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Contents

Federal Register

Vol. 82, No. 45

Thursday, March 9, 2017

Agricultural Marketing Service

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 13089–13090
 Agency Information Collection Activities; Proposals, Submissions, and Approvals:
 Christmas Tree Promotion, Research, and Information Order, 13090–13091

Agriculture Department

See Agricultural Marketing Service

Centers for Disease Control and Prevention

NOTICES

Charter Renewals:
 Advisory Council for Elimination of Tuberculosis, 13120
 Meetings:
 Advisory Committee to Director, 13123–13124
 Board of Scientific Counselors, National Institute for Occupational Safety and Health, 13122
 Clinical Laboratory Improvement Advisory Committee, 13121–13122
 Disease, Disability, and Injury Prevention and Control Special Emphasis Panel: Initial Review, 13118–13121, 13123
 Health Disparities Subcommittee, Advisory Committee to Director, 13120
 Subcommittee for Dose Reconstruction Reviews, Advisory Board on Radiation and Worker Health, National Institute for Occupational Safety and Health, 13119
 Requests for Comments:
 Proposed Revised Definitions for Levels of Evidence for National Institute for Occupational Safety and Health Skin Notation Profiles, 13122–13123

Centers for Medicare & Medicaid Services

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 13124–13125

Civil Rights Commission

NOTICES

Meetings:
 Iowa Advisory Committee, 13091–13092
 Tennessee Advisory Committee, 13091

Coast Guard

PROPOSED RULES

Special Local Regulations and Safety Zones:
 Annually Recurring Events in Coast Guard Southeastern New England Captain of the Port Zone, 13081–13084

Commerce Department

See First Responder Network Authority
See International Trade Administration
See National Oceanic and Atmospheric Administration
See National Telecommunications and Information Administration

Commission of Fine Arts

NOTICES

Meetings, 13096

Drug Enforcement Administration

RULES

Schedules of Controlled Substances:
 Placement of Brivaracetam into Schedule V, 13067–13069

NOTICES

Importers of Controlled Substances; Applications:
 Meda Pharmaceuticals, Inc., 13137
 Meridian Medical Technologies, 13135–13136
 Myoderm, 13134–13135
 Manufacturers of Controlled Substances; Applications:
 Mallinckrodt, LLC, 13136–13137

Education Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
 American Indian Tribally Controlled Colleges and Universities Program, 13099
 Annual Performance Reports for Title III, Title V, and Title VII Grantees, 13102–13103
 Annual Vocational Rehabilitation Program/Cost Report (RSA–2), 13105–13106
 Application and Employment Certification for Public Service Loan Forgiveness, 13102
 Application Forms and Instructions for International Research and Studies Program, 13097
 Consolidation Loan Rebate Fee Report, 13104
 Financial Status and Program Performance Final Report for State and Partnership for Gaining Early Awareness and Readiness for Undergraduate Programs, 13101–13102
 Fulbright-Hays Doctoral Dissertation Research Abroad Program, 13098–13099
 G5 System Post Award Budget Drawdown e-Form, 13096–13097
 Loan Rehabilitation: Reasonable and Affordable Payments, 13101
 Measuring Educational Gain in National Reporting System for Adult Education, 13103–13104
 Native American Language Program, 13100
 Student Support Services Annual Performance Report, 13098
 Teacher Verification Form for Title II Scholarship Recipients, 13104–13105
 Written Application for Independent Living Services for Older Individuals Who are Blind Formula Grant, 13099–13100

Employment and Training Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
 Petition for Classifying Labor Surplus Areas, 13139–13140
 Requests for Nominations:
 Workforce Information Advisory Council, 13138–13139

Energy Department

See Federal Energy Regulatory Commission

NOTICES

Excess Uranium Management:

Effects of Potential DOE Transfers on Domestic Uranium Mining, Conversion, and Enrichment Industries, 13106–13116

Environmental Protection Agency**PROPOSED RULES**

Air Quality State Implementation Plans; Approvals and Promulgations:

Arizona Air Plan Revisions, Arizona Department of Environmental Quality and Maricopa County Air Quality Department, 13084–13086

California Air Plan Revisions, Western Mojave Desert, Rate of Progress Demonstration, 13086–13088

NOTICES

Receipt of Information under Toxic Substances Control Act, 13117–13118

Federal Aviation Administration**RULES**

Air Traffic Service Routes:

Northcentral United States (ATS) Routes Q–917 and Q–923; Northcentral United States, 13065–13067

Airworthiness Directives:

CFM International S.A. Turboprop Engines, 13063–13065
Pratt and Whitney Division Turboprop Engines, 13059–13062

Safran Helicopter Engines, S.A. Turboprop Engines, 13062–13063

PROPOSED RULES

Airworthiness Directives:

CFM International S.A. Turboprop Engines, 13077–13079
The Boeing Company Airplanes, 13073–13077, 13079–13081

Federal Communications Commission**RULES**

Revitalization of AM Radio Service, 13069–13072

Federal Energy Regulatory Commission**NOTICES**

Combined Filings, 13116–13117

Federal Motor Carrier Safety Administration**NOTICES**

Qualification of Drivers; Exemption Applications;

Epilepsy and Seizure Disorders, 13184–13187, 13190, 13192, 13194–13195

Qualification of Drivers; Exemption Applications:

Diabetes, 13180–13184

Diabetes Mellitus, 13199–13200

Epilepsy and Seizure Disorders, 13179–13180, 13192–13194, 13197–13199

Hearing, 13190–13192

Vision, 13187–13190, 13195–13197

First Responder Network Authority**NOTICES**

Meetings:

Combined Committee and Board, 13092

Fish and Wildlife Service**NOTICES**

Environmental Assessments; Availability, etc.:

Hoopeston Wind Farm Draft Habitat Conservation Plan, 13130–13132

Foreign Claims Settlement Commission**NOTICES**

Meetings; Sunshine Act, 13137

Health and Human Services Department

See Centers for Disease Control and Prevention

See Centers for Medicare & Medicaid Services

See National Institutes of Health

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 13125–13126

Homeland Security Department

See Coast Guard

See U.S. Citizenship and Immigration Services

Interior Department

See Fish and Wildlife Service

Internal Revenue Service**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 13200–13204

Meetings:

Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee, 13200

International Trade Administration**NOTICES**

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:

Ammonium Sulfate from People's Republic of China, 13094–13095

Multilayered Wood Flooring from People's Republic of China, 13092–13094

Meetings:

Renewable Energy and Energy Efficiency Advisory Committee, 13095–13096

International Trade Commission**NOTICES**

Investigations; Determinations, Modifications, and Rulings, etc.:

Certain Carbon and Alloy Steel Products, 13133–13134

Paper Clips from China, 13132–13133

Justice Department

See Drug Enforcement Administration

See Foreign Claims Settlement Commission

NOTICES

Meetings:

Federal Advisory Committee, 13137–13138

Labor Department

See Employment and Training Administration

See Occupational Safety and Health Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Application for Waiver of Surface Sanitary Facilities Requirements (Pertaining to Coal Mines), 13140–13141

National Institutes of Health**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application Process for Clinical Research Training and Medical Education at NIH Clinical Center and its Impact on Course and Training Program Enrollment and Effectiveness, 13127–13128

Meetings:

Center for Scientific Review, 13126–13127
National Institute on Alcohol Abuse and Alcoholism, 13128

National Oceanic and Atmospheric Administration**RULES**

Fisheries of the Exclusive Economic Zone Off Alaska:
Pacific Cod by Trawl Catcher Vessels in Western Regulatory Area of Gulf of Alaska, 13072

National Telecommunications and Information Administration**NOTICES****Meetings:**

Combined Committee and Board, 13092

Occupational Safety and Health Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Logging Operations Standard, 13141–13142
Applications, Expansion of Recognition:
TUV SUD America, Inc., 13143–13144

Personnel Management Office**NOTICES**

January 2017 Pay Schedules, 13144–13145

Meetings:

Hispanic Council on Federal Employment, 13144

Postal Regulatory Commission**NOTICES**

New Postal Products, 13145–13146

Postal Service**NOTICES****Product Changes:**

Priority Mail Negotiated Service Agreement, 13146

Presidential Documents**PROCLAMATIONS****Special Observances:**

National Consumer Protection Week (Proc. 9577), 13221–13224

EXECUTIVE ORDERS**Defense and National Security:**

Foreign Terrorist; Measures to Prevent U.S. Entry (EO 13780), 13207–13219

Securities and Exchange Commission**NOTICES****Applications:**

Medley Capital Corp., et al., 13150–13155

Self-Regulatory Organizations; Proposed Rule Changes:

Chicago Board Options Exchange, Inc., 13155–13157

ICE Clear Credit, LLC, 13173–13175

Miami International Securities Exchange, LLC, 13146–13150, 13157–13161

NASDAQ BX, Inc., 13175–13176

NASDAQ Stock Market, LLC, 13166–13173

NYSE MKT, LLC; NYSE Arca, Inc., 13161–13163

Options Clearing Corp., 13163–13166

Small Business Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 13176–13177

State Department**NOTICES****Meetings:**

Advisory Committee on Private International Law:
Electronic Commerce—Electronic Transferable Records, 13178
Industry Advisory Group, 13178

Surface Transportation Board**NOTICES**

Release of Waybill Data, 13179

Transportation Department

See Federal Aviation Administration

See Federal Motor Carrier Safety Administration

Treasury Department

See Internal Revenue Service

NOTICES**Requests for Membership Applications:**

Financial Research Advisory Committee, 13204–13205

U.S. Citizenship and Immigration Services**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Application for Permission to Reapply for Admission into United States after Deportation or Removal, 13128–13129

Application for Waiver of Foreign Residence Requirement of Immigration and Nationality Act, 13129–13130

Separate Parts In This Issue**Part II**

Presidential Documents, 13207–13219

Part III

Presidential Documents, 13221–13224

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR**Proclamations:**

9577 13223

Executive Orders:

13769 (Revoked by

EO 13780).....13209

13780.....13209

14 CFR

39 (3 documents) 13059,

13062, 13063

71 13065

Proposed Rules:

39 (3 documents) 13073,

13077, 13079

21 CFR

1308.....13067

33 CFR**Proposed Rules:**

100 13081

165.....13081

40 CFR**Proposed Rules:**

52 (2 documents) 13084,

13086

47 CFR

74.....13069

50 CFR

679.....13072

Rules and Regulations

Federal Register

Vol. 82, No. 45

Thursday, March 9, 2017

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.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2016-8836; Directorate Identifier 2016-NE-17-AD; Amendment 39-18815; AD 2017-05-05]

RIN 2120-AA64

Airworthiness Directives; Pratt & Whitney Division Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Pratt & Whitney Division (PW) PW4074, PW4074D, PW4077, PW4077D, PW4084D, PW4090, and PW4090-3 turbofan engines. This AD was prompted by an uncontained failure of a high-pressure turbine (HPT) hub during takeoff. This AD requires an inspection to measure the surface condition of the aft side web/rim fillet of HPT 1st stage hubs and removal from service of hubs that fail inspection. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective April 13, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 13, 2017.

ADDRESSES: For service information identified in this final rule, contact Pratt & Whitney Division, 400 Main St., East Hartford, CT 06118; phone: 800-565-0140; fax: 860-565-5442. You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-8836.

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-2016-8836; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800-647-5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jo-Ann Theriault, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7105; fax: 781-238-7199; email: jo-ann.theriault@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to PW PW4074, PW4074D, PW4077, PW4077D, PW4084, PW4084D, PW4090, and PW4090-3 turbofan engines. The NPRM published in the **Federal Register** on October 26, 2016 (81 FR 74358). The NPRM was prompted by an uncontained failure of an HPT hub during takeoff. The NPRM proposed to require an inspection to measure the surface condition of the aft side web/rim fillet of HPT 1st stage hubs and removal from service of hubs that fail inspection. We are issuing this AD to prevent failure of the HPT 1st stage hub, uncontained hub release, damage to the engine, and damage to the airplane.

Comments

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

Request for Previous Credit

All Nippon Airways (ANA), Japan Airlines (JAL), PW, and United Airlines (UAL) requested that we give credit for hubs inspected per PW Special

Instruction (SI) No. 250F-16, dated June 22, 2016 or PW SI No. 250F-16, Revision A, dated July 14, 2016.

We agree. We added a Credit for Previous Actions paragraph to give credit for inspections accomplished per these SIs.

Request To Provide Risk Analysis

ANA requested that information related to the risk analysis and likelihood of failure that provided the basis of this AD be added to the compliance section of this AD. ANA noted that the root cause of this event is a machining anomaly and it would like to see the FAA's estimate on how a machining anomaly could lead to uncontained failure of the HPT hub.

We disagree. The purpose of the compliance section of an AD is to provide the necessary actions needed to provide an acceptable level of safety. The FAA does not typically provide risk assessments in an AD as this information is often, as is the case with this AD, considered proprietary. FAA's general methodology for risk analysis can be found in FAA AC 39-8, "Continued Airworthiness Assessments of Powerplant and Auxiliary Power Unit Installations of Transport Category Airplanes." We did not change this AD.

Request To Confirm Definition

ANA requested that we confirm that replacement of the main gearbox or angle gearbox is not defined as a major flange separation, which is the basis for an "engine shop visit," as defined in the NPRM (81 FR 74358, October 26, 2016).

We agree. Replacement of the main gearbox or angle gearbox replacement does not require major flange separation and does not constitute an "engine shop visit." We note, however, that this AD no longer requires inspections at engine shop visits and we removed this definition from this AD.

Request To Remove New HPT Hubs From Inspection Requirements

ANA, JAL, and PW requested that paragraph (e) of this AD not require inspection for new HPT 1st stage hubs. These hubs include HPT 1st stage hubs marked with detail revision number part number (P/N) 55L901 Rev B or P/N 55L801 Rev E, or subsequent revision letters. The commenters indicated that per PW Service Bulletin (SB) PW4G-112-72-342, dated September 23, 2016, HPT hubs marked with these detail

revision numbers do not need to be inspected because of improvements to PW's inspection program.

We disagree. The root cause of the HPT hub failure is a machining anomaly in the aft web/rim fillet area of the HPT 1st stage hub. Although manufacturing changes are being made to reduce the chance of this defect occurring, these changes have not been fully implemented. New production parts, therefore, are still susceptible to this defect. We did not change this AD.

Request To Revise Compliance Time for Previously-Inspected Hubs

ANA requested that for hubs that have been previously inspected, but not marked, the compliance should be at the next piece-part exposure rather than at next engine shop visit. ANA indicated that PW SI No. 250F-16, dated June 22, 2016, and PW SI No. 250F-16, Revision A, dated July 14, 2016, do not require marking of the hubs after inspection. Part A, paragraph 2.C., and Part B, paragraph 1.C. of PW SB PW4G-112-72-342, dated September 23, 2016, however, require marking the parts after inspection. ANA indicated that it has some parts that have been inspected but not marked. ANA commented that the inspection interval for HPT 1st stage hubs that have already been inspected should be at the next piece-part exposure.

We disagree. This AD requires a one-time replication inspection of HPT 1st stage hubs for machining mismatch in the aft web/rim fillet. Hubs that have passed this inspection do not require re-inspection. For those parts that were inspected using PW SI No. 250F-16, dated June 22, 2016, or PW SI No. 250F-16, Revision A, dated July 14, 2016, we are providing credit for that inspection provided the hubs passed the inspection. We did not change this AD based on this comment.

Request To Limit Applicability by Serial Number

UAL requested that a list of affected serial numbers be added to the applicability section of this AD. UAL commented that the part revision letter markings can wear over time and that revision numbers are not listed on the FAA Form 8130.

We disagree. This AD applies to all PW PW4074, PW4074D, PW4077, PW4077D, PW4084D, PW4090, and PW4090-3 turbofan engines. The applicability of this AD is not limited by part or serial number. We did not change this AD.

Request To Mark HPT Hubs That Have Passed Inspection

PW requested that the PW SB PW4G-112-72-342, dated September 23, 2016, be marked on HPT 1st stage hubs that pass the inspection required by this AD. This would make the AD consistent with this SB, which instructs operators to mark the SB number on the front turbine hub assembly.

We disagree. This AD requires hub inspections but does not require specific part markings or record-keeping procedures. If operators can show that hubs have been previously inspected and passed this inspection, then they have complied with this AD. Each operator has the responsibility to establish its own record-keeping procedures. We did not change this AD.

Request To Define Compliance by Engine Model

UAL requested that the compliance section of this AD identify that the Accomplishment Instructions, Part A, of PW SB PW4G-112-72-342, dated September 23, 2016, apply to PW4074D, PW4077D, PW4084D, PW4090, and PW4090-3 engine models and the Accomplishment Instructions, Part B, of this SB apply only to PW4074 and PW4077 engine models.

We agree. We determined that revising the compliance requirements to make these specific to each group of engine models will make them clearer to the operators. We revised the compliance section of this AD to clarify that Part A of the Accomplishment Instructions is used to do the inspection for PW4074D, PW4077D, PW4084D, PW4090, and PW4090-3 engine models, while Part B is used for PW4074 and PW4077 engine models.

Request To Revise Compliance Schedule

PW, UAL, and JAL requested that we revise the compliance schedule to match the requirements of PW SB PW4G-112-72-342, dated September 23, 2016. PW indicated that the compliance schedule in this SB has been validated by a PW risk assessment. UAL indicated there are instances when an engine major mating flange is separated only to address a different engine module and the HPT is not exposed during these times.

We agree. We find that the compliance intervals suggested by the commenters still maintain an acceptable level of safety. We changed this AD by revising the time to perform the inspection from at the "next engine shop visit" to either the "next time the engine is disassembled sufficiently to

expose the HPT module" (for PW4074D, PW4077D, PW4084D, PW4090, and PW4090-3 models) or the "next time the HPT module is disassembled sufficiently to expose the HPT 1st stage hub" (for PW4074 and PW4077 models).

Support for the NPRM

The National Transportation Safety Board commented that it supports the proposed rule as written.

Revision to Applicability

We revised the applicability section of this AD by removing the PW4084 model engine. Although this engine is listed on Type Certificate Data Sheet No. E46NE, Revision 8, dated January 23, 2012, it was never produced.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed PW SB PW4G-112-72-342, dated September 23, 2016. This PW SB provides guidance on performing the HPT 1st stage hub web/rim fillet replication inspection and measurement for the affected HPT hubs. 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 PW SI No. 250F-16, dated June 22, 2016, and PW SI No. 250F-16, Revision A, dated July 14, 2016. These SIs provide guidance on performing the replication inspection of the HPT 1st stage hub.

Costs of Compliance

We estimate that this AD affects 119 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$10,115

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017-05-05 Pratt & Whitney Division:
Amendment 39-18815; Docket No. FAA-2016-8836; Directorate Identifier 2016-NE-17-AD.

(a) Effective Date

This AD is effective April 13, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Pratt & Whitney Division (PW) PW4074, PW4074D, PW4077, PW4077D, PW4084D, PW4090, and PW4090-3 turbofan engines.

(d) Unsafe Condition

This AD was prompted by an uncontained failure of a high-pressure turbine (HPT) hub during takeoff. We are issuing this AD to prevent failure of the HPT 1st stage hub, uncontained hub release, damage to the engine, and damage to the airplane.

(e) Compliance

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

- (1) After the effective date of this AD, perform the HPT 1st stage hub web/rim fillet replication inspection and measurement as follows:

(i) For PW4074D, PW4077D, PW4084D, PW4090, and PW4090-3 engine models, the next time the engine is disassembled sufficiently to expose the HPT module, use the Accomplishment Instructions, Part A, paragraphs 2.A. and 2.B.(1) through 2.B.(4) of PW Service Bulletin (SB) PW4G-112-72-342, dated September 23, 2016, to do the inspection.

(ii) For PW4074 and PW4077 engine models, the next time the HPT module is disassembled sufficiently to expose the HPT 1st stage hub, use the Accomplishment Instructions Part B, paragraphs 1.A. and 1.B.(1) through 1.B.(4) of PW SB PW4G-112-72-342, dated September 23, 2016, to do the inspection.

- (2) If the hub fails the inspection, remove the hub from service before further flight and replace with a part eligible for installation.

(f) Installation Prohibition

After the effective date of this AD, do not install, or re-install into any engine, any HPT 1st stage hub that has not been inspected and passed the inspection required by paragraph (e) of this AD.

(g) Credit for Previous Actions

You may take credit for the replication inspection of the HPT 1st stage hub that is required by paragraph (e)(1) of this AD, if you performed the inspection before the effective date of this AD using PW Special Instruction (SI) No. 250F-16, dated June 22, 2016, or PW SI No. 250F-16, Revision A, dated July 14, 2016.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: ANE-AD-AMOC@faa.gov.

(i) Related Information

(1) For more information about this AD, contact Jo-Ann Theriault, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7105; fax: 781-238-7199; email: jo-ann.theriault@faa.gov.

(2) PW SI No. 250F-16, dated June 22, 2016, and PW SI No. 250F-16, Revision A, dated July 14, 2016, which are not incorporated by reference, can be obtained from PW using the contact information in paragraph (j)(3) of this AD.

(j) Material Incorporated by Reference

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

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

(i) Pratt & Whitney Division Service Bulletin PW4G-112-72-342, dated September 23, 2016.

(ii) Reserved.

(3) For PW service information identified in this AD, contact Pratt & Whitney Division, 400 Main St., East Hartford, CT 06118; phone: 800-565-0140; fax: 860-565-5442.

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

(5) You may view this service information at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://>

www.archives.gov/federal-register/cfr/ibr-locations.html.

Issued in Burlington, Massachusetts, on February 27, 2017.

Robert J. Ganley,

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

[FR Doc. 2017-04627 Filed 3-8-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2016-7850; Directorate Identifier 2016-NE-16-AD; Amendment 39-18819; AD 2017-05-08]

RIN 2120-AA64

Airworthiness Directives; Safran Helicopter Engines, S.A. Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Safran Helicopter Engines, S.A. Arriel 2B turboshaft engines. This AD requires removing any pre-modification (mod) TU 158 hydro-mechanical metering unit (HMU) and replacing with a part eligible for installation. This AD was prompted by a report of an uncommanded in-flight shutdown (IFSD) on a single-engine helicopter, caused by a low returning spring rate of the needle of the HMU. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD becomes effective April 13, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 13, 2017.

ADDRESSES: For service information identified in this final rule, contact Safran Helicopter Engines, S.A., 40220 Tarnos, France; phone: (33) 05 59 74 40 00; fax: (33) 05 59 74 45 15. You may view this service information at the

FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-7850.

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-2016-7850; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800-647-5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Kenneth Steeves, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7765; fax: 781-238-7199; email: kenneth.steeves@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to the specified products. The NPRM was published in the **Federal Register** on November 4, 2016 (81 FR 76885). The NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Following a report of an un-commanded in-flight shut-down (IFSD), Turbomeca carried out an engineering investigation. This investigation concluded that the cause of the event was a low returning spring rate of the needle of the hydro-mechanical metering

unit (HMU), which enabled needle oscillation during rapid engine deceleration.

This condition, if not corrected, could lead to further cases of IFSD, possibly resulting in an emergency landing on single engine.

To address this potential unsafe condition, Turbomeca developed modification (Mod) TU 158, which increases needle return spring rate to prevent oscillation during rapid deceleration, thus preventing the risk of un-commanded IFSD. Turbomeca also published Mandatory Service Bulletin (MSB) 292 73 3158 for embodiment of this modification in service.

You may obtain further information by examining the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-7850.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (81 FR 76885, November 4, 2016) or on the determination of the cost to the public.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting this AD as proposed.

Related Service Information Under 14 CFR Part 51

Safran Helicopter Engines, S.A., (formerly Turbomeca, S.A.) has issued Mandatory Service Bulletin (MSB) No. 292 73 3158, Version A, dated April 7, 2016. The MSB describes procedures for removing the pre-mod TU 158 HMU and replacing it with an HMU that incorporates mod TU 158. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 124 engines installed on helicopters of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Removal and replacement of the HMU	2 work-hours × \$85 per hour = \$170 per	\$0	\$170	\$21,080

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I,

section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more

detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII,

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017-05-08 Safran Helicopter Engines, S.A. (Type Certificate previously held by Turbomeca, S.A.): Amendment 39-18819; Docket No. FAA-2016-7850; Directorate Identifier 2016-NE-16-AD.

(a) Effective Date

This AD becomes effective April 13, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Safran Helicopter Engines S.A. Arriel 2B turboshaft engines with a pre-modification (mod) TU 158 hydro-mechanical metering unit (HMU), installed.

(d) Reason

This AD was prompted by a report of an uncommanded in-flight shutdown (IFSD) on a single engine helicopter caused by a low returning spring rate of the needle of the HMU. We are issuing this AD to prevent failure of the HMU, failure of the engine, IFSD, and loss of the helicopter.

(e) Actions and Compliance

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

(1) For an engine in pre-mod TU 158 configuration, within 200 engine hours, or within 5 months, whichever occurs first after the effective date of this AD, remove the pre-mod TU 158 HMU from service and replace it with a part eligible for installation.

(2) Reserved.

(f) Installation Prohibition

After the effective date of the AD, do not install any pre-mod TU 158 HMU into any engine.

(g) Definition

For the purpose of this AD, an HMU eligible for installation is one that incorporates mod TU 158 in accordance with Safran Helicopter Engines, S.A. Mandatory Service Bulletin No. 292 73 3158, Version A, dated April 7, 2016, or other FAA-approved parts.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: ANE-AD-AMOC@faa.gov.

(i) Related Information

(1) For more information about this AD, contact Kenneth Steeves, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7765; fax: 781-238-7199; email: kenneth.steeves@faa.gov.

(2) Refer to MCAI European Aviation Safety Agency (EASA), AD 2016-0098, dated May 23, 2016, for more information. You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating it in Docket No. FAA-2016-7850.

(j) Material Incorporated by Reference

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

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

(i) Safran Helicopter Engines Mandatory Service Bulletin No. 292 73 3158, Version A, dated April 7, 2016.

(ii) Reserved.

(3) For Safran Helicopter Engines service information identified in this AD, contact Safran Helicopter Engines, S.A., 40220 Tarnos, France; phone: (33) 05 59 74 40 00; fax: (33) 05 59 74 45 15.

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

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

Issued in Burlington, Massachusetts, on February 27, 2017.

Robert J. Ganley,

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

[FR Doc. 2017-04634 Filed 3-8-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2016-9128; Directorate Identifier 2016-NE-19-AD; Amendment 39-18820; AD 2017-05-09]

RIN 2120-AA64

Airworthiness Directives; CFM International S.A. Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain CFM International S.A. (CFM) CFM56-5 turbofan engines. This AD requires removal of the radial drive shaft (RDS) assembly and the RDS outer housing and their replacement with parts eligible for installation. This AD was prompted by reports of the failure of the RDS on CFM CFM56-5B engines. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD becomes effective April 13, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 13, 2017.

ADDRESSES: For service information identified in this final rule, contact CFM

International Inc., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: 877-432-3272; fax: 877-432-3329; email: aviation.fleetsupport@ge.com. You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9128.

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-2016-9128; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800-647-5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Kasra Sharifi, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7773; fax: 781-238-7199; email: kasra.sharifi@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to the specified products. The NPRM was published in the **Federal Register** on November 1, 2016 (81 FR 75761). The NPRM proposed to correct

an unsafe condition for the specified products.
We have received 9 reports of failure of the RDS on CFM CFM56-5B engines. CFM has identified an affected population of RDSs suspected of generating unbalance levels that would lead to failure of the RDS bearing. This AD requires removal of the RDS assembly and the RDS outer housing for the affected population. This condition, if not corrected, could result in failure of the RDS, which could lead to failure of one or more engines, loss of thrust control, and damage to the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

Request To Withdraw NPRM

Delta Air Lines (Delta) requested that we withdraw the NPRM or reduce the applicability to RDS assemblies not returned to CFM. Delta stated that the suspect population will likely be in voluntary compliance by the effective date of this AD. Delta also stated that CFM requested that the affected parts be returned to CFM, which will ensure no returned parts are installed in the future.

We disagree. The FAA has found that an unsafe condition exists, which requires removal of parts. The SB alone does not constitute a regulatory requirement, so this AD is required to mandate removal of parts from service. Compliance with the actions specified in this AD are mandatory, including the portions of the SB that are incorporated by reference (IBR) in this AD. We did not change this AD.

Request To Revise Compliance

Delta requested that this AD include a statement in the compliance section stating that compliance can be shown by a records review. Delta reasons that this will allow a credit for previous action.

The phrase “unless already done . . .” in paragraph (f) of this AD already

provides credit for operators that have complied with this AD before the effective date of this AD. We did not change this AD.

Request To Revise Compliance

CFM requested that we expand the applicability of this AD to include all CFM56-5 models not listed in paragraph (c) of this AD. CFM reasons that the affected RDS part numbers (P/Ns) are eligible for installation on other CFM56-5 model series not listed in paragraph (c) of this AD.

We disagree. We are issuing this AD to prevent failure of the RDS, which could lead to dual in-flight shutdown (IFSD), in the affected engines, loss of control, and damage to the airplane. RDS P/Ns are a known population and applicability represents those engines in which they were installed. We did not change this AD.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting this AD as proposed.

Related Service Information Under 1 CFR Part 51

CFM International S.A. has issued Service Bulletin (SB) CFM56-5B S/B 72-0934, dated August 1, 2016. The SB describes procedures for removal of the affected RDS assembly and the RDS outer housing. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects eight engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Removal and replacement of the RDS assembly and RDS outer housing.	6 work-hours × \$85 per hour = \$510.	\$37,000	\$37,510	\$300,080

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. “Subtitle VII:

Aviation Programs,” describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in “Subtitle VII, Part A, Subpart III, Section 44701:

General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for

safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017-05-09 CFM International S.A.:

Amendment 39-18820; Docket No. FAA-2016-9128; Directorate Identifier 2016-NE-19-AD.

(a) Effective Date

This AD becomes effective April 13, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to CFM International S.A. (CFM) CFM56-5B models, CFM56-5B/P

models, CFM56-5B/3 models, CFM56-5B/2P models, CFM56-5B/P1 models, CFM56-5B/2P1 models, and CFM56-5B/3B1 models engines with a radial drive shaft (RDS) serial number (S/N) listed in Appendix A of CFM Service Bulletin (SB) CFM56-5B S/B 72-0934, dated August 1, 2016, installed.

(d) Subject

Air Transport Association (ATA) of America Code 83, Accessory Gearboxes.

(e) Unsafe Condition

This AD was prompted by reports of the failure of the RDS on CFM CFM56-5B engines. We are issuing this AD to prevent failure of the RDS, which could lead to failure of one or more engines, loss of thrust control, and damage to the airplane.

(f) Compliance

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

Within 6 months after the effective date of this AD, remove the RDS assembly, part number (P/N) 305-165-101-0, and RDS outer housing, P/N 301-295-106-0, and replace with parts eligible for installation.

(g) Installation Prohibition

After the effective date of this AD, do not install on any engine, an RDS with an S/N identified in Appendix A of CFM SB CFM56-5B S/B 72-0934, dated August 1, 2016.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: ANE-AD-AMOC@faa.gov.

(i) Related Information

For more information about this AD, contact Kasra Sharifi, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7773; fax: 781-238-7199; email: kasra.sharifi@faa.gov.

(j) Material Incorporated by Reference

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

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

(i) CFM International S.A. (CFM) Service Bulletin CFM56-5B S/B 72-0934, dated August 1, 2016.

(ii) Reserved.

(3) For CFM service information identified in this AD, contact CFM International Inc., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: 877-432-3272; fax: 877-432-3329; email: aviation.fleetssupport@ge.com.

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

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

Issued in Burlington, Massachusetts, on February 24, 2017.

Carlos A Pestana,

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

[FR Doc. 2017-04656 Filed 3-8-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2017-0116; Airspace Docket No. 17-AGL-2]

RIN 2120-AA66

Amendment of Air Traffic Service (ATS) Routes Q-917 and Q-923; Northcentral United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: The FAA is amending two high altitude area navigation (RNAV) Q-routes that cross the United States (U.S.)/Canada border in the northcentral U.S. to update the waypoint name for one Canadian waypoint listed in the Q-route descriptions. Specifically, this action changes the SASUT waypoint name to DUTEL in RNAV routes Q-917 and Q-923 to match the waypoint information contained in the FAA and Canadian aeronautical databases. No air traffic services are affected by this action.

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

ADDRESSES: FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at http://www.faa.gov/air_traffic/publications/. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records

Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call (202) 741-6030, or go to http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

On September 26, 2014, the FAA published in the **Federal Register** a final rule (79 FR 57758), Docket No. FAA-2014-0295, that amended, removed, and established multiple ATS routes in the northcentral U.S. to reflect and accommodate route changes being made in Canadian airspace as part of a Canadian airspace redesign project. The FAA recently identified that the SASUT waypoint name duplicates an existing waypoint name in Mexico and advised NAV CANADA accordingly. NAV CANADA has elected to change the SASUT waypoint name to DUTEL to overcome any potential confusion created by the SASUT waypoint name being used in Canada and Mexico.

This rule makes the editorial waypoint name correction to match the FAA and Canadian aeronautical databases. On January 19, 2017, the FAA issued a final rule; technical amendment that updated the

geographical coordinates for five Canadian waypoints, including SASUT (82 FR 6212), Docket No. FAA-2016-9319. That final rule becomes effective on April 27, 2017. The geographic coordinates for DUTEL (SASUT) in the legal description in this rule reflect the updated coordinates.

High altitude Canadian RNAV routes (Q-routes) are published in paragraph 2007 of FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The high altitude Canadian RNAV routes (Q-routes) listed in this rule will be subsequently published in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending Title 14, Code of Federal Regulations (14 CFR) part 71 by modifying RNAV routes Q-917 and Q-923. The route modifications are editorial in nature and change the SASUT waypoint name to DUTEL to match the FAA and Canadian aeronautical databases information. No air traffic services are affected by this action and no substantive changes to the RNAV routes are being made. Therefore, notice and public procedures under 5 U.S.C. 553(b) is unnecessary.

The RNAV route modifications accomplished by this action are outlined below.

Q-917: change the SASUT waypoint name from "SASUT" to "DUTEL."

Q-923: change the SASUT waypoint name from "SASUT" to "DUTEL."

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is

so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this airspace action of modifying two high altitude RNAV Q-routes by updating the waypoint name for one Canadian waypoint listed in the Q-route descriptions has no potential to cause any significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment. Therefore, this proposed airspace action qualifies for categorical exclusion under the National Environmental Policy Act and its implementing regulations at 40 CFR part 1500-1508, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, Paragraph 5-6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). In accordance with FAAO 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, this action has been reviewed for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis, and it is determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A,

Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, is amended as follows:

Paragraph 2007 Canadian Area Navigation Routes.

* * * * *

Q-917 Sault Ste Marie, MI (SSM) to WOZEE, NY [Amended]

Sault Ste Marie, MI (SSM)	VOR/DME	(Lat. 46°24'43.60" N., long. 084°18'53.54" W.)
ULUTO, Canada	WP	(Lat. 46°18'16.00" N., long. 084°05'41.00" W.)
VIGLO, Canada	WP	(Lat. 45°23'48.00" N., long. 082°25'11.00" W.)
DUTEL, Canada	WP	(Lat. 44°39'59.00" N., long. 081°17'47.00" W.)
PEPLA, Canada	WP	(Lat. 43°47'50.98" N., long. 080°00'53.56" W.)
HOZIR, NY	WP	(Lat. 43°06'03.59" N., long. 079°02'05.27" W.)
WOZEE, NY	WP	(Lat. 42°56'01.65" N., long. 078°44'19.64" W.)

Excluding the airspace within Canada.

* * * * *

Q-923 HOCKE, MI to DUTEL, Canada [Amended]

HOCKE, MI	WP	(Lat. 43°15'43.38" N., long. 082°42'38.27" W.)
KARIT, MI	WP	(Lat. 43°43'23.00" N., long. 082°08'40.00" W.)
DUTEL, Canada	WP	(Lat. 44°39'59.00" N., long. 081°17'47.00" W.)

Excluding the airspace within Canada.

* * * * *

Issued in Washington, DC, on March 1, 2017.

Rodger A. Dean Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2017-04568 Filed 3-8-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF JUSTICE**Drug Enforcement Administration****21 CFR Part 1308**

[Docket No. DEA-435]

**Schedules of Controlled Substances:
Placement of Brivaracetam Into
Schedule V**

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule adopts without change an interim final rule with request for comments published in the **Federal Register** on May 12, 2016. The Drug Enforcement Administration is placing the substance brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide) (also referred to as BRV; UCB-34714; Briviact) (including its salts) into schedule V of the Controlled Substances Act. This scheduling action is pursuant to the Controlled Substances Act, as revised by the Improving Regulatory Transparency for New Medical Therapies Act which

was signed into law on November 25, 2015.

DATES: The effective date of this final rulemaking is March 9, 2017.

FOR FURTHER INFORMATION CONTACT:

Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (202) 598-6812.

SUPPLEMENTARY INFORMATION:**Legal Authority**

The Drug Enforcement Administration (DEA) implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended. 21 U.S.C. 801-971. Titles II and III are referred to as the "Controlled Substances Act" and the "Controlled Substances Import and Export Act," respectively, and are collectively referred to as the "Controlled Substances Act" or the "CSA" for the purpose of this action. The DEA publishes the implementing regulations for these statutes in title 21 of the Code of Federal Regulations (CFR), chapter II. The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while providing for the legitimate medical, scientific, research, and industrial needs of the United States. Controlled substances have the potential for abuse

and dependence and are controlled to protect the public health and safety.

Under the CSA, controlled substances are classified into one of five schedules based upon their potential for abuse, their currently accepted medical use in treatment in the United States, and the degree of dependence the substance may cause. 21 U.S.C. 812. The initial schedules of controlled substances established by Congress are found at 21 U.S.C. 812(c), and the current list of all scheduled substances is published at 21 CFR part 1308.

The Improving Regulatory Transparency for New Medical Therapies Act (Pub. L. 114-89) was signed into law on November 25, 2015. This law amended the CSA and states that in cases where the DEA receives notification from HHS that the Secretary has approved an application under section 505(c) of the Federal Food, Drug, and Cosmetic Act (FDCA), the DEA is required to issue an interim final rule, with opportunity for public comment and to request a hearing, controlling the drug not later than 90 days after receiving such notification from HHS and subsequently to issue a final rule. 21 U.S.C. 811(j). When controlling a drug pursuant to section 811(j), the DEA must apply the scheduling criteria of subsections 811(b), (c), and (d) and section 812(b). 21 U.S.C. 811(j)(3).

Background

Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide)

(also referred to as BRV; UCB-34714; Briviact) is a new molecular entity with central nervous system (CNS) depressant properties. BRV is known to be a high affinity ligand for the synaptic vesicle protein, SV2A, which is found on excitatory synapses in the brain. On November 22, 2014, UCB Inc. (Sponsor) submitted three New Drug Applications (NDAs) to the U.S. Food and Drug Administration (FDA) for the tablet, oral, and intravenous formulations of BRV. The FDA accepted the NDA filings for BRV on January 21, 2015.

On March 28, 2016 the DEA received notification that the HHS/FDA approved BRV, under section 505(c) of the FDCA, as an add-on treatment to other medications to treat partial onset seizures in patients age 16 years and older with epilepsy.

On May 12, 2016, the DEA published an interim final rule [81 FR 29487] to make BRV (including its salts) a schedule V controlled substance(s). Interested persons were provided a 30 day comment period in which to file written comments on this rulemaking in accordance with 21 CFR 1308.43(g). In addition, interested persons, defined at 21 CFR 1300.01 as those “adversely affected or aggrieved by any rule or proposed rule issuable pursuant to section 201 of the Act (21 U.S.C. 811),” were provided an opportunity to file a request for hearing or waiver of hearing pursuant to 21 CFR 1308.44. The deadline for submitting comments or requests for hearing/waiver of hearing was June 13, 2016.

In response to the interim final rule, the DEA did not receive any comments. In addition, the DEA did not receive any requests for hearing or waiver of hearing pursuant to 21 CFR 1308.44. Based on the rationale set forth in the interim final rule, the DEA adopts the interim final rule, without change.

Requirements for Handling Brivaracetam

BRV is subject to the CSA’s schedule V regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, dispensing, importing, exporting, research, and conduct of instructional activities and chemical analysis with, and possession involving schedule V substances, including the following:

1. *Registration.* Any person who handles (manufactures, distributes, reverse distributes, dispenses, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses) BRV, or who desires to handle BRV, must be registered with the DEA to

conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958 and in accordance with 21 CFR parts 1301 and 1312. Any person who currently handles BRV, and is not registered with the DEA, must submit an application for registration and may not continue to handle BRV, unless the DEA has approved that application for registration, pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312.

2. *Disposal of stocks.* Any person who does not desire or is not able to obtain a schedule V registration must surrender all quantities of currently held BRV, or may transfer all quantities of currently held BRV to a person registered with the DEA in accordance with 21 CFR part 1317, in addition to all other applicable federal, state, local, and tribal laws.

3. *Security.* BRV is subject to schedule III–V security requirements and must be handled and stored pursuant to 21 U.S.C. 821, 823, and 871(b), and in accordance with 21 CFR 1301.71–1301.93.

4. *Labeling and Packaging.* All labels, labeling, and packaging for commercial containers of BRV must comply with 21 U.S.C. 825 and 958(e), and be in accordance with 21 CFR part 1302.

5. *Inventory.* Every DEA registrant who possesses any quantity of BRV must take an inventory of BRV on hand, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

Any person who becomes registered with the DEA must take an initial inventory of all stocks of controlled substances (including BRV) on hand on the date the registrant first engages in the handling of controlled substances, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

After the initial inventory, every DEA registrant must take a new inventory of all stocks of controlled substances (including BRV) on hand every two years, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. *Records and Reports.* Every DEA registrant must maintain records and submit reports for BRV, or products containing BRV, pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR parts 1304, 1312, and 1317.

