as being ''unconstrained'') and therefore these resources are not broken out separately in the Phase Scheduling Tool. Instead, as illustrated in Figure 6, the tasks related to these unconstrained resources have been grouped into the general tasks of Administration/Planning, which is within the Pre-Construction Stage, and Construction Related Work, which is within the Construction Stage. Other required resources such as RF consultants and structural engineers will need to complete their work by the end of the initial 3-month filing window for construction permit applications, and therefore, also are not considered a constrained resource for purposes of the Phase Scheduling Tool. The Phase Scheduling Tool uses conservative estimates for the time requirements in order to assure that they meet the individual needs of each station.

Pre-Construction Stage Inputs. There are two components to the Pre-Construction Stage: (1) The time required for antenna equipment to be ordered, manufactured and delivered (a significant constraint) and (2) the time required for all other planning and administration activities necessary to prepare for construction (called ''Administration/Planning''). The Administration/Planning component includes zoning, administration, legal work, and pre-construction alterations to tower and transmitter equipment. Since administration and planning activities take place in parallel and the activities of one station are unlikely to impact the ability of others to perform the same activities, the model simply estimates the *total time* needed to complete all of these activities.

The Phase Scheduling Tool categorizes stations based on the difficulty of completing these activities. The Commission used a similar ''bucketing'' approach for categorizing stations in the Final Channel Assignment. Time estimates were derived by taking estimates from Widelity and, where appropriate, adding ''slack'' time so that the overall estimate of the time required would be a conservative one. The *Widelity Report* estimates that Administration/Planning could take up to 72 weeks for ''complicated'' stations (primarily due to zoning), up to 20 weeks for the average DTV station and up to 12 weeks for the average Class A or other lower power station. To be conservative, we added another 12 weeks to the Administration/Planning estimates for the non-complicated stations since these timelines were more aggressive. However, we expect this work will start during the 3-month filing window for construction permits (if not earlier, when each station receives its confidential letter with its final channel assignment). The time estimates are shown in Table 3 below. [Table 3 Omitted].

The Administration/Planning time estimate establishes the *minimum* amount of time required for a station to complete the Pre-Construction Stage. While Administration/Planning work is occurring, stations likely will also place orders for their main antennas. The time estimates for this component of the Pre-Construction Stage include manufacturing and delivery time once the antenna manufacturers receive orders from stations. However, the ability of manufacturers to produce enough antennas may impact the overall schedule. Therefore, the Phase Scheduling Tool includes antenna manufacturing and delivery as a specific resource constraint. The Phase Scheduling Tool considers a station to have completed its Pre-Construction Stage only after all of its Administrative/Planning work is completed and its antenna is delivered.

For purposes of delivery time estimates, stations are divided into two categories, based on the assumption that manufacture and delivery of directional antennas for full power stations will

require more time than for non-directional and Class A antennas (of either type). The time estimates shown in Table 4 are based on the assumption that the antenna manufacturers will begin manufacturing antennas as soon as the orders are received unless they are manufacturing at their current capacity. The time estimates for antenna delivery are generally consistent with, if not more conservative than, those cited in the *Widelity Report,* which estimated 3 months except for deliveries to complicated stations. [Table 4 Omitted].

The Phase Scheduling Tool also includes a specific number of antennas that can be manufactured and delivered at any given time. Based on those numbers, some stations may be able to receive their antennas without waiting for any additional time, but other stations may have to wait for their antennas to be delivered. The Phase Scheduling Tool will place such stations in a queue until the antenna can be delivered, based on the station's assigned number in a simulation order. In addition, the Phase Scheduling Tool will assume that manufacturers have an inventory of 20 antennas at the start of the 39-month transition period, and that capacity will increase over the course of the transition period. These assumptions are listed in Table 5 below. These estimates are based on public statements by manufacturers regarding their planned ramp up in anticipation of the transition and the assumption that these manufacturers plan on maintaining market share. We also assumed a conservative 5 percent growth rate. [Table 5 Omitted].