7. *Prescriptions.* All prescriptions for BRV or products containing BRV must comply with 21 U.S.C. 829, and be issued in accordance with 21 CFR parts 1306 and 1311, subpart C.

8. *Importation and Exportation.* All importation and exportation of BRV must be in compliance with 21 U.S.C.

952, 953, 957, and 958, and in accordance with 21 CFR part 1312.

9. *Liability.* Any activity involving BRV not authorized by, or in violation of, the CSA or its implementing regulations, is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Administrative Procedure Act

This final rule, without change, affirms the amendment made by the interim final rule that is already in effect. Section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553) generally requires notice and comment for rulemakings. However, Public Law 114–89 was signed into law, amending 21 U.S.C. 811. This amendment provides that in cases where a new drug is (1) approved by the Department of Health and Human Services (HHS) and (2) HHS recommends control in CSA schedule II–V, the DEA shall issue an interim final rule scheduling the drug within 90 days. This action was taken May 12, 2016. Additionally, the law specifies that the rulemaking shall become immediately effective as an interim final rule without requiring the DEA to demonstrate good cause.

Executive Orders 12866, Regulatory Planning and Review, and 13563, Improving Regulation and Regulatory Review

In accordance with Public Law 114–89, this scheduling action is subject to formal rulemaking procedures performed “on the record after opportunity for a hearing,” which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the procedures and criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of Management and Budget (OMB) pursuant to section 3(d)(1) of Executive Order 12866 and the principles reaffirmed in Executive Order 13563.

Executive Order 12988, Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This rulemaking does not have federalism implications warranting the application of Executive Order 13132. The rule does not have substantial

direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This rule does not have tribal implications warranting the application of Executive Order 13175. It does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) applies to rules that are subject to notice and comment under section 553(b) of the APA. As noted in the above discussion regarding applicability of the Administrative Procedure Act, the DEA was not required to publish a general notice of proposed rulemaking prior to this final rule. Consequently, the RFA does not apply.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.*, the DEA has determined and certifies that this action would not result in any Federal mandate that may result “in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted for inflation) in any one year.” Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Paperwork Reduction Act of 1995

This action does not impose a new collection of information requirement under the Paperwork Reduction Act of 1995. 44 U.S.C. 3501–3521. This action would not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Congressional Review Act

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act (CRA)). This rule will not result in: An annual effect on the

economy of \$100,000,000 or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based companies to compete with foreign based companies in domestic and export markets. However, pursuant to the CRA, the DEA has submitted a copy of this final rule to both Houses of Congress and to the Comptroller General.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ Accordingly, the interim final rule amending 21 CFR part 1308, which published on May 12, 2016 (81 FR 29487), is adopted as a final rule without change.

Dated: February 22, 2017.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2017–04698 Filed 3–8–17; 8:45 am]

BILLING CODE 4410–09–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 74

[MB Docket No. 13–249; FCC 17–14]

Revitalization of the AM Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission’s rule setting forth the allowable location of an FM translator station rebroadcasting the signal of an AM broadcast station. It changes the rule so that an AM broadcaster has a greater area in which an FM translator rebroadcasting the AM signal may be located, giving AM broadcasters greater flexibility in reaching their listeners. The change is necessary to accommodate AM radio stations located far from their communities of license, or those with highly directional signal patterns.

DATES: This rule is effective April 10, 2017. The effective date is delayed indefinitely pending Office of Management and Budget (OMB)

approval of a non-substantive change to the rule as originally proposed. The Commission will publish a document in the **Federal Register** announcing the effective date.

FOR FURTHER INFORMATION CONTACT:

Peter Doyle, Chief, Media Bureau, Audio Division, (202) 418–2700 or Peter.Doyle@fcc.gov; Thomas Nessinger, Senior Counsel, Media Bureau, Audio Division, (202) 418–2700 or Thomas.Nessinger@fcc.gov.

For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Cathy Williams at 202–418–2918, or via the Internet at Cathy.Williams@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s Second Report and Order (Second R&O), FCC 17–14, adopted February 23, 2017, and released February 24, 2017. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, 445 Twelfth Street SW., Room CY–A257, Portals II, Washington, DC 20554. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Paperwork Reduction Act of 1995 Analysis

This Second R&O adopts new or revised information collection requirements, subject to the Paperwork Reduction Act of 1995 (PRA) (Pub. L. 104–13, 109 Stat 163 (1995) (codified in 44 U.S.C. 3501–3520)). The Office of Management and Budget (OMB) preapproved the information collection requirements, as set forth in the *Further Notice of Proposed Rulemaking* (FNPRM) in this proceeding, 81 FR 2818, January 19, 2016, as follows: FCC Form 345, under OMB control number 3060–0075, on March 17, 2016; and FCC Form 349, under OMB control number 3060–0405, on March 21, 2016. The Commission will receive OMB’s final approval for the information collection requirements by submitting a non-substantive change submission to OMB for review under section 3507(d) of the PRA (44 U.S.C. 3507(d)).

In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might “further reduce the information collection burden for small

business concerns with fewer than 25 employees.”

Synopsis

1. In the FNPRM, the Commission proposed to relax the current rule setting forth where an FM fill-in translator rebroadcasting an AM broadcast station may be sited (47 CFR 74.1201(g)). Having recently granted over 1,000 applications to acquire and relocate FM translators to rebroadcast AM stations, the Commission found it desirable to act on the translator siting proposal expeditiously, to provide the recent translator modification applicants maximum flexibility in providing service to their communities and nearby areas.

2. Section 74.1201(g) currently requires that an FM translator rebroadcasting an AM station must be located such that the 60 dBμ contour of the FM translator station is contained within the lesser of (a) the 2 millivolts per meter (mV/m) daytime contour of the AM station, or (b) a 25-mile radius centered at the AM transmitter site. Many commenters, responding to the *Notice of Proposed Rule Making* in this proceeding (28 FCC Rcd 15221 (2013)), suggested that this standard is too restrictive and should be changed to provide that the coverage contour of an FM translator rebroadcasting an AM station as its primary station must be contained within the greater of the 2 mV/m daytime contour or a 25-mile radius. After considering these comments, the Commission proposed in the FNPRM to amend 47 CFR 74.1201(g), changing the standard to the greater of the 2 mV/m daytime contour or a 25-mile radius centered at the AM transmitter site, but with the limitation that the translator's 1 mV/m coverage contour may not extend beyond a 40-mile (64 km) radius centered at the AM transmitter site.

3. Commenters overwhelmingly supported a relaxation of the current FM translator siting rule. Some favored increasing the 40-mile limit, with others proposing to eliminate the 40-mile limit altogether. Most commenters opposing the 40-mile limit pointed to instances in which substantial covered populations lie within an AM station's 2 mV/m daytime contour but more than 40 miles from the station's transmitter.

4. Having read and considered the comments addressing this proposal, most of which supported the proposal or slight variations from it, the Commission adopted the proposal set forth in the FNPRM, but eliminated the 40-mile limitation on translator siting from the rule change as adopted. The rule change as modified was deemed to

be consistent with the Commission's objective, articulated in the FNPRM, to provide flexibility to an AM station using a cross-service translator to serve its core market while not extending its signal beyond the station's core service area. The Commission also reiterated a desire to provide applicants who participated in the Commission-ordered 2016 translator modification windows with maximum flexibility in providing service to their authorized communities and nearby areas, and accordingly announced that such applicants may apply to further move their cross-service FM translators already relocated pursuant to the 2016 modification windows, as a minor modification application, as long as the proposed further modification complies with both the amended 47 CFR 74.1201(g) adopted in the Second R&O and with the 250-mile limitation imposed in the FNPRM (30 FCC Rcd at 12152, para. 15). The Commission also reiterated the statement in the FNPRM, that a waiver of an Auction 83 FM translator construction deadline is presumptively in the public interest for applicants participating in one of the 2016 modification windows, provided that the AM station licensee proposing to use the FM translator for rebroadcasting its AM station commits to prompt FM translator station construction and initiation of broadcast operations (30 FCC Rcd at 12152 n. 36). In the interest of prompt station construction and initiation of service, the Commission limited any extensions of construction deadlines to not more than six months after the effective date of this Second R&O.

5. The Commission therefore amended 47 CFR 74.1201(g) to provide that an FM translator rebroadcasting an AM broadcast station must be located such that the 60 dBμ contour of the FM translator station must be contained within the greater of either (a) the 2 mV/m daytime contour of the AM station, or (b) a 25-mile radius centered at the AM station's transmitter site.

Final Regulatory Flexibility Analysis

6. As required by the Regulatory Flexibility Act of 1980, as amended (RFA) (5 U.S.C. 603), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the FNPRM (30 FCC Rcd 12145, 12202–05 (2015)). The Commission sought written public comment on the proposals in the FNPRM, including comment on the IRFA. The Commission received no comments on the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA (see 5 U.S.C. 604).

Need for, and Objectives of, the First Report and Order

7. This Second R&O adopts a change to the rule setting forth where an FM translator station rebroadcasting an AM broadcast station may be located. Specifically, in the Second R&O the Commission changes the current rule, which requires that an FM translator rebroadcasting an AM station be located such that the 60 dBμ contour of the FM translator station must be contained within the lesser of (a) the 2 millivolts per meter (mV/m) daytime contour of the AM station, or (b) a 25-mile radius centered at the AM transmitter site. The rule change specifies that an FM translator rebroadcasting an AM station may be located such that the 60 dBμ contour of the translator must be contained within the greater of the AM station's 2 mV/m daytime contour or a 25-mile radius of the AM transmitter site. This rule change was proposed, in a slightly different form, in the FNPRM, based on comments submitted during the initial round of commenting in this proceeding. The Commission determined that, because it had completed two filing windows allowing the relocation of FM translator stations to rebroadcast AM stations, immediate adoption of this rule change would benefit those station licensees and permittees when determining where to site the relocated FM translators.

Summary of Significant Issues Raised by Public Comments in Response to the IRFA

8. There were no comments to the IRFA filed.

Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

9. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments. 5 U.S.C. 604(a)(3). The Chief Counsel did not file any comments in response to the proposed rule in this proceeding.

Description and Estimate of the Number of Small Entities To Which the Rules Apply

10. The RFA directs the Commission to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the rules adopted herein. 5 U.S.C. 603(b)(3). The RFA generally defines the term “small entity” as having the same

meaning as the terms “small business,” “small organization,” and “small government jurisdiction.” 5 U.S.C. 601(6). In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. 5 U.S.C. 601(3). A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). 15 U.S.C. 632.

11. The subject rules and policies potentially will apply to all AM radio broadcasting licensees and potential licensees, as well as licensees and potential licensees of FM translator stations that rebroadcast an AM radio broadcasting station as its primary station. A radio broadcasting station is an establishment primarily engaged in broadcasting aural programs by radio to the public. Included in this industry are commercial, religious, educational, and other radio stations. Radio broadcasting stations which primarily are engaged in radio broadcasting and which produce radio program materials are similarly included. However, radio stations that are separate establishments and are primarily engaged in producing radio program material are classified under another NAICS number. The SBA has established a small business size standard for this category, which is: Firms having \$38.5 million or less in annual receipts. 13 CFR 121.201, NAICS code 515112 (updated for inflation in 2008). According to the BIA/Kelsey, MEDIA Access Pro Database on December 21, 2016, 4,661 (99.94%) of 4,664 a.m. radio stations have revenue of \$38.5 million or less. Therefore, the majority of such entities are small entities. We note, however, that, in assessing whether a business concern qualifies as small under the above definition, business (control) affiliations must be included. Our estimate, therefore, likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies.

12. The proposed policies could affect licensees of FM translator stations, as well as potential licensees in this radio service. The same SBA definition that applies to radio broadcast licensees would apply to these stations. The SBA defines a radio broadcast station as a small business if such station has no more than \$38.5 million in annual receipts. Currently, there are approximately 6,962 licensed FM translator and booster stations. In

addition, there are approximately 225 applicants with pending applications filed in the 2003 translator filing window. Given the nature of these services, we will presume that all of these licensees and applicants qualify as small entities under the SBA definition.

Description of Projected Reporting, Record Keeping and Other Compliance Requirements

13. As described, the rule change will not result in substantial increases in burdens on applicants, and in fact may decrease burdens on many applicants by providing additional flexibility in FM translator siting. The rule change adopted in the Second R&O is substantive and does not involve application changes, reporting requirements, or record keeping requirements beyond what is already required.

Steps Taken To Minimize Significant Impact of Small Entities, and Significant Alternatives Considered

14. 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, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(c)(1)–(c)(4).

15. The vast majority of commenters on the FNPRM proposal adopted in the Second R&O supported the proposal. Some suggested variations on the rule change as proposed; many in particular suggested the Commission relax or eliminate the proposed absolute limitation on placing an FM translator rebroadcasting an AM station so that its 1 mV/m contour would not extend farther than 40 miles from the AM station’s transmitter site. Based on these comments, the Commission declined to adopt the absolute 40-mile limitation, thus providing applicants with greater flexibility in locating FM translators rebroadcasting AM stations, and further minimizing the impact on small entities. Additionally, the Commission stated that it will treat applications to relocate FM translators, modified during the 2016 modification windows for cross-service translators, as minor modification applications as long as

they comply with the Second R&O and the 250-mile limit set forth in the FNPRM in this proceeding. The Commission also reiterated its position, taken in the FNPRM, that a waiver of an Auction 83 FM translator construction deadline is presumptively in the public interest for applicants participating in one of the 2016 modification windows, provided that the AM station licensee proposing to use the FM translator for rebroadcasting its AM station commits to prompt FM translator station construction and initiation of broadcast operations. An FM translator acquired to rebroadcast an AM station signal may thus apply to extend its construction permit expiration date up to six months from the effective date of the Second R&O. These actions enable participants in the 2016 modification windows for cross-service translators, which as noted above are small entities, to avail themselves of the benefits of the relaxed translator siting rule.

16. *Report to Congress.* The Commission will send a copy of the Second R&O, including this FRFA, in a report to Congress and the Government Accountability Office pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. 5 U.S.C. 801(a)(1)(a). In addition, the Commission will send a copy of the Second R&O, including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the Second R&O and FRFA (or summaries thereof) will also be published in the **Federal Register**. See 5 U.S.C. 604(b).

Ordering Clauses

17. Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1, 2, 4(i), 303, and 307 of the Communications Act of 1934, 47 U.S.C. 151, 152, 154(i), 303, and 307, this Second Report and Order *is adopted*.

18. *It is further ordered* that, pursuant to the authority found in sections 1, 2, 4(i), 303, and 307 of the Communications Act of 1934, 47 U.S.C. 151, 152, 154(i), 303, and 307, the Commission’s rules *are hereby amended* as set forth in Appendix A to the Second Report and Order.

19. *It is further ordered* that the Commission’s Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Second Report and Order, including the Final Regulatory Flexibility Act Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

20. *It is further ordered* that the Commission *shall send* a copy of this Second Report and Order in a report to be sent to Congress and the Government

Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

21. *It is further ordered* that the rule change adopted herein, which contains new or modified information collection requirements that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), *will become effective* after the Commission publishes a notice in the **Federal Register** announcing such approval and the relevant effective date.

List of Subjects in 47 CFR Part 74

Communications equipment, Radio.
Federal Communications Commission.
Marlene H. Dortch,
Secretary.

Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 74 as follows:

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

■ 1. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 336 and 554.

■ 2. Section 74.1201 is amended by revising the last two sentences of paragraph (g) to read as follows:

§ 74.1201 Definitions.

* * * * *

(g) * * * The coverage contour of an FM translator rebroadcasting an AM radio broadcast station as its primary station must be contained within the greater of either the 2 mV/m daytime contour of the AM station or a 25-mile (40 km) radius centered at the AM transmitter site. The protected contour for an FM translator station is its predicted 1 mV/m contour.

* * * * *

[FR Doc. 2017-04252 Filed 3-8-17; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 160920866-7167-02]

RIN 0648-XF273

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Trawl Catcher Vessels in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2017 Pacific cod total allowable catch apportioned to trawl catcher vessels in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), March 8, 2017 through 1200 hours, A.l.t., June 10, 2017.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management 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. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 680.

The A season allowance of the 2017 Pacific cod total allowable catch (TAC) apportioned to trawl catcher vessels in the Western Regulatory Area of the GOA is 6,861 metric tons (mt), as established by the final 2017 and 2018 harvest specifications for groundfish of the GOA (82 FR 12032, February 27, 2017).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has

determined that the A season allowance of the 2017 Pacific cod TAC apportioned to trawl catcher vessels in the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 6,761 mt and is setting aside the remaining 100 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the Western Regulatory Area of the GOA. After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting 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 directed fishing closure of Pacific cod by catcher vessels using trawl gear in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 6, 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: March 7, 2017.

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

[FR Doc. 2017-04769 Filed 3-7-17; 4:15 pm]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 82, No. 45

Thursday, March 9, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2017-0127; Directorate Identifier 2016-NM-161-AD]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company 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 The Boeing Company Model 737-600, -700, -700C, -800, -900, and -900ER series airplanes; Model 757 airplanes; and Model 767 airplanes. This proposed AD was prompted by reports of latently failed motor operated valve (MOV) actuators of the fuel shutoff valves. This proposed AD would require replacing certain MOV actuators of the fuel shutoff valves for the left and right engines (all airplanes) and of the auxiliary power unit (APU) fuel shutoff valve (Model 757 and Model 767 airplanes); and revising the maintenance or inspection program, as applicable, to incorporate certain airworthiness limitations (AWLs). We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 24, 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 Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone: 562-797-1717; Internet: <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0127.

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-2017-0127; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tak Kobayashi, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057-3356; phone: 425-917-6499; fax: 425-917-6590; email: Takahisa.Kobayashi@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2017-0127; Directorate Identifier 2016-NM-161-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will

consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We have received reports of latently failed MOV actuators of the fuel shutoff valves, due to the design of the valve actuator, discovered during fuel filter or engine replacement. The MOV actuator failed to close the valve when commanded and failed to indicate the failure to close the valve. Certain component failure modes within the MOV actuator could result in simultaneous loss of valve control and indication. A latent failure of the MOV actuator for the engine or APU fuel shutoff valve could result in the inability to shut off fuel to the engine or the APU, and in case of certain engine or APU fires, could result in structural failure.

Related ADs

We recognize there are requirements in AD 2008-06-03, Amendment 39-15415 (73 FR 13081, March 12, 2008), and AD 2009-22-13, Amendment 39-16066 (74 FR 55755, October 29, 2009), that might appear to conflict with the requirements of this proposed AD. However, alternative methods of compliance (AMOCs) have already been issued for those ADs to allow installation of the MOV actuators that are required for compliance with this proposed AD. Those AMOCs preclude any potential conflicts between ADs. No new AMOC is needed for this proposed AD regarding this issue.

AD 2015-21-09, Amendment 39-18302 (80 FR 65121, October 26, 2015) ("AD 2015-21-09"), which applies to Model 767 airplanes, was prompted by reports of latently failed MOV actuators of the fuel shutoff valves discovered during fuel filter replacement. AD 2015-21-09 requires revising the maintenance or inspection program to include new AWLs.

AD 2015-19-04, Amendment 39-18267 (80 FR 55505, September 16, 2015), which applies to Model 757 airplanes was prompted by reports of

latently failed MOV actuators of the fuel shutoff valves discovered during fuel filter replacement. This AD requires revising the maintenance or inspection program to include new AWLs.

AD 2015–21–10, Amendment 39–18303 (80 FR 65130, October 26, 2015), which applies to Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes was prompted by reports of latently failed MOV actuators of the fuel shutoff valves discovered during fuel filter replacement. This AD requires revising the maintenance or inspection program to include a new AWL.

AD 2016–04–20, Amendment 39–18414 (81 FR 10460, March 1, 2016) (“AD 2016–04–20”), which applies to Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, Model 757 airplanes, Model 767 airplanes, and Model 777 airplanes, resulted from fuel system reviews conducted by the manufacturer. This AD requires an inspection to determine if certain MOV actuators for the fuel tanks or fuel feed system are installed on the airplane, and replacement of any affected actuators.

Airworthiness Limitations Based on Type Design

The FAA recently became aware of an issue related to the applicability of ADs that require incorporation of the Airworthiness Limitations section (ALS) of the Instructions for Continued Airworthiness (ICA) into an operator’s maintenance or inspection program.

U.S. operators must operate their airplanes in an airworthy condition, in accordance with 14 CFR 91.7(a). Included in this obligation is the requirement to perform any maintenance or inspections specified in the ALS, and in accordance with the ALS as specified in 14 CFR 43.16 and 91.403(c), unless an alternative has been approved by the FAA.

When a type certificate is issued for a type design, the specific ALS, including its revision level, is part of that type design, as specified in 14 CFR 21.31(c).

The sum effect of these operational and maintenance requirements is an obligation to comply with the ALS revision defined in the type design referenced in the manufacturer’s conformity statement. This obligation may introduce a conflict with an AD if the AD requires a specific ALS revision for new airplanes that are delivered with a later ALS revision as part of their type design.

The FAA has approved AMOCs that allow operators to incorporate the most recent ALS revision into their maintenance/inspection programs, in

lieu of the ALS revision required by the AD. This enables the operator to comply with both the AD and the type design.

However, compliance with AMOCs is normally optional, and we recently became aware that some operators choose to retain the AD-mandated ALS revision in their fleet-wide maintenance/inspection programs, including those for new airplanes delivered with later ALS revisions, to help standardize the maintenance of the fleet. To ensure that operators comply with the applicable ALS revision for newly delivered airplanes containing a later revision than that specified in an AD, we plan to mandate the latest ALS revision as of the effective date of an AD, if we are to mandate a specific ALS revision, and limit the applicability of such AD actions to those airplanes to which the latest or earlier ALS revisions are applicable as of the effective date of that AD.

This proposed AD therefore mandates the latest ALS revision as of the effective date of the AD for Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, Model 757 airplanes, and Model 767 airplanes with an original certificate of airworthiness or original export certificate of airworthiness that was issued on or before the effective date of this proposed AD. Operators of airplanes with an original certificate of airworthiness or original export certificate of airworthiness issued after that date must comply with the airworthiness limitations specified as part of the approved type design.

Related Service Information Under 1 CFR Part 51

We reviewed the following service information.

- Boeing Service Bulletin 737–28–1314, dated November 17, 2014. This service information describes procedures for installing new MOV actuators of the fuel shutoff valves for the left and right engines. This document is distinct since it applies to Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes and describes installing new MOV actuators.

- Boeing 737–600/700/700C/800/900/900ER Special Compliance Items/Airworthiness Limitations, D626A001–9–04, dated September 2016. This service information describes AWLs for fuel tank ignition prevention. This document is distinct since it applies to Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes and describes AWLs.

- Boeing Special Attention Service Bulletin 757–28–0138, dated May 18, 2016. This service information describes

procedures for installing new MOV actuators of the fuel shutoff valves for the left and right engines, and of the APU fuel shutoff valve. This document is distinct since it applies to Model 757 airplanes and describes installing new MOV actuators.

- Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) And Certification Maintenance Requirements (CMRs), D622N001–9, dated July 2016. This service information describes AWLs for fuel tank ignition prevention. This document is distinct since it applies to Model 757 airplanes and describes AWLs.

- Boeing Service Bulletin 767–28–0115, Revision 1, dated June 2, 2016. This service information describes procedures for installing new MOV actuators of the fuel shutoff valves for the left and right engines, and of the APU fuel shutoff valve. This document is distinct since it applies to Model 767 airplanes and describes installing new MOV actuators.

- Boeing 767 Special Compliance Items/Airworthiness Limitations, D622T001–9–04, dated June 2016. This service information describes AWLs for fuel tank ignition prevention. This document is distinct since it applies to Model 767 airplanes and describes AWLs.

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

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under “Differences Between this Proposed AD and the Service Information.” For information on the procedures and compliance times, see this service information at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2017–0127.

This proposed AD also requires revisions to certain operator maintenance documents to include new actions (e.g., inspections) and Critical Design Configuration Control Limitations (CDCCLs) described in the ALS of the ICA. Compliance with these

actions and CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the

operator must request approval of an AMOC according to paragraph (I) of this proposed AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

Costs of Compliance

We estimate that this proposed AD affects 2,557 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection and replacement Boeing 737 (1,440 airplanes).	Up to 6 work-hours × \$85 per hour = Up to \$510.	Up to \$12,000	Up to \$12,510	Up to \$18,014,400.
Inspection and replacement Boeing 757 (675 airplanes).	Up to 9 work-hours × \$85 per hour = Up to \$765.	Up to \$18,000	Up to \$18,765	Up to \$12,666,375.
Inspection and replacement Boeing 767 (442 airplanes).	Up to 9 work-hours × \$85 per hour = Up to \$765.	Up to \$18,000	Up to \$18,765	Up to \$8,294,130.
Maintenance or inspection program revision (2,557 airplanes).	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$217,345.

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):

The Boeing Company: Docket No. FAA–2017–0127; Directorate Identifier 2016–NM–161–AD.

(a) Comments Due Date

We must receive comments by April 24, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category.

- (1) Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes.
- (2) Model 757–200, –200PF, –200CB, and –300 series airplanes.

(3) Model 767–200, –300, –300F, and –400ER series airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of latently failed motor operated valve (MOV) actuators of the fuel shutoff valves. We are issuing this AD to prevent a latent failure of the actuator for the engine or auxiliary power unit (APU) fuel shutoff valves, which could result in the inability to shut off fuel to the engine or the APU, and in case of certain engine or APU fires, could result in structural failure.

(f) Compliance

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

(g) Inspection to Determine Part Number (P/N)

(1) For airplanes identified in paragraph (c)(1) of this AD: Within 8 years after the effective date of this AD, do an inspection to determine the part numbers of the MOV actuators of the fuel shutoff valves for the left and right engines, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–28–1314, dated November 17, 2014. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the MOV actuator at each location can be conclusively determined from that review.

(2) For airplanes identified in paragraphs (c)(2) and (c)(3) of this AD: Within 8 years after the effective date of this AD, do an inspection to determine the part numbers of the MOV actuators of the fuel shutoff valves for the left and right engines, and of the APU fuel shutoff valve, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–28–0138, dated May 18, 2016; or Boeing Service Bulletin 767–28–0115, Revision 1, dated June 2, 2016 ("SB 767–28–0115 R1"); as

applicable. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the MOV actuator at each location can be conclusively determined from that review.

(h) Replacement

(1) For airplanes identified in paragraph (c)(1) of this AD, if, during the inspection required by paragraph (g)(1) of this AD, any MOV actuator of the fuel shutoff valves for the left and right engines having P/N MA20A2027, or P/N MA30A1001 (Boeing P/N S343T003–56, or P/N S343T003–66), is found: Within 8 years after the effective date of this AD, replace each affected MOV actuator with an MOV actuator having P/N MA30A1017 (Boeing P/N S343T003–76), in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–28–1314, dated November 17, 2014.

Note 1 to paragraph (h)(1) of this AD: If, during the inspection required by paragraph (g)(1) of this AD, any MOV actuator of the fuel shutoff valve for the left or right engines having P/N MA20A1001–1 (Boeing P/N S343T003–39) is found, the Accomplishment Instructions specified in Boeing Service Bulletin 737–28–1314, dated November 17, 2014, for replacing MOV actuators having P/N S343T003–66 or P/N S343T003–56 can be used for replacing MOV actuators having P/N MA20A1001–1 (Boeing P/N S343T003–39).

(2) For airplanes identified in paragraph (c)(2) of this AD, if, during the inspection required by paragraph (g)(2) of this AD, any MOV actuator of the fuel shutoff valves for the left and right engines, or of the APU fuel shutoff valve having P/N MA20A2027, or P/N MA30A1001 (Boeing P/N S343T003–56 or P/N S343T003–66) is found: Within 8 years after the effective date of this AD, replace each affected MOV actuator with an MOV actuator having P/N MA30A1017 (Boeing P/N S343T003–76), in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–28–0138, dated May 18, 2016.

Note 2 to paragraph (h)(2) of this AD: If, during the inspection required by paragraph (g)(2) of this AD, any MOV actuator of the fuel shutoff valve for the left or right engines, or of the APU fuel shutoff valve having P/N MA20A1001–1 (Boeing P/N S343T003–39) is found, the Accomplishment Instructions specified in Boeing Special Attention Service Bulletin 757–28–0138, dated May 18, 2016, for replacing MOV actuators having P/N S343T003–66 or P/N S343T003–56 can be used for replacing MOV actuators having P/N MA20A1001–1 (Boeing P/N S343T003–39).

(3) For airplanes identified in paragraph (c)(3) of this AD, if, during the inspection required by paragraph (g)(2) of this AD, any MOV actuator of the fuel shutoff valves for the left and right engines, or of the APU fuel shutoff valve having P/N MA20A2027 or P/N MA30A1001 (Boeing P/N S343T003–56 or P/N S343T003–66) is found: Within 8 years after the effective date of this AD, replace each affected MOV actuator with an MOV actuator having P/N MA30A1017 (Boeing P/N S343T003–76), in accordance with the Accomplishment Instructions of SB 767–28–0115 R1.

Note 3 to paragraph (h)(3) of this AD: If, during the inspection required by paragraph

(g)(2) of this AD, any MOV actuator of the fuel shutoff valve for the left or right engines, or of the APU fuel shutoff valve having P/N MA20A1001–1 (Boeing P/N S343T003–39) is found, the Accomplishment Instructions specified in SB 767–28–0115 R1, for replacing MOV actuators having P/N S343T003–66 or P/N S343T003–56 can be used for replacing MOV actuators having P/N MA20A1001–1 (Boeing P/N S343T003–39).

(i) Maintenance or Inspection Program Revision

(1) For airplanes identified in paragraph (c)(1) of this AD with an original certificate of airworthiness or original export certificate of airworthiness issued on or before the effective date of this AD: Prior to or concurrently with the actions required by paragraph (h)(1) of this AD or within 30 days after the effective date of this AD, whichever is later, revise the maintenance or inspection program, as applicable, to add the airworthiness limitations (AWLs) specified in paragraphs (i)(1)(i), (i)(1)(ii), and (i)(1)(iii) of this AD. The initial compliance time for accomplishing the actions required by AWL No. 28–AWL–24 is within 6 years from the previous inspection.

(i) AWL No. 28–AWL–21, MOV Actuator—Lightning and Fault Current Protection Electrical Bond, as specified in Boeing 737–600/700/700C/800/900/900ER Special Compliance Items/Airworthiness Limitations, D626A001–9–04, dated September 2016.

(ii) AWL No. 28–AWL–22, MOV Actuator—Electrical Design Feature, as specified in Boeing 737–600/700/700C/800/900/900ER Special Compliance Items/Airworthiness Limitations, D626A001–9–04, dated September 2016.

(iii) AWL No. 28–AWL–24, Valve MOV Actuator—Lightning and Fault Current Protection Electrical Bond, as specified in Boeing 737–600/700/700C/800/900/900ER Special Compliance Items/Airworthiness Limitations, D626A001–9–04, dated September 2016.

(2) For airplanes identified in paragraph (c)(2) of this AD: Prior to or concurrently with the actions required by paragraph (h)(2) of this AD, revise the maintenance or inspection program, as applicable, to add the AWLs specified in paragraphs (i)(2)(i), (i)(2)(ii), and (i)(2)(iii) of this AD. The initial compliance time for accomplishing the actions required by AWL No. 28–AWL–25 is within 6 years from the previous inspection.

(i) AWL No. 28–AWL–23, Motor Operated Valve (MOV) Actuator—Lightning and Fault Current Protection Electrical Bond, as specified in Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) And Certification Maintenance Requirements (CMRs), D622N001–9, dated July 2016.

(ii) AWL No. 28–AWL–24, Motor Operated Valve (MOV) Actuator—Electrical Design Feature, as specified in Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) And Certification Maintenance Requirements (CMRs), D622N001–9, dated July 2016.

(iii) AWL No. 28–AWL–25, Motor Operated Valve (MOV) Actuator—Lightning

and Fault Current Protection Electrical Bond, as specified in Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) And Certification Maintenance Requirements (CMRs), D622N001–9, dated July 2016.

(3) For airplanes identified in paragraph (c)(3) of this AD with an original certificate of airworthiness or original export certificate of airworthiness issued on or before the effective date of this AD: Prior to or concurrently with the actions required by paragraph (h)(3) of this AD, revise the maintenance or inspection program, as applicable, to add the AWLs specified in paragraphs (i)(3)(i) and (i)(3)(ii) of this AD.

(i) AWL No. 28–AWL–23, Motor Operated Valve (MOV) Actuator—Lightning and Fault Current Protection Electrical Bond, as specified in Boeing 767 Special Compliance Items/Airworthiness Limitations, D622T001–9–04, dated June 2016.

(ii) AWL No. 28–AWL–24, Motor Operated Valve (MOV) Actuator—Electrical Design Feature, as specified in Boeing 767 Special Compliance Items/Airworthiness Limitations, D622T001–9–04, dated June 2016.

(j) Parts Installation Prohibition

As of the effective date of this AD, no person may replace a MOV actuator having P/N MA30A1017 (Boeing P/N S343T003–76) with an MOV actuator having P/N MA20A2027 or P/N MA30A1001 (Boeing P/N S343T003–56 or P/N S343T003–66) for the fuel shutoff valves for airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, and for the APU fuel shutoff valve for airplanes identified in paragraphs (c)(2) and (c)(3) of this AD.

(k) Credit for Previous Actions

(1) This paragraph provides credit for the actions specified in paragraph (g)(2) or (h)(3) of this AD, as applicable, if those actions were performed before the effective date of this AD using Boeing Service Bulletin 767–28–0115, dated September 10, 2015.

(2) For airplanes identified in paragraph (c)(1) of this AD with an original certificate of airworthiness or original export certificate of airworthiness issued on or before the effective date of this AD, this paragraph provides credit for the actions specified in paragraph (i)(1) of this AD if those actions were performed before the effective date of this AD using Boeing 737–600/700/700C/800/900/900ER Special Compliance Items/Airworthiness Limitations, D626A001–9–04, dated July 2016; or Boeing 737–600/700/700C/800/900/900ER Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs), and Certification Maintenance Requirements (CMRs), D626A001–CMR, Revision April 2016; Revision January 2015; Revision November 2014; or Revision October 2014.

(3) For airplanes identified in paragraph (c)(2) of this AD, this paragraph provides credit for the actions specified in paragraph (i)(2) of this AD if those actions were performed before the effective date of this AD using Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs), and Certification

Maintenance Requirements (CMRs), D622N001–9, Revision January 2016.

(4) For airplanes identified in paragraph (c)(3) of this AD with an original certificate of airworthiness or original export certificate of airworthiness issued on or before the effective date of this AD, this paragraph provides credit for the actions specified in paragraph (i)(3) of this AD if those actions were performed before the effective date of this AD using Boeing 767 Special Compliance Items/Airworthiness Limitations, D622T001–9–04, Revision May 2016 R1; Revision May 2016; Revision March 2016; or Revision July 2015.

(5) For airplanes identified in paragraph (c)(3) of this AD with an original certificate of airworthiness or original export certificate of airworthiness issued on or before the effective date of this AD, this paragraph provides credit for the actions specified in paragraph (i)(3)(ii) of this AD if those actions were performed before the effective date of this AD using Boeing 767 Special Compliance Items/Airworthiness Limitations, D622T001–9–04, Revision October 2014.

(l) Alternative Methods of Compliance (AMOCs)

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

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

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

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

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled “RC Exempt,” then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in

accordance with the operator’s maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(m) Related Information

(1) For more information about this AD, contact Tak Kobayashi, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6499; fax: 425–917–6590; email: Takahisa.Kobayashi@faa.gov.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone: 562–797–1717; Internet: <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–04561 Filed 3–8–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9592; Directorate Identifier 2016–NE–30–AD]

RIN 2120–AA64

Airworthiness Directives; CFM International S.A. Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain CFM International S.A. (CFM) CFM56–3, –3B, and –3C turbofan engines. This proposed AD was prompted by a report of dual-engine loss of thrust control that resulted in an air turn back. This proposed AD would require initial and repetitive checks of the variable stator vane (VSV) actuation system in the high-pressure compressor (HPC). We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 24, 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 CFM International Inc., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: 877–432–3272; fax: 877–432–3329; email: aviation.fleet-support@ge.com. You may view this service information at FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2016–9592; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT:

David Bethka, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7129; fax: 781–238–7199; email: david.bethka@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2016–9592; Directorate Identifier 2016–NE–30–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this

proposed AD because of those comments.

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

Discussion

We received a report of a dual-engine loss of thrust control that resulted in an air turn back. Investigation determined that loss of thrust control was the result of restricted movement of the VSV actuation rings in the HPC stator case. This restricted movement resulted from resistance caused by corrosion in the VSV bores. This condition, if not corrected, could result in failure of the VSV actuators, loss of engine thrust control, and reduced control of the airplane.

Related Service Information

We reviewed CFM Service Bulletin (SB) CFM56-3 S/B 72-1169, Revision 01, dated April 25, 2016. This SB

describes procedures for examining the VSV bores on the inside of the HPC case. We also reviewed CFM CFM56-3 Engine Shop Manual (ESM) 72-32-01, Repair 031, dated February 8, 2016. This repair provides guidance on reaming and applying anti-corrosion paint to the VSV bores.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require initial and repetitive checks of stage 1, stage 2, and stage 3 of the HPC VSV actuation system.

Differences Between This Proposed AD and the Service Information

CFM SB CFM56-3 S/B 72-1169, Revision 01, dated April 25, 2016, only recommends inspection of CFM56-3 engines if 50% or more of their

operation occurs in tropical rainforest climate zones and the utilization rate is less than 150 hours per month. We find that corrosion could occur in other climate zones, and would be a function of hours as well as utilization. We also find it is not practical to base AD requirements on geography and, to a lesser extent, utilization. Therefore, we are proposing that this AD be applicable to all CFM56-3 engines not previously repaired as described in CFM CFM56-3 ESM 72-32-01, Repair 031, dated February 8, 2016. In addition, CFM SB CFM56-3 S/B 72-1169 requires that repair be performed within 5 flight cycles if the pull force is measured to be greater than 100 lbs. Given that pull force greater than 100 lbs may result in loss of thrust control, we are proposing in this AD that repair be done prior to further flight.

Costs of Compliance

We estimate that this proposed AD affects 460 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection of the HPC VSV actuation system	2 work-hours × \$85 per hour = \$170	\$0	\$170	\$78,200

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 to the extent that it justifies making a regulatory distinction, and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

CFM International S.A.: Docket No. FAA-2016-9592; Directorate Identifier 2016-NE-30-AD.

(a) Comments Due Date

We must receive comments by April 24, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to CFM International S.A. (CFM) CFM56-3, -3B, and -3C turbofan engines.

(d) Subject

Joint Aircraft System Component (JASC)
Code 7230, Turbine Engine Compressor
Section.

(e) Unsafe Condition

This AD was prompted by a report of dual engine loss of thrust control that resulted in an air turn back. We are issuing this AD to prevent failure of the variable stator vane (VSV) actuators, loss of engine thrust control, and reduced control of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done. Within 12 months after the effective date of this AD:

(1) Inspect the affected engines to determine if the compressor front stator case is marked with "RP031" adjacent to the part number. If the case is marked with "RP031," no further action required. If the case is not marked with "RP031," follow the remaining steps in paragraph (f) of this AD.

(2) Perform an initial pull force check of stage 1, stage 2, and stage 3 of the compressor VSV actuation system.

(i) If any stage requires more than 100 lbs force to move the actuation ring, ream the VSV bores and apply anti-corrosion coating to stage 1, 2, and 3, prior to further flight.

(ii) If any stage requires more than 75 lbs and less than or equal to 100 lbs force to move the actuation ring, repeat the inspection within 3 months since last inspection.

(iii) If all stages require 75 lbs force or less to move the actuation rings, repeat the inspection within 12 months since last inspection.

(3) Thereafter, continue to perform repetitive pull force checks of stage 1, 2, and 3 of the compressor VSV actuation system and disposition as specified in paragraphs (2)(i) through (2)(iii) of this AD.

(g) Optional Terminating Action

Reaming the VSV bores and applying anti-corrosion coating, as specified in paragraph (f)(2)(i) of this AD, is terminating action to the repetitive inspections required by paragraph (f)(3) of this AD.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: ANE-AD-AMOC@faa.gov.

(i) Related Information

(1) For more information about this AD, contact David Bethka, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7129; fax: 781-238-7199; email: david.bethka@faa.gov.

(2) CFM Service Bulletin CFM56-3 S/B 72-1169, Revision 01, dated April 25, 2016, and CFM CFM56-3 Engine Shop Manual 72-32-01, Repair 031, dated February 8, 2016, can be obtained from CFM using the contact information in paragraph (i)(3) of this proposed AD.

(3) For service information identified in this AD, contact CFM International Inc., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: 877-432-3272; fax: 877-432-3329; email: aviation.fleetsupport@ge.com.

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

Issued in Burlington, Massachusetts, on February 28, 2017.

Carlos A. Pestana,

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

[FR Doc. 2017-04523 Filed 3-8-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2017-0128; Directorate Identifier 2016-NM-194-AD]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company 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 The Boeing Company Model 737-300, -400, and -500 series airplanes. This proposed AD was prompted by a manufacturer's review that showed that the tank access door at a certain wing buttock line did not have an engineered ground path with the mating wing structure. This proposed AD would require replacing the tank access door, doing a check of the electrical bond, doing related investigative and corrective actions if necessary, and revising the maintenance or inspection program by incorporating an airworthiness limitation (AWL). We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 24, 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 Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; Internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221. Boeing Service Bulletin 737-57-1320, dated October 7, 2016, is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0128.

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-2017-0128; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Christopher Baker, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057-3356; phone: 425-917-6498; fax: 425-917-6590; email: christopher.r.baker@faa.gov.

SUPPLEMENTARY INFORMATION:**Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2017-0128; Directorate Identifier 2016-NM-194-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The manufacturer has reported that the tank access door at wing buttock line 191.00 did not have an engineered ground path with the mating wing structure. The current installation could become a potential ignition source in the event of a lightning strike. To date, there have been no reports of ignition in the fuel tank at this tank access door location that were caused by a lightning strike. An ungrounded path between the door and the mating wing structure, if not corrected, could result in an increased risk of ignition and subsequent fuel tank explosion in the event of a lightning strike.