Construction Stage Inputs. Construction Stage modeling is similar to Pre-Construction Stage modeling and consists of two activities: (1) The time to complete all general facets of construction (called ''Construction Related Work''); and (2) the time required by tower crews to complete installation of equipment on the tower. As with Pre-Construction Stage activities, these activities can occur in parallel but the estimated completion time for the Stage is the time required to complete both these activities. In addition, like the Administration/Planning category in the Pre-Construction Stage, the Construction Related Work category is a catch-all category that incorporates several types of activities. The estimated time for this category includes estimates of the time to complete all construction work and associated management and coordination activities. More specifically, Construction Related Work includes estimates for the time associated with installing the transmitter components, combiners, RF mask filters and the transmission line to the tower base. Construction Related Work also allows time for any possible installation of liquid cooling systems, AC power, and connection to remote control equipment and input signal connections if required. Finally, Construction Related Work includes time required for performing any tower modifications and any final testing of the system. Table 6 lists the estimates of the time to complete all work included in the ''Construction Related Work'' category. Based on Widelity time estimates for the various work streams that fall under Construction Related Work. [Table 6 Omitted].

The Construction Related Work column reflects estimates of the minimum amount of time required for a station to complete the Construction Stage. The other process in the Construction Stage work is tower work. The time required for tower work is both tower and antenna specific. Table 7 lists the different characteristics that determine the amount of time required to perform tower work. These times were based on feedback from industry. This table does not reflect the time to install an auxiliary antenna. [Table 7 Omitted].

If a station did not need to wait for an antenna crew to become available in order to complete its tower work, then the amount of time the station would take to complete the Construction Stage would be the longer of the time estimated for construction related work and the time estimated for the station to complete work on its tower. However, not every station will be able to have a tower crew as soon as needed. When modeling to generate estimates for phase completion times, the Phase Scheduling Tool will place any station that is waiting for a tower crew to become available in a queue until a crew becomes available, based on the station's assigned number in a simulation order. Stations will be removed from the queue according to their simulation order.

We include in the Phase Scheduling Tool specific estimates regarding the number of available tower crews. The record developed to date reflects different estimates as to the number and types of tower crews that will be available. In light of the variance in these estimates, we will place tower crews into three buckets: (1) U.S. crews capable of servicing towers that are particularly difficult to work on due to height or location; (2) U.S. crews that are capable of servicing easier towers; and (3) Canadian crews. U.S. stations on towers that are above 300 feet in height and that are top-mounted or located on a candelabra can only draw from the pool of U.S. crews that can handle such difficult sites. Other U.S. stations can only draw from the other pool of U.S. crews, on the assumption that these difficult site crews will be fully occupied. Canadian stations can only draw from the pool of Canadian crews. It is likely that crews will travel between countries, but separating the crews in this way provides a more conservative estimate of the number of crews available in each country. We expect that the number of crews will increase as the transition proceeds. The specific estimates we will use are set forth below in Table 8. Tower crew estimates were based on feedback from industry and from ISED Canada. We assume a conservative growth rate in U.S. tower crews of 5 percent, but no growth in Canadian crews (which is very conservative). [Table 8 Omitted].

Other assumptions incorporated into the Phase Scheduling Tool are: (1) The estimated time required to complete work on a tower is reduced or discounted if more than one station on the tower is transitioning in the same phase. The Phase Scheduling Tool assumes that antenna installations will be performed by a single tower crew at the same time for all stations located on a given tower that are assigned to the same phase. Based on comments received and the record developed to date, we are adjusting the time upwards for the time required to complete the work on towers with multiple stations. Construction on the tower will commence when the first station on that tower is ready to begin its construction work and the *total time* to complete all construction for all stations on that tower is equal to (a) the time required for the most difficult station (we assign this time to the first station) plus (b) the sum of the time estimates for all stations other than this first station, multiplied by 50 percent. We believe that these revised discounts are appropriately conservative. Staff believes that 50 percent is a reasonable (and conservative) discount between the previously proposed 95 percent discount which was generally supported by American Tower and the 20 percent or 10 percent discount that Cordillera, et al. suggests. Any discount smaller than 50 percent would substantially remove the time savings produced by the same tower efficiencies which American Tower suggests.