Related Service Information Under 1 CFR Part 51

We reviewed the following service information.

- Boeing Service Bulletin 737–57–1320, dated October 7, 2016, which describes procedures for replacing the tank access door with a new installation that has two engineered ground paths between the new door assembly and the mating wing structure, doing a check of the electrical bond, and related investigative and corrective actions.

- Boeing 737–12345 Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs) D6–38278–CMR, dated May 2016. The AWL required by this AD is AWL 28–AWL–30 “Upper Wing Fuel Tank Access Panel—Lightning Protection Electrical Design Features,” which describes features to verify during installation of the upper fuel tank access panel.
- 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

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under “Differences Between this Proposed AD and the Service Information.” For information on the procedures and compliance times, see Boeing Service Bulletin 737–57–1320, dated October 7, 2016, at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2017–0128.

The phrase “related investigative actions” is used in this proposed AD.

Related investigative actions are follow-on actions that (1) are related to the primary action, and (2) further investigate the nature of any condition found. Related investigative actions in an AD could include, for example, inspections.

The phrase “corrective actions” is used in this proposed AD. Corrective actions correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Differences Between This Proposed AD and the Service Information

Boeing Service Bulletin 737–57–1320, dated October 7, 2016, specifies to contact the manufacturer for certain instructions, but this proposed AD would require using repair methods, modification deviations, and alteration deviations in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Costs of Compliance

We estimate that this proposed AD affects 381 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
Install new door assembly and check electrical bond.	12 work-hours × \$85 per hour = \$1,020	\$2,237	\$3,257	\$1,240,917
Revise maintenance or inspection program ...	1 work-hour × \$85 per hour = \$85	0	85	32,385

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

According to the manufacturer, 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 for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

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

detail the scope of the Agency’s authority.

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

Regulatory Findings

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):

The Boeing Company: Docket No. FAA–2017–0128; Directorate Identifier 2016–NM–194–AD.

(a) Comments Due Date

We must receive comments by April 24, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 737–300, –400, and –500 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by a manufacturer's review that showed that the tank access door at wing buttock line 191.00 did not have an engineered ground path with the mating wing structure. We are issuing this AD to prevent an ungrounded path that could result in an increased risk of ignition and subsequent fuel tank explosion in the event of a lightning strike.

(f) Compliance

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

(g) New Door Assembly, Electrical Bond Check, and Related Corrective Actions

At the applicable time specified in paragraph 1.E., “Compliance,” of Boeing Service Bulletin 737–57–1320, dated October 7, 2016, except as required by paragraph (i)(1) of this AD: Install a new door assembly, do a check of the electrical bond, and do all

applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–57–1320, dated October 7, 2016, except as required by paragraph (i)(2) of this AD. Do all applicable related investigative and corrective actions before further flight.

(h) Revise the Maintenance or Inspection Program

Prior to or concurrently with accomplishment of the actions required by paragraph (g) of this AD, or within 30 days after the effective date of this AD, whichever occurs later: Revise the maintenance or inspection program, as applicable, to incorporate Airworthiness Limitation 28–AWL–30, “Upper Wing Fuel Tank Access Panel—Lightning Protection Electrical Design Features,” as specified in Boeing 737–12345 Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs) D6–38278–CMR, dated May 2016.

(i) Service Information Exceptions

(1) Where Boeing Service Bulletin 737–57–1320, dated October 7, 2016, specifies a compliance time “after the original issue date of this service bulletin,” this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where Boeing Service Bulletin 737–57–1320, dated October 7, 2016, specifies to contact Boeing for repair instructions, and specifies that action as Required for Compliance (RC), this AD requires repair using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) Except as required by paragraph (i)(2) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of

paragraphs (j)(4)(i) and (j)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled “RC Exempt,” then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

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

(k) Related Information

(1) For more information about this AD, contact Christopher Baker, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6498; fax: 425–917–6590; email: christopher.r.baker@faa.gov.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on March 2, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–04598 Filed 3–8–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100 and 165

[Docket No. USCG–2016–1022]

RIN 1625–AA08; AA00

Special Local Regulations and Safety Zones; Annually Recurring Events in Coast Guard Southeastern New England Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend a special local regulation to change the method of providing notice to the public when enforcing the safety zone associated with the biennial

Newport/Bermuda Race. The Coast Guard also proposes to establish permanent safety zones in Coast Guard Southeastern New England Captain of the Port (COTP) Zone for several recurring marine events. When the special local regulation or safety zones are activated and subject to enforcement, vessels and people may be restricted from portions of water areas that may pose a hazard to public safety. The revised special local regulation and safety zones would expedite public notification of the applicable marine events, and help protect the maritime public and event participants from hazards associated with these recurring marine events. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 10, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2016–1022 using the Federal e-Rulemaking Portal at <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, contact Mr. Edward G. LeBlanc, Chief of the Waterways Management Division at Coast Guard Sector Southeastern New England, telephone 401–435–2351, email Edward.G.LeBlanc@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Acronyms

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
LNTM Local Notice To Mariners
NOE Notice of Enforcement
NPRM Notice of proposed rulemaking
§ Section
TFR Temporary Final Rule
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

The legal basis for the proposed rule is 33 U.S.C. 1225, 1226, 1231, 1233; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define safety zones and special local regulations.

In 33 CFR part 100.119 the Coast Guard is required to publish a NOE in the **Federal Register** (FR) for the safety zone associated with the Newport/

Bermuda Race. We have found this process to be cumbersome for the Coast Guard and of little value to the maritime public, as few read the FR on a regular basis. For virtually all other recurring marine events in the Southeastern New England COTP Zone, including those listed in 33 CFR 165, NOE is required to be published in the weekly LNTM, a far more widely-read publication among mariners. Consequently, the Coast Guard is proposing to change the means by which we provide NOE for the Newport/Bermuda Race safety zone from the FR to the LNTM.

Likewise, most recurring marine events in the Southeastern New England COTP Zone are listed in the Table to 33 CFR 165.173. In the past few years two new recurring marine events, (1) the Fall River Grand Prix, and (2) the Cape Cod Bay Challenge, have been held in this Zone, and the Coast Guard has established safety zones through a TFR each year as necessary. This proposed rule includes these recurring events in the comprehensive list of recurring marine events in the Table at 33 CFR 165.173. By including these two newer events in the permanent regulations at 33 CFR 165, the Coast Guard will eliminate the need to establish temporary rules each year.

III. Discussion of Proposed Rule

The Coast Guard proposes to change the method of providing a NOE to the public for the biennial Newport to Bermuda Race by deleting the requirement to post notice in the FR and instead require a NOE to be posted in the LNTM, as is done for all other Coast Guard-permitted recurring marine events in the Coast Guard Southeastern New England COTP zone.

The Coast Guard also proposes to established safety zones for two recently-established major annual marine events: (1) The Fall River Grand Prix, and (2) the Cape Cod Bay Challenge. The two events would be included in the Table at 33 CFR 165.173, which is a listing of recurring major marine events in the Coast Guard Southeastern New England COTP Zone. The TABLE provides the event name, type, and approximate safety zone dimensions as well as approximate dates, times, and locations of the events. The specific times, dates, regulated areas and enforcement period for each event will be provided through the Local Notice to Mariners.

This proposed regulation would prevent vessels from transiting through special local regulation areas or safety zones during the periods of enforcement to ensure the protection of the maritime public and event participants from the

hazards associated with listed annual recurring events. Only event sponsors, designated participants, and official patrol vessels will be allowed to enter safety zones and special local regulation areas. Spectators and other vessels not registered as event participants may not enter the regulated areas without the permission of the COTP or the COTP's designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

With respect to the change in method of providing the NOE for the Newport/Bermuda Race, this NPRM proposes utilizing an approach that the Coast Guard believes is more effective, less costly, and more flexible. By utilizing an LNTM to provide the NOE for the Newport/Bermuda race, the Coast Guard will be able to better inform waterway users in a more timely manner. With respect to the safety zones for the recurring marine events, this regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessels will only be restricted from safety zones and special local regulation areas for a short duration of time; vessels may transit in all portions of the affected waterway except for those areas covered by the proposed regulated areas, and vessels may enter or pass through the affected waterway with the permission of the COTP or the COTP's representative. By including these two recurring marine events in the permanent regulation at 33 CFR 165.173, the Coast Guard will eliminate the need to establish individual temporary rules for each separate event that occurs on an annual

basis, thereby limiting the costs of cumulative regulations.

Notifications will be made to the local maritime community through the LNTM in advance of the events. The Notifications will include the exact dates and times of enforcement, and no new or additional restrictions will be imposed on vessel traffic.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132,

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule makes an administrative change to the method of notification of one marine event, and involves the establishment of temporary safety zones in conjunction with two recurring marine events in Southeastern New England COTP Zone. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.ID. A preliminary

environmental analysis checklist is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects

33 CFR Part 100

Marine safety, Navigation (water), Reporting and record-keeping requirements, Waterways.

33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR parts 100 and 165 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Revise paragraph (c) to read as follows:

* * * * *

(c) Effective date. This section is in effect biennially on a date and times published in the Local Notice To Mariners.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 3. The authority citation for Part 165 continues to read as follows:

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

■ 4. Add new section 8.4 and 8.5 to the Table at § 165.173.

§ 165.173 Safety Zones for annually recurring marine events held in Coast Guard Southeastern New England Captain of the Port Zone.

* * * * *

8.4 Fall River Grand Prix

- Event Type: Offshore powerboat race.
- Date: One weekend (Friday, Saturday, & Sunday) in August as announced in the Local Notice to Mariners.
- Time: Approximately 8 a.m. to 5 p.m. daily
- Location: Taunton River, Massachusetts, in the vicinity Fall River and Somerset, MA.
- Safety Zone Dimension: Mt Hope Bay and the Taunton River navigation channel from approximately Mt Hope Bay buoy R10 southwest of Brayton Point channel, and extending approximately two miles to the northeast up to and including Mt Hope Bay buoy C17 north of the Braga Bridge. The safety zone is encompassed by the following coordinates (NAD 83):

Corner	Latitude	Longitude
SW.	41°41.40' N.	71°11.15' W.
NW.	41°41.48' N.	71°11.15' W.
SE.	41°42.33' N.	71°09.40' W.
NE.	41°42.42' N.	71°09.47' W.

8.5 Cape Cod Bay Challenge

- Event Type: Paddleboard excursion.
- Date: One weekend day (Saturday or Sunday) in August.
- Time: Approximately 4:30 a.m. to 4:30 p.m.
- Location: Departing from Scusset Beach, Sandwich, MA, and transiting to Wellfleet Harbor, Wellfleet, MA.
- Position: A line drawn from Scusset Beach at approximate position 41°47' N., 70°30' W., to Wellfleet Harbor at approximate position 41°53' N., 70°02' W. (NAD 83).
- Safety Zone Dimension: Approximately 500 yards extending in each direction from the line described above.

* * * * *

Dated: February 22, 2017.

Richard J. Schultz,

Captain, U.S. Coast Guard, Captain of the Port Southeastern New England.

[FR Doc. 2017-04563 Filed 3-8-17; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA-R09-OAR-2017-0041; FRL-9958-92-Region 9]

Approval of Arizona Air Plan Revisions, Arizona Department of Environmental Quality and Maricopa County Air Quality Department

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve

revisions to the Arizona Department of Environmental Quality (ADEQ) and Maricopa County Air Quality District (MCAQD) portions of the Arizona State Implementation Plan (SIP). These revisions were submitted by ADEQ in response to EPA's May 22, 2015, finding of substantial inadequacy and SIP call for certain provisions in the SIP related to affirmative defenses applicable to excess emissions during startup, shutdown, and malfunction (SSM) events. EPA is proposing approval of the SIP revisions because the Agency has determined that they are in accordance with the requirements for SIP provisions under the Clean Air Act (CAA or the Act).

DATES: Any comments must arrive by April 10, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R09-OAR-2017-0041 at <http://www.regulations.gov>, or via email to Andrew Steckel, Rulemaking Office Chief at Steckel.Andrew@epa.gov. For

comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia

submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Christine Vineyard, EPA Region IX, (415) 947-4125, vineyard.christine@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us” and “our” refer to the EPA.

Table of Contents

- I. What action is the EPA proposing today?
- II. What is the background for the EPA’s proposed action?
- III. Why is the EPA proposing this action?
- IV. Proposed Action
- V. Statutory and Executive Order Reviews

I. What action is EPA proposing today?

The EPA is proposing to approve revisions to the Arizona SIP. The revisions will remove from the ADEQ and MCAQD portions of the Arizona SIP provisions related to affirmative defenses that sources could assert in the event of enforcement actions for violations of SIP requirements during SSM events. Removal of the affirmative defense provisions from the SIP will make the ADEQ and MCAQD portions of the SIP consistent with CAA requirements with respect to this issue. ADEQ and MCAQD are retaining the affirmative defenses solely for state law purposes, outside of the SIP. Removal of the affirmative defenses from the SIP is also consistent with the EPA policy for exclusion of “state law only” provisions

from SIPs, and will serve to minimize any potential confusion about the inapplicability of the affirmative defense provisions in federal court enforcement actions. Table 1 lists the rules addressed by this proposal with the dates on which each rule was rescinded by the ADEQ or MCAQD and submitted by the ADEQ in response to EPA’s final action entitled “State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction,” 80 FR 33839 (June 12, 2015), hereafter referred to as the “SSM SIP Action.”

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Rescinded	Submitted
ADEQ	R18–2–310	Affirmative Defense for Excess Emissions Due to Malfunctions, Startup, and Shutdown.	09/07/16	11/17/16
MCAQD	140	Excess Emissions	08/17/16	11/18/16

On December 15, 2016 and December 21, 2016, respectively, the EPA determined that the submittals with respect to ADEQ R18–2–310 and MCAQD Rule 140 met the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review of the submittals for approvability in accordance with applicable CAA requirements.

II. What is the background for the EPA’s proposed action?

On June 12, 2015, pursuant to CAA section 110(k)(5), the EPA published the final SSM SIP Action finding that certain SIP provisions in thirty-six states were substantially inadequate to meet CAA requirements and called on those states to submit SIP revisions to address those inadequacies. 80 FR 33839. As required by the CAA, the EPA established a reasonable deadline (not to exceed 18 months) by which the affected states must submit such SIP revisions. In accordance with the SSM SIP Action, states were required to submit corrective revisions to their SIPs by November 22, 2016. The EPA’s reasoning, legal authority, and responsibility under the CAA for issuing the SIP call to Arizona can be found in the SSM SIP Action.

In the SSM SIP Action, the EPA determined that two provisions in ADEQ Rule R18–2–310, which provide affirmative defenses for excess emissions during malfunctions (AAC § R18–2–310(B)) and for excess

emissions during startup or shutdown (AAC § R18–2–310(C)) were substantially inadequate to meet CAA requirements. Specifically, AAC § R18–2–310(B) and AAC § R18–2–310(C) contain affirmative defense provisions that operate to alter or affect the jurisdiction of federal courts in the event of an enforcement action, contrary to the enforcement structure of the CAA in section 113 and section 304. 80 FR 33971 (June 12, 2015).

In the SSM SIP Action, the EPA also determined that comparable provisions in the MCAQD portion of the SIP were substantially inadequate. MCAQD Regulations provided affirmative defenses for excess emissions during malfunctions (MCAQD Regulation 3, Rule 140, § 401) and for excess emissions during startup or shutdown (MCAQD Regulation 3, Rule 140, § 402). These provisions in MCAQD Rule 140 are similar to the affirmative defense provisions in ADEQ R18–2–310. The EPA concluded that these MCAQD provisions operate to alter or affect the jurisdiction of federal courts in the event of an enforcement action, contrary to the enforcement structure of the CAA in section 113 and section 304. See 80 FR 33972 (June 12, 2015).

On November 17 and 18, 2016, ADEQ made timely submittals in response to the SSM SIP Action. As noted above, the EPA found these submittals complete on December 15 and 16, 2016. In the submittals, ADEQ is requesting

that EPA revise the Arizona SIP by removal of AAC R18–2–310 and MCAQD Rule 140 in their entirety, thereby removing the affirmative defense provisions from the Arizona SIP. This approach is consistent with the EPA’s interpretation of CAA requirements for SIP provisions.

III. Why is the EPA proposing this action?

In the SSM SIP Action, the EPA made a finding of substantial inadequacy and issued a SIP call with respect to ADEQ AAC §§ R18–2–310(B) and R18–2–310(C) and MCAQD Rule 140 §§ 401 and 402, and issued a SIP call with respect to these provisions pursuant to CAA section 110(k)(5). In response, ADEQ made SIP submittals requesting the EPA to remove AAC R18–2–310 and MCAQD Rule 140 from the Arizona SIP in their entirety. Affirmative defense provisions like these are inconsistent with CAA requirements and removal of these provisions would strengthen the SIP. Today’s action, if finalized, would remove the affirmative defense provisions from the ADEQ and MCAQD portions of the EPA-approved SIP for Arizona. The EPA is proposing to find that these revisions are consistent with CAA requirements and that they adequately address the specific SIP deficiencies that the EPA identified in the SSM SIP Action with respect to the ADEQ and MCAQD portions of the Arizona SIP.

IV. Proposed Action

The EPA is proposing to approve the Arizona SIP revisions removing ADEQ R18–2–310 and MCAQD Rule 140 from the ADEQ and MCAQD portions of the Arizona SIP. The EPA is proposing approval of the SIP revisions because the Agency has determined that they are in accordance with the requirements for SIP provisions under the CAA. The EPA is not reopening the SSM SIP Action in this action and is only taking comment on whether this SIP revision is consistent with CAA requirements and whether it addresses the identified substantial inadequacy in the specific Arizona SIP provisions identified in the SSM SIP Action.

V. Statutory and Executive Order Reviews

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

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National

Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

- Does not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).
- In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

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

Dated: January 18, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2017–04683 Filed 3–8–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0028; FRL–9958–81–Region 9]

Approval of California Air Plan Revisions, Western Mojave Desert, Rate of Progress Demonstration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan revision submitted by the State of California to meet Clean Air Act requirements applicable to the Western Mojave Desert (WMD) ozone nonattainment area. The EPA is proposing to approve the initial six-year 15 percent rate of progress demonstration to address requirements for the 1997 8-hour ozone national ambient air quality standards (NAAQS).

DATES: Any comments must arrive by April 10, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2017–0028 at <http://www.regulations.gov>, or via email to kelly.thomasp@epa.gov. For comments submitted at [Regulations.gov](http://www.Regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from [Regulations.gov](http://www.Regulations.gov). For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Tom Kelly, EPA Region IX, by phone at (415) 972–3856 or by email at kelly.thomasp@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us,” and “our” refer to the EPA.

Table of Contents

- I. Background
- II. The State's SIP Submittal
 - A. Documents Comprising the SIP Submittal
 - B. CAA Procedural and Administrative Requirements for SIP Submittals
- III. The EPA's Evaluation and Action
 - A. Requirements for the ROP Demonstration
 - B. The ROP Demonstration in the 2014 SIP Update
 - C. The EPA's Evaluation of the ROP Demonstration and Proposed Action
- IV. Statutory and Executive Order Reviews

I. Background

Following promulgation of a new or revised NAAQS, the EPA is required by the Clean Air Act (CAA or “Act”) to designate areas throughout the nation as attaining or not attaining the NAAQS. In the “Final Rule To Implement the 8-Hour Ozone National Ambient Air

Quality Standard—Phase 1,” (“Phase 1 Rule”), we designated nonattainment areas for the 1997 8-hour ozone NAAQS. *See* 69 FR 23858 (April 30, 2004). The designations and classifications for the 1997 8-hour ozone NAAQS for California areas are codified at 40 CFR 81.305. In the Phase 1 Rule, the EPA classified the WMD as Moderate nonattainment for the 1997 8-hour ozone NAAQS, with an attainment date no later than June 15, 2010. *See* 69 FR 23858, 23884.

On February 14, 2008, the California Air Resources Board (CARB) requested that the EPA reclassify three California areas designated nonattainment for the 1997 8-hour ozone NAAQS.¹ For the WMD, CARB requested reclassification from Moderate to Severe-17.² On March 14, 2012, CARB submitted a clarification requesting that the EPA reclassify the WMD from Moderate to Severe-15.³ Consistent with section 181(b)(3) of the CAA, we granted the State’s request and reclassified the WMD area from Moderate to Severe-15 nonattainment for the 1997 8-hour ozone NAAQS, with an attainment date of no later than June 15, 2019. *See* 77 FR 26950 (May 8, 2012).

The WMD is located in northeast Los Angeles County and southwest San Bernardino County. For a precise description of the geographic boundaries of the area, see 40 CFR 81.305. The Los Angeles County portion of the WMD area is under the jurisdiction of the Antelope Valley Air Quality Management District (AVAQMD), and the San Bernardino County portion of the area is under the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD). The districts and State are responsible for adopting and submitting plans to attain the 1997 8-hour ozone

NAAQS for their areas. Designation of an area as nonattainment starts the process for a state to develop and submit to the EPA a state implementation plan (SIP) providing for attainment of the NAAQS under title 1, part D of the CAA. For the 1997 8-hour ozone NAAQS areas designated as nonattainment effective June 15, 2004, this attainment SIP was due by June 15, 2007. *See* CAA section 172(b) and 40 CFR 51.908(a) and 51.910.

II. The State’s SIP Submittal

A. Documents Comprising the SIP Submittal

California has made several SIP submittals to address the CAA planning requirements for attaining the 1997 8-hour ozone NAAQS in the WMD. In today’s proposal, we are proposing to take action only on the 15 percent volatile organic compound (VOC) rate of progress (ROP) determination for the WMD. This demonstration is contained in the 2014 CARB staff report entitled “Proposed Updates to the 1997 8-Hour Ozone Standard, State Implementation Plans: Coachella Valley and Western Mojave Desert 8-hour Ozone Nonattainment Areas” (“2014 SIP Update”).⁴

B. CAA Procedural and Administrative Requirements for SIP Submittals

Sections 110(a)(1) and (2) and 110(l) of the CAA require a state to provide reasonable public notice and opportunity for public hearing prior to the adoption and submittal of a SIP or SIP revision. To meet this requirement, every SIP submittal should include evidence that adequate public notice was given and an opportunity for a public hearing was provided, consistent with the EPA’s implementing regulations in 40 CFR 51.102.

For the 2014 SIP Update, CARB provided a public comment period from September 22, 2014, to October 24, 2014, and held a public hearing, on October 24, 2014. CARB formally adopted the 2014 SIP Update in Board Resolution 14–29 on October 24, 2014.

¹ See letter dated February 14, 2008, from James N. Goldstone, Executive Officer, CARB, to Wayne Nastri, Regional Administrator, EPA Region 9. In addition to the WMD, CARB requested that the EPA reclassify the Ventura County and Sacramento Metro ozone nonattainment areas under CAA section 181(b)(3) to higher classifications for the 1997 8-hour ozone NAAQS. Pursuant to this request, the EPA reclassified the Ventura County area from Moderate to Serious nonattainment effective June 19, 2008, 73 FR 29073 (May 20, 2008), and reclassified the Sacramento Metro area from Serious to Severe-15 nonattainment effective June 4, 2010, 75 FR 24409 (May 5, 2010).

² CARB subsequently submitted a SIP revision for this area to address the attainment demonstration and related requirements for severe-17 ozone nonattainment areas. *See* July 22, 2008, letter and enclosures from James N. Goldstone, Executive Officer, CARB, to Wayne Nastri, Regional Administrator, U.S. Environmental Protection Agency, Region 9.

³ See letter dated March 14, 2012, from James N. Goldstone, Executive Director, CARB, to Jared Blumenfeld, Regional Administrator, EPA Region 9.

⁴ CARB, Staff Report, “Proposed Updates to the 1997 8-Hour Ozone Standard, State Implementation Plans: Coachella Valley and Western Mojave Desert 8-hour Ozone Nonattainment Areas,” September 22, 2014. Other elements of CARB’s SIP submittal include: AVAQMD, “Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area),” May 20, 2008; MDAQMD, “Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area),” June 9, 2008; CARB, “2007 State Strategy for the California State Implementation Plan,” April 26, 2007, and Appendices A–G, Release Date May 7, 2007. *See* letter from Richard Corey, Executive Officer CARB, to Jared Blumenfeld, Regional Administrator, U.S. EPA dated November 6, 2014, with enclosures.

Therefore, we find the submittals meet the procedural requirements of CAA sections 110(a) and 110(l).

Section 110(k)(1)(B) of the CAA requires that the EPA determine whether a SIP submittal is complete within 60 days of receipt. This section also provides that any plan that the EPA has not affirmatively determined to be complete or incomplete will become complete six months after the date of submittal by operation of law. The EPA’s SIP completeness criteria are found at 40 CFR part 51, Appendix V. The 2014 SIP Update was submitted to the EPA on November 6, 2014, and became complete by operation of law on May 6, 2015.

III. The EPA’s Evaluation and Action

A. Requirements for the ROP Demonstration

For areas classified as Moderate or above, CAA section 182(b)(1) requires a SIP revision providing for ROP, defined as a one time, 15 percent actual VOC emission reduction during the six years following the baseline year 1990, for an average reduction of 3 percent per year. For areas designated Serious nonattainment or above, no further action is necessary if the area fulfilled its ROP requirement for the 1-hour NAAQS (from 1990–1996). As the EPA explained in the 1997 Ozone Implementation Rule,⁵ for areas that did not meet the 15 percent VOC ROP reduction for the 1-hour ozone NAAQS, a state may notify the EPA that it wishes to rely on a previously submitted SIP (for the 1-hour ozone NAAQS), or it may elect to submit a new or revised SIP addressing the 15 percent VOC ROP reduction (for the 1997 8-hour ozone NAAQS). The ROP demonstration requirement is a continuing applicable requirement for the WMD under the EPA’s anti-backsliding rules that apply once a NAAQS has been revoked. *See* 40 CFR 51.1105(a)(1) and 51.1100(o)(4).

The CAA outlines and EPA guidance details the method for calculating the requirements for the 1990–1996 period. Section 182(b)(1) requires that reductions: (1) Be in addition to those needed to offset any growth in emissions between the base year and the milestone year; (2) exclude emission reductions from four prescribed federal programs (*i.e.*, the federal motor vehicle control program, the federal Reid vapor pressure (RVP) requirements, any RACT corrections previously specified by the EPA, and any inspection and maintenance (I/M) program corrections necessary to meet the basic I/M level);

⁵ 69 FR 23980 (October 27, 2004).

and (3) be calculated from an “adjusted” baseline relative to the year for which the reduction is applicable.

The adjusted base year inventory excludes emission reductions from fleet turnover between 1990 and 1996 and from federal RVP regulations that were promulgated by November 15, 1990, or required under section 211(h) of the Act. The effect of these adjustments is that states are not able to take credit for emissions reductions that would result from fleet turnover of current federal standard cars and trucks, or from already existing federal fuel regulations. However, the SIP can take full credit for the benefits of any new (*i.e.*, post-1990) vehicle emissions standards, as well as any other new federal or state motor vehicle or fuel program that will be implemented in the nonattainment area, such as Tier 1 exhaust standards, new evaporative emissions standards, reformulated gasoline, enhanced I/M, California low emissions vehicle program, and transportation control measures.

The Southeast Desert, which includes the WMD, has attained the 1-hour ozone NAAQS,⁶ but we have not approved a 15 percent ROP plan for the 1-hour ozone NAAQS in the area. Per 40 CFR 51.1118, our determination that the area attained the 1-hour ozone NAAQS means that the Reasonable Further Progress (RFP) requirement (including the 15 percent ROP requirement for VOCs) no longer applies to the 1-hour ozone NAAQS for the Southeast Desert area. The ROP demonstration requirement remains in effect for the 1997 8-hour ozone NAAQS, and the WMD must therefore demonstrate a six-year, 15 percent VOC ROP reduction.

B. The ROP Demonstration in the 2014 SIP Update

The 2014 SIP Update incorporates the 15 percent VOC ROP demonstration as an element of the RFP demonstration, contained in Appendix C and discussed on page 10. For today’s notice, we are acting only on the ROP emissions demonstration. Table C–2 in the 2014 SIP Update was used to create Table 1 below. The revised 15 percent ROP demonstration compares milestone year average summer weekday emissions of VOC⁷ with a 2002 base year inventory. Based on the progress of the VOC emissions reductions from 2002 to 2008,

the State concluded that the WMD did not meet the ROP demonstration requirement in 2008, but found that it met the requirement in the subsequent reporting milestone, in 2011. *See* 2014 SIP Update at 10.

TABLE 1—15 PERCENT RATE OF PROGRESS DEMONSTRATION FOR VOC EMISSIONS IN THE WMD^a

VOC emissions	VOC emissions (tpd)
1. 2002 baseline inventory	71.5
2. 2008 remaining emissions	63.1
3. 2008 goal (remaining emissions after 15% ROP Reduction required from 2002 baseline)	58.2
4. ROP reduction achieved by 2008 (Compare Line 3 to Line 2)?	No
5. 2011 remaining emissions	56.1
6. ROP reduction achieved by 2011 (compare Line 5 to Line 2)?	Yes

^a Source: 2014 SIP Update, Table C–2.

C. The EPA’s Evaluation of the ROP Demonstration and Proposed Action

The 2014 SIP Update demonstrates that the WMD achieved the 15 percent reduction in VOC emissions required by CAA section 182(b)(1). Although the state did not demonstrate these reductions within the six-year period set out in this section, it has shown that all necessary reductions were achieved in the earliest subsequent reporting period. The EPA has previously approved ROP demonstrations with a demonstration date more than six years from a baseline year.⁸ We therefore propose to approve the ROP demonstration for the WMD.

IV. Statutory and Executive Order Reviews

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

- Is not a “significant regulatory action” subject to review by the Office

of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

- Does not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Volatile organic compounds.

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

Dated: January 13, 2017.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 2017–04692 Filed 3–8–17; 8:45 am]

BILLING CODE 6560–50–P

⁶ *See* 80 FR 20166 (April 15, 2015).

⁷ The 2014 SIP Update uses the term Reactive Organic Gases, or ROG, instead of VOC. These terms are essentially synonymous. For simplicity, we use the term VOC in this notice to mean either VOC or ROG.

⁸ *See, e.g.*, 65 FR 31485 (May 18, 2000). This approach was upheld in *Sierra Club v. EPA*, 252 F.3d 943 (8th Cir. 2001).

Notices

Federal Register

Vol. 82, No. 45

Thursday, March 9, 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-LPS-17-0008]

Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the U.S. Department of Agriculture (USDA) Agricultural Marketing Service's (AMS) intent to request approval from the Office of Management and Budget (OMB) for an extension of and revision to the currently approved information collection used in support of the voluntary grading and certification of poultry products, rabbit products, shell eggs, meat, meat products, and Quality Systems Verification Programs (OMB 0581-0128).

DATES: Submit comments on or before May 8, 2017.

ADDRESSES: Interested persons are invited to submit comments concerning this notice by using the electronic process available at www.regulations.gov. Written comments may also be submitted to Quality Assessment Division; Livestock, Poultry, and Seed Program; Agricultural Marketing Service, USDA; 1400 Independence Avenue SW.; Room 3932-S, Stop 0258; Washington, DC 20250-0258; or by facsimile to (202) 690-2746. All comments should reference the docket number AMS-LPS-17-0008, the date of submission, and the page number of this issue of the **Federal Register**. All comments received will be posted 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: Michelle Degenhart, Assistant to the Director, Quality Assessment Division, at (202) 260-8417, or email michelle.degenhart@ams.usda.gov.

SUPPLEMENTARY INFORMATION:

Overview of This Information Collection

- (1) *Agency:* USDA, AMS.
- (2) *Title:* Regulations for Voluntary Grading, Certification, and Standards—7 CFR 54, 56, 62, and 70.
- (3) *OMB Number:* 0581-0128.
- (4) *Expiration Date of Approval:* July 31, 2017.
- (5) *Type of Request:* Request for extension of and revision of a currently approved information collection.
- (6) *Abstract:* The Agricultural Marketing Act of 1946 (AMA) (7 U.S.C. 1621-1627) directs and authorizes the USDA to develop and improve standards of quality, grades, grading programs, and certification services which facilitate the marketing of agricultural products. To provide programs and services, section 203(h) of the AMA (7 U.S.C. 1622(h)) directs and authorizes the Secretary of Agriculture to inspect, certify, and identify the class, quality, quantity, and condition of agricultural products under such rules and regulations as the Secretary may prescribe, including assessment and collection of fees for the cost of service. The regulations in 7 CFR 54, 56, and 70 provide a voluntary program for grading, certification and standards of shell eggs, poultry products, rabbit products, meats, prepared meats, and meat products. The regulation in 7 CFR 62—Quality Systems Verification Programs (QSVP) is a collection of voluntary, audit-based, user-fee funded programs that allow applicants to have program documentation and program processes assessed by AMS auditor(s) and other USDA officials.

AMS also provides other types of voluntary services under these regulations, including contract and specification acceptance services and verification of product, processing, further processing, temperature, and quantity. Because this is a voluntary program, respondents request or apply for the specific service they wish, and in doing so, they provide information. The information collected is used only

by authorized representatives of USDA (AMS, Livestock, Poultry, and Seed Program's QAD national and field staff, which includes state agencies) and is used to conduct services requested by respondents. Information collected includes but is not limited to: Total received volume in pounds or cases, volume in pounds of graded, processed and reprocessed products, case volume of graded product, applicant's name, billing and facility address, commitment hours, and requests for approval of commodity specifications or chemical compounds. AMS is the primary user of the information.

The information collection requirements in this request are essential to carry out the intent of AMA, to provide the respondents the type of service they request, and to administer the program.

(7) *Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 0.197 hours per response.

(8) *Respondents:* Livestock, meat, poultry, shell egg industries, or other agricultural enterprises; state or local governments; or other business organizations.

(9) *Estimated Number of Respondents:* 1,564.

(10) *Estimated Number of Responses per Respondent:* 34.47.

(11) *Estimated Total Annual Responses:* 53,915.

(12) *Estimated Total Annual Burden on Respondents:* 10,655.63 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of AMS, including whether the information will have practical utility; (2) the accuracy of AMS' estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

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

including any personal information provided.

Dated: March 6, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017-04667 Filed 3-8-17; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS-SC-17-0004]

Christmas Tree Promotion, Research, and Information Order; Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this document announces the Agricultural Marketing Service's (AMS) intention to request approval from the Office of Management and Budget (OMB). AMS requests an extension and revision to the currently approved information collection 0581-0268 the Christmas Tree Promotion, Research and Information Order (Order).

DATES: Comments must be received by May 8, 2017.

ADDRESSES: Interested persons are invited to submit written comments concerning this notice. Comments should be submitted on the Internet at <http://www.regulations.gov> or to Promotion and Economics Division, Specialty Crops Program, AMS, U.S. Department of Agriculture (USDA), 1400 Independence Avenue SW., Stop 0244, Room 1406-S, Washington, DC 20250-0244. All comments should reference the document number, the date and the page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours or at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Marlene Betts at the above address, by telephone at (202) 720-9915, or by email at Marlene.Betts@ams.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Christmas Tree Promotion, Research, and Information Order (Order).

OMB Number: 0581-0268.

Expiration Date of Approval: July 31, 2017.

Type of Request: Extension and Revision of a currently approved information collection.

Abstract: The Christmas Tree Promotion, Research, and Information program was created to help strengthen the position of Christmas trees in the marketplace, and maintain, develop, and expand markets for Christmas trees in the United States. The Order (7 CFR part 1214) is authorized under the Commodity Promotion, Research, and Information Act of 1996 (1996 Act) (7 U.S.C. 7411-7425).

The Order was implemented on November 2011, and immediately stayed. The stay was lifted on April 7, 2014, in accordance with the provisions of the Agriculture Act of 2014 (2014 Farm Bill). Currently, the Christmas tree program is being administered by the Christmas Tree Promotion Board (Board) appointed by the Secretary of Agriculture and financed by a mandatory assessment on producers and importers of fresh cut Christmas trees. The assessment rate is \$0.15 per Christmas tree cut and sold domestically or imported into the United States. The program provides for an exemption for producers and importers that cut and sell or import fewer than 500 Christmas trees annually. In 2018, a referendum will be held among eligible producers and importers to determine whether they favor continuation of the program.

The information collection requirements in this request are essential to carry out the intent of the Order and the 1996 Act. The objective in carrying out this responsibility includes assuring the following: (1) Funds are collected and properly accounted for; (2) expenditures of all funds are for the purposes authorized by the 1996 Act and Order; and (3) the board's administration of the programs conforms to USDA policy.

The Order's provisions have been carefully reviewed, and every effort has been made to minimize any unnecessary recordkeeping costs or requirements, including efforts to utilize information already submitted under other Christmas tree programs administered by USDA and other State programs.

The forms covered under this collection require the minimum information necessary to effectively carry out the requirements of the program. Such information can be supplied without data processing equipment or outside technical expertise. In addition, there are no additional training requirements for individuals filling out reports and remitting assessments to the Board. The forms are simple, easy to understand,

and place as small a burden as possible on the person required to file the information.

Collecting information yearly would coincide with normal industry business practices. The timing and frequency of collecting information are intended to meet the needs of the industry while minimizing the amount of work necessary to fill out the required reports. The requirement to keep records for two years beyond the fiscal period of their applicability is consistent with normal industry practices. In addition, the information to be included on these forms is not available from other sources because such information relates specifically to individual producers and importers who will be subject to the provisions of the Order and 1996 Act. Therefore, there is no practical method for collecting the required information without the use of these forms.

AMS is committed to complying with the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

Estimate of Burden: Public recordkeeping burden for this collection of information is estimated to average 0.398 hour per response.

Respondents: Producers and importers.

Estimated Number of Respondents: 12,455.

Estimated Total Annual Responses: 26,885.

Estimated Number of Responses per Respondent: 2.16.

Estimated Total Annual Burden on Respondents: 10,701 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

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

Authority: 44 U.S.C. Chapter 35.

Dated: March 6, 2017.

Bruce Summers,

Acting Administrator.

[FR Doc. 2017-04665 Filed 3-8-17; 8:45 am]

BILLING CODE 3410-02-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Tennessee Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice 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 Tennessee Advisory Committee will hold a meeting on Wednesday, March 29, 2017 for discussing potential project/hearing locations.

DATES: The meeting will be held on Wednesday, March 29, 2017 12:30 p.m. EST.

ADDRESSES: The meeting will be by teleconference. Toll-free call-in number: 877-795-3610, conference ID: 6858129.

FOR FURTHER INFORMATION CONTACT: Jeff Hinton, DFO, at jhinton@usccr.gov or 404-562-7006.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 877-795-3610, conference ID: 6858129. 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 landline connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-977-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office by March 24, 2017. Written comments may be mailed to the Southern Regional Office, U.S. Commission on Civil Rights, 61 Forsyth Street, Suite 16T126, Atlanta, GA 30303. They may also be faxed to the Commission at (404) 562-7005, or emailed to Regional Director, Jeffrey Hinton at jhinton@usccr.gov. Persons who desire additional information may

contact the Southern Regional Office at (404) 562-7000.

Records generated from this meeting may be inspected and reproduced at the Southern 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, Tennessee Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's Web site, <http://www.usccr.gov>, or may contact the Southern Regional Office at the above email or street address.

Agenda

Welcome and Call to Order

Diane Dilanni, Tennessee SAC
Chairman

Jeff Hinton, Regional Director
Regional Update—Jeff Hinton
New Business: Discussion of Project
Proposal/Hearing Locations:

Diane Dilanni, Tennessee SAC
Chairman/Staff/Advisory
Committee

Public Participation
Adjournment

Dated: March 6, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017-04675 Filed 3-8-17; 8:45 am]

BILLING CODE 6335-01-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Iowa Advisory Committee To Discuss Civil Rights Topics 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 Iowa Advisory Committee (Committee) will hold a meeting on Wednesday, March 22, 2017, at 1:00 p.m. CST for the purpose of a discussion on civil rights topics affecting the state.

DATES: The meeting will be held on Wednesday, March 22, 2017, at 1:00 p.m. CST.

PUBLIC CALL INFORMATION: Dial 888-684-1262, Conference ID: 8293372.

FOR FURTHER INFORMATION CONTACT: David Barreras, DFO, at dbarreras@usccr.gov or 312-353-8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to

the public through the following toll-free call-in number: 888-684-1262, conference ID: 8293372. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over landline connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-977-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353-8324, or emailed to Carolyn Allen at callen@usccr.gov. Persons who desire additional information may contact the Midwestern Regional Office at (312) 353-8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via www.facadatabase.gov under the Commission on Civil Rights, Iowa Advisory Committee link: <http://www.facadatabase.gov/committee/meetings.aspx?cid=248>. Persons interested in the work of this Committee are directed to the Commission's Web site, <http://www.usccr.gov>, or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome

Civil Rights Topics in Iowa

Public Comment

Future Plans and Actions: Civil Rights in Iowa

Adjournment

Dated: March 6, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017-04661 Filed 3-8-17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

First Responder Network Authority

First Responder Network Authority Combined Committee and Board Meeting

AGENCY: First Responder Network Authority (FirstNet), National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of public meeting of the First Responder Network Authority Board.

SUMMARY: The Board of the First Responder Network Authority (Board) and the Board Committees of the First Responder Network Authority (Board Committees) will convene an open public teleconference and webinar Combined Board Committees and Board meeting on March 14, 2017.

DATES: A combined meeting of the FirstNet Board and FirstNet Board Committees will be held on March 14, 2017, between 1:00 p.m. and 3:00 p.m. (EST). The meeting of the Board and Board Committees will be open to the public from 1:00 p.m. to 2:05 p.m. and 2:35 p.m. to 3:00 p.m. (EST). The Board and Board Committees will be in a closed session from 2:05 p.m. to 2:35 p.m. (EST).

ADDRESSES: The meetings on March 14, 2017, will be conducted via teleconference and webinar. Members of the public may listen to the meeting by dialing toll free 1-877-709-5347 and using passcode 1534864. To view the slide presentation, the public may visit the URL: <https://www.mymeetings.com/com/nc/join> and enter Conference Number PWXW3143798 and audio passcode 1534864. Alternatively, members of the public may view the slide presentation by directly visiting the URL: <https://www.mymeetings.com/nc/join.php?i=PWXW3143798&p=1534864&t=c>.

FOR FURTHER INFORMATION CONTACT:

Karen Miller-Kuwana, Board Secretary, FirstNet, 12201 Sunrise Valley Drive, M/S 243, Reston, VA 20192; telephone: (571) 665-6177; email: Karen.Miller-Kuwana@firstnet.gov. Please direct

media inquiries to Ryan Oremland at (571) 665-6186.

SUPPLEMENTARY INFORMATION: This notice informs the public that the FirstNet Board and the Board Committees will convene an open public teleconference and webinar Combined Board Committees and Board meeting on March 14, 2017.

Background: The Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112-96, Title VI, 126 Stat. 256 (codified at 47 U.S.C. 1401 *et seq.*)) (Act) established FirstNet as an independent authority within the National Telecommunications and Information Administration that is headed by a Board. The Act directs FirstNet to ensure the building, deployment, and operation of a nationwide, interoperable public safety broadband network. The FirstNet Board is responsible for making strategic decisions regarding FirstNet's operations. The FirstNet Board held its first public meeting on September 25, 2012.

Matters to be Considered: FirstNet will post a detailed agenda for the Combined Board Committees and Board Meeting on its Web site, <http://www.firstnet.gov>, prior to the meeting. The agenda topics are subject to change. Please note that the subjects that will be discussed by the Board Committees and the Board may involve commercial or financial information that is privileged or confidential or other legal matters affecting FirstNet. As such, the Board Committee Chairs and Board Chair may call for a vote to close the meetings only for the time necessary to preserve the confidentiality of such information, pursuant to 47 U.S.C. 1424(e)(2).

Times and Dates of Meeting: A combined meeting of the FirstNet Board and FirstNet Board Committees will be held on March 14, 2017, between 1:00 p.m. and 3:00 p.m. (EST). The meeting of the Board and Board Committees will be open to the public from 1:00 p.m. to 2:05 p.m. and 2:35 p.m. to 3:00 p.m. (EST). The Board and Board Committees will be in a closed session from 2:05 p.m. to 2:35 p.m. (EST). The times listed above are subject to change. Please refer to FirstNet's Web site at www.firstnet.gov for the most up-to-date information.

Place: The meeting on March 14, 2017, will be conducted via teleconference and webinar. Members of the public may listen to the meeting by dialing toll free 1-877-709-5347 and using passcode 1534864. To view the slide presentation, the public may visit the URL: <https://www.mymeetings.com/com/nc/join> and enter Conference Number PWXW3143798 and audio

passcode 1534864. Alternatively, members of the public may view the slide presentation by directly visiting the URL: <https://www.mymeetings.com/nc/join.php?i=PWXW3143798&p=1534864&t=c>.

Other Information: The teleconference for the Combined Board Committees and Board Meeting is open to the public. On the date and time of the meeting, members of the public may call toll free 1-877-709-5347 and use passcode 1534864. To view the slide presentation, the public may visit the URL: <https://www.mymeetings.com/com/nc/join> and enter Conference Number PWXW3143798 and audio passcode 1534864. Alternatively, members of the public may view the slide presentation by directly visiting the URL: <https://www.mymeetings.com/nc/join.php?i=PWXW3143798&p=1534864&t=c>.

If you experience technical difficulty, please contact the Conferencing Center customer service at 1-866-900-1011. Public access will be limited to listen-only. Due to the limited number of ports, attendance via teleconference will be on a first-come, first-served basis. The Combined Board Committees and Board Meeting is accessible to people with disabilities. Individuals requiring accommodations are asked to notify Ms. Miller-Kuwana by telephone (571) 665-6177 or email at Karen.Miller-Kuwana@firstnet.gov at least five (5) business days before the applicable meeting.

Records: FirstNet maintains records of all FirstNet Board proceedings. Minutes of the FirstNet Board Meeting and the Board Committee meetings will be available at www.firstnet.gov.

Dated: March 3, 2017.

Karen Miller-Kuwana,

Board Secretary, First Responder Network Authority.

[FR Doc. 2017-04595 Filed 3-8-17; 8:45 am]

BILLING CODE 3510-TL-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-970]

Multilayered Wood Flooring From the People's Republic of China: Final Results of Expedited First Sunset Review of Antidumping Duty Order

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

SUMMARY: As a result of this sunset review, the Department of Commerce ("the Department") finds that revocation

of the antidumping duty (“AD”) order on multilayered wood flooring (“MLWF”) from the People’s Republic of China (“PRC”) would be likely to lead to continuation or recurrence of dumping at the level identified in the “Final Results of Review” section of this notice.

DATES: Effective March 9, 2017.

FOR FURTHER INFORMATION CONTACT: Maliha Khan, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0895.

SUPPLEMENTARY INFORMATION:

On December 8, 2011, the Department published the AD Order on MLWF from the PRC.¹ On November 1, 2016, the Department initiated the first sunset review of the AD Order, pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”).² On November 16, 2016, the Department received a notice of intent to participate in this review from Coalition for American Hardwood Parity (“CAHP”), an ad hoc association of domestic manufacturers of MLWF, within the deadline specified in 19 CFR 351.218(d)(1)(i).³ CAHP claimed interested party status under sections 771(9)(C) and (F) of the Act as a manufacturer in the United States of a domestic like product as well as an association whose members are interested parties. On December 1, 2016, the Department received a complete and adequate substantive response from CAHP within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁴ The Department received no substantive responses from respondent interested parties with respect to the AD Order. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited (120-day) sunset review of the AD Order.

Scope of the Order

The products covered by the AD Order are multilayered wood flooring

composed of an assembly of two or more layers or plies of wood veneer(s) in combination with a core. All multilayered wood flooring is included within the definition of subject merchandise, without regard to: Dimension (overall thickness, thickness of face ply, thickness of back ply, thickness of core, and thickness of inner plies; width; and length); wood species used for the face, back, and inner veneers; core composition; and face grade. Multilayered wood flooring included within the definition of subject merchandise may be unfinished (*i.e.*, without a finally finished surface to protect the face veneer from wear and tear) or “prefinished” (*i.e.*, a coating applied to the face veneer, including, but not exclusively, oil or oil-modified or water-based polyurethanes, ultra-violet light cured polyurethanes, wax, epoxy-ester finishes, moisture-cured urethanes and acid-curing formaldehyde finishes). The veneers may be also soaked in an acrylic-impregnated finish. All multilayered wood flooring is included within the definition of subject merchandise regardless of whether the face (or back) of the product is smooth, wire brushed, distressed by any method or multiple methods, or hand-scraped. In addition, all multilayered wood flooring is included within the definition of subject merchandise regardless of whether or not it is manufactured with any interlocking or connecting mechanism (for example, tongue-and-groove construction or locking joints). All multilayered wood flooring is included within the definition of the subject merchandise regardless of whether the product meets a particular industry or similar standard.

The core of multilayered wood flooring may be composed of a range of materials, including but not limited to hardwood or softwood veneer, particleboard, medium-density fiberboard, high-density fiberboard (“HDF”), stone and/or plastic composite, or strips of lumber placed edge-to-edge.

Multilayered wood flooring products generally, but not exclusively, may be in the form of a strip, plank, or other geometrical patterns (*e.g.*, circular, hexagonal). All multilayered wood flooring products are included within this definition regardless of the actual or nominal dimensions or form of the product.

Specifically excluded from the scope are cork flooring and bamboo flooring, regardless of whether any of the sub-surface layers of either flooring are made from wood. Also excluded is laminate flooring. Laminate flooring

consists of a top wear layer sheet not made of wood, a decorative paper layer, a core-layer of HDF, and a stabilizing bottom layer.

Imports of the subject merchandise are provided for under the following subheadings of the Harmonized Tariff Schedule of the United States (“HTSUS”): 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.2510; 4412.31.2520; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.4075; 4412.31.4080; 4412.31.5125; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.6000; 4412.31.9100; 4412.32.0520; 4412.32.0540; 4412.32.0560; 4412.32.0565; 4412.32.0570; 4412.32.2510; 4412.32.2520; 4412.32.2525; 4412.32.2530; 4412.32.3125; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.5600; 4412.39.1000; 4412.39.3000; 4412.39.4011; 4412.39.4012; 4412.39.4019; 4412.39.4031; 4412.39.4032; 4412.39.4039; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5010; 4412.39.5030; 4412.39.5050; 4412.94.1030; 4412.94.1050; 4412.94.3105; 4412.94.3111; 4412.94.3121; 4412.94.3131; 4412.94.3141; 4412.94.3160; 4412.94.3171; 4412.94.4100; 4412.94.5100; 4412.94.6000; 4412.94.7000; 4412.94.8000; 4412.94.9000; 4412.94.9500; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5100; 4412.99.5105; 4412.99.5115; 4412.99.5710; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500; 4418.71.2000; 4418.71.9000; 4418.72.2000; 4418.72.9500; and 9801.00.2500.⁵

While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

Analysis of Comments Received

A complete discussion of all issues raised in this review, including the likelihood of continuation or recurrence

¹ See *Multilayered Wood Flooring from the People’s Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 76 FR 76690 (December 8, 2011) (“AD Order”).

² See *Initiation of Five-Year (“Sunset”) Review*, 81 FR 75808 (November 1, 2016).

³ See Letter from CAHP to the Department, “Petitioners’ Notice of Intent to Participate: Five-Year (“Sunset”) Review: Multilayered Wood Flooring from the People’s Republic of China” (November 16, 2016).

⁴ See Letter from CAHP to the Department, “Petitioners’ Substantive Response: Five-Year (“Sunset”) Review: Multilayered Wood Flooring from the People’s Republic of China” (December 1, 2016) (“CAHP Substantive Response”).

⁵ See Letter to the File from Lilit Astvatsatryan, Case Analyst, Enforcement and Compliance, Office IV, regarding “Multilayered Wood Flooring from the PRC, Modification of the Case Reference File in ACE” (November 18, 2013).

of dumping in the event of revocation of the AD Order and the magnitude of the margins likely to prevail if the order were revoked, is provided in the accompanying Issues and Decision Memorandum, which is hereby adopted by this notice.⁶ The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov> and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at <http://enforcement.trade.gov/frn/>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, the Department determines that revocation of the AD Order would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average margins up to 25.62 percent.

Notification to Interested Parties

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

We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, 19 CFR 351.218, and 19 CFR 351.221(c)(5)(ii).

⁶ See Memorandum from James Maeder, Senior Director, Office I, Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, "Issues and Decision Memorandum for the Expedited First Sunset Review of the Antidumping Duty Order on Multilayered Wood Flooring from the People's Republic of China," dated concurrently with this notice (Issues and Decision Memorandum).

Dated: March 1, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. History of the Order
- V. Legal Framework
- VI. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of Dumping
 2. Magnitude of the Margins Likely To Prevail
- VII. Final Results of Sunset Review
- VIII. Recommendation

[FR Doc. 2017-04640 Filed 3-8-17; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-049, C-570-050]

Ammonium Sulfate From the People's Republic of China: Antidumping Duty and Countervailing Duty Orders

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce ("Department") and the International Trade Commission ("ITC"), the Department is issuing antidumping duty ("AD") and countervailing duty ("CVD") orders on ammonium sulfate from the People's Republic of China ("PRC").

DATES: Effective March 9, 2017.

FOR FURTHER INFORMATION CONTACT: Tom Martin (AD) at (202) 482-3936 or Robert Galantucci (CVD) at (202) 482-2923, AD/CVD Operations, Office IV, Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 705(d) and 735(d) of the Tariff Act of 1930, as amended (the "Act"), on January 17, 2017, and January 25, 2017, respectively, the Department published its affirmative final determination that countervailable subsidies are being provided to producers and exporters of ammonium sulfate from the PRC and its affirmative final determination of sales

at less than fair value ("LTFV").¹ On March 2, 2017, the ITC notified the Department of its final affirmative determination that an industry in the United States is materially injured by reason of LTFV imports and subsidized imports of ammonium sulfate from the PRC, within the meaning of sections 705(b)(1)(A)(i) and 735(b)(1)(A)(i) of the Act.²

Scope of the Orders

The merchandise covered by these orders is ammonium sulfate in all physical forms, with or without additives such as anti-caking agents. Ammonium sulfate, which may also be spelled as ammonium sulphate, has the chemical formula (NH₄)₂SO₄.

The scope includes ammonium sulfate that is combined with other products, including by, for example, blending (*i.e.*, mixing granules of ammonium sulfate with granules of one or more other products), compounding (*i.e.*, when ammonium sulfate is compacted with one or more other products under high pressure), or granulating (incorporating multiple products into granules through, *e.g.*, a slurry process). For such combined products, only the ammonium sulfate component is covered by the scope of these orders.

Ammonium sulfate that has been combined with other products is included within the scope regardless of whether the combining occurs in countries other than China.

Ammonium sulfate that is otherwise subject to these orders is not excluded when commingled (*i.e.*, mixed or combined) with ammonium sulfate from sources not subject to these orders. Only the subject component of such commingled products is covered by the scope of these orders.

The Chemical Abstracts Service ("CAS") registry number for ammonium sulfate is 7783-20-2.

The merchandise covered by these orders is currently classifiable under Harmonized Tariff Schedule of the

¹ See *Ammonium Sulfate from the People's Republic of China: Final Affirmative Countervailing Duty Determination*, 82 FR 4850 (January 17, 2017) ("CVD Final Determination"); *Ammonium Sulfate from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value*, 82 FR 8403 (January 25, 2017) ("AD Final Determination").

² See Letter to Ronald Lorentzen, Acting Assistant Secretary of Commerce for Enforcement and Compliance, from Rhonda K. Schmidlein, Chairman of the U.S. International Trade Commission, regarding antidumping and countervailing duty investigations concerning imports of ammonium sulfate from the People's Republic of China (Investigation Nos 701-TA-562 and 731-TA-1329), dated March 2, 2017 ("ITC Letter").

United States (“HTSUS”) subheading 3102.21.0000. Although this HTSUS subheading and CAS registry number are provided for convenience and customs purposes, the written description of the scope of the orders is dispositive.

Antidumping Duty Order

In accordance with section 735(d) of the Act, the ITC has notified the Department of its final determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of imports of ammonium sulfate that are sold in the United States at LTFV. Therefore, in accordance with section 735(c)(2) of the Act, we are publishing this antidumping duty order. Because the ITC determined that imports of ammonium sulfate from the PRC are materially injuring a U.S. industry, unliquidated entries of such merchandise from the PRC, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

In accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (“CBP”) to assess, upon further instruction by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of ammonium sulfate from the PRC. Antidumping duties will be assessed on unliquidated entries of ammonium sulfate from the PRC entered, or withdrawn from warehouse, for consumption on or after November 9, 2016, the date of publication of the *AD Preliminary Determination*.³

Continuation of Suspension of Liquidation (AD)

In accordance with section 735(c)(1)(B) of the Act, we will instruct CBP to continue to suspend liquidation on entries of subject merchandise from the PRC. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits equal to the amount indicated below. Accordingly, effective on the date of publication of the ITC’s final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the

estimated weighted-average dumping margin listed below. The Department has made no adjustments to the antidumping cash deposit rate because the Department has made no findings in the countervailing duty investigation that any of the programs are export subsidies.⁴

Estimated Weighted-Average Antidumping Duty Margin

The weighted-average antidumping duty margin is as follows:

Exporter/producer	Weighted-average margin (percent)
PRC-Wide Entity	493.46

Countervailing Duty Order

In accordance with section 705(d) of the Act, the ITC notified the Department of its final determination that the industry in the United States producing ammonium sulfate is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act by reason of subsidized imports of ammonium sulfate from the PRC.⁵ Therefore, in accordance with section 706(a) of the Act, we are publishing this countervailing duty order.

As a result of the ITC’s final determination, in accordance with section 706(a) of the Act, the Department will direct CBP to assess, upon further instruction by the Department, countervailing duties on unliquidated entries of ammonium sulfate entered, or withdrawn from warehouse, for consumption on or after November 2, 2016, the date of publication of the *CVD Preliminary Determination*.⁶

However, section 703(d) of the Act states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for more than four months. Therefore, entries of ammonium sulfate made on or after March 2, 2017, and prior to the date of publication of the ITC’s final determination in the **Federal Register**, are not liable for the assessment of countervailing duties, due to the Department’s discontinuation, effective March 2, 2017, of the suspension of liquidation.

⁴ See *AD Final Determination*, 82 FR at 8404.

⁵ See ITC Letter.

⁶ See *Countervailing Duty Investigation of Ammonium Sulfate from the People’s Republic of China: Preliminary Affirmative Determination*, 81 FR 76332 (November 2, 2016).

Suspension of Liquidation (CVD)

In accordance with section 706 of the Act, the Department will direct CBP to reinstitute suspension of liquidation, effective on the date of publication of the ITC’s notice of final determination in the **Federal Register**, and to assess, upon further instruction by the Department pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rate for the subject merchandise. The Department will also direct CBP to require a cash deposit for each entry of subject merchandise in an amount equal to the net countervailable subsidy rates listed below. The All-Others rate applies to all producers and exporters of subject merchandise not specifically listed.

Exporter/producer	Subsidy rate (percent)
Wuzhoufeng Agricultural Science & Technology Co. Ltd	206.72
Yantai Jiahe Agriculture Means of Production Co. Ltd	206.72
All-Others	206.72

Notification to Interested Parties

This notice constitutes the AD and CVD orders with respect to ammonium sulfate from the PRC pursuant to sections 736(a) and 706(a) of the Act. Interested parties can find an updated list of orders currently in effect by either visiting <http://enforcement.trade.gov/stats/iastats1.html> or by contacting the Department’s Central Records Unit, Room B8024 of the main Commerce Building.

These orders are published in accordance with sections 706(a), 736(a), and 777(i) of the Act, and 19 CFR 351.211(b).

Dated: March 6, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017-04753 Filed 3-8-17; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Renewable Energy and Energy Efficiency Advisory Committee

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The Renewable Energy and Energy Efficiency Advisory Committee

³ See *Ammonium Sulfate from the People’s Republic of China: Preliminary Determination of Sales at Less Than Fair Value*, 81 FR 78776 (November 9, 2016).

(REEEAC) will hold a conference call on Wednesday, March 22, 2017 at 4:00 p.m. The conference call is open to the public with registration instructions provided below.

DATES: March 22, 2017, from 4:00 p.m. to 5:00 p.m. Eastern Standard Time (EST). Members of the public wishing to participate must register in advance with Victoria Gunderson at the contact information below by 5:00 p.m. EST on Friday, March 17, 2017, in order to pre-register, including any requests to make comments during the meeting or for accommodations or auxiliary aids.

FOR FURTHER INFORMATION CONTACT: Victoria Gunderson, Designated Federal Officer, Office of Energy and Environmental Industries (OEEI), International Trade Administration, U.S. Department of Commerce at (202) 482-7890; email: Victoria.Gunderson@trade.gov.

SUPPLEMENTARY INFORMATION:

Background: The Secretary of Commerce established the REEEAC pursuant to discretionary authority and in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.), on July 14, 2010. The REEEAC was re-chartered on June 18, 2012, June 12, 2014, and June 9, 2016. The REEEAC provides the Secretary of Commerce with consensus advice from the private sector on the development and administration of programs and policies to expand the export competitiveness of the U.S. renewable energy and energy efficiency products and services.

On March 22, 2017, the REEEAC will hold a conference call to potentially approve recommendations and/or a letter to the Secretary of Commerce informing of actions to improve the competitiveness of the U.S. renewable energy and energy efficiency industries.

The meeting will be open to the public and will be accessible to people with disabilities. All guests are required to register in advance by the deadline identified under the **DATES** caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted, but may be impossible to fill.

A limited amount of time before the close of the meeting will be available for oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two to five minutes per person (depending on number of public participants). Individuals wishing to reserve speaking time during the meeting must contact Ms. Gunderson and submit a brief statement

of the general nature of the comments, as well as the name and address of the proposed participant by 5:00 p.m. EST on Friday, March 17, 2017. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a copy of their oral comments by email to Ms. Gunderson for distribution to the participants in advance of the meeting.

Any member of the public may submit written comments concerning the REEEAC's affairs at any time before or after the meeting. Comments may be submitted to the Renewable Energy and Energy Efficiency Advisory Committee, c/o: Victoria Gunderson, Designated Federal Officer, Office of Energy and Environmental Industries, U.S. Department of Commerce, 1401 Constitution Avenue NW., Mail Stop: 4053, Washington, DC 20230. To be considered during the meeting, written comments must be received no later than 5:00 p.m. EST on Friday, March 17, 2017, to ensure transmission to the REEEAC prior to the meeting. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of REEEAC meeting minutes will be available within 30 days following the meeting.

Dated: March 6, 2017.

Edward A. O'Malley,

Director, Office of Energy and Environmental Industries.

[FR Doc. 2017-04701 Filed 3-8-17; 8:45 am]

BILLING CODE 3510-DR-P

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the U.S. Commission of Fine Arts is scheduled for 16 March 2017, at 9:00 a.m. in the Commission offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street NW., Washington, DC 20001-2728. Items of discussion may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: www.cfa.gov. Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address; by emailing cfastaff@cfa.gov; or by calling 202-504-2200. Individuals

requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated 27 February 2017, in Washington, DC.

Thomas Luebke,

Secretary.

[FR Doc. 2017-04342 Filed 3-8-17; 8:45 am]

BILLING CODE 6330-01-M

DEPARTMENT OF EDUCATION

[Docket No. ED-2017-ICCD-0027]

Agency Information Collection Activities; Comment Request; G5 System Post Award Budget Drawdown e-Form

AGENCY: Department of Education (ED), Office of Innovation and Improvement (OII).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 8, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0027. 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 224-82, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kelly Terpak, 202-205-5231.

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: G5 System Post Award Budget Drawdown e-Form.

OMB Control Number: 1855-0028.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 36,592.

Total Estimated Number of Annual Burden Hours: 36,592.

Abstract: In response to grant monitors need for a better reporting mechanism for grantee budgets, the G5 team developed a new electronic budget form for grantees to complete. This new electronic form requires grantees to detail the budget categories from which they are expending funds in order for Department grant monitors to track more carefully the drawdowns and financial management systems of grantees. Although this form may be used by all grantees, at this time only grantees on cost reimbursement or route payment status will be required to use this form when reporting their budget, requesting funds, and accessing funds.

Current Department regulations sections 74.20-74.28 and 74.50-74.53 address the financial management and reporting requirements of grantees. This form developed in G5 serves as the mechanism for grantees to report expenditures and track their spending in order to ensure compliance with Department regulations. The currently used budget form, the SF 524, is not comprehensive enough to meet the needs of grant monitors to efficiently

and effectively monitor this sub-set of grantees. This data collection extension without change has enhanced the ability of grant monitors to track the budgeting of grantees and the management of their funds.

Dated: March 6, 2017.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-04633 Filed 3-8-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No. ED-2017-ICCD-0019]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Forms and Instructions for the International Research and Studies (IRS) Program

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 10, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0019. 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 224-84, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Cheryl Gibbs, 202-453-5690.

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 Forms and Instructions for the International Research and Studies (IRS) Program.

OMB Control Number: 1840-0795.

Type of Review: A reinstatement of a previously approved information collection.

Respondents/Affected Public: Private Sector; Individuals or Households.

Total Estimated Number of Annual Responses: 25.

Total Estimated Number of Annual Burden Hours: 2,000.

Abstract: The Instructions for the International Research and Studies (IRS) program provides grants to institutions, public and private agencies, organizations, and individuals to conduct research and studies to improve and strengthen instruction in modern foreign languages, area studies, and other international fields. The information will be used as a basis for project monitoring and performance reporting, among other grant administration activities.

Dated: March 6, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-04672 Filed 3-8-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION**[Docket No. ED–2016–ICCD–0088]****Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Student Support Services Annual Performance Report****AGENCY:** Office of Postsecondary Education (OPE), Department of Education (ED).**ACTION:** Notice.**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995.**DATES:** Interested persons are invited to submit comments on or before April 10, 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–0088. 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 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Harold Wells, 202–453–6131.

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: Student Support Services Annual Performance Report.

OMB Control Number: 1840–0525.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 1,072.

Total Estimated Number of Annual Burden Hours: 16,348.

Abstract: Student Support Services (SSS) program grantees must submit the Annual Performance Report (APR) annually. The reports are used to evaluate grantees' performance for substantial progress, respond to GPRA requirements, and award prior experience points at the end of each project (budget) period. The Department also aggregates the data to provide descriptive information on the projects and to analyze the impact of the (SSS) Program on the academic progress of participating students. The revisions to the APR are as follows Field 6b IPEDS Unit ID is the primary source for data on colleges, universities, and technical and vocational postsecondary institutions in the United States, Section I, Part 3 Competitive Preference Priorities is a collection of supporting data of the interventions proposed during the Student Support Services grant competition, Field 38 Participant's Case Number is a TRIO generated number to be used as a "match key" to ensure accuracy and consistency in reporting; data for that field can be downloaded from the SSS APR Web site and Field 39 Deceased participant status which allows respondents to report on deceased participants.

Dated: March 6, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–04649 Filed 3–8–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION**[Docket No. ED–2017–ICCD–0016]****Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Fulbright-Hays Doctoral Dissertation Research Abroad Program (CFDA 84.022A)****AGENCY:** Office of Postsecondary Education (OPE), Department of Education (ED).**ACTION:** Notice.**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995.**DATES:** Interested persons are invited to submit comments on or before April 10, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2017–ICCD–0016. 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 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Sarah Starke, 202–453–7681.

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: Fulbright-Hays Doctoral Dissertation Research Abroad Program (CFDA 84.022A).

OMB Control Number: 1840-0005.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households; Private Sector.

Total Estimated Number of Annual Responses: 355.

Total Estimated Number of Annual Burden Hours: 8,875.

Abstract: This application package is used by both institutions of higher education and individual applicants to apply for fellowships under the Fulbright-Hays Doctoral Dissertation Research Abroad Application (DDRA) program. Information submitted in this collection will be used during the peer review to evaluate and score the applications, and to make funding decisions. The Department requires this information collection in order to make discretionary grant awards under this program.

Dated: March 6, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-04644 Filed 3-8-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No. ED-2017-ICCD-0028]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; American Indian Tribally Controlled Colleges and Universities Program

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995,

DATES: Interested persons are invited to submit comments on or before April 10, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0028. 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 224-84, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Stephen Sniegoski, 202-453-7542.

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: American Indian Tribally Controlled Colleges and Universities Program.

OMB Control Number: 1840-0817.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 70.

Total Estimated Number of Annual Burden Hours: 840.

Abstract: The information is required of institutions of higher education that apply for grants under the Tribally Controlled Colleges and Universities Program authorized under Title III, Part A of the Higher Education Act of 1965, as amended. This information will be used in making funding recommendations.

Dated: March 6, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-04673 Filed 3-8-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2017-ICCD-0025]

Agency Information Collection Activities; Comment Request; Written Application for the Independent Living Services for Older Individuals Who Are Blind Formula Grant

AGENCY: Department of Education (ED), Office of Special Education and Rehabilitative Services (OSERS).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 8, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0025. 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 224-82, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact James Billy, 202-245-7273.

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: Written Application for the Independent Living Services for Older Individuals Who are Blind Formula Grant.

OMB Control Number: 1820-0660.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 56.

Total Estimated Number of Annual Burden Hours: 9.

Abstract: This document is used by States to request funds to administer the Independent Living Services for Older Individuals Who are Blind (IL-OIB) program. The IL-OIB is provided for under Title VII, Chapter 2 of the Rehabilitation Act of 1973, as amended (Act) to assist individuals who are age 55 or older whose significant visual

impairment makes competitive employment extremely difficult to attain but for whom independent living goals are feasible.

Dated: March 6, 2017.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-04631 Filed 3-8-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No. ED-2017-ICCD-0024]

Agency Information Collection Activities; Comment Request; Native American Language (NAL@ED) Program

AGENCY: Department of Education (ED), Office of Elementary and Secondary Education (OESE).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before May 8, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0024. 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 224-82, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kimberly Smith, 202-453-6469.

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: Native American Language (NAL@ED) Program.

OMB Control Number: 1810-NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 25.

Total Estimated Number of Annual Burden Hours: 40.

Abstract: The Office of Indian Education (OIE) of the Department of Education (ED) requests clearance for the Native American Language (NAL@ED) Program Grant Application authorized under Title VI, Part A, of the Elementary and Secondary Education Act, as amended. The Every Student Succeeds Act (ESSA), amended the Elementary and Secondary Education Act (ESEA); included among those amendments was the addition of the new NAL@ED program in section 6133 of the ESSA. It is a competitive discretionary grant program. The grant applications submitted for these programs are evaluated on the basis of how well an applicant addresses the selection criteria, and are used to determine applicant eligibility and amount of award for projects selected for funding.

Dated: March 6, 2017.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-04630 Filed 3-8-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION**[Docket No.: ED–2016–ICCD–0146]****Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Loan Rehabilitation: Reasonable and Affordable Payments****AGENCY:** Federal Student Aid (FSA), Department of Education (ED).**ACTION:** Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before April 10, 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–0146. 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 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Ian Foss, 202–377–3681.

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: Loan Rehabilitation: Reasonable and Affordable Payments.

OMB Control Number: 1845–0120.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 35,282.

Total Estimated Number of Annual Burden Hours: 35,282.

Abstract: Borrowers who have defaulted on their Direct Loan or FFEL Program loans may remove those loans from default through a process called rehabilitation. Loan rehabilitation requires the borrower to make 9 payments within 10 months. The payment amount is set according to one of two formulas. The second of the two formulas uses the information that is collected in this form. The form is being revised to make it easier for borrowers to complete by either eliminating unnecessary language or simplifying language already on the form.

Dated: March 6, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–04650 Filed 3–8–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION**[Docket No. ED–2017–ICCD–0014]****Agency Information Collection Activities; Comment Request; Financial Status and Program Performance Final Report for State and Partnership for the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)**

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 8, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2017–ICCD–0014. 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 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Karmon Simms-Coates, 202–453–7917.

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: Financial Status and Program Performance Final Report for State and Partnership for the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP).

OMB Control Number: 1840-0782.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 134.

Total Estimated Number of Annual Burden Hours: 6,030.

Abstract: The purpose of this information collection is to determine whether recipients of Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) have made substantial progress towards meeting the objectives of their respective projects, as outlined in their grant applications and/or subsequent work plans. In addition, the final report will enable the Department to evaluate each grant project's fiscal operations for the entire grant performance period, and compare total expenditures relative to federal funds awarded, and actual cost-share/matching relative to the total amount in the approved grant application. This report is a means for grantees to share the overall experience of their projects and document achievements and concerns, and describe effects of their projects on participants being served; project barriers and major accomplishments; and evidence of sustainability. The report will be GEAR UP's primary method to collect/analyze data on students' high school graduation and immediate college enrollment rates.

Dated: March 6, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-04653 Filed 3-8-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No. ED-2016-ICCD-0144]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application and Employment Certification for Public Service Loan Forgiveness

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is

proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before April 10, 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-0144. 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 224-84, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Ian Foss, 202-377-3681.

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 and Employment Certification for Public Service Loan Forgiveness.

OMB Control Number: 1845-0110.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 728,419.

Total Estimated Number of Annual Burden Hours: 364,210.

Abstract: Final regulations for the Public Service Loan Forgiveness (PSLF) Program were published in the **Federal Register** on October 23, 2008 (73 FR 63256) and were codified in 34 CFR 685.219. These regulations require a borrower to submit an application for loan forgiveness to the U.S. Department of Education (the Department). To determine whether a borrower is eligible for loan forgiveness, the Department must confirm that the borrower was employed full-time by a qualifying public service organization at the time each of the required 120 payments was made. Because borrowers must make 120 payments on or after October 1, 2007 before becoming eligible for forgiveness, the earliest that any borrower could apply for forgiveness under PSLF would be October 1, 2017.

The Department is creating an application for forgiveness and revising the Employment Certification Form which is already part of this collection. Pages 2 through 6 of the current Employment Certification Form will also be embedded in the application. Slight changes have been made to the language on the Employment Certification Form to increase consistency and understanding.

Dated: March 6, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-04652 Filed 3-8-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2016-ICCD-0131]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Annual Performance Reports for Title III, Title V, and Title VII Grantees

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before April 10, 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–0131. 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 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Jason Cottrell, 202–453–7530.

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: Annual Performance Reports for Title III, Title V, and Title VII Grantees.

OMB Control Number: 1840–0766.

Type of Review: A revision of an existing information collection.
Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 1,114.

Total Estimated Number of Annual Burden Hours: 23,390.

Abstract: Titles III, V, and VII of the Higher Education Act of 1965, as amended (HEA), provide discretionary and formula grant programs that make competitive awards to eligible institutions of higher education and organizations (Title III, Part E) to assist these institutions to expand their capacity to serve minority and low-income students. Grantees submit an annual performance report to demonstrate that substantial progress is being made towards meeting the objectives of their project.

Dated: March 6, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–04609 Filed 3–8–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2016–ICCD–0143]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Measuring Educational Gain in the National Reporting System for Adult Education

AGENCY: Office of Career, Technical, and Adult Education (OCTAE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 8, 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–0143. 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 224–82, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact John LeMaster, 202–245–6218.

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: Measuring Educational Gain in the National Reporting System for Adult Education.

OMB Control Number: 1830–0567.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 15.

Total Estimated Number of Annual Burden Hours: 600.

Abstract: Title 34 of the Code of Federal Regulations part 462 establishes

procedures the Secretary uses to consider literacy tests for use in the National Reporting System (NRS) for adult education. This information is used by the Secretary to determine the suitability of published literacy tests to measure and report educational gain under the NRS.

Dated: March 6, 2017.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-04629 Filed 3-8-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2017-ICCD-0008]

Agency Information Collection Activities; Comment Request; Consolidation Loan Rebate Fee Report

AGENCY: Department of Education (ED), Federal Student Aid (FSA).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 8, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0008. 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 224-84, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202-377-4018.

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: Consolidation Loan Rebate Fee Report.

OMB Control Number: 1845-0046.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 9,348.

Total Estimated Number of Annual Burden Hours: 10,127.

Abstract: The information collected on the Consolidation Loan Rebate Fee Report will be used to document Federal Consolidation loans held by lenders who are responsible for sending interest payment rebate fees to the Secretary of Education using ED Form 4-619.

Dated: March 6, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-04641 Filed 3-8-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2016-ICCD-0140]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Teacher Verification Form for Title II Scholarship Recipients

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before April 10, 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-0140. 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 224-84, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Karen Wilson, 202-453-6186.

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: Teacher Verification Form for Title II Scholarship Recipients.

OMB Control Number: 1840-0753.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Individuals or Households.

Total Estimated Number of Annual Responses: 1,000.

Total Estimated Number of Annual Burden Hours: 1,000.

Abstract: In order to implement the requirements of the statute, confidential information on scholarship recipients will be collected. Specifically, the institution of higher education (IHE) will report to ED the name, address, Social Security Number, and date of birth for each recipient at the time a scholarship award is made. These data will be used to track students after the completion of their studies (or withdrawal from the program) to ascertain whether they are fulfilling the teaching requirement of their award.

Any data that is required and maintained by ED itself will be maintained in accordance with the Privacy Act of 1974, as amended. To assure that sensitive data about scholarship recipients are not compromised, all data—whether submitted electronically or as hard copy—will be maintained in a secure location. Access to these data will be limited only to staff who are directly responsible for working with the Teacher Quality Enhancement (TQE) Program and this information is only available onsite at the TQE office via desktop computer.

As noted in the Privacy Act of 1974 (5 U.S.C. 552a), the authority for collecting the requested information from and about TQE scholarship recipients is Title II, Section 204(e) of the Higher Education Act of 1965, as amended, and 31 U.S.C. Chapter 37. IHE students are advised that participation in the Teacher Quality Enhancement

Grants scholarship program is voluntary and that giving the Department their Social Security Numbers (SSNs) is voluntary, but they must provide the requested information, including their SSNs, to participate. The information will be used to ensure that recipients of scholarships provided with funds under Title II of the Higher Education Act subsequently: (1) Complete a teacher education program and teach in a high-need school of a high-need local educational agency for a period of time equivalent to the period for which the recipient received scholarship assistance; or (2) repay the amount of the scholarship. The information in students' records may be disclosed to third parties as authorized under routine uses in the appropriate systems of records, either on a case-by-case basis, or, if the Department has complied with the computer matching requirements of the Privacy Act, under a computer matching agreement.

Dated: March 6, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-04608 Filed 3-8-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2017-ICCD-0026]

Agency Information Collection Activities; Comment Request; Annual Vocational Rehabilitation Program/Cost Report (RSA-2)

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 8, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0026. 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 224-82, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact David Steels, 202-245-6520.

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: Annual Vocational Rehabilitation Program/Cost Report (RSA-2).

OMB Control Number: 1820-0017.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 80.

Total Estimated Number of Annual Burden Hours: 320.

Abstract: The Annual Vocational Rehabilitation Program/Cost Report (RSA 2) collects data on the vocational rehabilitation (VR) and supported employment (SE) program activities for agencies funded under the Rehabilitation Act of 1973, as amended

(Rehabilitation Act). The RSA–2 captures: Administrative expenditures for the VR and SE programs; VR program service expenditures by category; SE administrative expenditures and service expenditures; expenditures for the VR program by number of individuals served; the costs of types of services provided; and a breakdown of staff of the VR agencies.

Dated: March 6, 2017

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–04632 Filed 3–8–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Excess Uranium Management: Effects of Potential DOE Transfers of Excess Uranium on Domestic Uranium Mining, Conversion, and Enrichment Industries; Notice of Issues for Public Comment

AGENCY: Office of Nuclear Energy, Department of Energy.

ACTION: Notice of issues for public comment.

SUMMARY: The U.S. Department of Energy (DOE) is beginning the process to consider a new Secretarial Determination covering potential continued transfers of uranium for cleanup services at the Portsmouth Gaseous Diffusion Plant. In support of this process, DOE issued a Request for Information (RFI) on July 19, 2016 that solicited information about uranium markets and domestic uranium, conversion, and enrichment industries and the potential effects of DOE uranium transfers on the domestic industries. DOE also commissioned an independent analysis of the potential effects of various levels of uranium transfers. DOE now provides for public review a summary of information that DOE will use in the decision-making process for a potential Secretarial Determination. That information includes responses received from the RFI and the analysis prepared for DOE. DOE requests comments for consideration in the Secretarial Determination.

DATES: DOE will accept comments, data, and information responding to this proposal submitted on or before April 10, 2017.

ADDRESSES: Interested persons may submit comments, data, and information responding to this proposal by any of the following methods.

1. *Email: RFI-UraniumTransfers@hq.doe.gov.* Submit electronic comments in Microsoft Word or PDF file format, and avoid the use of special characters or any form of encryption.

2. *Postal Mail:* Ms. Cheryl Moss Herman, U.S. Department of Energy, Office of Nuclear Energy, Mailstop NE–32, 19901 Germantown Rd., Germantown, MD 20874–1290. If possible, please submit all items on a compact disk (CD), in which case it is not necessary to include printed copies. Due to potential delays in the delivery of postal mail, we encourage respondents to submit comments electronically to ensure timely receipt.

3. *Hand Delivery/Courier:* Ms. Cheryl Moss Herman, U.S. Department of Energy, Office of Nuclear Energy, Mailstop NE–32, 19901 Germantown Rd., Germantown, MD 20874–1290. Phone: (301) 903–1788. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No facsimiles (faxes) will be accepted. Supporting documents are available on the Internet at <http://www.energy.gov/ne/downloads/excess-uranium-management>.

FOR FURTHER INFORMATION CONTACT: Ms. Cheryl Moss Herman, U.S. Department of Energy, Office of Nuclear Energy, Mailstop NE–32, 19901 Germantown Rd., Germantown, MD 20874–1290. Phone: (301) 903–1788. Email: Cheryl.Moss_Herman@Nuclear.Energy.Gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
 - A. Excess Uranium Inventory
 - B. Statutory Authority
 - C. Procedural History
 - D. Request for Information
 - E. Market Analyses
- II. Analytical Approach
 - A. Overview
 - B. Factors Under Consideration
- III. Summary of Information Under Consideration
 - A. Uranium Mining Industry
 - 1. Prices
 - 2. Production at Existing Facilities
 - 3. Employment Levels in the Industry
 - 4. Changes in Capital Improvement Plans and Development of Future Facilities
 - 5. Long-Term Viability and Health of the Industry
 - B. Uranium Conversion Industry
 - 1. Prices
 - 2. Production at Existing Facilities
 - 3. Employment Levels in the Industry
 - 4. Changes in Capital Improvement Plans and Development of Future Facilities
 - 5. Long-Term Viability and Health of the Industry
 - C. Enrichment Industry
 - 1. Prices

- 2. Production at Existing Facilities
- 3. Employment Levels in the Industry
- 4. Changes in Capital Improvement Plans and Development of Future Facilities
- 5. Long-Term Viability and Health of the Industry

IV. Request for Comments

V. Confidential Business Information

I. Introduction

A. Excess Uranium Inventory

The Department of Energy (DOE) holds inventories of uranium in various forms and quantities—including low-enriched uranium (LEU), highly-enriched uranium (HEU), depleted uranium (DU) and natural uranium (NU)—that have been declared as excess and are not dedicated to U.S. national security missions. Within DOE, the Office of Nuclear Energy (NE), the Office of Environmental Management (EM), and the National Nuclear Security Administration (NNSA) coordinate the management of these excess uranium inventories. DOE explained its approach to managing this inventory in a July 2013 Report to Congress, *Excess Uranium Inventory Management Plan* (2013 Plan).