(2) The Phase Scheduling Tool assumes that 75 percent of all stations (including those with a licensed auxiliary antenna) will need to install an auxiliary antenna. For each station

requiring an auxiliary antenna, the tool adds one additional week of tower crew time to the tower crew time, which is the maximum time required for an auxiliary in Table 7.

(3) Where the estimated time required to complete an entire transition phase is less than four weeks because much of the work (other than transmission testing on the new channel) has already occurred prior to the start date for the testing period of that transition phase, the testing period window is scaled up to allow four weeks for testing. The four week minimum allows additional flexibility for the Commission to adjust deadlines for stations due to unforeseen circumstances. For example, if many stations in the same phase experience a natural disaster, those stations' deadline could be extended and the multiple subsequent phases testing periods could be shortened to three weeks.

Sample Output. This Section provides sample results of the Phase Scheduling Tool using the baseline Phase Assignment Tool results presented above and the constraints and objectives for simulated auction outcomes involving the two 84 MHz clearing scenarios. Although Tables 9 and 10 below show the average number of weeks from the start of the phase to the phase completion date, each phase completion date will be listed as a specific date when the final transition schedule is released in the *Closing and Reassignment Public Notice.* The outputs of each clearing scenario are represented graphically below in Figures 7 and 8, respectively. As both Figures show, stations within each phase cannot start testing until the prior phase is complete, and all stations within a phase must cease operating on their pre-auction channels by the phase completion date.

Figures 7 and 8 below are a graphical representation of the time estimates from the Phase Scheduling Tool and represent estimates only. Although the tool produces reasonable time estimates based on the detailed inputs discussed, it does not account specifically for certain factors that may warrant deadline adjustments, such as the relative length of the testing periods for each phase or seasonal considerations. For example, the phase completion date may be moved later if an early phase consisting primarily of stations in northern regions of the United States is projected to end in the middle of winter. Thus, the Bureau may adjust the phase completion dates from the average durations calculated by the tool to take such factors into account, consistent with the overall 39-month transition deadline imposed by the Commission's rules. [Table 9, Figure 7, Table 10, and Figure 8 Omitted].

Appendix B: Final Regulatory Flexibility Act Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Transition Scheduling Proposal Public Notice.* The Bureau sought written public comment on the proposals in the *Notice,* including comment on the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

Need for, and Objectives of, the Rule Changes. The Federal Communications Commission (Commission) delegated authority to the Media Bureau (Bureau) to establish construction deadlines within the 39-month post-incentive auction transition period for television stations that are assigned to new channels in the incentive auction repacking process. Pursuant to the Commission's direction, the Bureau, in consultation with the Wireless Telecommunications Bureau (WTB), the Office of Engineering and Technology (OET) and the Incentive Auction Task Force (IATF), has developed a plan for a ''phased transition schedule.''

The Bureau will use a Phase Assignment Tool that will use mathematical optimization techniques to assign stations to one of 10 ''transition phases.'' The phases will have sequential testing periods and deadlines or ''phase completion dates.'' The phase completion date is the last day that a station in its assigned phase may operate on its pre-auction channel.

The Bureau will use a Phase Scheduling Tool to estimate the time required for stations in each phase to complete the tasks required to transition to their pre-auction channels in light of resource availability. The Bureau will run the Phase Scheduling Tool with different simulation orders to produce a range of estimated times for each transition phase. The Bureau will use the resulting range of estimated times to guide its determination of a phase completion date for each transition phase.

All transition phases will begin at the same time, but will have sequential phase completion dates. Each phase will have a ''testing period'' defined by a start and end date with the end date corresponding to the phase completion date. While stations may engage in planning and construction activities at any time prior to their phase completion date, equipment testing on post-auction channels will be confined to the specified testing periods in order to minimize interference and facilitate coordination. Other than for the first phase, the testing period will begin on the day after the phase completion date for the prior phase. Whether a station needs to coordinate with other stations during the testing period will depend on whether it is part of a ''linked-station set,'' that is, a set of two or more stations assigned to the same phase with interference relationships or ''dependencies.'' Stations that are not part of a linked-station set may test on their post-auction channels during the testing period without the need for coordination. Stations that are part of a linked-station set must coordinate testing with stations in the set so as to avoid undue interference. Such stations must transition to their post-auction channels simultaneously.

While the Bureau originally contemplated that no stage would have a testing period shorter than four weeks, it concluded that it may adjust the amount of time given to the testing periods of some phases to accommodate the overall transition schedule, particularly in the early transition phases.

The Bureau noted that, after the final stage rule is met, it will send each eligible station that will remain on the air after the auction a confidential letter identifying the station's post-auction channel assignment, technical parameters, and assigned transition phase. After the conclusion of the assignment phase of the forward auction, the Commission will release the Auction Closing and Channel Reassignment Public Notice (*Closing and Reassignment Public Notice*), announcing that the reverse and forward auctions have ended and specifying the effective date of the repacking process. Among other things, the *Closing and Reassignment Public Notice* will provide the post-auction channel assignment and technical parameters of every station eligible for protection in the repacking process that will remain on the air after the incentive auction. The *Closing and Reassignment Public Notice* will also announce the transition phase, phase completion date, testing period for each reassigned station, and whether the station is a part of a ''linked-station set.'' Stations reassigned to new channels will have three months from the *Closing and Reassignment Public Notice* release date to file construction permit applications proposing modified facilities to operate on their post-auction channel facility specified in the *Closing and Reassignment Public Notice.* The Bureau will then issue each station a construction permit, including the phase completion date as the

construction permit deadline for that station.

The Bureau noted that there are various instances in which some stations may seek to construct an expanded facility or alternate channel that differs from the technical parameters assigned in the *Closing and Reassignment Public Notice.* Some stations may also request extensions of their construction deadlines and seek authority to continue operating on their pre-auction channel after their phase completion date, including a waiver of their phase completion deadline. In evaluating such requests, the Bureau announced that it will examine the impact that grant of such requests would have on the phased transition schedule. The Bureau stated that, although it does not intend to grant requests that would disrupt the transition, its aim is not to discourage stations from proposing alternative transition solutions that could create efficiencies or resolve unforeseen circumstances. After evaluation, if the Bureau grants such a request it may choose to modify transition phase assignments and construction deadlines of the requesting station, or if necessary, other stations; however, no other station will be assigned to an earlier transition phase than it was originally assigned to without its consent.

The Bureau concluded that there may be situations in which the voluntary use of either individual temporary channels or temporary joint use of a channel may aid the transition. Therefore, the Bureau will permit reassigned Class A and full power stations to make a request to operate on a temporary channel either on an individual or joint basis. When seeking authorization to operate on an individual temporary channel or engage in temporary joint use of a channel a broadcaster must file with the Commission a request for STA proposing the channel it wishes to operate on and including the specific technical parameters. Such requests may be made at any time during the transition period and must demonstrate that the proposal both complies with the Commission's technical rules and will not otherwise interfere with the transition. A request for use of an individual temporary channel will be restricted to replicating a station's pre-auction coverage area and population served and broadcasters should, at a minimum, evaluate whether their operation would require coordination with neighboring stations that are not already in the same linked-station set, would result in new linked-station sets, or whether significant construction will be required to commence operation, which could divert resources from other stations. Furthermore, depending on the station's proximity to Mexico or Canada, coordination approval to operate on a temporary channel may be required from that particular country.