In recent years, DOE has managed its excess uranium inventory in part by entering into transactions in which DOE transfers certain forms of excess uranium in exchange for services. Specifically, DOE transfers uranium in exchange for cleanup services at the Portsmouth Gaseous Diffusion Plant and for down-blending of highly-enriched uranium (HEU) to LEU. DOE currently transfers uranium for these two programs at an aggregate rate of approximately 2,100 metric tons of natural uranium equivalent (MTU) per year.¹

B. Statutory Authority

DOE manages its excess uranium inventory in accordance with the Atomic Energy Act of 1954 (42 U.S.C. 2011 *et seq.*, “AEA”) and other applicable law. Specifically, Title I, Chapters 6–7, 14, of the AEA authorizes DOE to transfer special nuclear material and source material. LEU and natural uranium are types of special nuclear material and source material, respectively. The USEC Privatization Act (Pub. L. 104–134, 42 U.S.C. 2297h *et seq.*) places certain limitations on DOE’s authority to transfer uranium from its excess uranium inventory. Specifically, under Section 3112(d)(2)(B) of the USEC Privatization

¹ With respect to a given amount of LEU, the “natural uranium equivalent” is the amount of natural uranium feed that would be required to produce that amount of LEU with a given quantity of enrichment services.

Act (42 U.S.C. 2297h–10(d)(2)(B)), the Secretary must determine that certain transfers of natural or low-enriched uranium “will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry, taking into account the sales of uranium under the Russian Highly Enriched Uranium Agreement and the Suspension Agreement” before DOE makes these transfers under its AEA authority (hereinafter referred to as “Secretarial Determination” or “Determination”). Section 306(a) of Division D, Title III of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113–235), limits the validity of any determination by the Secretary under Section 3112(d)(2)(B) of the USEC Privatization Act to no more than two calendar years subsequent to the determination.

Section 3112(e) of the USEC Privatization Act (42 U.S.C. 2297h–10(e)), however, provides for certain transfers of uranium without the limitations of Subsection 3112(d)(2). For example, under Subsection 3112(e)(2), the Secretary may transfer or sell enriched uranium to any person for national security purposes. Nevertheless, the Department will consider the impact of transfers made pursuant to Section 3112(e) along with other DOE transfers in any determination made to assess the adverse impacts of the Department’s transfers under Section 3112(d).

C. Procedural History

The Secretary has periodically determined whether certain transfers of natural and low-enriched uranium will have an adverse material impact on the domestic uranium industries. DOE issued the most recent Secretarial Determination under Section 3112(d) covering transfers for cleanup at the Portsmouth Gaseous Diffusion Plant and down-blending of HEU to LEU on May 1, 2015. To inform the May 1, 2015, Secretarial Determination and Analysis (2015 Secretarial Determination), DOE held two rounds of public comment and review prior to the determination.² DOE solicited input from the public on issues ranging from the potential effect and consequences of DOE uranium transfers on the uranium market, past and future, to the factors that should be considered by DOE in assessing whether its transfers would have an adverse material impact. In addition, DOE

tasked Energy Resources International, Inc. (ERI) with assessing the potential effects on the domestic uranium mining, conversion, and enrichment industries from potential DOE transfers based on scenarios involving different volumes of DOE transfers. Based on input from the public and the ERI report, DOE then prepared a separate analysis and recommended a course of action to the Secretary. The resulting 2015 Determination covered transfers of up to a total of 2,500 MTU natural uranium equivalent in calendar year 2015, broken down as follows: Up to 500 MTU per year of natural uranium equivalent in the form of LEU transferred for down-blending services, up to 2,000 MTU of natural uranium equivalent for cleanup services at the Portsmouth Gaseous Diffusion Plant, except where transfers of LEU are less than 500 MTU equivalent. Total transfers may not exceed 2,500 MTU equivalent in 2015 and 2,100 MTU equivalent in subsequent years.³ For calendar year 2016 and thereafter, the Determination covered up to 2,100 MTU per calendar year natural uranium equivalent, broken down as follows: Up to 500 MTU per year of natural uranium equivalent in the form of LEU transferred for down-blending services, with the balance transferred for cleanup services at the Portsmouth Gaseous Diffusion Plant.

DOE began planning for a potential new Secretarial Determination pursuant to Section 3112(d) to cover uranium transfers in exchange for cleanup services at the Portsmouth Gaseous Diffusion Plant and for down-blending of highly-enriched uranium (HEU) to LEU in 2016. As a preparatory step, DOE sought information from the public through a Request for Information (RFI) published in the **Federal Register** on July 19, 2016 (July 2016 RFI) (81 FR 46917) (a detailed discussion of the RFI is provided in section D).

Also in late 2016, following the close of the comment period on the RFI, the Secretary determined that the exchange of LEU for HEU down-blending services serves a national security purpose and these transfers would be covered by Section 3112(e)(2). The Secretary determined that down-blending HEU to LEU supports the Department’s nonproliferation goals and promotes national security by ensuring the HEU can never again be used in a nuclear weapon. Pursuant to Section 3112(e), these transfers for down-blending purposes no longer require a Secretarial

Determination under Section 3112(d). However, the proposed enriched uranium transfers under this program will still be considered for purposes of assessing the impact of DOE’s uranium transfers in a potential Secretarial Determination under Section 3112(d). At this time, the amount of natural and LEU that DOE is transferring is consistent with the 2015 Secretarial Determination.

DOE is now soliciting additional public input on its proposed transfers of natural uranium for cleanup services at the Portsmouth Gaseous Diffusion Plant under Section 3112(d). Again, DOE has commissioned a report by ERI (2017 ERI Report), which analyzes four scenarios involving different volumes of DOE transfers.

D. Request for Information

In the July 19, 2016 Request for Information, DOE solicited information from interested stakeholders and specifically invited comment on the following questions.

- (1) What are current and projected conditions in the domestic uranium mining, conversion, and enrichment markets?
- (2) What market effects and industry consequences could DOE expect from continued transfers at annual rates comparable to the transfers described in the 2015 Secretarial Determination?
- (3) Would transfers at a lower annual rate or a higher annual rate significantly change these effects, and if so, how?
- (4) Are there any anticipated changes in these markets that may significantly change how DOE transfers affect the domestic uranium industries?

In response to this request, DOE received comments from individuals and organizations representing diverse interests across the nuclear industry. DOE received comments from members of the uranium mining, conversion, and enrichment industries. DOE also received comments from trade associations, nuclear utilities, local governmental bodies, and members of the public. All comments are available at <http://www.energy.gov/ne/downloads/excess-uranium-management>.⁴ Citations to RFI comments are denoted by the commenter and page number of comments submitted; e.g., “Uranium Producer, at 3”, is found on page 3 of “Uranium Producer’s” comments submitted in response to the July 2016 RFI.

A number of commenters expressed views on matters that were not

² DOE sought information from the public through a Request for Information published in the **Federal Register** on December 8, 2014 (79 FR 72661) and an additional Request for Public Comment on March 18, 2015 (80 FR 14107).

³ See Excess Uranium Management: Secretarial Determination of No Adverse Impact on the Domestic Uranium Mining, Conversion, and Enrichment Industries, 80 FR 26366 (May 7, 2015) (hereinafter 2015 Secretarial Determination).

⁴ Some comments were marked as containing confidential information. Those comments are provided with confidential information removed.

specifically within the scope of the RFI. For example, many commenters requested that DOE reserve a certain amount of its HEU for down-blending to 19.75% U-235 for use in the development and demonstration of advanced reactor concepts. See, e.g., Comment of Peterson, at 1; Comment of URENCO, at 3; Comment of The Breakthrough Institute, at 1. Several commenters also asked the Department to make additional information publicly available about the excess uranium inventory, including the amount and

type of material that remains in the inventory and any plans to declare additional material to be excess to national security needs. A number of commenters also asked DOE to work with industry and to update its uranium management plans or to release a strategy outlining the specific annual quantities of uranium to be transferred in the future. See, e.g., Comment of Duke Energy, at 1, Comment of Cameco, at 3; Comment of NEI, at 2.

While these comments are outside the scope of the potential Secretarial

Determination under consideration, DOE understands the advantage of providing as available updated information regarding its remaining excess uranium inventories and plans for future uranium management. Information on DOE's planned uranium transfers in the future, to the extent currently available, have been incorporated into the ERI analysis as appropriate. For additional clarity, DOE provides here updated information on the excess uranium inventory, as of the end of 2015.

TABLE 1—OVERVIEW OF DOE EXCESS URANIUM INVENTORIES AS OF DECEMBER 31, 2015

Inventory	Enrichment level	MTU	NU equivalent million lbs. U ³ O ₈	NU equivalent MTU
Unallocated Uranium Derived from U.S. HEU Inventory.	HEU/LEU	4.5	2.0	† 774
Allocated Uranium Derived from U.S. HEU Inventory.	HEU/LEU	12.4	6.0	† 2,327
LEU	LEU	47.6	1.1	409
U.S.-Origin NU as UF ₆	NU	3,959	10.3	3,959
Russian-Origin NU as UF ₆	NU	2,968	7.7	2,968
Off-spec LEU as UF ₆	LEU	1,106	4.9	1,876
Off-spec Non-UF ₆	NU/LEU	221	1.6	600
DUF ₆ *	DU	114,000	65–90	25,000–35,000

† The NU equivalent shown for HEU is the equivalent NU within the LEU derived from this HEU, most of which will be retained by DOE in the timeframe under consideration herein. This table includes LEU down-blended from HEU and HEU that is to be down-blended or that is in the process of being down-blended.

* DUF₆ quantity is based on uranium inventories with assays greater than 0.34% ²³⁵U but less than 0.711% ²³⁵U. The amount of NU equivalent is subject to many variables, and a large range has been shown to reflect this uncertainty. DOE has additional DUF₆ inventory that is equal to or less than 0.34% ²³⁵U that is not reported in this Table.

^ Reflects inventories in the 2013 DOE Excess Uranium Inventory Management Plan.

E. Market Analyses

In preparation for the potential Secretarial Determination that is the subject of this notice, DOE has tasked ERI with preparing an analysis of the potential effects on the domestic uranium mining, conversion, and enrichment industries of the introduction of DOE excess uranium inventories in various forms and quantities during calendar years 2017 through 2026.⁵ It is important to note that the various levels of sales or transfers were developed for analytical purposes, and do not bind the Secretary in making his determination. For this analysis, DOE tasked ERI to consider the effect of options for planned DOE transfers on the domestic uranium industries under four different scenarios.

Under the Base Scenario, DOE would continue transfers at the current annual rate of 2,100 MTU per year until 2020, at which point NNSA barter would end. Aggregate transfers for each year in

2017 and in 2018 would be 2,100 MTU of natural uranium equivalent; 2021 MTU in 2019; and 495 MTU in 2020 when EM natural UF₆ supplies are exhausted. As previously mentioned, NNSA barter in years 2017–2019 are not covered by the potential Secretarial Determination which is the subject of this notice, but are still considered in ERI's market analyses. NNSA barter is assumed to end in 2019, after which (2019 to 2025) NNSA would continue to down-blend HEU but the resulting down-blended LEU would be held for later use and not bartered. Required purchases of blend stock for down-blending from commercial suppliers in 2019 to 2025 result in a negative net amount of material transferred in years 2020 and after because it actually creates new demand.

Under Scenario 1, DOE would cease transfers for EM's cleanup work after 2016, but NNSA barter would be at the same levels as in the Base Scenario based on the determination that NNSA uranium barter serves a national security purpose.

Under Scenario 2, DOE would transfer an aggregate total of 1700 MTU through 2018, 1,652 in 2019, 1,136 MTU in 2020, 464 MTU in 2021, and there

would be negative net amounts of transfers in years 2022–2026 due to commercial purchases of uranium by the Government.

Under Scenario 3, DOE would transfer an aggregate of 2,500 MTU in 2017 and 2018, 1,780 MTU in 2019 and again there would be a negative net amount of material transferred in 2020 through 2025 due to commercial purchases of uranium by the Government.

DOE also asked ERI to provide specific categories of information in its analysis, including a discussion of price volatility and regional differences in the global markets. DOE tasked ERI to discuss the implications of changing certain assumptions underlying its analysis, specifically regarding what proportion of DOE material would enter the global market as compared to the domestic market and regarding the share of DOE material delivered under long-term contracts. ERI's report also includes updated information regarding changes in the market between February 2015 and November 2016. Both the 2015 ERI Report and the 2017 ERI Report can be found at <http://www.energy.gov/ne/downloads/excess-uranium-management>.

⁵ "Analysis of the Potential Effects on the Domestic Uranium Mining, Conversion, and Enrichment Industries of the Introduction of DOE Excess Uranium Inventory During CY 2017 Through 2026", Energy Resources International, January 12, 2017 (ERI-2142.20-1701).

II. Analytical Approach

A. Overview

DOE issues Secretarial Determinations pursuant to Section 3112(d) of the USEC Privatization Act. Section 3112(d) states that DOE may transfer “natural and low-enriched uranium” if, among other things, “the Secretary determines that the sale of the material will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry, taking into account the sales of uranium under the Russian HEU Agreement and the Suspension Agreement.” After considering this statutory language, in its 2015 Secretarial Determination and Analysis, DOE explained in detail its analytical approach to determine adverse material impact within the meaning of the statute and under the factual conditions existing at the time of a Secretarial Determination.⁶ Of note, DOE described transfers as having an “adverse material impact” when a reasonable forecast predicts that an industry will experience “material” harm that is reasonably attributable to the transfers. As further explained, in DOE’s view the proper inquiry is to what degree the effects of DOE’s transfers would make an industry weaker based on an analysis reflecting existing conditions. As a general proposition, “adverse material impact” would be a harm of real import and great consequence, beyond the scale of normal market fluctuations. DOE also identified the six factors it would use in the analysis to arrive at a determination of adverse material impact.

DOE plans to utilize the same analytical approach and factors in determining adverse material impact in this potential new Secretarial Determination.

B. Factors Under Consideration

As explained, in preparation for a potential Determination in 2017, DOE proposes to evaluate the following factors set forth in the 2015 Secretarial Determination and Analysis:

1. Changes to prices;
2. Changes in production levels at existing facilities;
3. Changes to employment in the industry;
4. Changes in capital improvement plans and development of future facilities;
5. The long-term viability and health of the industry; and,
6. As required by statute, sales under certain agreements permitting the import of Russian-origin uranium.

DOE believes that an analysis of these factors, which are the same as those utilized in the analysis supporting the 2015 Secretarial Determination, represent sufficiently the types of impacts that a DOE transfer could in principle have on the domestic uranium, conversion, or enrichment industry. Not every factor will necessarily be relevant on a given occasion or to a particular industry; DOE intends this list of factors as a guide to its analysis. Note that while sales made under the Russian-U.S. Highly Enriched Uranium (HEU) Agreement and the Suspension Agreement are considered in the market analysis, they are not described in the industry-specific sections that follow.

In response to the RFI, DOE received comments from several entities suggesting DOE should change its method and approach to determining adverse material impact. As an initial point, several commenters have cited the *ConverDyn* litigation (a lawsuit in which *ConverDyn* challenged, among other things, the 2014 Secretarial Determination) as requiring DOE to change its definition and methodology for reaching a determination on adverse material impact because the court held DOE’s method to be in violation of law. See, e.g., Comment of Energy Fuels Resources, at 1; Comment of UPA, at 1. This interpretation of the court’s rulings in the *ConverDyn* litigation is incorrect. In 2016, the United States District Court for the District of Columbia dismissed as moot the entirety of *ConverDyn*’s challenge to the 2014 Secretarial Determination and its allegation with respect to DOE’s 2013 Excess Uranium Management Plan. Without ruling on the merits, the court left intact two of *ConverDyn*’s claims regarding the Department’s authority to transfer uranium under the USEC Privatization Act. Although the court indicated that *ConverDyn* could seek to amend its complaint to challenge the 2013 Plan in the context of its application in the 2015 Secretarial Determination, the court did not address or rule on DOE’s methodology in the 2015 Secretarial Determination. *ConverDyn* and DOE subsequently reached a settlement and the case was dismissed. While DOE is mindful of the results of the *ConverDyn* litigation, the *ConverDyn* litigation does not mandate a change in DOE’s method of determining adverse material impact.

In addition, several commenters have stated that DOE failed to define “adverse material impact,” in its 2015 Secretarial Determination. Further, commenters noted that to the extent DOE has defined “adverse material impact,” the definition should be a

more quantitative and less relative standard subject to the factual context in which it is applied. See, e.g., Comment of *ConverDyn*, at 1–2; Comment of Energy Fuels, at 1–2. As noted in the 2015 Secretarial Determination and Analysis, Congress did not define the term “adverse material impact,” leaving it to the Department to “exercise judgment to develop an understanding of “adverse material impact” in its statutory context, as applicable to a given potential transfer or sale of uranium.”⁷ As previously noted, DOE’s interpretation of the term is explained in depth in the 2015 Secretarial Determination. DOE continues to believe that this approach is appropriate and declines to adopt a specific quantitative standard for the reasons stated in the 2015 Determination.

Several commenters suggested alternative definitions and standards to assess adverse material impact. For example, commenters suggested that DOE reconsider its definition of “adverse material impact” to encompass scenarios where DOE transfers are not the primary cause of total losses in one of the domestic uranium industries. See, e.g., Comment of *ConverDyn*, at 1; Comment of Energy Fuels, at 1–2; Comment of UPA, at 1. Energy Fuels and *ConverDyn* have also suggested that DOE’s standard for “adverse material impact” be directly linked to production costs for the uranium mining, conversion, and enrichment markets. Comment of *ConverDyn*, at 2; Comment of Energy Fuels, at 1–2. While DOE does not believe that production costs alone should be used to determine adverse material impact, and that its comprehensive approach to analyzing market impacts is appropriate, DOE will account for production costs in the factors considered in its analysis. In this way, information on production costs continues to be relevant to DOE’s analysis of the market impacts of transfers.

Several commenters, in response to the July 2016 RFI, have suggested that DOE consider other methodology factors in its market analysis. Where appropriate, we have addressed these other factors in our analysis of existing factors.

Finally, comments on specific policy recommendations related to uranium transfers, such as arranging for transfers to be placed in the long-term market as opposed to the spot market or using other budgetary mechanisms to pay for services, have been taken into consideration, but are not addressed in this notice, which describes only the

⁶ 2015 Secretarial Determination, 80 FR at 26367; 26379–26383.

⁷ 2015 Secretarial Determination, 80 FR at 26380.

information used in analyzing the market impact of current and potential future transfers. Comment of Cameco, at 2; Comments of Duke Energy, at 1.

III. Summary of Information Under Consideration

In the following section, DOE summarizes for each industry the information that DOE believes to be relevant with respect to the above-listed factors. In addition to the 2017 ERI Report and the comments received in response to the July 2016 RFI, in some instances DOE refers to additional information from other sources. Where available, DOE provides a link to where these documents are available on the internet.

A. Uranium Mining Industry

1. Prices

DOE recognizes that both market prices and realized prices of current uranium producers contribute to the market effect of DOE uranium transfers. The realized prices are a factor of both the change in market prices and the contours of various contracts through which the industry members sell their uranium. As in the 2015 Secretarial Determination and Analysis, DOE will consider these two aspects of price together, using available data for each industry.

In preparation for the proposed Secretarial Determination, DOE tasked ERI with estimating the effect of DOE transfers on the market prices for uranium concentrates during the period 2017 through 2026. The potential effect is evaluated using market clearing price analyses, using annual and cumulative methodology,⁸ as well as an econometric model to establish a correlation between the spot market price for uranium concentrates and active supply and demand. For its market clearing price model, ERI constructs individual supply and demand curves and compares the clearing price with and without DOE transfers.⁹ To develop its supply curves, ERI gathers available information on the costs facing each individual supply source. ERI then uses that information to estimate the marginal cost of supply for each source using a discounted cash flow analysis, when possible. 2017 ERI Report, 44 n.33. ERI's market clearing price methodology assumes a perfectly inelastic demand curve based on its Reference Nuclear Power Growth forecast.¹⁰ ERI assumes that secondary supply is utilized first, followed by primary production. ERI states, "In over-supplied markets . . . the amount of primary production required to meet requirements, including normal strategic inventory building, is well below actual production." 2017 ERI

Report, 45. Several commenters have, in the past and in response to the July 2016 RFI, suggested that any DOE analysis provide a more comprehensive understanding of the total impacts of all past DOE transfers. Comment of Cameco, at 1. ERI's cumulative analysis methodology includes information on these cumulative impacts, in addition to annual impacts. ERI notes that the annual method shows lower price effects through 2023 for uranium, through 2021 for conversion and through 2026 for enrichment. The larger price effects found when using the cumulative methodology is consistent with the importance of excess inventory buildup in the current market." 2017 ERI Report, 56. ERI's econometric analysis is also used to simulate the spot market price effect for uranium concentrates with and without DOE inventory transfers.

Applying the cumulative approach to the four scenarios listed in Section I.E, ERI estimates that DOE transfers will have the effects listed in Table 2.¹¹ It is important to emphasize that this is not a prediction that prices will drop by the specified amount once DOE begins transfers following a new determination. These price effects represent ERI's predictions using the cumulative approach for 2017 through 2019. See Table 4.4 of 2017 ERI Report, 53.

TABLE 2—ERI'S ESTIMATE OF URANIUM CLEARING PRICE CHANGES DUE TO DOE INVENTORY IN \$ PER POUND U₃O₈
[Cumulative market clearing approach]

2017 ERI Report estimated clearing price effect (\$ per pound U ₃ O ₈)			
	2017	2018	2019
Base Scenario	\$5.5	\$4.7	\$5.0
Scenario 1	4.4	3.2	2.8
Scenario 2	5.3	4.5	4.3
Scenario 3	5.5	5.3	5.3

ERI's cumulative market clearing model shows a change in average clearing price attributed to the DOE inventory of \$5.1/pound for the uranium market for the period 2014 through 2016. Using a multivariable econometric model, ERI developed a correlation between the monthly spot prices published by TradeTech with published offers to sell uranium for

delivery within one year of publication and published inquiries to purchase uranium for delivery within one year. ERI's multivariable correlation estimates how the spot market prices would respond to the availability of new supply from DOE. 2017 ERI Report, 61–62. Applying this econometric model results in an estimated spot market price effect of \$5.3 per pound U₃O₈ over the

last three years (2014–2016). Looking forward, ERI estimated that spot market prices would be \$3.5 per pound U₃O₈ or 8% lower if Base Scenario DOE inventory releases take place over the next ten years (2017–2026) compared to no release of DOE inventory. The effect is higher in the near-term at \$4.4 per pound and 12% lower prices. As noted earlier, the price effects attributed to

⁸In any particular year, the market clearing price (or equilibrium price) for uranium concentrates, for example, is based on the cost of production of the last increment of uranium that must be supplied by the market in order to provide the total quantity of uranium concentrates that is demanded by the market during that year.
⁹The market clearing price is the price at which quantity supplied is equal to quantity demanded.

¹⁰In other words, ERI assumes that demand for uranium will stay the same regardless of variations in market price.
¹¹Note that the transfer rates in these scenarios refer only to the level of uranium transfers for cleanup at Portsmouth and down-blending of LEU. They do not include transfers for three other programs, TVA BLEU, Energy Northwest depleted uranium, and proposed transfers of depleted

uranium to GLE. 2017 ERI Report, 22–29. The level of transfers across these three programs is the same in all three scenarios. ERI's predictions about changes in market price reflect these transfers as well as the Portsmouth and down-blending transfers.

past and current DOE inventory releases are already built into current spot market prices. 2017 ERI Report, 63.

UPA attached to its comment a market analysis it commissioned from TradeTech, LLC, a uranium market consultant. Comment of UPA, Attachment, TradeTech, DOE Request for Information Response (2016) (hereinafter "TradeTech Report"). Using its proprietary model that correlates active spot supply to active spot demand, TradeTech estimates that DOE's transfer reduced the spot price by an average of \$2.79 in 2012, \$3.81 in 2013, \$4.18 in 2014, and \$6.17 in 2015. TradeTech Report, 7. TradeTech's Analysis did not include a prediction of the future effect of DOE's transfers at current rates or other levels.

The 2017 ERI Report considers realized prices, production costs and profit margins across the uranium industry, noting that these vary between companies. Across the industry, ERI reports that the average delivered price for U.S. end-users was \$44/pound-U₃O₈ in 2015 or 21% below the 2011 peak. 2017 ERI Report, 71. ERI expected additional decline by the end of 2016, although floor prices in many market-related contracts are preventing end-users from reaping the full benefit of the 2016 spot market price decline and providing suppliers with a higher minimum price than they might otherwise receive.

To estimate the realized prices for U.S. producers, which varies from company to company, ERI gathered information from public filings representing approximately 90% of U.S. production. 2017 ERI Report, 72. ERI provides Figure 4.23 (2017 ERI Report, 73) showing the change in realized uranium prices over time for several U.S. producers. It is apparent that some mining companies have chosen to sell on a spot market price basis, while others have hedged their exposure to spot market prices by locking in prices using a base price escalated approach for a portion of their portfolio. ERI estimates that the share of U.S. production that comes from companies that are effectively "unhedged" (with no long-term contracts at higher prices), has declined from 25% in 2012 to just 3% in 2015 and 2017. 2017 ERI Report, 73.

EIA reports several figures that are relevant to the prices realized by current production facility operators. For 2015, EIA reported the weighted average price of uranium purchased by U.S. reactor operators from all sources was \$44.13 per pound U₃O₈. EIA, 2015 Uranium

Marketing Annual, 5.¹² Uranium purchased directly from U.S. producers were purchased at \$52.35 per pound U₃O₈, however, these purchases were only 1.5 million pounds U₃O₈ equivalent of a total of 56.5 million pounds U₃O₈ equivalent purchased in 2015. EIA, 2015 Uranium Marketing Annual, 3.

During 2015, 21% of the uranium was purchased under spot contracts at a weighted-average price of \$36.80 per pound. The remaining 79% was purchased under long-term contracts at a weighted-average price of \$46.04 per pound. Spot contracts are contracts with a one-time uranium delivery (usually) for the entire contract and the delivery is to occur within one year of contract execution (signed date). Long-term contracts are contracts with one or more uranium deliveries to occur after a year following the contract execution. EIA reports that 54 new purchase contracts (long-term and spot) were signed in 2015 at a weighted average price of \$37.97. EIA, 2015 Uranium Marketing Annual, 1.

2. Production at Existing Facilities

ERI reports that in 2015, U.S. production declined 34% to 3.3 million pounds and that U.S. Production in 2016 was expected to decline an additional 10% to below 3.0 million pounds. 2017 ERI Report, 68. Production peaked in 2014, with a number of new starts that had been spurred by the price run-up in 2006 and 2007. A number of these facilities have limited production in response to the decline in prices.

In addition to the information described above, DOE is considering information from EIA reports. EIA reports on production in the domestic uranium industry on a quarterly and annual basis. According to EIA, U.S. primary production in 2015 stood at 3.34 million pounds U₃O₈. EIA's preliminary figures for 2016 indicates that U.S. production of uranium concentrates declined 13% from 2015 production to 2.92 million pounds U₃O₈.¹³ This is consistent with ERI's forecast. U.S. uranium was produced at seven U.S. uranium facilities in Nebraska, Wyoming and Utah.

Using a three-year average to smooth out year-to-year differences, EIA data shows that average production costs remained fairly constant from 2009–2012 at about \$40 per pound. The EIA average production costs have steadily

declined since 2012, however, as U.S. producers cut costs in response to lower market prices including curtailed operations at higher cost mines, resulting in a three-year average production cost of \$31/pound in 2015. 2017 ERI Report, 76. By comparison, the spot price of uranium averaged less than \$26 per pound U₃O₈ in 2015. Total expenditures for U.S. uranium production was an average of \$35.44 per pound when spread across uranium production of 3.34 million pounds U₃O₈. EIA, 2015 Uranium Production Report, 3, 10 (2016).

3. Employment Levels in the Industry

DOE has also considered information contained from EIA reports relating to employment in the domestic uranium production industry. EIA's 2015 Uranium Production Report states that employment stood at 625 person-years in 2015, a decrease of 21% from the 2014 total, and the lowest level since 2004. EIA, 2015 Uranium Production Report, 2 (2016). While employment in mining grew slightly, from 246 to 251 person-years, employment in exploration fell 32.6% from 86 person-years in 2014 to 58 person-years in 2015. EIA, 2015 Uranium Production Report, 9 (2016).

In its analysis, ERI found that EIA's employment figures correlated to changes in spot and term prices. 2017 ERI Report, 65. Having estimated that the total price effect of DOE inventory releases averaged \$2.1/pound in 2012–2015, ERI's correlations indicate the DOE price effect lowered employment by an average of 30 person-years in 2012–2015 using the cumulative methodology.¹⁴ 2017 ERI Report, 66. ERI estimates that employment would be lowered by 40 person-years in 2017 through 2026 using the cumulative methodology for the Base Scenario in 2017 through 2026. ERI notes that the cumulative effect of past DOE releases is already in place. 2017 ERI Report, 66. If DOE were to halt future EM releases (as in Scenario 1), then employment would be lowered by an average of 31 person-years or 4.7% over the ten-year period 2017 to 2026.

Though no commenter provided company-specific numbers, several referred to decreases in employment in recent years caused by decreases in uranium prices. E.g., Comment of Kingsville Area Industrial Development Foundation, at 1.

¹² Available at <http://www.eia.gov/uranium/marketing/pdf/2015umar.pdf>.

¹³ Available at <http://www.eia.gov/uranium/production/quarterly/pdf/qupd.pdf>.

¹⁴ The correlation is based on average price in the current and preceding year.

4. Changes in Capital Improvement Plans and Development of Future Facilities

ERI reports that five new production centers began operation since 2009. ERI explains that U.S. producers that have recently begun production have done so using fixed price long-term contracts, signed when long term prices were in the \$55–70/pound U_3O_8 , to support the start-up of their operations. 2017 ERI Report, 67. However, ERI explains that two of the new operations (Willow Creek and Palangana) have ceased development of new wellfields and two companies, Ur-Energy and Uranerz, have announced they would limit production expansion at new ISL facilities. 2017 ERI Report, 68. As a result of falling prices, in April 2016, Cameco announced that it was deferring well-field development at the company's Wyoming and Nebraska operations and cutting 85 jobs at these sites. Comment of Cameco, at 1, 9–16. Fluor BWXT Portsmouth (FBP) opines that U.S. production has fallen not “due to DOE transfers, but due to the decisions made by producers to expand their lower-cost assets in Canada and Kazakhstan.” Comment of FBP, at 13.

EIA reports that U.S. uranium production expenditures were \$119 million in 2015, down by 14% from the 2014 level. EIA reports that uranium exploration expenditures were \$5 million and decreased 56% from the 2014 level. EIA, 2015 Domestic Uranium Production Report, 2 (2016). ERI looked at the average production cost plus development drilling costs, to show that ongoing costs have declined from \$49/pound in 2012 to \$37/pound in 2015. Production plus development costs for U.S. facilities are expected by ERI to average about \$35/pound in 2016. 2017 ERI Report, 76. ERI noted that exploration employment was correlated to spot price. 2017 ERI Report, 65. The lower expenditures for exploration in 2015 are consistent with the lower spot prices observed in that year.

Market capitalization is representative of a company's ability to raise funds needed to move a project through licensing, which can take many years, as well as through initial project development. ERI observed that the market capitalization of the smaller mining companies is more sensitive to changes in the spot market price compared to the larger companies. 2017 ERI Report, 70.

5. Long-Term Viability and Health of the Industry

ERI also presents its future expectations regarding demand for

uranium. ERI's most recent Reference Nuclear Power Growth forecasts project global requirements to grow to approximately 190 million pounds annually by 2025. ERI attributes this increase in global requirements to an expansion of nuclear generation in China, India and South Korea, as well as new nuclear power entrants. While global demand for uranium is expected to increase, projected U.S. requirements will remain generally steady. 2017 ERI report, 18–19.

There are a number of important market factors that have influenced the relationship between supply and demand (hence price) since DOE inventory transfers began. These other factors include: demand losses due to the Japanese reactor shutdowns following the Fukushima Daiichi accident, demand losses due to changes in German energy policy, increased uranium production in Kazakhstan, increased secondary supply created using excess enrichment capacity (both underfeeding and upgrade of Russian enrichment tails), the planned ramp-up of Russian uranium under the Suspension Agreement, and the end of the U.S. Russian HEU Agreement in 2013. Not all of these factors affects each market. The effect of DOE inventory can be considered in the broader context of other market factors. ERI notes that DOE inventory was equivalent to about 6% of all the uranium market factors (including DOE) in 2012, rising to 9% in 2013–2014 before declining back to 7% in 2016. ERI predicts that the total of all the non-DOE uranium market factors is expected to remain fairly constant over the next decade as the slow increase in Japanese reactor restarts is offset by additional retirements in Germany. The Base Scenario DOE share remains in the 7%–8% range with the exception of 2020 and 2021 when it drops to 5% and 1%, respectively. If Scenario 1 DOE inventory is assumed, the DOE share declines to just 1% over the next decade. Scenario 2 averages 6% while Scenario 3 averages 8% in 2017–2026. 2017 ERI Report 100–101.

The TradeTech Report in the UPA comments cites many of the same market factors which ERI has accounted for, including persistent oversupply in the uranium market and reduced demand as a result of premature plant closures, as well as the DOE supplied uranium.

Several commenters in response to the July 2016 RFI predict a recovery in either spot or term uranium prices. Cameco, in its comment, states that while “the long-term future of the uranium industry is strong, the market

remains oversupplied due in part to the slow pace at which Japanese reactors have come back on line since the Fukushima accident and the closure of a number of U.S. reactors.” Comment of Cameco, at 1. ConverDyn stated that uncertainty related to DOE uranium transfers adds to the difficult conditions currently facing the industry. Comment of ConverDyn, Enclosure 1, at 2. Energy Fuels Resources (Energy Fuels), in its comment, hypothesizes that the value of domestic uranium mines and projects has diminished due to declining uranium prices since 2011 and an oversupplied market. Comment of Energy Fuels, at 2. Energy Fuels notes that “persistent oversupply from price insensitive sources and limited uncommitted demand.” Comment of Energy Fuels, at 3. This view is reiterated in comments by the New Mexico Mining Association, noting that “DOE's material effectively consumes any available uncommitted demand available to (potential New Mexico) producers.” Comment of New Mexico Mining Association, at 1.

Energy Fuels also remarks, “[a]s more reactors go offline and higher priced long-term pre-Fukushima legacy contracts expire, along with DOE material continuing to enter the market, conditions will continue to deteriorate for the production industry.” Comment of Energy Fuels, at 5. Additional commenters shared this view. FBP commented that U.S. producers are “far less competitive than available non-U.S. supply” and that non-U.S. producers are better poised to meet any increase in demand because they can provide material at production costs that are below those of U.S. producers. Comment of FBP, at 5.

The Wyoming Mining Association suggests that the Department consider drilling as a “harbinger metric for the uranium recover industry's maintenance and growth.” Comment of Wyoming Mining Association, at 2. EIA reports that the number of holes drilled for exploration and development in the U.S. in 2015 was 1,218, down from 11,082 in 2012 and 5,244 in 2013, declines of 86% and 71%, respectively. Similarly, EIA reports 878 thousand feet drilled in 2015, down from 7,156 thousand feet in 2012 and 3,845 thousand feet drilled in 2013, declines of 88% and 77%, respectively. EIA, 2015 Domestic Uranium Production Report (2016), at 3.

A number of commenters have pointed out that excess inventory needs to be absorbed before a market recovery can occur. Commenters point to EIA data showing an increase in U.S. utility inventory. Energy Fuels and the

Uranium Producers of America state that, “the excess supply is absorbed primarily by the trading community that then finances the material for forward sales. As a result, this delays the prospects for a price recovery by “stealing” future uncommitted demand that would otherwise be available in upcoming years.” Comment of Energy Fuels, at 5; Comment of UPA, at 7.

Regarding supply, FBP notes the increase in global production since 2007, despite falling prices and reduced reactor demand. Comment of FBP, at 5. “The failure of primary supply to reduce production to match needs is encouraged by long-term contracts at higher than current spot market prices and the significant supply controlled by Sovereign governments.” Citing the NAC International Fuel-Trac data base, FBP notes that “it is estimated that around 60% of the 2016 production was controlled by Governments,” and suggests that, “[d]ue to the large excess worldwide production increases, neither spot market prices, nor U.S. production competitiveness are expected to improve appreciably in the near term.” Comment of FBP, at 8. FBP also suggests that exchange rates have affected competitiveness resulting in

lower effective production costs for non-U.S. suppliers. Comment of FBP, at 10.

In the TradeTech report submitted by the Uranium Producers of America, TradeTech opines, “[i]f DOE were to completely cease material transfers, then producers would see improvement in the market,” but does not provide additional analysis to support this assertion. Comment of UPA, TradeTech Report, at 8. As they concluded in the 2015 report, ERI states in the 2017 ERI Report, “[i]t does not appear that removing the DOE inventory from the market and adding back the \$5 per pound cumulative price effect attributed to the DOE inventory material . . . would necessarily increase current prices enough to change the situation regarding the viability of new production centers in the U.S.” 2017 ERI Report, 77.

Finally, DOE recognizes that predictability of transfers over time is important for long-term planning by the domestic uranium industry. Commenters have noted the uncertainty in the market regarding the quantity and price at which DOE will transfer uranium, which they believe is attributed to the Secretarial

Determination process. (e.g., Comment of UPA, at 1).

B. Uranium Conversion Industry

ERI projects that U.S. requirements for conversion services will remain essentially unchanged from 2016 through 2035, averaging 17 million kgU per year. 2017 ERI Report, 13. ERI notes that globally, its forecasted requirements for 2017 and 2018 have declined by 21% since ERI’s 2011 forecast. 2017 ERI Report, 78.

1. Prices

In its analysis, ERI estimates the effect of DOE transfers on the market prices for conversion services. To estimate this effect, ERI employed a market clearing price model very similar to what is described above for the uranium market. As with uranium concentrates, ERI constructed individual supply and demand curves for conversion services and estimated the clearing price with and without DOE transfers. A summary of ERI’s estimates of the effect of DOE transfers on the conversion price appears in Table 3. As with uranium concentrates, this is not a prediction that prices will drop by the specified amount once DOE begins transfers.

TABLE 3—ERI’S ESTIMATE OF CONVERSION CLEARING PRICE CHANGES DUE TO DOE INVENTORY IN IN \$ PER kgU AS UF⁶

[Cumulative market clearing approach]

2017 ERI Report estimated clearing price effect (\$ per kgU as UF ⁶)			
	2017	2018	2019
Base Scenario	\$1.1	\$1.1	\$2.3
Scenario 1	0.90	1.1	1.6
Scenario 2	1.1	1.1	2.1
Scenario 3	1.1	1.2	2.3

ERI does not provide a specific estimate of the change in ConverDyn’s realized price due to DOE transfers (ConverDyn being the only domestic uranium conversion facility). However, ERI does note that ConverDyn’s realized price is believed to have increased over the past decade, although ERI says unit costs have increased as well due to reductions in production volume. ERI bases its sales revenue assumptions on a sale price of \$14 per kgU. This estimate appears to be based predominately on claims by the company that it is operating at a loss. 2017 ERI Report, 88; 2015 ERI Report, 70.¹⁵

¹⁵ ERI developed this assumption based on its estimate of ConverDyn’s production costs of \$15 per kgU to produce 10.6 million kgU. Since ConverDyn claims to be operating at a loss, ERI assumes that

No commenter provides specific information about the current realized prices achieved in the conversion industry, and no commenter directly estimates the effect of DOE’s transfers on realized prices. DOE understands that the conversion market generally relies on mid- and long-term contracts. UxC Conversion Market Outlook—December 2016, 30–31.

2. Production at Existing Facilities

There is only one existing conversion facility in the United States, the Metropolis Works facility (MTW) in Metropolis, Illinois, operated by Honeywell International. ConverDyn is the exclusive marketing agent for

its realized price must be lower. 2017 ERI Report, 90.

conversion services from this facility. Comment of ConverDyn, at 1; 2015 ERI Report, 64. The nominal capacity of the Metropolis Works facility is 15 million kgU as UF₆. However, the facility generally operates below that level. 2015 ERI Report, 65. Based on statements from ConverDyn, ERI estimates that production at this facility was approximately 11 million kgU as UF₆ per year prior to the loss of sales associated with Fukushima. Based on information presented by ConverDyn in support of litigation against DOE and in ERI’s proprietary analysis, ERI is able to estimate that ConverDyn’s production volume in 2015 was approximately 10 million kgU. 2017 ERI Report, 81.

In estimating the effect of DOE transfers on ConverDyn’s sales volume, ERI assumes that 50% of the material

EM transfers in exchange for cleanup services and 100% of all other DOE material enters the U.S. market. 2017 ERI Report, 84. Based on statements from ConverDyn, ERI assumes that ConverDyn's current share of the U.S. market for conversion services is 25% and that its share of the international market is 24%. 2017 ERI Report, 86. ERI calculates estimates of volumes lost to DOE using estimates of production (10 kgU) and market share. ERI also assumes that 80% of ConverDyn's production costs are fixed, while 20% are variable.

A summary of ERI's estimates of the effect of DOE transfers on ConverDyn's sales volume appears in Table 4. Applying ConverDyn's U.S. market share of 25% and the remaining world market share of 24% to the volume of DOE inventory expected to be introduced into the market in 2018, results in a volume effect of 0.4 million kgU in the U.S. market and 0.2 million kgU effect in the remaining world market for a total of 0.6 million kgU, under the Base Scenario, for an increase in production costs of 5%.

In Scenario 1, in which UF₆ associated with prior releases of DUF₆ to ENW enter the market, the introduction of DOE inventory results in a decreased volume of 0.6 million kgU and increased production costs of 1%. The introduction of DOE inventory into the conversion market results in a decreased volume of 0.5 million kgU and increased production costs of 4% in Scenario 2 and a decreased volume of 0.7 million kgU and increased production costs of 5% in Scenario 3. 2017 ERI Report, 85–89. As with ERI's price estimates discussed above, these estimates do not suggest that were DOE to transfer uranium in accordance with the Base Scenario, ConverDyn would lose the predicted volume of sales. DOE has been transferring at or above the rate of Scenario 1 for nearly three years.

TABLE 4—ERI'S ESTIMATE OF IMPACT OF DOE TRANSFERS ON CONVERDYN'S SALES VOLUME AND ESTIMATED PRODUCTION COST INCREASE

	Estimated change in ConverDyn volume (million kgU)	Production cost increase (percent change)
Base Scenario	0.6	5.0
Scenario 1	0.2	1.0
Scenario 2	0.5	4
Scenario 3	0.7	5

ERI assumes that ConverDyn's production cost would be \$15 per kgU if DOE material was not being introduced into the market. As noted earlier, ERI assumes that if 80% of Metropolis Works' costs are fixed, DOE transfers would affect 20% of total production costs. Specifically, ERI estimates that DOE transfers under consideration at the level under the Base Scenario reduce sales volume by 0.6 kgU and increase production costs by \$0.7 per kgU as UF₆, about 5% higher than without DOE transfers. Transfers at the level under Scenario 2 would result in increased production costs of \$0.6/kgU or a 4% increase. Under Scenario 3, a reduction in sales volume would result in increased production costs of \$0.8/kgU or a 5% increase. 2017 ERI Report, 89.

ConverDyn's comment in response to the RFI includes an enclosure disclosing the domestic cost of production for conversion services. This document was submitted with a request that it be treated as containing proprietary information. DOE may consider this document in its deliberations.

In addition to the above, ConverDyn's comment states that it does not foresee any changes to the domestic conversion market that would significantly lessen the effects of DOE's transfers on the domestic conversion industry. Comment of ConverDyn, at 5.

3. Employment Levels in the Industry

ERI assumes, as it did in 2015, that Metropolis Works staffing remains at 270 employees, with an annual production rate of 10 million kgU. In the 2015 Report, ERI noted that Metropolis Works restarted after an extended shutdown in summer 2013 with approximately 270 employees, which was a decrease from the previous employment of 334 people. 2015 ERI Report, 72–73; 2014 ERI Report, 71. Information on the Honeywell/Metropolis Works Web site¹⁶ indicates that the plant employs 250 full-time employees. In January 2017, Honeywell announced a workforce reduction: "Due to the significant challenges of the nuclear industry globally and the oversupply of uranium hexafluoride (UF₆), Honeywell plans to reduce the production capacity of the Metropolis plant to better align with the demands of nuclear fuel customers. Because of this, the company intends to reduce its full-time workforce by 22 positions, as well as a portion of the plant's contractor team. We are taking this action to better position the plant

¹⁶ <http://www.honeywell-metropolisworks.com/> (accessed February 7, 2017).

moving forward." ¹⁷ ERI makes estimates regarding the impact of DOE uranium transfers on employment using the assumption that staffing is proportional to production value but noting the limitations of such estimates. It is clear that other factors, in addition to production volumes will affect employment levels.

4. Changes in Capital Improvement Plans and Development of Future Facilities

Neither ERI nor any of the commenters provide an estimate of the effect of DOE transfers on new facility development or capital improvement plans. However, there are limited development projects currently planned or underway outside the United States. ERI notes that while AREVA's Comurhex II can be expanded further, AREVA does not plan any additional expansion unless warranted by market conditions. ERI also notes that expansion of Chinese conversion capacity is expected to meet indigenous requirements. Finally ERI notes that Rosatom's Siberian Chemical Combine center is expected to add new capacity to come on line in 2019. 2017 ERI Report, 13. DOE is not aware of any such plans in the United States.

ConverDyn has not stated in its Comment in response to the RFI whether they have any intentions to make updates and capital improvements to the Metropolis facility. The Honeywell/Metropolis Web site notes that Honeywell has spent over \$177 million in capital improvements over the last 10 years, including \$50 million for safety upgrades required by the U.S. Nuclear Regulatory Commission. In a message from the Metropolis Works Plant manager,¹⁸ the company notes that it intends to invest \$10 million per year on projects that directly support health, safety and the environment.

5. Long-Term Viability and Health of the Industry

ERI's most recent Reference Nuclear Power Growth forecasts project global requirements lower than those used in the 2015 ERI Report. ERI forecasts that global secondary supply and supply from primary converters will continue to exceed global demand until at least 2035. 2017 ERI Report, 13. ERI observes that the high levels of secondary supply have resulted in lower spot prices, which is reflected in lower contracted volumes under flexibilities in higher-

¹⁷ <http://www.honeywell-metropolisworks.com/> (accessed February 7, 2017).

¹⁸ <http://www.honeywell-metropolisworks.com/message-from-the-plant-manager/> (accessed February 22, 2017).

priced contracts. Further, ERI notes that in 2009 through 2012, contracting represented 85% of the world's requirements, while contracting in 2012 through 2016 represented only 35% of the world's requirements in that period. Thus, converters have been unable to maintain contract backlog with new contracts less than annual deliveries. 2017 ERI Report, 79–80.

No other commenter provided specific projections about future conversion requirements, demand, or prices.

Finally, as with uranium concentrates, and acknowledging commenters' suggestions, DOE recognizes that the predictability of transfers from its excess uranium inventory over time is important to the long-term viability and health of the uranium conversion industry.

C. Enrichment Industry

The uranium enrichment market is also characterized by an oversupply situation. ERI notes that “total expected world enrichment supply significantly exceeds projected requirements for enrichment by a significant margin over the long-term.” 2017 ERI Report, 17. Global enrichment requirements are expected to grow from the current level of 45.4 million separative work units (SWU—a measure of enrichment services) per year to 64 million SWU per year by 2026, but U.S. requirements are expected to remain essentially flat at 15 million SWU per year. 2017 ERI Report, 14.

1. Prices

In its analysis, ERI also estimated the effect of DOE transfers on the market prices for enrichment services. To

estimate this effect, ERI employed a market clearing price model similar to what is described above for the uranium market. As with uranium concentrates and conversion, ERI constructed individual supply and demand curves for enrichment services and estimated the clearing price with and without DOE transfers. 2017 ERI Report, 44.

With NNSA's transfers of LEU assumed to be constant across the four scenarios, the average estimated price effect is the same in each scenario. Using the cumulative market clearing methodology, the average estimated price effect of DOE transfers is \$8.2 per SWU over the period 2017 through 2026 but is higher in the near-term as noted below. The price effects attributed to DOE inventory are already built into the current market prices. 2017 ERI Report, 54.

TABLE 5—ERI'S ESTIMATE OF ENRICHMENT CLEARING PRICE CHANGES DUE TO DOE INVENTORY IN \$ PER SWU
[Cumulative market clearing approach]

2017 ERI Report estimated clearing price effect (in \$ per SWU)			
	2017	2018	2019
Base Scenario	\$9.7	\$9.7	\$9.7
Scenario 1	8.8	8.8	8.8
Scenario 2	7.3	7.3	7.3
Scenario 3	8.8	8.8	8.8

There is an important relationship between the excess enrichment capacity and the uranium and conversion markets. Due to technological limitations, it is currently difficult to match changes in production volumes to changes in requirements. Excess enrichment capacity is utilized to re-enrich tails or is operated in a manner that uses additional separative work capacity in lieu of uranium feed to produce enriched uranium of a given enrichment level or assay. This type of operation is called “underfeeding.” Additional UF₆, which can be sold on the market, results from both tails re-enrichment and underfeeding. ERI estimates that over 50% of the secondary supply in the uranium market is the result of excess enrichment capacity (re-enrichment of tails by Russia (26%); Russian underfeeding (13%); and Western enrichment underfeeding (18%)), 2017 ERI Report, 10. Thus, to the extent that URENCO utilizes or resells the natural uranium hexafluoride that results from underfeeding, the market prices for uranium and conversion could be relevant to its business decisions.

No commenter provides information about the realized price achieved by

URENCO or the effect of DOE transfers on that price. ERI estimates that more than 95% of enrichment requirements are covered under long-term contracts. 2015 ERI Report, 74.

2. Production at Existing Facilities

There is only one currently operating enrichment facility in the United States, the URENCO USA (UUSA) gas centrifuge facility in New Mexico. ERI reports that URENCO USA capacity increased to 4.6 million SWU by the end of 2015, with plans to slowly increase to 5.7 million SWU by 2022. ERI also reports that, in 2016, URENCO reduced its production capacity at the Capenhurst site when it mothballed two production halls (out of 15). URENCO has also made small capacity reductions by not replacing aging centrifuges at its European sites when centrifuges go out of service. 2017 ERI Report, 16.

3. Employment Levels in the Industry

ERI does not provide an estimate of the change in employment due to DOE transfers in the enrichment industry. No commenter references changes in employment in the enrichment industry.

4. Changes in Capital Improvement Plans and Development of Future Facilities

ERI states that major supply expansion at several sites has now been completed. AREVA increased Georges Besse II (GB II) capacity to 7.4 million SWU. As noted above, ERI reports that URENCO USA capacity increased to 4.6 million SWU by the end of 2015, with plans to slowly increase to 5.7 million SWU by 2022. 2017 ERI Report, 16.

Another planned enrichment facility was announced by Global Laser Enrichment, a venture of GE-Hitachi and Cameco. The proposed facility will use laser enrichment technology developed by Silex Systems to enrich depleted uranium tails to the level of natural uranium, at a proposed location near Paducah, KY.¹⁹

The U.S. Nuclear Regulatory Commission granted two additional licenses for centrifuge enrichment plants that are not currently being developed. Centrus holds a license for the American Centrifuge Plant in

¹⁹ <https://energy.gov/pppo/articles/energy-department-announces-agreement-sell-depleted-uranium-be-enriched-civil-nuclear> (Nov. 11, 2016) (accessed February 22, 2017).

Piketon, Ohio, while AREVA Enrichment Services holds a license for the Eagle Rock Enrichment Facility, planned for Bonneville County, Idaho. NRC also issued a license to GE-Hitachi for a laser enrichment facility in Wilmington, North Carolina. Development of that facility is also on-hold and GE-Hitachi has announced its plans to sell its shares and exit that venture.

5. Long-Term Viability and Health of the Industry

ERI's most recent Reference Nuclear Power Growth forecasts project global requirements to grow to approximately 52 million SWU per year between 2018 and 2020, 58 million SWU per year between 2021 and 2025, 64 million SWU per year between 2026 and 2030, and 71 million SWU per year between 2031 and 2035. U.S. requirements are projected to be essentially flat, averaging almost 15 million SWU per year between 2016 and 2035. 2017 ERI Report, 16. ERI presents a graph comparing global requirements, demand, and supply from 2015–2035. That graph shows that global supply will continue to significantly exceed global demand over the long term. 2017 ERI Report, 17. URENCO's internal estimates suggest that global SWU inventories represent nearly two-year's worth of 2016 global SWU requirements. Comment of URENCO, at 3. URENCO also notes very limited uncommitted demand in the next few years and notes that DOE inventories compete for these very limited pools of demand. Further, URENCO opines that the combination of low demand and excess supply is placing downward pressure on prices for uranium enrichment services, pointing out that prices have fallen considerably from the \$79/90 spot/term prices at the time of the May 2015 Secretarial Determination. URENCO's 2015 Annual Results state that "Urenco anticipates continued short to medium term pricing pressures until worldwide fuel inventories are reduced which may impact future profit margins." The 2015 Annual Results also note that the company is confident that global nuclear industry will continue to grow.²⁰ Finally, these financial results note that URENCO is benefitting by the strength of the U.S. dollar in that two-thirds of its revenue is in U.S. dollars.

Finally, as with uranium concentrates and conversion services, DOE recognizes that the predictability of

transfers from its excess uranium inventory over time is important to the long-term viability and health of the uranium enrichment industries.

IV. Request for Comments

Using the information discussed here, DOE is beginning the decision-making process regarding a potential new Secretarial Determination, pursuant to Section 3112(d) of the USEC Privatization Act, for potential transfers of uranium for cleanup services at the Portsmouth Gaseous Diffusion Plant. DOE requests comments for consideration in the Secretarial Determination.

To enable the Secretary to make a determination as expeditiously as possible, DOE is setting a deadline of April 10, 2017, for all comments to be received. DOE invites all interested parties to submit, in writing, comments and information for consideration. DOE intends to make all comments received publicly available. Any information that may be confidential and exempt by law from public disclosure should be submitted as described below.

V. Confidential Business Information

Pursuant to 10 CFR 1004.11, any person submitting information he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked "confidential" including all the information believed to be confidential, and one copy of the document marked "non-confidential" with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination. Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

Issued in Washington, DC, on March 6, 2017.

Raymond Furstenau,

*Acting Assistant Secretary for Nuclear Energy,
Office of Nuclear Energy.*

[FR Doc. 2017–04668 Filed 3–8–17; 8:45 am]

BILLING CODE 6450–01–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: EG17–71–000.

Applicants: Playa Solar 1, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Status of Playa Solar 1, LLC.

Filed Date: 3/2/17.

Accession Number: 20170302–5187.

Comments Due: 5 p.m. ET 3/23/17.

Docket Numbers: EG17–72–000.

Applicants: Playa Solar 2, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Playa Solar 2, LLC.

Filed Date: 3/2/17.

Accession Number: 20170302–5189.

Comments Due: 5 p.m. ET 3/23/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–505–002.

Applicants: South Central MCN LLC.

Description: Compliance filing; Amended Compliance Filing to be effective 4/1/2016.

Filed Date: 3/2/17.

Accession Number: 20170302–5192.

Comments Due: 5 p.m. ET 3/23/17.

Docket Numbers: ER16–1023–003.

Applicants: ISO New England Inc., Eversource Energy Service Company.

Description: Compliance filing; Merger Cost Recovery Settlement Compliance Filing; Docket ER16–1023–000 to be effective 6/1/2016.

Filed Date: 3/1/17.

Accession Number: 20170301–5310.

Comments Due: 5 p.m. ET 3/22/17.

Docket Numbers: ER17–349–001.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing; Compliance Filing per order issued January 12, 2017 in Docket No. ER17–349–000 to be effective N/A.

Filed Date: 3/2/17.

Accession Number: 20170302–5181.

Comments Due: 5 p.m. ET 3/23/17.

Docket Numbers: ER17–1092–000.

Applicants: Southwest Power Pool, Inc.

²⁰ http://www.urengo.com/uploads/results-and-presentations/160301_URENCO_end_of_year_results_presentation_FINAL.pdf (Accessed February 7, 2017).

Description: § 205(d) Rate Filing: Attachment AE Revisions—Variable Demand Curve and Scarcity Pricing Methodology to be effective 5/11/2017.

Filed Date: 3/2/17.

Accession Number: 20170302–5200.

Comments Due: 5 p.m. ET 3/23/17.

Docket Numbers: ER17–1093–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–03–03_SA 3005 CMS–MISO ENRIS Agreement (J469) to be effective 2/28/2017.

Filed Date: 3/3/17.

Accession Number: 20170303–5053.

Comments Due: 5 p.m. ET 3/24/17.

Docket Numbers: ER17–1094–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original Service Agreement No. 4633, Queue No. AB1–026 to be effective 2/1/2017.

Filed Date: 3/3/17.

Accession Number: 20170303–5055.

Comments Due: 5 p.m. ET 3/24/17.

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: March 3, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04638 Filed 3–8–17; 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: EC17–73–000.

Applicants: Xcel Energy Services Inc., Northern States Power Company, a Wisconsin corporation.

Description: Supplement to January 30, 2017 Application pursuant to Section 203 of the Federal Power Act of Xcel Energy Services Inc., on behalf of Northern States Power, a Wisconsin corporation (Accounting Entries, Exhibit N–1).

Filed Date: 3/2/17.

Accession Number: 20170302–5153.

Comments Due: 5 p.m. ET 3/23/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1095–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISAs re: MAIT Integration into PJM to be effective 11/2/2009.

Filed Date: 3/3/17.

Accession Number: 20170303–5081.

Comments Due: 5 p.m. ET 3/24/17.

Docket Numbers: ER17–1096–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to Service Agreements re: MAIT Integration into PJM to be effective 2/28/2007.

Filed Date: 3/3/17.

Accession Number: 20170303–5089.

Comments Due: 5 p.m. ET 3/24/17.

Docket Numbers: ER17–1097–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original Service Agreement No. 4652, Queue No. AB1–152 to be effective 2/1/2017.

Filed Date: 3/3/17.

Accession Number: 20170303–5090.

Comments Due: 5 p.m. ET 3/24/17.

Docket Numbers: ER17–1098–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Tariff Revisions to Implement Resource Adequacy Requirement to be effective 6/1/2017.

Filed Date: 3/3/17.

Accession Number: 20170303–5091.

Comments Due: 5 p.m. ET 3/24/17.

Docket Numbers: ER17–1099–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Formula Rate Protocol Modification to be effective 5/1/2017.

Filed Date: 3/3/17.

Accession Number: 20170303–5093.

Comments Due: 5 p.m. ET 3/24/17.

Docket Numbers: ER17–1100–000.

Applicants: Cube Yadkin Transmission LLC.

Description: Baseline eTariff Filing: Open Access Transmission Tariff Baseline to be effective 3/4/2017.

Filed Date: 3/3/17.

Accession Number: 20170303–5121.

Comments Due: 5 p.m. ET 3/24/17.

Docket Numbers: ER17–1101–000.

Applicants: Alcoa Power Generating Inc.

Description: Tariff Cancellation: Notice of Cancellation of Yadkin OATT to be effective 3/4/2017.

Filed Date: 3/3/17.

Accession Number: 20170303–5122.

Comments Due: 5 p.m. ET 3/24/17.

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: March 3, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04639 Filed 3–8–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2013–0677; FRL–9959–35]

Receipt of Information Under the Toxic Substances Control Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing its receipt of information submitted pursuant to a rule, order, or consent agreement issued under the Toxic Substances Control Act (TSCA). As required by TSCA, this document identifies each chemical substance and/or mixture for which information has been received; the uses or intended uses of such chemical substance and/or mixture; and describes the nature of the information received. Each chemical substance and/or mixture

related to this announcement is identified in Unit I. under

SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: John Schaeffer, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 564-8173; email address: schaeffer.john@epa.gov.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Chemical Substances and/or Mixtures

Information received about the following chemical substances and/or mixtures is provided in Unit IV.:

A. *Acetaldehyde* (CASRN 75-07-0).

B. *D-erythro-hex-2-enonic acid, gamma.-lactone, monosodium salt.* (CASRN 6381-77-7).

II. Authority

Section 4(d) of TSCA (15 U.S.C. 2603(d)) requires EPA to publish a notice in the **Federal Register** reporting the receipt of information submitted pursuant to a rule, order, or consent agreement promulgated under TSCA section 4 (15 U.S.C. 2603).

III. Docket Information

A docket, identified by the docket identification (ID) number EPA-HQ-OPPT-2013-0677, has been established for this **Federal Register** document, which announces the receipt of the information. Upon EPA's completion of its quality assurance review, the information received will be added to the docket identified in Unit IV., which represents the docket used for the TSCA section 4 rule, order, and/or consent agreement. In addition, once completed, EPA reviews of the information received will be added to the same docket. Use the docket ID number provided in Unit IV. to access the information received and any available EPA review.

EPA's dockets are available electronically at <http://www.regulations.gov> or in person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal

holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

IV. Information Received

As specified by TSCA section 4(d), this unit identifies the information received by EPA.

A. *Acetaldehyde* (CASRN 75-07-0).

1. *Chemical Uses:* Acetaldehyde is used as an intermediate in the manufacture of many products, including pyridines, acetate esters, pentaerythritol, peracetic acid, 1,3-butylene glycol (1,3-Butanediol), and acetic acid.

2. *Applicable Rule, Order, or Consent Agreement:* Chemical testing requirements for second group of high production volume chemicals (HPV2), 40 CFR 799.5087.

3. *Applicable docket ID number:* The information received will be added to docket ID number EPA-HQ-OPPT-2007-0531.

4. *Information Received:* EPA received the following information: Request for exemption from testing requirements.

B. *D-erythro-hex-2-enonic acid, gamma.-lactone, monosodium salt.* (CASRN 6381-77-7).

1. *Chemical Uses:* D-erythro-hex-2-enonic acid, gamma.-lactone, monosodium salt is used as an antioxidant in food applications for which the vitamin activity of ascorbic acid (Vitamin C) is not required. Specifically, the compound is most frequently used to develop and retain the coloring and taste in meat products. It is also used for seafood products, fruit, and vegetable preservation, in beverages, and as a developing agent in photographic applications.

2. *Applicable Rule, Order, or Consent Agreement:* Chemical testing requirements for second group of high production volume chemicals (HPV2), 40 CFR 799.5087.

3. *Applicable docket ID number:* The information received will be added to docket ID number EPA-HQ-OPPT-2007-0531.

4. *Information Received:* EPA received the following information: Request for exemption from testing requirements.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: February 15, 2017.

Maria J. Doa,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017-04697 Filed 3-8-17; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcement (FOA), RFA-CE-17-001, Research Using Linked Data to Understand Motor Vehicle Injury Among Older Adults.

Time and Date: 9:00 a.m.-5:00 p.m., EDT, April 11, 2017 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92-463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to "Research Using Linked Data to Understand Motor Vehicle Injury Among Older Adults", FOA RFA-CE-17-001.

Contact Person for More Information: Kimberly Leeks, Ph.D., M.P.H., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F78, Atlanta, Georgia 30341-3717, Telephone: (770) 488-5964.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017-04622 Filed 3-8-17; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention****Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review**

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcement (FOA) GH14–002, Addressing Emerging Infectious Diseases in Bangladesh; and FOA GH16–003, Conducting Public Health Research in Thailand: Technical collaboration with the Ministry of Public Health in the Kingdom of Thailand (MOPH).

Times and Dates: 9:00 a.m.–2:00 p.m., EDT, April 11, 2017 (Closed); 9:00 a.m.–2:00 p.m., EDT, April 12, 2017 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to “Addressing Emerging Infectious Diseases in Bangladesh”, FOA GH14–002 and “Conducting Public Health Research in Thailand: Technical collaboration with the Ministry of Public Health in the Kingdom of Thailand (MOPH)”, FOA GH16–003.

Contact Person for More Information: Hylan Shoob, Scientific Review Officer, Center for Global Health (CGH) Science Office, CGH, CDC, 1600 Clifton Road NE., Mailstop D–69, Atlanta, Georgia 30033, Telephone: (404) 639–4796.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–04625 Filed 3–8–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention****Subcommittee for Dose Reconstruction Reviews (SDRR), Advisory Board on Radiation and Worker Health (ABRWH or the Advisory Board), National Institute for Occupational Safety and Health (NIOSH)**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting for the aforementioned subcommittee:

Time and Date: 10:30 a.m.–5:00 p.m., EDT, April 13, 2017.

Place: Audio Conference Call via FTS Conferencing.

Status: Open to the public. The public is welcome to submit written comments in advance of the meeting, to the contact person below. Written comments received in advance of the meeting will be included in the official record of the meeting. The public is also welcome to listen to the meeting by joining the teleconference at the USA toll-free, dial-in number at 1–866–659–0537 and the pass code is 9933701.

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines that have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction, which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort.

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, rechartered on March 22, 2016 pursuant to Executive Order 13708, and will expire on September 30, 2017.

Purpose: The Advisory Board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class. The Subcommittee for Dose Reconstruction Reviews was established to aid the Advisory Board in carrying out its duty to advise the Secretary, HHS, on dose reconstruction.

Matters for Discussion: The agenda for the Subcommittee meeting includes the following dose reconstruction program quality management and assurance activities: Dose reconstruction cases under review from Sets 14–23, including the Oak Ridge sites (Y–12, K–25, Oak Ridge National Laboratory), Hanford, Feed Materials Production Center (“Fernald”), Mound Plant, Rocky Flats Plant, Nevada Test Site, Idaho National Laboratory, Savannah River Site, and other Department of Energy and “Atomic Weapons Employer” facilities.

The agenda is subject to change as priorities dictate.

Contact Person for More Information: Theodore Katz, Designated Federal Officer, NIOSH, CDC, 1600 Clifton Road, Mailstop E–20, Atlanta, Georgia 30333, Telephone (513) 533–6800, Toll Free 1 (800) CDC–INFO, Email ocas@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–04617 Filed 3–8–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Council for the Elimination of Tuberculosis: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Advisory Council for the Elimination of Tuberculosis, Department of Health and Human Services, has been renewed for a 2-year period through March 15, 2019.

For information, contact Hazel Dean, Sc.D., M.P.H., Designated Federal Officer, Advisory Council for the Elimination of Tuberculosis, Department of Health and Human Services, 1600 Clifton Road NE., Mailstop E–10, Atlanta, Georgia 30333, telephone 404/639–8000 or fax 404/639–8600.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–04616 Filed 3–8–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention (CDC)—Health Disparities Subcommittee (HDS)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting of the aforementioned committee:

Time and Date: 8:30 p.m.–4:00 p.m., EDT, April 19, 2017.

Place: Centers for Disease Control and Prevention (CDC), Global Communications Center, Building 19, Rooms 254/255, 1600 Clifton Road NE., Atlanta, Georgia 30329.

Status: Open to the public, limited only by the space and phone lines available. The meeting room

accommodates approximately 60 people. Advance registration for in-person participation is required by April 5, 2017. The public is welcome to participate during the public comment period, which is tentatively scheduled from 3:45 p.m. to 3:55 p.m. This meeting will also be available by teleconference. Please dial (866) 918–8397 and enter code 9346283.

Purpose: The Subcommittee will provide advice to the CDC Director through the ACD on strategic and other health disparities and health equity issues and provide guidance on opportunities for CDC.

Matters for Discussion: The Health Disparities Subcommittee members will receive an update on selected recommendations of the HDS, and on progress toward Health Equity and Public Health Accreditation.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Leandris Liburd, Ph.D., M.P.H., M.A., Designated Federal Officer, Health Disparities Subcommittee, Advisory Committee to the Director, CDC, 1600 Clifton Road NE., M/S K–77, Atlanta, Georgia 30329. Telephone (404) 498–6482, Email: ACDDirector@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elain L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 2017–04619 Filed 3–8–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcement (FOA) DP17–003, Natural Experiments of Policy and Built Environment Impact on Diabetes Risk.

Times and Dates:

10:00 a.m.–6:00 p.m., EDT, April 12, 2017 (Closed)

10:00 a.m.–6:00 p.m., EDT, April 13, 2017 (Closed)

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to “Natural Experiments of Policy and Built Environment Impact on Diabetes Risk”, FOA D P17–003.

Contact Person for More Information: Jaya Raman Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway, Mailstop F80, Atlanta, Georgia 30341, Telephone: (770) 488–6511, kva5@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–04624 Filed 3–8–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcement (FOA) DP17–002, Validation of Survey Questions to Distinguish Type 1 and Type 2 Diabetes among Adults with Diabetes.

Time and Date: 10:00 a.m.–6:00 p.m., EDT, April 5, 2017 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to “Validation of Survey Questions to Distinguish Type 1 and Type 2 Diabetes among Adults with Diabetes”, FOA DP17–002.

Contact Person for More Information: Jaya Raman Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway, Mailstop F80, Atlanta, Georgia 30341, Telephone: (770) 488–6511, kva5@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–04623 Filed 3–8–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Clinical Laboratory Improvement Advisory Committee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Times and Dates:

8:30 a.m.–5:00 p.m., EDT, April 12, 2017

8:30 a.m.–12:00 p.m., EDT, April 13, 2017

Place: CDC, 1600 Clifton Road NE., Tom Harkin Global Communications Center, Building 19, Auditorium B, Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 100 people. This meeting will also be webcast, please see information below.

Purpose: This Committee is charged with providing scientific and technical advice and guidance to the Secretary of Health and Human Services (HHS); the Assistant Secretary for Health; the Director, Centers for Disease Control and Prevention; the Commissioner, Food and Drug Administration (FDA); and the Administrator, Centers for Medicare and Medicaid Services (CMS). The advice and guidance pertain to general issues related to improvement in clinical laboratory quality and laboratory medicine practice and specific questions related to possible revision of the Clinical Laboratory Improvement Amendment (CLIA) standards. Examples include providing guidance on studies designed to improve safety, effectiveness, efficiency, timeliness, equity, and patient-centeredness of laboratory services; revisions to the standards under which clinical laboratories are regulated; the impact of proposed revisions to the standards on medical and laboratory practice; and the modification of the standards and provision of non-regulatory guidelines to accommodate technological advances, such as new test methods, the electronic transmission of laboratory information, and mechanisms to improve the integration of public health and clinical laboratory practices.

Matters for Discussion: The agenda will include agency updates from CDC, CMS, and FDA. Presentations and discussions will focus on the implementation of next generation sequencing in clinical laboratories; laboratory testing in the era of telemedicine; and a report from the Institute of Medicine (IOM) CLIAC workgroup.

Agenda items are subject to change as priorities dictate.

Webcast: The meeting will also be webcast. Persons interested in viewing the webcast can access information at: <http://cdclabtraining.adobeconnect.com/aprilcliac/>.

Online Registration Required: All people attending the CLIAC meeting in-person are required to register for the meeting online at least 5 business days in advance for U.S. citizens and at least 10 business days in advance for international registrants. Register at: <http://wwwn.cdc.gov/cliac/Meetings/MeetingDetails.aspx>. Register by scrolling down and clicking the “Register for this Meeting” button and completing all forms according to the instructions given. Please complete all the required fields before submitting your registration and submit no later than April 5, 2017 for U.S. registrants

and March 29, 2017 for international registrants.

Providing Oral or Written Comments: It is the policy of CLIAC to accept written public comments and provide a brief period for oral public comments on agenda items. Public comment periods for each agenda item are scheduled immediately prior to the Committee discussion period for that item.

Oral Comments: In general, each individual or group requesting to make oral comments will be limited to a total time of five minutes (unless otherwise indicated). Speakers must also submit their comments in writing for inclusion in the meeting’s Summary Report. To assure adequate time is scheduled for public comments, speakers should notify the contact person below at least one week prior to the meeting date.

Written Comments: For individuals or groups unable to attend the meeting, CLIAC accepts written comments until the date of the meeting (unless otherwise stated). However, it is requested that comments be submitted at least one week prior to the meeting date so that the comments may be made available to the Committee for their consideration and public distribution. Written comments, one hard copy with original signature, should be provided to the contact person at the mailing or email address below, and will be included in the meeting’s Summary Report.

Availability of Meeting Materials: To support the green initiatives of the federal government, the CLIAC meeting materials will be made available to the Committee and the public in electronic format (PDF) on the internet instead of by printed copy. Check the CLIAC Web site on the day of the meeting for materials: <http://wwwn.cdc.gov/cliac/Meetings/MeetingDetails.aspx>. Note: If using a mobile device to access the materials, please verify that the device’s browser is able to download the files from the CDC’s Web site before the meeting.

Alternatively, the files can be downloaded to a computer and then emailed to the portable device. An internet connection, power source, and limited hard copies may be available at the meeting location, but cannot be guaranteed.

Contact Person for Additional Information: Nancy Anderson, Chief, Laboratory Practice Standards Branch, Division of Laboratory Systems, Center for Surveillance, Epidemiology and Laboratory Services, Office of Public Health Scientific Services, CDC, 1600 Clifton Road NE., Mailstop F–11, Atlanta, Georgia 30329–4018; telephone

(404) 498-2741; or via email at NAnderson@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017-04621 Filed 3-8-17; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Institute for Occupational Safety and Health (BSC, NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following meeting for the aforementioned committee:

Time and Date: 8:30 a.m.–12:45 p.m., EDT, April 12, 2017.

Place: 1095 Willowdale Road, Morgantown, WV 26505. The meeting is also available via webcast.

Status: This meeting is open to the public, limited only by the space available. The meeting room accommodates approximately 50 people. The public is welcome to participate during the public comment period, 9:20 a.m.–9:30 a.m. EDT, April 12, 2017. Please note that the public comment period ends at the time indicated above or following the last call for comments, whichever is earlier. Members of the public who want to comment must sign up by providing their name by mail, email, or telephone, at the addresses provided below by April 7, 2017. Each commenter will be provided up to five minutes for comment. A limited number of time slots are available and will be assigned on a first come-first served basis. Written comments will also be accepted from those unable to attend the public session via an on-line form at the following Web site: <http://www.cdc.gov/niosh/bsc/contact.html>. The meeting is also open to the public via webcast. If you wish to attend in person or by webcast, please see the NIOSH Web site to register (<http://www.cdc.gov/niosh/>

<http://www.cdc.gov/niosh/> bsc/) or call (404-498-2539) at least five business days in advance of the meeting. Teleconference is available toll-free; please dial (888) 397-9578, Participant Pass Code 63257516. Adobe Connect webcast will be available at <https://odniosh.adobeconnect.com/nioshbsc/> for participants wanting to connect remotely.

Purpose: The Secretary, the Assistant Secretary for Health, and by delegation the Director, Centers for Disease Control and Prevention, are authorized under Sections 301 and 308 of the Public Health Service Act to conduct directly or by grants or contracts, research, experiments, and demonstrations relating to occupational safety and health and to mine health. The Board of Scientific Counselors provides guidance to the Director, National Institute for Occupational Safety and Health on research and prevention programs. Specifically, the Board provides guidance on the Institute's research activities related to developing and evaluating hypotheses, systematically documenting findings and disseminating results. The Board evaluates the degree to which the activities of the National Institute for Occupational Safety and Health: (1) Conform to appropriate scientific standards, (2) address current, relevant needs, and (3) produce intended results.

Matters for Discussion: NIOSH Director's update; occupational motor vehicle safety, the nanotoxicology program, flu-related research, and mold investigations.

Agenda items are subject to change as priorities dictate.

An agenda is also posted on the NIOSH Web site (<http://www.cdc.gov/niosh/bsc/>). Members of the public who wish to address the NIOSH BSC are requested to contact the Executive Secretary for scheduling purposes (see contact information below). Alternatively, written comments to the BSC may be submitted via an on-line form at the following Web site: <http://www.cdc.gov/niosh/bsc/contact.html>.

Contact Person for More Information: Paul J. Middendorf, Ph.D., Executive Secretary, BSC, NIOSH, CDC, 1600 Clifton Road NE., MS-E20, Atlanta, GA 30329-4018, telephone (404) 498-2500, fax (404) 498-2526.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and

Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 2017-04620 Filed 3-8-17; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC-2017-0017, NIOSH 153-D]

Proposed Revised Definitions for the Levels of Evidence for NIOSH Skin Notation Profiles; Request for Comment

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for comments.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) proposes to clarify the definitions for 'sufficient', 'limited', and 'insufficient' levels of evidence for the designation of NIOSH skin notations. In NIOSH Current Intelligence Bulletin (CIB) 61—*A Strategy for Assigning New NIOSH Skin Notations*, Appendix E.2, Evaluation of data, pp. 41–42 [<http://www.cdc.gov/niosh/docs/2009-147/pdfs/2009-147.pdf>] these levels of evidence are defined as the following:

"Data sets classified as sufficient are those that include human and/or animal toxicity studies conducted according to standardized protocols and that provide in-depth descriptions of the exposure conditions and study findings. Data sets classified as limited via the qualitative ranking scheme contain either human and/or animal studies conducted by non-standardized protocols or contain incomplete descriptions of the exposure conditions and study findings. Data sets classified as insufficient include studies that primarily either did not apply standard protocols or did not provide an in-depth description of the exposure conditions or study findings. Data sets that receive the insufficient ranking will not be used as the basis for the NIOSH skin notation."

NIOSH proposes to clarify the definitions for the sufficient, limited,

and insufficient levels of evidence to the following:

“Data sets classified as sufficient are those that include human and/or animal studies conducted using standardized protocols and that provide complete descriptions of the exposure conditions and study findings. Data sets classified as limited are those that include human and/or animal studies conducted using non-standardized protocols or that provide incomplete descriptions of the exposure conditions or study findings. Data sets classified as insufficient are those that include human and/or animal studies conducted using non-standardized protocols and that provide incomplete descriptions of the exposure conditions and study findings. Data sets that receive the insufficient ranking will not be used as the basis for the NIOSH skin notation.”

Evaluation of dose-related effects in studies with limited or insufficient evidence, mechanistic data, and analogous chemical properties may be factored into the classification scheme for determining the level of evidence for identified studies. Data sets that provide insufficient evidence will not be used as the basis for the NIOSH skin notation but, in some cases, may provide information to support or contradict evidence for the skin notation.

For data sets with conflicting findings, an overall determination based on the body of evidence will be developed by evaluating data adequacy, reliability and relevance, and assessing each study's quality of evidence. The studies with the best quality and validity to support the notation are identified and cited in the individual Skin Notation Profile documents.

NIOSH seeks comments on proposed changes as described above.

DATES: Comments must be submitted on or before April 10, 2017.

ADDRESSES: You may submit comments, identified by CDC-2017-0017 and docket number NIOSH 153-D, by any of the following methods:

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

- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C-34, Cincinnati, Ohio 45226-1998.

Instructions: All information received in response to this notice must include the agency name and docket number [CDC-2017-0017; NIOSH 153-D]. All relevant comments received will be posted without change to www.regulations.gov, including any personal information provided. For access to the docket to read background

documents or comments received, go to www.regulations.gov. For access to the original docket [NIOSH-153] to view background documents or comments received, go to <https://www.cdc.gov/niosh/docket/archive/docket153.html>. All information received in response to this notice will be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226-1998.

FOR FURTHER INFORMATION CONTACT:

Naomi Hudson or G. Scott Dotson, NIOSH, Education and Information Division, Robert A. Taft Laboratories, 1190 Tusculum Ave, MS C-32, Cincinnati, OH 45226, email: iuz8@cdc.gov or fya8@cdc.gov.

SUPPLEMENTARY INFORMATION: In 2009, NIOSH published Current Intelligence Bulletin 61—*A Strategy for assigning New NIOSH Skin Notations* [NIOSH 2009-147; <http://www.cdc.gov/niosh/docs/2009-147/pdfs/2009-147.pdf>]. The CIB presents a strategic framework that is a form of hazard identification that ensures that the assigned skin notations reflect the contemporary state of scientific knowledge, provides transparency behind the assignment process, communicates the hazards of chemical exposures of the skin, and meets the needs of health professionals, employers, and others interested in protecting workers from chemical contact with the skin. Published Skin Notation Profile documents are available at https://www.cdc.gov/niosh/topics/skin/skin-notation_profiles.html.

Frank Hearl,

Chief of Staff, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2017-04628 Filed 3-8-17; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to RFA-OH17-1701, Cooperative Agreement on Global Occupational Health with the World Health Organization (WHO).

TIME AND DATE: 1:00 p.m.–5:00 p.m., EDT, April 11, 2017 (Closed).

PLACE: Teleconference.

STATUS: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92-463.

MATTERS FOR DISCUSSION: The meeting will include the initial review, discussion, and evaluation of applications received in response to “Cooperative Agreement on Global Occupational Health with the World Health Organization (WHO)”, RFA-OH17-1701.

CONTACT PERSON FOR MORE INFORMATION:

Nina Turner, Ph.D., Scientific Review Officer, NIOSH, CDC, 1095 Willowdale Road, Mailstop G905, Morgantown, West Virginia 26506, Telephone: (304) 285-5976.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017-04626 Filed 3-8-17; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention (CDC)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following meeting of the aforementioned committee:

Time and Date: 8:30 a.m.–3:00 p.m., EDT, April 20, 2017.

Place: CDC, Building 19, Auditorium B3, 1600 Clifton Road NE., Atlanta, Georgia 30329.

Status: Open to the public, limited only by the seating and phone lines available. The meeting room accommodates approximately 60 people. Advance registration for in-

person participation is required by April 6, 2017. The public is welcome to participate during the public comment period, which is tentatively scheduled from 2:40 p.m. to 2:45 p.m. This meeting will also be available by teleconference. Please dial (888) 324-9970 and enter code 32077657.

Purpose: The Advisory Committee to the Director, CDC, shall advise the Secretary, HHS, and the Director, CDC, on policy and broad strategies that will enable CDC to fulfill its mission of protecting health through health promotion, prevention, and preparedness. The committee recommends ways to prioritize CDC's activities, improve results, and address health disparities. It also provides guidance to help CDC work more effectively with its various private and public sector constituents to make health protection a practical reality.

Matters for Discussion: The Advisory Committee to the Director will receive updates from the State, Tribal, Local and Territorial Subcommittee; the Health Disparities Subcommittee, the Global Workgroup, and the Public Health—Health Care Collaboration Workgroup, as well as an update from the Acting CDC Director.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Sarah Wiley, MPH, Designated Federal Officer, ACD, CDC, 1600 Clifton Road NE., M/S D-14, Atlanta, Georgia 30329. Telephone (404) 498-6482, Email: ACDDirector@cdc.gov. The deadline to register for in-person attendance at this meeting is April 6, 2017. To register, please send an email to ACDDirector@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 2017-04618 Filed 3-8-17; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-1984-14]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human 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 May 8, 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 <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

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-1984-14 Hospital Facility Cost Report

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:* Reinstatement of a previously approved collection; *Title of Information Collection:* Hospital Facility Cost Report; *Use:* Providers of services participating in the Medicare program are required under §§ 1815(a), 1833(e), and 1861(v)(1)(A) of the Social Security Act (42 U.S.C. 1395g) to submit annual information to determine costs for health care services rendered to Medicare beneficiaries. In addition,

regulations at 42 CFR 413.20, 413.24 and 418.310 require adequate cost data and cost reports from providers on an annual basis. The Form CMS–1984–14 cost report is needed to determine a provider's reasonable costs incurred in furnishing medical services to Medicare beneficiaries. The data is used by CMS to calculate: Market basket weight and the labor related shares, Rate setting and payment refinement, and Medicare and total facility margins for Medicare-covered services by type of service. *Form Number:* CMS–1984–14 (OMB Control Number: 0938–0758); *Frequency:* Annually; *Affected Public:* Private sector—Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 3,545; *Total Annual Responses:* 3,545; *Total Annual Hours:* 666,460. (For policy questions regarding this collection contact Yaakov Feinstein at 410–786–3137.)