The Bureau declined to explicitly prohibit a broadcaster from operating during the transition on a temporary channel in the new wireless band that is vacant. However, to balance the interests of wireless operators to start construction and commence operations in cleared spectrum, when evaluating requests for individual use of a temporary channel in the new wireless band we will require broadcasters to demonstrate that there is no reasonable alternative to operating in the new wireless band and provide written consent from the wireless licensee of the channel that broadcaster wishes to temporarily operate, as well any wireless licensee(s) that would otherwise be required to protect the broadcaster's operations under the Commission's inter-service interference (ISIX) rules.

The Bureau concluded that, in the case of a request for temporary joint use of a channel the applicant (joint user) must include with its request a written authorization from the licensee of the host station. A joint user will continue to be a Commission licensee, and will temporarily operate at variance from its authorized parameters pursuant to STA. As such, a joint user must continue to comply with all requirements under the Rules and the Act that they would otherwise be required operating on their own channel. Because joint use of a channel is only temporary and the sharee will ultimately operate on its own channel, the Bureau concluded that it is important for the station to maintain coverage of its community of license and require a sharee to continue to cover its community of license.

The Bureau concluded that interim and auxiliary facilities will be an important part of the transition for broadcasters and that it will take action as appropriate to facilitate the use of such facilities and equipment. In order for a station to continue operation on its pre-auction channel while its current primary antenna is removed and a new channel antenna is installed, the Bureau announced that it expects many stations will need to utilize auxiliary facilities and equipment. The Bureau concluded that nothing it had adopted restricts a station from filing a request for STA to operate on its post-auction channel using an auxiliary facility prior to its phase completion date.

The Transition Scheduling Proposal Public Notice provided guidance on the prohibited communications rule as it pertains to broadcasters and the post-auction transition—particularly their ability to hold discussions with vendors not covered by the rule. A great many of the preparations that broadcasters may undertake with respect to transition to post-auction channel assignments will not involve prohibited communications. For example, broadcasters may communicate with third parties not covered by the prohibition, such as consulting engineers and counsel, without violating the prohibition, even if the communication discloses bids and bidding strategies. A broadcaster or other covered party still should take care, however, that the third party to which such communications are made does not convey the information to another covered party, which would violate the prohibition. In addition, broadcasters may communicate with other covered parties regarding many issues in the post-auction transition without disclosing bids and bidding strategies. For example, broadcasters that did not apply to participate in the auction do not have bids and bidding strategies of their own to disclose and so may communicate regarding their own post-auction transition without violating the prohibition. Such broadcasters must bear in mind, however, that they still are prohibited from communicating any other incentive auction applicant's bids and bidding strategies of which they may learn, such as a channel sharing partner's bids or bidding strategies. Finally, broadcasters that did apply but kept that fact confidential also may be able to communicate regarding post-auction channel assignments without disclosing bids and bidding strategies.

Summary of Significant Issues Raised by Public Comments in Response to the IRFA. Free Access & Broadcast Telemedia, LLC, and EICB–TV East, LLC (FAB/EICB) were the only commenters to file comments directly addressing the IRFA in this proceeding. FAB/EICB argue that, in the IRFA, the Commission failed to consider the impact or costs of its proposal on low power television stations (LPTV). We considered these concerns when composing the Public Notice.

Description and Estimate of the Number of Small Entities to Which the Rules Will Apply. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The following small entities, as well as an estimate of the number of such small entities, are discussed in the FRFA: Full power television stations; (2)

Class A TV and LPTV stations; (3) wireless telecommunications carriers (except satellite); (4) wired telecommunications carriers; (5) cable television distribution services; (6) cable companies and systems; (7) cable system operators (Telecom Act standard); and (8) direct broadcast satellite (DBS) service.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements. The *Transition Schedule Public Notice* does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Steps Taken to Minimize Significant Impact on Small Entities and Significant Alternatives Considered. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standard; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

In general, alternatives to proposed rules or policies are discussed only when those rules pose a significant adverse economic impact on small entities. In this context, however, the transition plan set forth in the *Transition Schedule Public Notice* generally confers benefits. In particular, the intent of the plan is to ensure that all stations are able to complete a timely transition to their final post-auction channel facilities without delay and without incurring unnecessary costs.