Dated: March 3, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–04577 Filed 3–8–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier HHS–OS–0990–New–30D]

Agency Information Collection Activities; Proposals, Submissions, and Approvals

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, has submitted an

Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for a new collection. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

DATES: Comments on the ICR must be received on or before April 10, 2017.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.Collection.Clearance@hhs.gov* or (202) 690–5683.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the Information Collection Request Title and document identifier 0990–New–30D for reference.

Information Collection Request Title: Domestic Violence Housing First Demonstration Evaluation.

Abstract: The Office of the Assistant Secretary for Planning and Evaluation (ASPE) within the U.S. Department of Health and Human Services, in partnership with the Office for Victims of Crimes within the U.S. Department of Justice, is seeking approval by OMB for a new information collection request entitled, “Domestic Violence Housing First (DVHF) Demonstration Evaluation.” The Washington State Coalition Against Domestic Violence (WSCADV) is overseeing and coordinating an evaluation of the DVHF Demonstration project through a contract with ASPE. This quasi-experimental research study involves longitudinally examining the program effects of DVHF on domestic violence survivors' safety and housing stability. The findings will be of interest to the general public, to policy-makers, and to

organizations working with domestic violence survivors.

Data collection will include in-depth, private interviews with 320 domestic violence survivors conducted by trained professional staff. At Time 1 study enrollment, they will be interviewed about their backgrounds, housing and safety obstacles, and services desired. There will be three follow-up interviews with them every six months after the Time 1 Interview (*i.e.*, 6, 12, and 18 months) to examine the match between needs and services, as well as their safety and housing stability. Study enrollment will take place over 15 months, so the annualized burden for the Time 1 and follow-up surveys is based on 12/15 (256) of the expected sample (320).

The primary service providers working with the domestic violence survivors will complete self-administered online questionnaires to provide more detailed program implementation data. Service providers will complete a survey about their work history and demographics and a survey about the services provided for each domestic violence survivor in their caseload that is a participant in the study (approximately 16 survivors per provider). This latter data collection will occur six months after a domestic violence survivor enrolls in the study over 15 months to correspond to the study enrollment period. Finally, the study will also include monthly data collection for 19 months from an agency point of contact (POC) in order to verify agency information (*e.g.*, the number of advocates working in the agency, advocate caseloads, dates of study participants' receipt of services).

Likely Respondents: The respondents are domestic violence survivors, primary service providers, and community agency points of contact who work with their agency data systems.

ANNUALIZED REPORTING BURDEN ON STUDY PARTICIPANTS

Form name	Type of respondent	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Total annual burden hours
Time 1 (Baseline) Interview	Domestic violence survivors	256	1	1	256
Follow-up Interviews	Domestic violence survivors	256	2	1	512
Online survey about advocates' work history and demographics.	Victim service advocates	20	1	15/60	5
Online survey of advocates' work with survivors.	Victim service advocates	20	13	20/60	86
Form for community agency points of contact to verify agency information (monthly).	Community agency point of contact	4	12	15/60	12
Total .....	.....	.....	.....	.....	871

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Terry S. Clark,

Asst Information Collection Clearance Officer.

[FR Doc. 2017-04614 Filed 3-8-17; 8:45 am]

BILLING CODE 4150-05-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier 0990-0416-30D]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3507(a)(1)(D) of the Paperwork

Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, has submitted an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for renewal of the approved information collection assigned OMB control number 0990-0416, scheduled to expire on March 31, 2017. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

DATES: Comments on the ICR must be received on or before April 10, 2017.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395-5806.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 795-7714.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier 0990-0416-30D for reference.

Information Collection Request Title: Pregnancy Assistance Fund (PAF) Performance Measures Collection.
OMB No.: 0990-0416.

Abstract: The Office of Adolescent Health (OAH), U.S. Department of Health and Human Services (HHS), is requesting an extension of a currently approved information collection request by OMB. The purpose of the renewal is to extend the period of collection through March 31, 2018 to complete the collection of the Pregnancy Assistance Fund (PAF) Performance Measures from grantees funded in August 2013, and to allow for data collection from 3 new PAF grantees funded in July 2015, increasing the number of respondents from 17 to 20. There are no changes to the data to be collected.

Need and Proposed Use of the Information: OAH will use the performance data to inform planning and resource allocation decisions; identify technical assistance needs; and provide Congress, OMB, and the general public with information about the individuals who participate in PAF-funded activities and the services they receive.

Likely Respondents: 20 PAF grantees (States and Tribes).

The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—584 HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Participant & Partner Characteristics (16 measures)	20	1	19	380
Category 1 Measures (5 measures)	3	1	6	18
Category 2 Measures (7 measures)	18	1	9	162
Category 3 Measures (3 measures)	5	1	3	15
Category 4 Measures (1 measure)	9	1	1	9
Total	20	.....	.....	584

Terry S. Clark,

Asst. Information Collection Clearance Officer.

[FR Doc. 2017-04613 Filed 3-8-17; 8:45 am]

BILLING CODE 4168-11-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; Neuropsychological Disorders, Epilepsy and Aging.

Date: March 28, 2017.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Samuel C. Edwards, Ph.D., IRG Chief, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435-1246, *edwardss@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Vascular Biology and Hematology.

Date: March 30, 2017.

Time: 2:30 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, (Telephone Conference Call).

Contact Person: Larry Pinkus, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435-1214, pinkusl@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel; Cancer communication in the new media environment.

Date: April 3, 2017.

Time: 11:00 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, (Virtual Meeting).

Contact Person: Fungai Chanetsa, MPH, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770, Bethesda, MD 20892, 301-408-9436, fungai.chanetsa@nih.hhs.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Neuroscience Assay, Diagnostics and Animal Model Development.

Date: April 4, 2017.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Susan Gillmor, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301-435-1730, susan.gillmor@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and Related Research.

Date: April 4, 2017.

Time: 10:00 a.m. to 11:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Kenneth A Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7852, Bethesda, MD 20892, (301) 435-1166, roebuckk@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Eukaryotic Parasites and Vectors.

Date: April 5-6, 2017.

Time: 8:00 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, (Virtual Meeting).

Contact Person: Fouad A El-Zaatari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3206, MSC 7808, Bethesda, MD 20892, (301) 435-1149, elzaataf@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Clinical Neurodegeneration Disorders.

Date: April 5, 2017.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Samuel C. Edwards, Ph.D., IRG Chief, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435-1246, edwardss@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR-16-347: HIV/AIDS Vaccine Scholars Program (K01).

Date: April 5, 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, (Telephone Conference Call).

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301-435-1050, freundr@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Molecular Genetics.

Date: April 5, 2017.

Time: 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Baishali Maskeri, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2022, Bethesda, MD 20892, 301-827-2864, maskerib@mail.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: March 3, 2017.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-04581 Filed 3-8-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; Application Process for Clinical Research Training and Medical Education at the NIH Clinical Center and Its Impact on Course and Training Program Enrollment and Effectiveness (Clinical Center)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Institutes of Health Clinical Center (CC) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received by May 8, 2017.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Dr. Robert M. Lembo, Deputy Director, Office of Clinical Research Training and Medical Education, NIH Clinical Center, Building 10, Room 1N252, MSC-1158, Bethesda, Maryland, 20892 or call non-toll-free number (301) 594-4193 or Email your request, including your address to: Robert.Lembo@nih.gov. Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to

respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title:

Application Process for Clinical Research Training and Medical Education at the NIH Clinical Center, Revision OMB #0925-0698, Expiration date May 31, 2017, National Institutes of Health Clinical Center (CC), National Institutes of Health (NIH).

Need and Use of Information

Collection: The primary objective of the

application process is to allow the Office of Clinical Research Training and Medical Education (OCRTME) at the NIH Clinical Center to evaluate applicants' qualifications to determine applicants' eligibility for courses and training programs managed by the Office. Applicants must provide the required information requested in the respective applications to be considered a candidate for participation. Information submitted by candidates for training programs is reviewed initially by OCRTME administrative staff to establish eligibility for participation.

Eligible candidates are then referred to the designated training program director/administrator or training program selection committee for review and decisions regarding acceptance for participation. A secondary objective of the application process is to track enrollment in courses and training programs over time.

OMB approval is requested for 3 years. There is no cost to respondents other than their time. There are capital, operating, and/or maintenance costs of \$64,448. The total estimated annualized burden hours are 4149.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Doctoral Level	9,992	1	20/60	3,331
Students	670	1	20/60	223
Other (nurses and other healthcare practitioners and technical occupations)	1,786	1	20/60	595
Totals	12,448	12,448	.....	4,149

Dated: February 28, 2017.

Laura M. Lee,

Project Clearance Liaison, NIH Clinical Center, National Institutes of Health.

[FR Doc. 2017-04573 Filed 3-8-17; 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 RFA-AA-17-013—Model Continuums of Care Initiative (MCCI) for Women and Girls at Risk and Living with HIV/AIDS and Harmful Alcohol and

Associated Comorbidities Planning Cooperative Agreement (U34).

Date: April 12, 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: March 3, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-04580 Filed 3-8-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0018]

Agency Information Collection Activities: Application for Permission To Reapply for Admission Into the United States After Deportation or Removal, Form I-212; Extension of a Currently Approved Collection.

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until May 8, 2017.

ADDRESSES: All submissions received must include the OMB Control Number 1615-0018 in the body of the letter, the agency name and Docket ID USCIS-2008-0068. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at <http://www.regulations.gov> under e-Docket ID number USCIS-2008-0068;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529-2140.

FOR FURTHER INFORMATION CONTACT:

USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommès, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529-2140, Telephone number (202) 272-8377 (This is not a toll-free number.

Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries.

Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at <http://www.uscis.gov>, or call the USCIS National Customer Service Center at (800) 375-5283; TTY (800) 767-1833.

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2008-0068 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for permission to reapply for Admission into the United States After Deportation or Removal.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-212, USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. Form I-212 is necessary for USCIS to determine whether an alien is eligible for and should be granted the benefit of consent to reapply for admission into the United States. Furthermore, Form I-212 form standardizes requests for consent to reapply and its data collection requirements ensure that, when filing the application, the alien provides the basic information that is required to assess eligibility for consent to reapply.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-212 is 4,183; the estimated hour burden per response is 2 hours. The estimated total number of responses for the biometric collection is 100, and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual

hour burden associated with this collection is 8,483 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$528,226.

Dated: March 3, 2017.

Samantha Deshommès,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017-04578 Filed 3-8-17; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0030]

Agency Information Collection Activities: Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act, Form I-612; Revision of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on November 25, 2016, at 81 FR 85245, allowing for a 60-day public comment period. USCIS did receive two comments in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until April 10, 2017. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at oir_submission@omb.eop.gov. Comments may also be submitted via fax at (202) 395-5806. (This is not a toll-free number.) All submissions received must include the

agency name and the OMB Control Number 1615-0030.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529-2140, Telephone number (202) 272-8377 (This is not a toll-free number; comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at <http://www.uscis.gov>, or call the USCIS National Customer Service Center at (800) 375-5283; TTY (800) 767-1833.

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2008-0012 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-612; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* *Primary:* Individuals or households. This information collection is necessary and may be submitted only by an alien who believes that compliance with foreign residence requirements would impose exceptional hardship on his or her spouse or child who is a citizen of the United States, or a lawful permanent resident; or that returning to the country of his or her nationality or last permanent residence would subject him or her to persecution on account of race, religion, or political opinion. Certain aliens admitted to the United States as exchange visitors are subject to the foreign residence requirements of section 212(e) of the Immigration and Nationality Act (the Act). Section 212(e) of the Act also provides for a waiver of the foreign residence requirements in certain instances.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-612 is 736 and the estimated hour burden per response is .333 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 245 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$90,160.

Dated: March 2, 2017.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017-04579 Filed 3-8-17; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R3-ES-2016-N094;
FVES59420300000F2 14X FF03E00000]

Hoopeston Wind Farm Draft Habitat Conservation Plan; Draft Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Receipt of application; draft habitat conservation plan; draft environmental assessment; and request for comments.

SUMMARY: Pursuant to the Endangered Species Act (ESA) and the National Environmental Policy Act (NEPA), we, the U.S. Fish and Wildlife Service (Service), announce the availability of an application from Hoopeston Wind Farm LLC (Applicant) for a permit to incidentally take federally endangered Indiana bats and federally threatened northern long-eared bats. The take could result from operation and decommissioning activities at the Applicant's facility in Vermilion County, Illinois. Included with the application is a draft habitat conservation plan (HCP). Also available for review is our draft environmental assessment (EA) that was prepared in response to the application. We are seeking public comments on the permit application, draft HCP, and draft EA.

DATES: To ensure consideration, please submit your comments on or before April 10, 2017.

ADDRESSES: Availability of Documents:

The draft habitat conservation plan (HCP) and draft environmental assessment (EA) are available on the Midwest Region's Web site at <http://www.fws.gov/Midwest/endangered/permits/hcp/r3hcps.html>. Alternatively, copies of the permit application, draft HCP, and draft EA will be available for public review during regular business hours at the Rock Island Field Office (see **ADDRESSES**). Those who do not have access to the Web site or cannot visit our office can request copies by telephone at 309-757-5800 or by letter to the Rock Island Field Office (see **ADDRESSES**).

Submitting Comments: Send comments to Kraig McPeck by U.S. mail at U.S. Fish and Wildlife Service, Rock Island Field Office, 1511 47th Avenue, Moline, IL 61265; by facsimile to 309-757-5807; or by electronic mail to RockIsland@fws.gov. In the subject line of your letter, facsimile, or electronic mail, include the document identifier "Hoopeston Wind Farm HCP."

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(1)(B) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*; ESA) and the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*; NEPA), we, the U.S. Fish and Wildlife Service (Service), announce the availability of an application from Hoopeston Wind Farm LLC for a permit to incidentally take federally endangered Indiana bats (*Myotis sodalis*) and federally threatened northern long-eared bats (*Myotis septentrionalis*) that could result from operation, and decommissioning activities at the Applicant's facility in Vermilion County, Illinois. Included with the application is a draft habitat conservation plan (HCP). The draft HCP describes how take of Indiana and northern long-eared bats (covered species) will be minimized and mitigated to the maximum extent practicable. The draft HCP also describes the covered species' life history and ecology, biological goals and objectives, the estimated take and its potential impact on covered species populations, adaptive management and monitoring, and compensatory mitigation. Also included is the Service's draft environmental assessment (EA), which describes possible alternatives to the proposed permit action, including an analysis of potential effects on the human environment. We are seeking public comments on the permit application, draft HCP, and draft EA.

Endangered Species Act

Section 9 of the ESA prohibits "take" of fish and wildlife species listed as endangered under section 4 (16 U.S.C. 1538, and 1533, respectively). The ESA implementing regulations extend, under certain circumstances, the prohibition of take to threatened species (50 CFR 17.31). Under section 3 of the ESA, the term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct (16 U.S.C. 1532(19)). The term "harm" is defined by regulation as an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). The term "harass" is defined in the regulations as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, which

include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3).

Under section 10 of the ESA, the Service may issue permits to authorize incidental take of federally listed fish and wildlife species. "Incidental take" is defined by the ESA as "take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity." To obtain an ITP, an applicant must submit an HCP that specifies (1) the impact that will likely result from the taking; (2) what steps the applicant will take to monitor, minimize and mitigate the impacts, and the funding that will be available to implement such steps; (3) what alternative actions to the taking the applicant considered and the reasons why the alternatives are not being utilized; and (4) how the applicant will carry out any other measures that we may require as being necessary or appropriate for purposes of the HCP (50 CFR 17.22(b)(1)(iii); 50 CFR 17.32(b)(1)(iii)(C)). If we find, after opportunity for public comment, with respect to the permit application and the related HCP, that (1) the taking will be incidental; (2) the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking; (3) the applicant will ensure that adequate funding for the HCP will be provided, as well as procedures to deal with unforeseen circumstances; (4) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (5) the measures, if any, required by us will be carried out; and we have received assurances that the plan will be implemented, then we will issue the applicant the requested permit (50 CFR 17.22, 17.32(b)(2)(i)). The purpose of the HCP process and subsequent issuance of a permit is to authorize the incidental take of threatened or endangered species, not to authorize the underlying activities that result in take. This process ensures that the effects of the authorized incidental take will be adequately minimized and mitigated to the maximum extent practicable.

National Environmental Policy Act

The proposed issuance of a permit is a Federal action that triggers the need for compliance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*; NEPA). Pursuant to NEPA, we have prepared a draft EA to analyze the environmental impacts of three alternatives related to the issuance of the requested permit and implementation of the conservation program under the proposed HCP. The three alternatives analyzed in the EA are

a no-action alternative, the proposed action, and a reduced take alternative.

No-action alternative: Under the no-action alternative, no permit would be issued and no HCP would be implemented.

Proposed action alternative: The proposed action alternative is the implementation of the Applicants proposed HCP and issuance of the requested permit as described above.

Reduced take alternative: The reduced take alternative evaluates potential modifications to the Applicants operating regime beyond those proposed by the Applicant.

Public Comments

All comments received, including names and addresses, will become part of the administrative record and may be made available to the public. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, could be made publicly available at any time. While you may request at the top of your document that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Next Steps

We will evaluate the draft HCP and any comments we receive to determine whether the permit application meets the requirements of section 10(a) of the ESA. We will also evaluate whether issuance of the requested permit complies with section 7 of the ESA by conducting an intra-Service ESA section 7 consultation. Our EA process will culminate with a decision by the Service's Midwest Region Regional Director on one of the three alternatives found in the EA. Once an alternative is selected, the Regional Director will decide whether the alternative selected will significantly impact the quality of the human environment, as defined by the NEPA and its implementing regulations. If he finds that the alternative selected will not result in significant environmental impacts, he will issue a "Finding No Significant Impact." If he finds that the alternative selected will result in significant environmental impacts, he will issue a Notice of Intent to prepare an Environmental Impact Statement (EIS).

Authority

This notice is provided pursuant to section 10(c) of the ESA and NEPA regulations (40 CFR 1506.6).

Dated: January 13, 2017.

Lori Nordstrom,

Assistant Regional Director, Ecological Services, Midwest Region.

[FR Doc. 2017-04663 Filed 3-8-17; 8:45 am]

BILLING CODE 4333-15-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-663 (Fourth Review)]

Paper Clips From China: Notice of Commission Determination To Conduct a Full Five-Year Review and Scheduling of a Full Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of its determination to conduct, and scheduling of, a full review pursuant to the Tariff Act of 1930 (“the Act”) to determine whether revocation of the antidumping duty order on paper clips from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days.

DATES: Effective March 1, 2017.

FOR FURTHER INFORMATION CONTACT: Fred Ruggles ((202) 205-3187), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this review may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On September 6, 2016, the Commission determined that it should proceed to a full review in the subject five-year review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). The Commission found that the domestic interested party group response to its notice of institution (81 FR 35052, June 1, 2016) was adequate. The Commission found that the respondent interested party group response was inadequate. The

Commission also found that other circumstances warranted conducting full reviews. Accordingly, a full review is being scheduled pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)). A record of the Commissioners’ votes, the Commission’s statement on adequacy, and any individual Commissioner’s statements will be available from the Office of the Secretary and at the Commission’s Web site.

Participation in the review 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 this review 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, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission’s notice of institution of the review need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

For further information concerning the conduct of this review 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, D, E, and F (19 CFR part 207).

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 this review available to authorized applicants under the APO issued in the review, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the review. A party granted access to BPI following publication of the Commission’s notice of institution of the review 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 review will be placed in the nonpublic record on June 2, 2017, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission’s rules.

Hearing.—The Commission will hold a hearing in connection with the review

beginning at 9:30 a.m. on Thursday, June 22, 2017, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before June 13, 2017. A nonparty who has testimony that may aid the Commission’s deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on June 16, 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), 207.24, and 207.66 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 to the review may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission’s rules; the deadline for filing is June 13, 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 207.67 of the Commission’s rules. The deadline for filing posthearing briefs is July 3, 2017. In addition, any person who has not entered an appearance as a party to the review may submit a written statement of information pertinent to the subject of the review on or before July 3, 2017. On July 27, 2017, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before July 31, 2017, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission’s rules. All written submissions must conform with the provisions of section 201.8 of the Commission’s rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission’s rules. The Commission’s Handbook on E-Filing, available on the Commission’s Web site at https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf, elaborates upon

the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (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.

The Commission has determined that these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C.1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: March 2, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017-04596 Filed 3-8-17; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1002]

Certain Carbon and Alloy Steel Products; Commission Determination To Seek Further Written Submissions From the Public and To Reschedule the Date for an Oral Argument

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to seek further written submissions from the public in response to the December 19, 2016, Notice, *see* 81 FR 94416-17 (Dec. 23, 2016), and to reschedule the date for an oral argument to April 20, 2017, in connection with the Commission's review of the initial determination ("ID") (Order No. 38) of the presiding administrative law judge ("ALJ") granting Respondents' motion to terminate Complainant's antitrust claim

under 19 CFR 210.21 and, in the alternative, 19 CFR 210.18.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Investigation No. 337-TA-1002 on June 2, 2016, based on a complaint filed by Complainant United States Steel Corporation of Pittsburgh, Pennsylvania ("U.S. Steel"), alleging a violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337. *See* 81 FR 35381 (June 2, 2016). The complaint alleges violations of Section 337 based upon the importation into the United States, or in the sale of certain carbon and alloy steel products by reason of: (1) A conspiracy to fix prices and control output and export volumes, the threat or effect of which is to restrain or monopolize trade and commerce in the United States; (2) misappropriation and use of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States; and (3) false designation of origin or manufacturer, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* The notice of investigation identified forty (40) respondents that are Chinese steel manufacturers or distributors, as well as some of their Hong Kong and United States affiliates. *Id.* In addition, the Office of Unfair Import Investigations is a party in this investigation. *Id.*

On August 26, 2016, Respondents filed a motion to terminate U.S. Steel's antitrust claim under 19 CFR 210.21. On September 6, 2016, U.S. Steel filed a response in opposition to Respondents' motion to terminate. On September 9, 2016, the Commission Investigative

Attorney ("IA") filed a response in opposition to Respondents' motion to terminate. On November 14, 2016, the ALJ issued the subject ID, granting Respondents' motion to terminate Complainant's antitrust claim under 19 CFR 210.21 and, in the alternative, under 19 CFR 210.18. On November 23, 2016, Complainant and the IA filed petitions for review of the ID. Complainant also requested oral argument before the Commission. On December 1, 2016, Respondents filed a response to the petitions for review. Also on December 1, 2016, Complainant filed a response to the IA's petition for review.

On December 19, 2016, the Commission issued a Notice determining to review the ID (Order No. 38). *See* 81 FR 94416-17 (Dec. 23, 2016). In the Notice, the Commission requested written submissions from "[t]he parties to the investigation, including the Office of Unfair Import Investigations, and interested government agencies" in connection with its review and set a date of March 14, 2017, for possible oral argument. *Id.*

On February 24, 2017, the Commission issued a notice indicating that, pursuant to Commission Rule 210.45 (19 CFR 210.45), an oral argument would be held on March 14, 2017, in connection with the Commission's review of Order No. 38.

The Commission has determined to issue today's request for written submissions from any member of the public (not including the parties to this investigation) and any interested government agencies with respect to questions 1-4 of the December 19, 2016, Notice (*see* 81 FR 94416-17), as reproduced below:

1. Please explain the policies that underlie the injury requirement under Section 337(a)(1)(A)(iii), including an analysis of any relevant statutory language, legislative history, Commission determinations, case law, or other authority. In discussing this question, please also explain how the injury requirement under Section 337(a)(1)(A)(iii) is different from, or relates to, the injury requirement that applies under Section 337(a)(1)(A)(i).

2. Please explain what Complainant must prove to satisfy the injury requirement under Section 337(a)(1)(A)(iii), where the alleged unfair act in violation of Section 337 is based on a claim alleging a conspiracy to fix prices and control output and export volumes ("antitrust claim"). Please include an analysis of any relevant statutory language, legislative history, Commission determinations, case law, or other authority.

3. Please explain how “antitrust injury” standing, as required for private litigants in federal district courts asserting antitrust claims, *see, e.g., Atl. Richfield Co. v. USA Petroleum Co.*, 495 U.S. 328, 335 (1990), compares to, or differs from, the injury requirement under Section 337(a)(1)(A). Please include an analysis of any relevant statutory language, legislative history, Commission determinations, case law, or other authority. In discussing this question, please explain the chronology of the adoption of the “antitrust injury” standing requirement in relation to the injury requirement under Section 337(a)(1)(A).

4. Please explain whether “antitrust injury” standing is, or should be, required for establishing a Section 337 violation based on a claim alleging a conspiracy to fix prices and control output and export volumes as a matter of law and/or policy. Please include an analysis of any relevant statutory language, legislative history, Commission determinations, case law, or other authority.

The parties to this investigation, including the Office of Unfair Import Investigations, may file submissions in response to any written submission(s) that are submitted by the public or any interested government agencies. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Written Submissions: Written submissions from entities other than the parties and/or government agencies shall include a Statement of Interest including: (1) A concise statement of the identity of the entity filing the written submission, its interest in the case, and the reasons why the written submission is relevant to the disposition of the issues in dispute; and (2) a statement indicating whether: (i) A party’s counsel authored the written submission in whole or in part; (ii) a party or party’s counsel contributed money that was intended to fund preparing or submitting the written submission; and (iii) a person—other than the entity, its members, or its counsel—contributed money that was specifically intended to fund preparing or submitting the written submission and, if so, each such person shall be identified. Written submissions from individuals shall also include a curriculum vitae (“CV”). Written submissions must be filed no later than close of business on March 27, 2017, may not exceed 20 pages in length, exclusive of any exhibits, Statement of Interest, and CV, and shall be double-spaced. Responsive submissions from the parties must be filed no later than the close of business on April 3, 2017,

may not exceed 20 pages in length, exclusive of any exhibits, and shall be double-spaced. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission’s Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (“Inv. No. 337–TA–1002”) in a prominent place on the cover page and/or the first page. (*See Handbook for Electronic Filing Procedures, https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,¹ solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

Commission Oral Argument: The Commission has also determined to reschedule the oral argument to April 20, 2017, in order to provide sufficient time for the Commission to receive and review any written submissions and any responses thereto. The Commission will hold the public oral argument in the Commission’s Main Hearing Room

(Room 101), 500 E Street SW., Washington, DC 20436, beginning at 9:30 a.m. While any member of the public may attend the oral argument, only counsel for the parties to the investigation, including the Office of Unfair Import Investigations, and representatives of interested government agencies may participate and/or argue at the oral argument.

At the oral argument, counsel for each party and representatives of interested government agencies will be given an opportunity to comment in opening remarks for no more than 10 minutes, and the Commissioners may ask questions of those appearing. Details as to the format of the hearing will be provided at a later date. This is a public proceeding; confidential business information (“CBI”) shall not be discussed. A party, however, can draw the Commission’s attention to CBI, if necessary, by pointing to where in the record the information can be found.

The oral argument will be limited in scope to the issues identified in the ID (Order No. 38); the Commission’s December 19, 2016, Notice; the present Notice; and any related petition, written submissions, and responses thereto.

After the conclusion of the oral argument, no additional written submissions or arguments will be permitted.

Notice of Appearance: Counsel for the parties to the investigation or any representatives of interested government agencies who wish to participate in the oral argument must file a written request to appear at the Commission oral argument by April 6, 2017 and must provide their email addresses as part of their contact information.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 3, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–04597 Filed 3–8–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Myoderm

ACTION: Notice of application.

¹ All contract personnel will sign appropriate nondisclosure agreements.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before April 10, 2017. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before April 10, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator,

8701 Morrisette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301,

incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division ("Assistant Administrator") pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on November 11, 2016, Myoderm, 48 East Main Street, Norristown, Pennsylvania 19401 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Amphetamine	1100	II
Lisdexamfetamine	1205	II
Methylphenidate	1724	II
Nabilone	7379	II
Oxycodone	9143	II
Hydromorphone	9150	II
Hydrocodone	9193	II
Morphine	9300	II
Oxymorphone	9652	II
Fentanyl	9801	II

The company plans to import the listed controlled substances in finished dosage form for clinical trials, research, and analytical purposes.

The import of the above listed basic classes of controlled substances will be granted only for analytical testing, research, and clinical trials. This authorization does not extend to the import of a finished FDA approved or non-approved dosage form for commercial sale.

Louis J. Milione,
Assistant Administrator.

[FR Doc. 2017-04646 Filed 3-8-17; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-392]

Importer of Controlled Substances Application: Meridian Medical Technologies

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on

or before April 10, 2017. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before April 10, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled

substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division ("Assistant Administrator") pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on December 29, 2016, Meridian Medical Technologies, 2555 Hermelin Drive, Saint Louis, Missouri 63144 applied to be registered as an importer of morphine (9300), a basic class of controlled substance listed in schedule II.

The company manufactures a product containing morphine in the United States. The company exports this product to customers around the world. The company has been asked to ensure that its product, which is sold to European customers, meets the standards established by the European Pharmacopeia, administered by the Directorate for the Quality of Medicines (EDQM). In order to ensure that its product will meet European specifications, the company seeks to import morphine supplied by EDQM for use as reference standards.

This is the sole purpose for which the company will be authorized by the DEA to import morphine.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017-04647 Filed 3-8-17; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-392]

Bulk Manufacturer of Controlled Substances Application: Mallinckrodt, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before May 8, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with

respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division ("Assistant Administrator") pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on November 14, 2016, Mallinckrodt, LLC, 3600 North Second Street, Saint Louis, Missouri 63147 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid	2010	I
Tetrahydrocannabinols	7370	I
Codeine-N-oxide	9053	I
Dihydromorphine	9145	I
Difenoxin	9168	I
Morphine-N-oxide	9307	I
Normorphine	9313	I
Norlevorphanol	9634	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Butyl Fentanyl	9822	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Methylphenidate	1724	II
Nabilone	7379	II
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Hydrocodone	9193	II
Levorphanol	9220	II
Meperidine	9230	II
Methadone	9250	II
Methadone intermediate	9254	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Opium tincture	9630	II
Opium, powdered	9639	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to manufacture bulk active pharmaceutical ingredients (APIs) for distribution to its customers.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017-04645 Filed 3-8-17; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-392]

Importer of Controlled Substances Application: Meda Pharmaceuticals, Inc.

AGENCY: Drug Enforcement
Administration, Justice.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before April 10, 2017. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before April 10, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All request for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division ("Assistant

Administrator") pursuant to section 7 of 28 CFR part 0, appendix of subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on December 5, 2016, Meda Pharmaceuticals, Inc., 705 Eldorado Street, Decatur, Illinois 62523 applied to be registered as an importer of nabilone (7379), a basic class of controlled substance listed in schedule II.

The company plans to import the FDA approved drug product in finished dosage form for distribution to its customers. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2).

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017-04648 Filed 3-8-17; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No.
3-17]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

Thursday, March 23, 2017: 10:00 a.m.—Issuance of Proposed Decisions in claims against Iraq.

Status: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579. Telephone: (202) 616-6975.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2017-04739 Filed 3-7-17; 11:15 am]

BILLING CODE 4410-BA-P

DEPARTMENT OF JUSTICE

[Docket No. ODAG 170]

Notice of Federal Advisory Committee Meeting

AGENCY: Department of Justice.

ACTION: Notice of Federal Advisory Committee meeting. Request for public comment.

SUMMARY: The National Commission on Forensic Science will hold meeting thirteen at the time and location listed below.

DATES: *Public Hearing.* The meeting will be held on April 10, 2017 from 9:00 a.m. to 5:00 p.m. and April 11, 2017 from 9:00 a.m. to 4:30 p.m.

Written Public Comment. Written public comment regarding National Commission on Forensic Science meeting materials can be submitted through www.regulations.gov starting on March 27, 2017. Any comments should be posted to www.regulations.gov no later than 11:59 p.m. (EST) April 12, 2017.

ADDRESSES: Office of Justice Programs, 3rd Floor Main Conference Room, 810 7th Street NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Jonathan McGrath, Ph.D., Senior Policy Analyst at the National Institute of Justice and NCFS Designated Federal Officer, 810 7th Street NW., Washington, DC 20531, by email at Jonathan.McGrath@usdoj.gov or by phone at (202) 514-6277.

SUPPLEMENTARY INFORMATION:

Agenda: The Commission will receive subcommittee status updates and briefings. A final agenda will be posted to the Commission's Web site in advance of the meeting.

Meeting Accessibility: Pursuant to 41 CFR 102-3.140 through 102-3.165 and the availability of space, the meeting scheduled for April 10, 2017, 9:00 a.m. to 5:00 p.m. and April 11, 2017, 9:00 a.m. to 4:30 p.m. at the Office of Justice Programs is open to the public and webcast. Seating is limited and pre-registration is strongly encouraged. Media representatives are also encouraged to register in advance.

Written Comments: 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 stated agenda and meeting material. Meeting material, including work products, will be made available on the Commission's Web site: <http://www.justice.gov/ncfs>.

Oral Comments: In addition to written statements, members of the public may present oral comments at 4:45 p.m. on April 10, 2017 and at 3:15 p.m. on April 11, 2017. Those individuals interested in making oral comments should indicate their intent through the on-line registration form and time will be allocated on a first-come, first-served

basis. Time allotted for an individual's comment period will be limited to no more than 3 minutes. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled public comment periods, written comments can be submitted through www.regulations.gov in lieu of oral comments.

Registration: Individuals and entities who wish to attend the public meeting are strongly encouraged to pre-register for the meeting on-line by clicking the registration link found at: <https://www.justice.gov/ncfs/term-2-meetings-8-15#s13>. Online registration for the meeting must be completed on or before 5:00 p.m. (EST), Tuesday, April 4, 2017.

Additional Information: The Department of Justice 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, please indicate your requirements on the online registration form.

Dated: March 3, 2017.

Jonathan McGrath,

Designated Federal Officer, National Commission on Forensic Science.

[FR Doc. 2017-04695 Filed 3-8-17; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Information Advisory Council

AGENCY: Employment and Training Administration, Labor.

ACTION: Solicitation of Nominations for a State Labor Market Information Director to serve on the Workforce Information Advisory Council.

Authority: Pursuant to the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 *et seq.*; Workforce Innovation and Opportunity Act, Public Law 113-128; Federal Advisory Committee Act, as amended, 5 U.S.C. App.

SUMMARY: The Department of Labor (Department) is soliciting nominations for a state Labor Market Information (LMI) director to fill a vacancy on the Workforce Information Advisory Council (WIAC). The person selected to fill this vacancy will be asked to serve on the WIAC until March 25, 2019. The Department invites interested parties to submit nominations for this vacancy and announces the procedures for those nominations.

SUPPLEMENTARY INFORMATION:

I. Background and Authority

Section 15 of the Wagner-Peyser Act, 29 U.S.C. 491-2, as amended by section 308 of the Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128 requires the Secretary of Labor (Secretary) to establish the WIAC.

The statute, as amended, requires the Secretary, acting through the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training, to formally consult at least twice annually with the WIAC to address: (1) Evaluation and improvement of the nationwide workforce and labor market information system established by the Wagner-Peyser Act, and of the statewide systems that comprise the nationwide system, and (2) how the Department and the States will cooperate in the management of those systems. The Secretary, acting through the Bureau of Labor Statistics (BLS) and the Employment and Training Administration (ETA), and in consultation with the WIAC and appropriate Federal agencies, must also develop a 2-year plan for management of the system, with subsequent updates every two years thereafter. The statute generally prescribes how the plan is to be developed and implemented, outlines the contents of the plan, and requires the Secretary to submit the plan to the Committee on Education and the Workforce in the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

By law, the Secretary must "solicit, receive, and evaluate" recommendations from the WIAC, and respond to the recommendations in writing to the WIAC. The WIAC must make written recommendations to the Secretary on the evaluation and improvement of the workforce and labor market information system, including recommendations for the 2-year plan. The 2-year plan, in turn, must describe WIAC recommendations and the extent to which the plan incorporates them.

The Department anticipates that the WIAC will accomplish its objectives by, for example: (1) Studying workforce and labor market information issues; (2) seeking and sharing information on innovative approaches, new technologies, and data to inform employment, skills training, and workforce and economic development decision making and policy; and (3) advising the Secretary on how the workforce and labor market information system can best support workforce development, planning, and program development.

II. Structure

The Wagner-Peyser Act at section 15(d)(2)(B), requires the WIAC to have 14 representative members, appointed by the Secretary, consisting of:

(i) Four members who are representatives of lead State agencies with responsibility for workforce investment activities, or State agencies described in Wagner-Peyser Act Section 4 (agency designated or authorized by Governor to cooperate with the Secretary), who have been nominated by such agencies or by a national organization that represents such agencies;

(ii) Four members who are representatives of the State workforce and labor market information directors affiliated with the State agencies responsible for the management and oversight of the workforce and labor market information system as described in Wagner-Peyser Act Section 15(e)(2), who have been nominated by the directors;

(iii) One member who is a representative of providers of training services under WIOA section 122 (Identification of Eligible Providers of Training Services);

(iv) One member who is a representative of economic development entities;

(v) One member who is a representative of businesses, who has been nominated by national business organizations or trade associations;

(vi) One member who is a representative of labor organizations, who has been nominated by a national labor federation;

(vii) One member who is a representative of local workforce development boards, who has been nominated by a national organization representing such boards; and

(viii) One member who is a representative of research entities that use workforce and labor market information.

The Secretary must ensure that the membership of the WIAC is geographically diverse, and that no two members appointed under clauses (i), (ii), and (vii), above, represent the same State. Each member will be appointed for a term of three years, except that the initial terms for members may be one, two, or three years in order to establish a rotation in which one-third of the members are selected each year. The Secretary will not appoint a member for any more than two consecutive terms. Any member whom the Secretary appoints to fill a vacancy occurring before the expiration of the predecessor's term will be appointed

only for the remainder of that term. Members of the WIAC will serve on a voluntary and generally uncompensated basis, but will be reimbursed for travel expenses to attend WIAC meetings, including per diem in lieu of subsistence, as authorized by the Federal travel regulations.

III. Nominations Process

To fill the vacancy for the state LMI director category, which is type (ii) listed in the section above, section 15(d)(2)(B) requires nominations may only be received from State workforce and labor market information directors.

If you would like to nominate a state LMI director for appointment to the WIAC, please submit, to one of the addresses listed below, the following information:

- A copy of the nominee's biographical information and resume;
- A cover letter that provides your reason(s) for nominating the individual, the constituency area that they represent (as outlined above in the WIAC membership identification discussion), and their particular expertise for contributing to the national policy discussion on: (1) The evaluation and improvement of the nationwide workforce and labor market information system and statewide systems that comprise the nationwide system, and (2) how the Department and the States will cooperate in the management of those systems, including programs that produce employment-related statistics and State and local workforce and labor market information; and
- Contact information for the nominee (name, title, business address, business phone, fax number, and business email address).

In addition, the cover letter must state that the nomination is being made in response to this **Federal Register** Notice and that the nominee (if nominating someone other than oneself) has agreed to be nominated and is willing to serve on the WIAC until March 25, 2019.

Nominations for individuals to serve on the WIAC must be submitted (postmarked, if sending by mail; submitted electronically; or received, if hand delivered) by April 10, 2017.

ADDRESSES: You may submit nominations and supporting materials described in this **Federal Register** Notice by any one of the following methods:

Electronically: Submit nominations, including attachments, by email using the following address: WIAC@dol.gov (use subject line "Nomination—Workforce Information Advisory Council").

Mail, express delivery, hand delivery, messenger, or courier service: Submit one copy of the nominations and supporting materials to the following address: Workforce Information Advisory Council Nominations, Office of Workforce Investment, U.S. Department of Labor, 200 Constitution Ave. NW., Room C-4526, Washington, DC 20210. Deliveries by hand, express mail, messenger, and courier service are accepted by the Office of Workforce Investment during the hours of 9:00 a.m.–5:00 p.m., Eastern Daylight Time, Monday through Friday. Due to security-related procedures, submissions by regular mail may experience significant delays.

Facsimile: The Department will not accept nominations submitted by fax.

FOR FURTHER INFORMATION CONTACT: Steve Rietzke, Division of National Programs, Tools, and Technical Assistance, Office of Workforce Investment (address above); (202) 693-3912; or use the email address for the WIAC, WIAC@dol.gov.

Byron Zuidema,

Deputy Assistant Secretary for Employment and Training Administration, Labor.

[FR Doc. 2017-04685 Filed 3-8-17; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Petition for Classifying Labor Surplus Areas

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, "Petition for Classifying Labor Surplus Areas." This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by May 8, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Samuel Wright by telephone at 202-

693-2879, TTY 1-877-889-5627, (these are not toll-free numbers) or by email at wright.samuel.e@dol.gov.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, 200 Constitution Ave. NW., Washington, DC 20210; by email: wright.samuel.e@dol.gov; or by Fax 202-693-3015.

FOR FURTHER INFORMATION CONTACT: Contact Donald Houghton by telephone at 202-693-2784 (this is not a toll-free number) or by email at haughton.donald.w@dol.gov.

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

Under Executive Orders 12073 and 10582, and 20 CFR parts 651 and 654, the Secretary of Labor is required to classify LSAs and disseminate this information for the use of all Federal agencies. This information is used by Federal agencies for various purposes including procurement decisions, food stamp waiver decisions, certain small business loan decisions, as well as other purposes determined by the agencies. The LSA list is issued annually, effective October 1 of each year, utilizing data from the Bureau of Labor Statistics. Areas meeting the criteria are classified as LSAs.