The Bureau declined to adopt a proposal by the National Association of Broadcasters (NAB) to not assign stations to phases until stations have completed necessary structural and engineering studies. Alternatively, NAB suggested that initial phase assignments should be ''preliminary'' and should be re-evaluated after stations have filed their construction permit applications and cost estimates in order to allow the Commission to more fully understand their scope of work and timing for moving to a new channel. The Bureau found that NAB's suggested approach would have a chilling effect on the transition by undermining the incentive for broadcasters, including small entities, to begin preparing for the transition in earnest. The Bureau concluded that information used to create the transition schedule is sufficiently detailed and reliable to establish phased transition deadlines once the final channel reassignments have been established. The Bureau determined that launching an organized, phased schedule at the earliest opportunity will provide broadcasters, equipment manufacturers and other vendors and consultants, wireless providers, and television viewers with certainty and stability. Doing so is particularly important as broadcasters prepare their construction permits, coordinate with other broadcasters, and begin construction planning.

The Bureau also declined suggestions to collect additional or different information about stations that face difficult approval processes or procurement issues prior to assigning stations to phases. The Bureau found that its Phase Assignment Tool already includes a constraint identifying certain stations as complicated based on data collected by the Bureau to date. Regardless of the difficulty of any one stations' move, because of dependencies between stations and interference constraints, the Bureau concluded that certain stations must move together in the same phase or certain stations must move in one phase before additional stations can move in a subsequent phase. The Phase Assignment Tool is designed to organize the transition of over 1,000 broadcast stations in an orderly fashion that respects station dependencies and interference constraints, in addition to accounting for individual stations complexities, while simultaneously protecting television viewers.

The Bureau declined to cap aggregate interference finding that that doing so would provide little benefit while imposing significant costs by dramatically increasing the computational difficulty of the Tool. However, recognizing the potential problems with a cap, NAB suggested as an alternative that, after stations are assigned to phases, the Bureau determine whether any station has greater than five percent aggregate interference, and if so, make appropriate adjustments. Consistent with this suggestion, the Bureau announced that it will attempt to find an alternative phase assignment for any station predicted to receive more than five percent temporary aggregate interference, consistent with the constraints and objectives.

To minimize consumer disruption during the 39-month transition period, and to promote the efficient use of tower crews, the Bureau announced that all stations within a DMA will be assigned to no more than two assignment phases. Broadcast commenters put forward a variety of proposals to modify this constraint, but the Bureau found that none described how their respective proposals would affect the overall phase assignments. Therefore, it rejected those proposals. The Bureau found that assigning stations within a DMA to two, potentially nonconsecutive phases, is crucial in providing the optimization with the flexibility to satisfy other constraints, such as limiting the number of linked stations per phase and keeping a relatively consistent number of stations assigned to each phase. The proposals by broadcast commenters would threaten the Tool's ability to balance competing goals. At the same time, the Bureau agreed with broadcasters that minimizing viewer disruption and efficiently clearing DMAs are laudable goals and, accordingly, the Bureau adopted the objective of minimizing the total number of times a DMA must rescan. If it is possible to satisfy the optimization's constraints and its first objective, and still assign stations to only one DMA, the optimization will attempt to do so using the second objective. The Bureau found that this approach gives the optimization the flexibility to balance competing constraints while continuing to prioritize consumers and regional clusters.

The NAB proposed that the Bureau should treat the ''125 linked stations'' constraint as an objective. The Bureau declined this proposal finding that NAB did not propose a metric for determining how much additional time should be added to a phase with more than 125 linked stations under its proposed approach.

Despite broadcast commenters' objections, the Bureau decided to prioritize clearing the 600 MHz Band as the first objective. The Bureau concluded that phase assignments must satisfy each of the nine constraints it adopted, most of which are designed to protect broadcasters. The Bureau concluded that the four objectives it adopted strikes the appropriate balance and will encourage the expeditious clearing of the 600 MHz Band.

The Bureau also declined Cordillera, et al.'s proposal that the two primary objectives be to maximize the health

and safety of tower crews and the homes and businesses that are in close proximity to towers and to minimize service disruptions to viewers and users of other services that share broadcast towers. The Bureau concluded that Cordillera et al. had not explained how the Bureau could incorporate such goals into the mathematical optimization model and it was unaware of any mechanism to accomplish the task. The Phase Scheduling Tool estimates time periods for construction tasks based on industry information, and the Bureau believed that relying on such information is reasonable and will help to promote health and safety.

The Bureau further declined to adopt Cordillera, et al.'s proposal that additional factual scenarios be given additional time in the Phase Scheduling Tool. The Bureau found that the tool already provides estimates intended to account for the ordinary time necessary to complete various tasks. However, in response to the comments from Cordillera, et al. concerning potential coordination with other services (*e.g.,* FM radio or cellular providers) operating on the same tower as the reassigned station, the Bureau decided to substantially reduce the same tower discount in order to add back some time to account for the additional coordination that will be required. The Bureau found that this new discount will make the total tower work times adequately conservative to account for not only other television broadcasters but also other broadcast and non-broadcast facilities on the tower.

In order to facilitate a timely and orderly transition, the Bureau concluded that it must evaluate on a case-by-case basis requests for modification of any station's facility or transition deadline as set forth in the Closing and Reassignment Public Notice, to assess the impact of such requests on the transition schedule plan. Accordingly, it adopted the method for evaluating such requests proposed in the Transition Scheduling Proposal Public Notice. Although it stated that it does not intend to grant requests that would disrupt the transition, the Bureau stated that its aim is not to discourage stations from proposing alternative transition solutions that could create efficiencies or resolve unforeseen circumstances that could otherwise force a station to go dark. Nonetheless, such proposals should specifically demonstrate that implementation would not interfere with other stations' transition efforts and address how implementation of the proposal may affect the transition schedule. If the Bureau grants such a request after considering such effects, it stated that it may choose to modify transition phase assignments and construction deadlines of the requesting station or, if necessary, other stations; however, no other station would be assigned to an earlier transition phase than it was originally assigned without its consent. NAB and E.W. Scripps supported the establishment of a process by which a station can request a different transition phase, although neither proposed a specific process or explained why the Commission's existing rules would be insufficient. The Bureau found that existing Commission processes are sufficient to address such requests. Commenters also suggested that stations should have the flexibility to move to either an earlier or later transition phase. The Bureau stated that such requests will be subject to a high burden of proof and will be reviewed in its prescribed manner to determine the requests impact on the overall transition schedule as well as viewers. The Bureau also declined AT&T's suggestion that it adopt a special sanction system related to transitioning stations, finding that such a proposal was not supported by the record. In addition, the Bureau concluded that a station that does not comply with the requirements of any Commission order may be subject to action as contemplated by the Commission's rules.

The Bureau determined not to mandate the use of temporary channels which avoided possible additional burdens on stations and MVPDs as well as LPTV and TV translator stations. T-Mobile requested a prohibition of voluntary temporary operation in the new wireless band; however, the Bureau found that entirely foreclosing this option could undercut the benefit of allowing broadcasters to request temporary channels because there may be limited available temporary channels in the TV band.

The Bureau declined to adopt suggestions on how the Commission should manage its staff and resources during the transition period. The Bureau concluded that it will commit to dedicating sufficient resources to monitor the progress of the transition. While commenters representing the interests of LPTV and TV translator stations provided several actions the Commission could take to ease the impact of the transition on LPTV and translator stations, the Bureau found these proposed actions have already been addressed in other Commission proceedings.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

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Part III

The President

Memorandum of January 24, 2017—Construction of the Dakota Access Pipeline (Republication)

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Presidential Documents

Title 3—

The President

Memorandum of January 24, 2017

Construction of the Dakota Access Pipeline

Memorandum for the Secretary of the Army

[**Editorial Note:** Memorandum of January 24, 2017 entitled Construction of the Dakota Access Pipeline, Memorandum for the Secretary of the Army, Document Number 2017–02032, was originally published on pages 8661 and 8662 in the *Federal Register* of Monday, January 30, 2017. Due to a discrepancy between the document the President signed and the electronic file used for publication, we are republishing the signed document here, in its entirety.]

Section 1. *Policy.* The Dakota Access Pipeline (DAPL) under development by Dakota Access, LLC, represents a substantial, multi-billion-dollar private investment in our Nation's energy infrastructure. This approximately 1,100-mile pipeline is designed to carry approximately 500,000 barrels per day of crude oil from the Bakken and Three Forks oil production areas in North Dakota to oil markets in the United States. At this time, the DAPL is more than 90 percent complete across its entire route. Only a limited portion remains to be constructed.

I believe that construction and operation of lawfully permitted pipeline infrastructure serve the national interest.

Accordingly, pursuant to the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct as follows:

Sec. 2. *Directives.* (a) *Pipeline Approval Review.* The Secretary of the Army shall instruct the Assistant Secretary of the Army for Civil Works and the U.S. Army Corps of Engineers (USACE), including the Commanding General and Chief of Engineers, to take all actions necessary and appropriate to:

(i) review and approve in an expedited manner, to the extent permitted by law and as warranted, and with such conditions as are necessary or appropriate, requests for approvals to construct and operate the DAPL, including easements or rights-of-way to cross Federal areas under section 28 of the Mineral Leasing Act, as amended, 30 U.S.C. 185; permits or approvals under section 404 of the Clean Water Act, 33 U.S.C. 1344; permits or approvals under section 14 of the Rivers and Harbors Act, 33 U.S.C. 408; and such other Federal approvals as may be necessary;

(ii) consider, to the extent permitted by law and as warranted, whether to rescind or modify the memorandum by the Assistant Secretary of the Army for Civil Works dated December 4, 2016 (Proposed Dakota Access Pipeline Crossing at Lake Oahe, North Dakota), and whether to withdraw the Notice of Intent to Prepare an Environmental Impact Statement in Connection with Dakota Access, LLC's Request for an Easement to Cross Lake Oahe, North Dakota, dated January 18, 2017, and published at 82 *Fed. Reg.* 5543;

(iii) consider, to the extent permitted by law and as warranted, prior reviews and determinations, including the Environmental Assessment issued in July of 2016 for the DAPL, as satisfying all applicable requirements of the National Environmental Policy Act, as amended, 42 U.S.C. 4321 *et seq.,* and any other provision of law that requires executive agency

consultation or review (including the consultation or review required under section 7(a) of the Endangered Species Act of 1973, 16 U.S.C. 1536(a));

(iv) review and grant, to the extent permitted by law and as warranted, requests for waivers of notice periods arising from or related to USACE real estate policies and regulations; and

(v) issue, to the extent permitted by law and as warranted, any approved easements or rights-of-way immediately after notice is provided to the Congress pursuant to section 28(w) of the Mineral Leasing Act, as amended, 30 U.S.C. 185(w).

(b) *Publication.* The Secretary of the Army shall promptly provide a copy of this memorandum to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Majority Leader of the Senate, and the Governors of each State located along the Dakota Access Pipeline route. The Secretary of the Army is authorized and directed to publish this memorandum in the *Federal Register.*

(c) *Private Property.* Nothing in this memorandum alters any Federal, State, or local process or condition in effect on the date of this memorandum that is necessary to secure access from an owner of private property to construct the pipeline and facilities described herein. Land or an interest in land for the pipeline and facilities described herein may only be acquired consistently with the Constitution and applicable State laws.

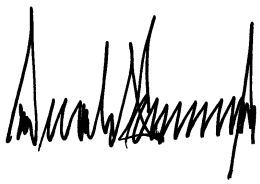
Sec. 3. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum 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.



THE WHITE HOUSE,
Washington, January 24, 2017

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