Department regulations specify that the Department can add other areas to the annual LSA listing under the exceptional circumstance criteria. Such additions are based on information contained in petitions submitted by the state workforce agencies (SWAs) to ETA's national office. These petitions contain specific economic information about an area to provide ample justification for adding the area to the LSA listing under the exceptional circumstances criteria. The petitions submitted by the SWAs concern various aspects of unemployment and the economic condition for a specific area in order to provide justification for

adding the area to the LSA list under the exceptional circumstances criteria. Under these criteria, an area may be determined eligible for classification as a LSA if it is experiencing a high rate of unemployment which is not temporary or seasonal and which was not adequately reflected in the unemployment data for the two-year reference period. Instructions designed to assist SWAs in the preparation of such petitions are currently contained on the ETA Web site: <http://www.doleta.gov/programs/lsa.cfm>.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205-0207.

Submitted comments will also be a matter of public record for this ICR and posted on the Internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated,

electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL-ETA.

Type of Review: Extension without changes.

Title of Collection: Petition for Classifying Labor Surplus Areas.

Form: Not applicable.

OMB Control Number: 1205-0207.

Affected Public: State Workforce Agencies.

Estimated Number of Respondents: 3.

Frequency: Annually.

Total Estimated Annual Responses: 3.

Estimated Average Time per

Response: 3 hours.

Estimated Total Annual Burden

Hours: 9 hours.

Total Estimated Annual Other Cost Burden: \$0.

Byron Zuidema,

Deputy Assistant Secretary, Employment and Training Administration.

[FR Doc. 2017-04686 Filed 3-8-17; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Application for Waiver of Surface Sanitary Facilities Requirements (Pertaining to Coal Mines)

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, "Application for Waiver of Surface Sanitary Facilities Requirements (Pertaining to Coal Mines)," to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 10, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201702-1219-001

(this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at DOL_PRA_PUBLIC@dol.gov.

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: OIRA_submission@omb.eop.gov. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: DOL_PRA_PUBLIC@dol.gov.

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Application for Waiver of Surface Sanitary Facilities Requirements (Pertaining to Coal Mines) information collection requirements codified in regulations 30 CFR 71.403, 71.404, 75.1712-4, and 75.1712-5. MSHA regulations require a covered coal mine operator to provide bathing facilities, clothing change rooms, and sanitary flush toilet facilities in a location that is convenient for use of the miners. See CFR 71.400 through 71.402 and 75.1712-1 through 75.1712-3. The regulations allow an operator that is unable to meet any or all of the requirements to apply for a waiver. See 30 CFR 71.403, 71.404, 75.1712-4, and 75.1712-5. The coal mine operator files the application with the MSHA District Manager for the district in which the mine is located. The application must contain the name and address of the mine operator, name and location of the grounds on which the waiver is requested. At the same time the application is sent to the MSHA District Manager, the operator must forward a copy to the appropriate Regional Program Director, National Institute for Occupational Safety and Health, and a post copy showing the addresses of the appropriate District Manager and Regional Program Director for at least

thirty (30) days on the mine bulletin board. Federal Mine Safety and Health Act of 1977 sections 101(a) and 103(h) authorize this information collection. See 30 U.S.C. 801(a) and 813(h).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219-0024.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on May 31, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 28, 2016 (81 FR 85643).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219-0024. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated,

electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL-MSHA.

Title of Collection: Application for Waiver of Surface Sanitary Facilities Requirements (Pertaining to Coal Mines).

OMB Control Number: 1219-0024.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 731.

Total Estimated Number of Responses: 731.

Total Estimated Annual Time Burden: 301 hours.

Total Estimated Annual Other Costs Burden: \$3,655.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: March 3, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017-04615 Filed 3-8-17; 8:45 am]

BILLING CODE 4510-43-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2010-0041]

Logging Operations Standard; Extension of the Office of Management and Budget's (OMB) Approval of the Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements contained in the Logging Operations Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by May 8, 2017.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693-1648.

Mail, hand delivery, express mail, messenger, or courier service: When

using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA-2010-0041, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3653, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., e.t.

Instructions: All submissions must include the Agency name and OSHA docket number (OSHA-2010-0041) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments see the "Public Participation" heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Docket: To read or download comments or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT:

Todd Owen or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N-3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and

OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The collections of information contained in the Logging Operations Standard are necessary to reduce workers' risk of death or serious injury by requiring employers to assure that operating and maintenance instructions are available on machines or in the area where the machine is operated. For vehicles, employers must assure that operating and maintenance instructions are available for each vehicle.

Maintenance and Operating Instructions (§§ 1910.266(f)(1)(iii) and (g)(3))

Under paragraph (f)(1)(iii) and (g)(3) of the Standard, employers must assure that operating and maintenance instructions are available on machines or in the area where the machine is being operated, and in vehicles. For those machines with no operating instructions in the cab, the employer will be required to obtain and retain a manual within the immediate work area for each machine. Since the Logging Operations final rule has been in effect since 1995, OSHA assumes that all employers are in compliance with the provision to have operating and maintenance instructions available on machines or in the area where the machines are being operated.

Certification of Training (§ 1910.266(i)(10)(i) and (i)(10)(ii))

Paragraph (i)(10)(i) requires employers to certify in writing that a worker/supervisor received the training the Standard requires. Under paragraph (i)(10)(ii), employers need only maintain the most recent certification for training that a worker/supervisor has received.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;

- The accuracy of OSHA's estimate of the burden (time and cost) of the information collection requirements, including the validity of the methodology and assumptions used;

- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply, for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Action

OSHA is requesting that OMB extend its approval of the information collection requirements contained in the Logging Operations Standard (29 CFR 1910.266). OSHA is proposing to decrease the burden hours in its currently approved information collection request from 1,622 burden hours to 1,606 burden hours (a total decrease of 16 hours). This decrease is due to updated data showing a decrease in the number of establishments affected by the Standard as well as the removal of burden hours associated with the requirement that employers provide training to workers. Upon further analysis, this provision is not considered to be a collection of information under PRA-95. The Agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Extension of a currently approved collection.

Title: Logging Operations Standard (29 CFR 1910.266).

OMB Control Number: 1218-0198.

Affected Public: Business or other for-profits.

Number of Respondents: 7,908.

Number of Responses: 50,440.

Frequency of Responses: On occasion.

Estimated Total Burden Hours: 1,603 hours.

Estimated Cost (Operation and Maintenance): \$3,469.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows:

- (1) Electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA-2010-0041). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an

electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693-2350, (TTY (877) 889-5627).

Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publically available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <http://www.regulations.gov> Web site to submit comments and access the docket is available at the Web site's "User Tips" link.

Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

Dorothy Dougherty, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1-2012 (77 FR 3912).

Dated: February 27, 2017.

Dorothy Dougherty,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017-04688 Filed 3-8-17; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF LABOR**Occupational Safety and Health Administration****[Docket No. OSHA–2007–0043]****TUV SUD America Inc.: Application for Expansion of Recognition****AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.**ACTION:** Notice.

SUMMARY: In this notice, OSHA announces the application of TUV SUD America Inc. for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the Agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before March 24, 2017.

ADDRESSES: Submit comments by any of the following methods:

1. *Electronically:* Submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

2. *Facsimile:* If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693–1644.

3. *Regular or express mail, hand delivery, or messenger (courier) service:* Submit comments, requests, and any attachments to the OSHA Docket Office, Docket No. OSHA–2007–0043, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3508, Washington, DC 20210; telephone: (202) 693–2350 (TTY number: (877) 889–5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express mail, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 10:00 a.m.–3:00 p.m., e.t.

4. *Instructions:* All submissions must include the Agency name and the OSHA docket number (OSHA–2007–0043). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at <http://www.regulations.gov>. Therefore, the Agency cautions commenters about

submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

5. *Docket:* To read or download submissions or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. *Extension of comment period:* Submit requests for an extension of the comment period on or before March 24, 2017 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; phone: (202) 693–2110 or email: robinson.kevin@dol.gov.

SUPPLEMENTARY INFORMATION:**I. Notice of the Application for Expansion**

The Occupational Safety and Health Administration is providing notice that TUV SUD America Inc. (TUVAM) is applying for expansion of its current recognition as an NRTL. TUVAM requests the addition of two recognized testing and certification sites to its scope of NRTL recognition.

OSHA recognition of an NRTL signifies that the organization meets the

requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition, and is not a delegation or grant of government authority. Recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The Agency processes applications by an NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL, including TUVAM, which details the NRTL's scope of recognition. These pages are available from the OSHA Web site at <http://www.osha.gov/dts/otpcanrtl/index.html>.

Each NRTL's scope of recognition includes: (1) The type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product testing and product-certification activities for test standards within the NRTL's scope.

TUVAM currently has four facilities (sites) recognized by OSHA for product testing and certification, with its headquarters located at: TUV SUD America, Inc., 10 Technology Drive, Peabody, MA 01960. A complete list of TUVAM's scope of recognition (including sites) recognized by OSHA is available at <https://www.osha.gov/dts/otpcanrtl/tuvam.html>.

II. General Background on the Application

TUVAM submitted an application, dated May 19, 2015 (OSHA–2007–0043–0020), to expand its recognition to include the addition of two recognized testing and certification sites located at: TUV SUD, Ridlerstrasse 65, D–80339, Munich, Germany; and TUV SUD, Daimlerstrasse 11, D–85748, Garching, Germany. OSHA staff also performed an on-site review of TUVAM's testing facilities at TUV SUD Munich on June 6, 2016, and at TUV SUD Garching on June 7, 2016, in which the assessors

found some nonconformances with the requirements of 29 CFR 1910.7. TUVAM addressed these issues sufficiently, and OSHA staff preliminarily determined that OSHA should grant the application.

III. Preliminary Finding on the Application

TUVAM submitted an acceptable application for expansion of its scope of recognition. OSHA's review of the application file and its detailed on-site assessments indicate that TUVAM can meet the requirements prescribed by 29 CFR 1910.7 for expanding its recognition to include the addition of two sites for NRTL testing and certification. This preliminary finding does not constitute an interim or temporary approval of TUVAM's application.

OSHA welcomes public comment as to whether TUVAM meets the requirements of 29 CFR 1910.7 for expansion of its recognition as an NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if it is not adequately justified. To obtain or review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Room N-3508, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. These materials also are available online at <http://www.regulations.gov> under Docket No. OSHA-2007-0043.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will recommend to the Assistant Secretary for Occupational Safety and Health whether to grant TUVAM's application for expansion of its scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of this final decision in the **Federal Register**.

Authority and Signature

Dorothy Dougherty, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution

Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1-2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on February 28, 2017.

Dorothy Dougherty,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017-04690 Filed 3-8-17; 8:45 am]

BILLING CODE 4510-26-P

OFFICE OF PERSONNEL MANAGEMENT

Hispanic Council on Federal Employment

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The Hispanic Council on Federal Employment (Council) meeting will be held on Tuesday, April 4, 2017 at the following time and location shown below:

TIME: 10:00 a.m. to 11:30 a.m.

LOCATION: Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, Room 1350.

The Council is an advisory committee composed of representatives from Hispanic organizations and senior government officials. Along with its other responsibilities, the Council shall advise the Director of the Office of Personnel Management on matters involving the recruitment, hiring, and advancement of Hispanics in the Federal workforce. The Council is co-chaired by the Director of the Office of Personnel Management and the Chair of the National Hispanic Leadership Agenda (NHLA).

The meeting is open to the public. Please contact the Office of Personnel Management at the address shown below if you wish to present material to the Council at any of the meetings. The manner and time prescribed for presentations may be limited, depending upon the number of parties that express interest in presenting information.

FOR FURTHER INFORMATION CONTACT: Zina Sutch, Director, for the Office of Diversity and Inclusion, Office of Personnel Management, 1900 E St. NW., Suite 5H35, Washington, DC 20415. Phone (202) 606-2433 FAX (202) 606-6012 or email at Zina.Sutch@opm.gov.

U.S. Office of Personnel Management.

Kathleen McGettigan,

Acting Director.

[FR Doc. 2017-04670 Filed 3-8-17; 8:45 am]

BILLING CODE 6820-B2-P

OFFICE OF PERSONNEL MANAGEMENT

January 2017 Pay Schedules

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: The President has signed an Executive order to implement the January 2017 pay adjustments for certain Federal civilian employees. The Executive order authorizes a 1 percent across-the-board increase for statutory pay systems and locality pay increases costing approximately 1.1 percent of basic payroll, reflecting an overall average pay increase of 2.1 percent. This notice serves as documentation for the public record.

FOR FURTHER INFORMATION CONTACT: Lisa Dismond, Pay and Leave, Employee Services, U.S. Office of Personnel Management, (202) 606-2858 or pay-leave-policy@opm.gov.

SUPPLEMENTARY INFORMATION: On December 27, 2016, the President signed Executive Order (E.O.) 13756 (81 FR 97099), which implemented the January 2017 pay adjustments. The Executive order provides an overall average pay increase of 2.1 percent for the statutory pay systems. This is consistent with the President's alternative pay plan issued under 5 U.S.C. 5303(b) on August 31, 2016, and the President's alternative pay plan issued under 5 U.S.C. 5304a on December 8, 2016.

The publication of this notice satisfies the requirement in Section 5(b) of E.O. 13756 that the U.S. Office of Personnel Management (OPM) publish appropriate notice of the 2017 locality payments in the **Federal Register**.

Schedule 1 of E.O. 13756 provides the rates for the 2017 General Schedule (GS) and reflects a 1 percent increase from 2016. Executive Order 13756 also includes the percentage amounts of the 2017 locality payments. (See Section 5 and Schedule 9 of Executive Order 13756.)

All GS employees receive locality payments under 5 U.S.C. 5304. Locality payments apply in the United States (as defined in 5 U.S.C. 5921(4)) and its territories and possessions. In 2017, locality payments ranging from 15.06 percent to 38.17 percent apply to GS employees in the 47 locality pay areas. The 2017 locality pay area definitions

can be found at: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2017/locality-pay-area-definitions/>.

The 2017 locality pay percentages became effective on the first day of the first pay period beginning on or after January 1, 2017 (January 8, 2017). An employee's locality rate of pay is computed by increasing his or her scheduled annual rate of pay (as defined in 5 CFR 531.602) by the applicable locality pay percentage. (See 5 CFR 531.604 and 531.609.)

Executive Order 13756 establishes the new Executive Schedule which incorporates a 1 percent increase required under 5 U.S.C. 5318 (rounded to the nearest \$100). By law, Executive Schedule officials are not authorized to receive locality payments.

Executive Order 13756 establishes the 2017 range of rates of basic pay for members of the Senior Executive Service (SES) under 5 U.S.C. 5382. The minimum rate of basic pay for the SES is \$124,406 in 2017. The maximum rate of the SES rate range is \$187,000 (level II of the Executive Schedule) for SES members who are covered by a certified SES performance appraisal system and \$172,100 (level III of the Executive Schedule) for SES members who are not covered by a certified SES performance appraisal system.

The minimum rate of basic pay for the senior-level (SL) and scientific and professional (ST) rate range was increased by 1 percent (\$124,406 in 2017), which is the amount of the across-the-board GS increase. The applicable maximum rate of the SL/ST rate range is \$187,000 (level II of the Executive Schedule) for SL or ST employees who are covered by a certified SL/ST performance appraisal system and \$172,100 (level III of the Executive Schedule) for SL or ST employees who are not covered by a certified SL/ST performance appraisal system. Agencies with certified performance appraisal systems for SES members and employees in SL and ST positions must also apply a higher aggregate limitation on pay—up to the Vice President's salary (\$240,100 in 2017.)

Note that Section 101 of the Further Continuing and Security Assistance Appropriations Act, 2017 (Pub. L. 114–254, December 10, 2016) provides continuing appropriations to Federal agencies through April 28, 2017, or the date of enactment of specified appropriations legislation. Under this continuing resolution, the authority and conditions provided in FY 2016 appropriations laws continue to apply. This language means that the freeze on

the payable pay rates for certain senior political appointees at 2013 levels—as provided in section 738 of division E of the Consolidated Appropriations Act, 2016, Public Law 114–113, December 18, 2015—continues into calendar year 2017. On January 10, 2017, OPM issued a memorandum (CPM 2017–02) on the pay freeze for certain senior political officials. (See <https://www.chcoc.gov/content/pay-freeze-certain-senior-political-officials>.)

Executive Order 13756 provides that the rates of basic pay for administrative law judges (ALJs) under 5 U.S.C. 5372 are increased by 1 percent, rounded to the nearest \$100 in 2017. The rate of basic pay for AL–1 is \$161,900 (equivalent to the rate for level IV of the Executive Schedule). The rate of basic pay for AL–2 is \$157,900. The rates of basic pay for AL–3/A through 3/F range from \$108,100 to \$149,600.

The rates of basic pay for members of Contract Appeals Boards are calculated as a percentage of the rate for level IV of the Executive Schedule. (See 5 U.S.C. 5372a.) Therefore, these rates of basic pay are increased by 1 percent in 2017.

On November 17, 2016, OPM issued a memorandum on behalf of the President's Pay Agent (the Secretary of Labor and the Directors of the Office of Management and Budget and OPM) that continues GS locality payments for ALJs and certain other non-GS employee categories in 2017. By law, EX officials, SES members, employees in SL/ST positions, and employees in certain other equivalent pay systems are not authorized to receive locality payments. (Note: An exception applies to certain grandfathered SES, SL, and ST employees stationed in a nonforeign area on January 2, 2010. See CPM 2009–27 at <https://www.chcoc.gov/content/nonforeign-area-retirement-equity-assurance-act>.) The memo is available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/continuation-of-locality-payments-for-non-general-schedule-employees-november-17-2016.pdf>.

On December 27, 2016, OPM issued a memorandum (CPM 2016–20) on the January 2017 pay adjustments. (See <https://www.chcoc.gov/content/january-2017-pay-adjustments>.) The memorandum transmitted Executive Order 13756 and provided the 2017 salary tables, locality pay areas and percentages, and information on general pay administration matters and other related information. The “2017 Salary Tables” posted on OPM's Web site at <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/> are the official rates of pay for affected

employees and are hereby incorporated as part of this notice.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–04669 Filed 3–8–17; 8:45 am]

BILLING CODE 6329–39–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2017–93 and CP2017–128; MC2017–94 and CP2017–129]

New Postal Products

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:* March 13, 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)*: MC2017–93 and CP2017–128; *Filing Title*: Request of the United States Postal Service to Add Priority Mail Contract 295 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date*: March 3, 2017; *Filing Authority*: 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative*: Kenneth R. Moeller; *Comments Due*: March 13, 2017.

2. *Docket No(s)*: MC2017–94 and CP2017–129; *Filing Title*: Request of the United States Postal Service to Add Priority Mail Contract 296 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date*: March 3, 2017; *Filing Authority*: 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative*: Kenneth R. Moeller; *Comments Due*: March 13, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,
Secretary.

[FR Doc. 2017–04642 Filed 3–8–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* March 9, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 3, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 295 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2017–93, CP2017–128.

Stanley F. Mires,
Attorney, Federal Compliance.

[FR Doc. 2017–04592 Filed 3–8–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* March 9, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 3, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 296 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2017–94, CP2017–129.

Stanley F. Mires,
Attorney, Federal Compliance.

[FR Doc. 2017–04593 Filed 3–8–17; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80151; File No. SR–MIAX–2017–08]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange LLC To Amend MIAX Options Rule 519C, Mass Cancellation of Trading Interest

March 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder, ² notice is hereby given that, on February 23, 2017, Miami International Securities Exchange, LLC (“MIAX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 519C.

The text of the proposed rule change is available on the Exchange's Web site at http://www.miaxoptions.com/filter/wotitle/rule_filing, at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 519C, Mass Cancellation of Trading Interest, to adopt new section

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

(c) entitled “Detection of Loss of Communication,” to codify the use of current functionality in the Exchange’s System³ which is designed to assist market participants in the event of a loss of communication with either their assigned MIA Express Interface (“MEI”)⁴ or Financial Information eXchange (“FIX”)⁵ port due to a loss of connectivity. This functionality is designed to protect Market Makers⁶ and other market participants from inadvertent exposure to excessive risk. Additionally, the Exchange proposes to adopt new Interpretations and Policies .01 and .02 as discussed below.

Exchange Members⁷ enter quotes⁸ and orders⁹ utilizing either an MEI port or a FIX port respectively. MEI is utilized by Market Makers of the Exchange and FIX is utilized by Electronic Exchange Members (“EEMs”).¹⁰ These ports provide the mechanism by which Members maintain a connection to the Exchange and through which a Member communicates its quotes and/or orders to the System. Market Makers may submit quotes to the Exchange from one or more MEI ports. Similarly, Members may submit orders to the Exchange from one or more FIX ports. When the System detects a loss of communication with a Member, the System has the capability to remove the Member’s quotes and/or orders, if so elected and configured by the Member. The Exchange notes that this functionality is mandatory for Market Makers using MEI and optional for EEMs using FIX as discussed in more detail below.

³ The term “System” means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

⁴ MEI is a connection to MIA Express systems that enables Market Makers to submit electronic quotes to the Exchange.

⁵ FIX connections to the Exchange permit the entry of orders.

⁶ The term “Market Makers” refers to “Lead Market Makers”, “Primary Lead Market Makers” and Registered Market Makers” collectively. *See* Exchange Rule 100.

⁷ The term “Member” means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed “members” under the Exchange Act. *See* Exchange Rule 100.

⁸ The term “quote” or “quotation” means a bid or offer entered by a Market Maker that is firm and may update the Market Maker’s previous quote, if any. The Rules of the Exchange provide for the use of different type of quotes, including Standard quotes and eQuotes, as more fully described in Rule 517. *See* Exchange Rule 100.

⁹ The term “order” means a firm commitment to buy or sell option contracts. *See* Exchange Rule 100.

¹⁰ The term “Electronic Exchange Member” means the holder of a Trading Permit who is not a Market Maker. Electronic Exchange Members are deemed “members” under the Exchange Act. *See* Exchange Rule 100.

MEI Connections

Market Makers connect to their assigned MEI port using the MIA Session Management Protocol (“SesM”). The SesM protocol uses heartbeat¹¹ packets to detect link failures between the Member and the Exchange. The SesM protocol requires that the Exchange must send a heartbeat packet anytime more than one (1) second has passed since the Exchange last sent any data. Further, the SesM protocol requires that the Member must send a heartbeat packet anytime more than one (1) second has passed since the Member last sent any data. If a certain number of consecutive heartbeats are missed,¹² or if the Member fails to send data or heartbeats within “xx” period of time (“Heartbeat Interval”), the System will automatically close the connection and listen for the Member to establish a new connection. The default Heartbeat Interval setting is determined by the Exchange and configured directly into the System.¹³ Any change to this setting will be communicated to Members accordingly.

The Exchange offers Market Makers two different types of MEI port connections. A Full Service Port¹⁴ which supports all message types and a Limited Service Port which provides slightly less functionality.¹⁵ The Exchange limits Members to two (2) Full Service Ports and allows up to eight (8) Limited Service Ports per MIA Express matching engine.¹⁶ Both Full Service and Limited Service Ports can have “Cancel on Disconnect” enabled. By default, Cancel on Disconnect functionality will be triggered upon establishing a loss of communication to the Market Maker’s last MEI Full

¹¹ A heartbeat is a message that is generated at regular intervals to indicate that two way communication has been established. A loss of heartbeats or the lack of a response to a heartbeat request indicates a loss of communication.

¹² The Exchange notes that the current System setting is three (3) heartbeats and that any change to this setting will be determined by the Exchange and communicated to Members via a Regulatory Circular.

¹³ The Exchange notes the current setting is three (3) seconds.

¹⁴ Full Service MEI Ports provide Market Makers with the ability to send Market Maker quotes, eQuotes, and quote purge messages to the MIA Express System. Full Service MEI Ports are also capable of receiving administrative information. Market Makers are limited to two Full Service MEI Ports per matching engine.

¹⁵ Limited Service MEI Ports provide Market Makers with the ability to send eQuotes and quote purge messages only, but not Market Maker Quotes, to the System. Limited Service MEI Ports are also capable of receiving administrative information.

¹⁶ A “matching engine” is a part of the MIA Express electronic system that processes options quotes and trades on a symbol-by-symbol basis. The Exchange currently hosts 24 separate matching engines.

Service Port connection to a matching engine. When Cancel on Disconnect is triggered, the System will close the session and remove a Market Maker’s quotes and eQuotes from the Exchange, for the impacted matching engine only.

Market Makers have the ability to group MEI ports together by port and/or Market Participant ID (“MPID”) for the purpose of establishing groups of connections to tailor Cancel on Disconnect functionality to the Member’s business needs. Cancel on Disconnect may be enabled for any Port, however by selectively grouping ports and/or MPIDs, a Member can customize the loss of communication scenario which would result in Cancel on Disconnect functionality ultimately being invoked.

Examples for illustration purposes are provided below.

Example 1: Default Behavior.

Group 1: MEI Full Service Ports: MEI Port 1 & MEI Port 2.

Scenario 1: MEI Port 1 disconnects, (MEI Port 2 connected) no quotes removed.

Scenario 2: MEI Port 2 disconnects, (MEI Port 1 connected) no quotes removed.

Scenario 3: MEI Port 1 disconnects, MEI Port 2 disconnects, Cancel on Disconnect triggered.

Scenario 4: MEI Port 2 disconnects, MEI Port 1 disconnects, Cancel on Disconnect triggered.

Example 2: A Member requiring a configuration which separates their eQuotes, Mass-Quote-Cancel or Notifications to a separate port.

Group 1: MEI Full Service Ports: MEI Port 1 & MEI Port 2.

Group 2: MEI Limited Service Port: MEI Port 3.

Group 1 is configured for Cancel on Disconnect; Group 2 is not.

Assuming that the Firm is connected on all ports:

Scenario 1: MEI Port 1 disconnects, no quotes removed.

Scenario 2: MEI Port 1 and Port 2 disconnect, Cancel on Disconnect triggered, quotes removed.

Scenario 3: MEI Port 3 disconnects, no quotes removed.

Scenario 4: MEI Port 1 and Port 3 disconnect, no quotes removed.

Example 3: A Member requiring a configuration to divide the ports to separate computers or traders.

Group 1: MEI Full Service Port: MEI Port 1; MEI Limited Service Port: MEI Port 2.

Group 2: MEI Full Service Port: MEI Port 3; MEI Limited Service Port: MEI Port 4.

Group 1 MPIDs: MPID_1, MPID_2, MPID_3.

Group 2 MPIDs: MPID_3, MPID_4, MPID_5.

Both groups are configured for Cancel on Disconnect, and MPID_3 is in both groups.

Assuming the Member is connected on all ports:

Scenario 1: MEI Port 1 disconnects, no quotes removed.

Scenario 2: MEI Port 1 and Port 2 disconnect, Cancel on Disconnect triggered for MPID_1, MPID_2, and MPID_3.

Scenario 3: MEI Port 3 disconnects, no quotes removed.

Scenario 4: MEI Port 1 and MEI Port 3 disconnect, Cancel on Disconnect triggered for all MPIDs.

FIX Connections

EEMs connect to their assigned FIX port using the MIAx FIX Order Interface (“FOI”) which is a flexible interface that uses the FIX protocol for both application and session level messages. As per the FIX protocol, a connection is established by the Member submitting a logon message to the Exchange. This logon message establishes the heartbeat interval that will be used by the session. This value must be greater than zero seconds and the same value must be used by both the Member and the Exchange.

Within the logon message a Member can enable “Auto Cancel on Disconnect” for all orders sent through a session by setting a flag in the logon message. This would result in all eligible orders¹⁷ submitted through the FIX connection to be canceled upon a loss of communication. Alternatively, a Member can identify individual orders on a per order basis that are to be considered for Auto Cancel on Disconnect treatment.

Upon missing a single heartbeat, FOI will send a *Test Request* message¹⁸ to the Member to check the status of the connection. Upon missing a certain number of heartbeats,¹⁹ FOI will send a logout message and terminate the

connection. When FOI detects a disconnection for any reason it will trigger the Auto Cancel on Disconnect process, whereby, if enabled, FOI will cancel all eligible orders. If Auto Cancel on Disconnect is not enabled for the session or for any orders, FOI will simply disconnect the FIX session and not cancel any orders. Once disconnected, a FIX user would have to commence a new session to add, modify, or cancel its orders. After a disconnect FOI will not accept connections from the Member for a pre-configured period of time.²⁰ This allows the Exchange to cancel orders without the Member being able to reconnect and attempt to interact with an order in the process of being canceled. Any change to this setting will be announced to Members accordingly.

The Auto Cancel on Disconnect functionality is designed to react to external connection loss scenarios only. Therefore, it does not cancel orders in the event of a MIAx system failure. The execution reports resulting from cancels or trades during the period a Member is disconnected can be received upon a subsequent reconnection by the Member on the same trading day.

The Exchange also proposes to adopt new Interpretations and Policies .01 to enumerate order types that are not eligible for removal by the Auto Cancel on Disconnect functionality. Proposed Interpretation and Policies .01 will state that Good ‘Til Cancelled (“GTC”)²¹ orders and PRIME orders are not eligible for automatic cancellation. PRIME is the Exchange’s Price Improvement Mechanism²² and PRIME orders are stopped orders which are used to start an auction process whereby the execution price the order receives may be improved as a result of the auction. A PRIME auction has a maximum duration of 500 milliseconds. PRIME orders are not resting orders and are used solely to facilitate the PRIME auction process.

Further, the Exchange proposes to adopt new Interpretations and Policies .02 (i) to define what a “Heartbeat” message is and how it used by the Exchange, and (ii) to define the requirements for establishing a “Loss of Communication” on the Exchange.

The functionality discussed above is designed to mitigate potential risks associated with a loss of communication to the Exchange. In today’s market, Market Makers’ quotes are rapidly changing and can have a lifespan of

only milliseconds. Therefore, if a Member is disconnected for any period of time, and its quotes remained in the System, it is very possible that the quotes would be stale by the time the Member was able to reestablish connectivity. Consequently, any resulting execution of such quotes is more likely to be erroneous or unintended. Conversely, the Exchange notes that orders tend to be static in nature and often rest on the Book. Certain orders, such as GTC orders are intended to rest on the Book for an extended period of time. As such, there is a lower risk of erroneous or unintended executions resulting from orders that remained in the System after a Member experienced a loss of communication.

The Exchange believes that while information relating to connectivity and loss of communication is already available to Members via technical specifications, codifying this information in the rule text will provide additional transparency and further reduce the potential for confusion.

2. Statutory Basis

MIAx believes that its proposed rule change is consistent with Section 6(b) of the Act²³ in general, and furthers the objectives of Section 6(b)(5) of the Act²⁴ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed rule will remove impediments to and perfect the mechanism of a free and open market and a national market system and protect investors and the public interest by providing Market Makers with a mechanism by which quotes may be removed in the event of a loss of connectivity with the System.

Market Makers provide liquidity to the market place and have obligations unlike other Members.²⁵

This risk protection feature is important because it will enable Market Makers to avoid risks associated with inadvertent executions in the event of a loss of communication with the Exchange. The proposed rule change is

¹⁷ Good ‘Til Cancelled (“GTC”) orders are not eligible for Auto Cancel on Disconnect. A GTC order is an order to buy or sell which remains in effect until it is either executed, cancelled or the underlying option expires. See Exchange Rule 516. PRIME orders are not eligible for Auto Cancel on Disconnect. See Exchange Rule 515A.

¹⁸ The test request message is a FIX Protocol message that forces a heartbeat from the opposing application. The test request message checks sequence numbers or verifies communication line status. The opposite application responds to the Test Request with a Heartbeat containing the Test Request ID. Financial Information Exchange Protocol (FIX), Version 4.2 with errata. May 1, 2001.

¹⁹ The Exchange notes that the current System setting is two (2) heartbeats, and that any change to this setting will be determined by the Exchange and communicated to Members via Regulatory Circular.

²⁰ The Exchange notes the current setting is five (5) seconds.

²¹ See Exchange Rule 516.

²² See Exchange Rule 515A.

²³ 15 U.S.C. 78f(b).

²⁴ 15 U.S.C. 78f(b)(5).

²⁵ See Exchange Rule 603.

not unfairly discriminatory among market participants, as it is available equally to all market participants utilizing MEI. The obligation of Market Makers on the Exchange to provide continuous two-sided quotes in their assigned series on a daily basis²⁶ is not diminished by the removal of such quotes triggered by the disconnect. The Exchange will not be prohibited from taking disciplinary action against a Market Maker for failing to meet its continuous quoting obligation each trading day as a result of disconnections.

The disconnect feature of FIX connections is mandatory, however Members have the option to enable the cancellation of all orders for an entire session or select orders for cancellation on an order-by-order basis, which would result in the cancellation of orders submitted over a FIX port when such port disconnects. It is appropriate to offer two different removal features to all Members utilizing FIX, as these Members may desire that their orders remain on the order book despite a technical disconnection, so as not to miss any opportunities for execution of such orders while the FIX session is disconnected. Offering to cancel all orders, specifically selected orders, or no orders, upon disconnect allows the Member to customize the functionality to align to its business needs. Offering this type of order cancellation functionality to Members is consistent with the Act because it enables Members to avoid risks associated with inadvertent executions in the event of a loss of communication with the Exchange. The order cancellation functionality is designed to mitigate the risk of missed and/or unintended executions associated with a loss in communication with the Exchange. The proposed rule change is not unfairly discriminatory among market participants, as it is available equally to all market participants utilizing FIX.

The disconnect feature is mandatory under the FIX protocol. The Exchange will disconnect Members from the Exchange and not cancel orders if the Auto Cancel on Disconnect functionality is not enabled. This feature is consistent with the Act because it provides FIX users the ability to disconnect from the Exchange and assess the current market conditions to make a determination concerning their risk exposure. The Exchange notes that in the event Auto Cancel on Disconnect functionality is not enabled and such orders need to be cancelled after a disconnection occurs, an Exchange

participant can contact Exchange staff to have its orders cancelled from the System.²⁷ The Exchange believes requiring a disconnect when a loss of communication is detected to be a rational course of action for the Exchange to alert the Member of the technical connectivity issue.

The Exchange believes that the proposed rule change will assist with the maintenance of a fair and orderly market by codifying risk protections for orders and quotes. The Exchange's proposal is consistent with the Act because it will mitigate the risk of potential erroneous or unintended executions associated with a loss in communication which protects investors and the public interest. Additionally, the proposed rule adds another risk protection tool for Members and protects investors and the public interest by increasing the risk protection tools available to Members of the Exchange. The Exchange believes codifying existing functionality by rule will remove impediments to and perfect the mechanisms of a free and open market by adding precision and ease of reference to the Exchange's Rules, thus promoting transparency and clarity for Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange believes the proposed rule change will not impose any burden on intra-market competition because every Member of the Exchange has the opportunity to benefit from the functionality described in the proposed rule.

The Exchange provides two separate and distinct mechanisms for communicating with the Exchange, MEI and FIX. MEI Ports support the submission of quotes to the Exchange and are used by Market Makers who have heightened quoting obligations because of their role.²⁸ Market Makers are provided the ability to configure their MEI Ports to leverage the functionality provided by the Exchange to remove quotes to align to their risk tolerance. Because of the volume of series that a Market Maker is obligated quote, the Exchange believes that removing all quotes for an affected matching engine on behalf of a Market Maker who has lost its last MEI connection to that engine to be in the

best interest of both the Market Maker, to mitigate risk; and the Exchange, to ensure a fair and orderly market.

FIX connections to the Exchange only support order submission. FIX users may set a timeframe for disconnection that is appropriate for their risk tolerance. Offering functionality to cancel all, some, or none, of the orders in the System upon establishing a loss of communication does not create an undue burden on intra-market competition as Members do not equally bear the same risks of potential erroneous or unintended executions. Further, FIX users have greater control over their orders and may designate a number of different Time in Force instructions which can be used to determine the duration an order rests on the Book, from Immediate-or-Cancel, which is executed in whole or part upon receipt, with any unexecuted portion being cancelled; to a Good 'Til Cancelled order, which may rest on the Book until it is executed, cancelled by the user, or until the underlying option expires.²⁹

The Exchange does not believe the proposed rule change will impose any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that other option exchanges offer similar functionality.³⁰ For all the reasons stated, 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.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A)

²⁹ See Exchange Rule 516.

³⁰ See BOX Rule 8140; CBOE Rule 6.23C; NASDAQ BX Chapter VI, Section 6; and NASDAQ Phlx Rule 1019.

²⁶ See Exchange Rule 604.

²⁷ See Exchange Rule 519C.

²⁸ See Exchange Rule 603.

of the Act³¹ and Rule 19b-4(f)(6)³² thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-MIAX-2017-08 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-MIAX-2017-08. 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-MIAX-2017-08 and should be submitted on or before March 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³³

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-04603 Filed 3-8-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-32520; File No. 812-14679]

Medley Capital Corporation, et al.; Notice of Application

March 3, 2017.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the "Act") and Rule 17d-1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and Rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (each, a "BDC") and closed-end management investment companies to co-invest with each other and with certain affiliated investment funds in portfolio companies.

APPLICANTS: Medley Capital Corporation ("MCC"); Medley SBIC, LP ("Medley SBIC"); Medley SBIC GP, LLC (the "SBIC General Partner"); Medley LLC; MCC Advisors LLC ("MCC Advisors"); Medley Capital LLC, MOF II Management LLC, and MOF III Management LLC (collectively, the "Existing Affiliated Investment Advisers"); MOF II GP LLC, MOF III GP LLC, and Medley Credit Strategies GP, LLC (collectively, the "Existing General Partners"); Medley Opportunity Fund III

LP, Medley Opportunity Fund II LP, and Medley Credit Strategies (KOC) LLC (collectively, the "Existing Affiliated Funds"); Sierra Income Corporation ("Sierra"); SIC Advisors LLC ("SIC Advisors"); Sierra Total Return Fund ("STRF"); STRF Advisors LLC ("STRF Advisors"); Sierra Opportunity Fund ("SOF"); and SOF Advisor LLC ("SOF Advisors").

FILING DATES: The application was filed on July 26, 2016, and amended on December 23, 2016. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 28, 2017 and should be accompanied by proof of service on applicants, 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 St. NE., Washington, DC 20549-1090. Applicants: c/o Brooke Taube, Medley Capital Corporation, Seth Taube, Sierra Income Corporation, Sierra Total Return Fund, and Sierra Opportunity Fund, 280 Park Avenue, 6th Floor East, New York, NY 10017.

FOR FURTHER INFORMATION CONTACT: Hae-Sung Lee, Attorney-Adviser, at (202) 551-7345, or David J. Marcinkus, Branch Chief, at (202) 551-6821 (Chief Counsel's Office, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090.

Applicants' Representations

1. MCC is an externally managed, non-diversified, closed-end management investment company that has elected to be regulated as a BDC

³¹ 15 U.S.C. 78s(b)(3)(A).

³² 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

³³ 17 CFR 200.30-3(a)(12).

under the Act.¹ MCC's investment objective is to generate current income and capital appreciation by lending directly to privately-held middle market companies. MCC's board of directors (the "MCC Board") currently consists of seven members, four of whom are not "interested persons" as defined in section 2(a)(19) of the Act (the "Independent Directors"). Each of Brooke Taube and Seth Taube (the "Principals") and Jeff Tonkel serves as an interested director on the MCC Board.

2. Applicants represent that Medley SBIC was organized as a limited partnership under the laws of the state of Delaware and is licensed by the Small Business Administration ("SBA") to operate under the Small Business Investment Act of 1958, as amended ("SBA Act"), as a small business investment company (each such licensed entity, an "SBIC Subsidiary"). Applicants state that Medley SBIC will not be registered under the Act based on the exclusion from the definition of investment company contained in section 3(c)(7). The SBIC General Partner was organized as a limited liability company under the laws of the state of Delaware and is the general partner of Medley SBIC. Applicants represent that Medley SBIC is functionally a wholly-owned subsidiary of MCC because MCC and the SBIC General Partner (which is a wholly-owned subsidiary of MCC) own all of the equity and voting interests in Medley SBIC.

3. Sierra is an externally managed, non-diversified, closed-end management investment company that has elected to be regulated as a BDC under the Act. Sierra's investment objective is to generate current income and capital appreciation by investing primarily in the debt of privately-held U.S. companies with a focus on senior secured debt, second lien debt and, to a lesser extent, subordinated debt. Sierra's board of directors (the "Sierra Board") currently consists of five members, three of whom are Independent Directors. Each of the Principals serves as an interested director on the Sierra Board.

4. STRF is an externally managed, non-diversified, closed-end management investment company registered under the Act. STRF will be operated as an interval fund. STRF's

investment objective is to generate total return through a combination of current income and long-term capital appreciation by investing in a portfolio of debt securities and equities. STRF's board of directors (the "STRF Board") currently consists of five members, three of whom are Independent Directors. Each of the Principals serves as an interested trustee on the STRF Board.

5. SOF is an externally managed, non-diversified, closed-end management investment company registered under the Act. SOF will be operated as an interval fund. SOF's investment objective is to generate current income and, as a secondary objective, long-term capital appreciation. SOF's board of directors (the "SOF Board") currently consists of five members, three of whom are Independent Directors. Each of the Principals serves as an interested trustee on the SOF Board.

6. MCC Advisors is registered as an investment adviser under the Investment Advisers Act of 1940 (the "Advisers Act") and serves as the investment adviser to MCC. SIC Advisors is registered as an investment adviser under the Advisers Act and serves as the investment adviser to Sierra. STRF Advisors is registered as an investment adviser under the Advisers Act and serves as an investment adviser to STRF. SOF Advisors is registered as an investment adviser under the Advisers Act and serves as an investment adviser to SOF. The Existing Affiliated Investment Advisers are registered under the Advisers Act and currently serve as investment advisers to the Existing Affiliated Funds. Medley LLC, which is controlled by the Principals, controls each of the Existing Affiliated Investment Advisers.² The Existing General Partners are the general partners of certain of the Existing Affiliated Funds. The Existing General Partners are direct, wholly-owned subsidiaries of Medley GP Holdings LLC, which is controlled by the Principals.

7. Each of the Existing Affiliated Funds is a separate legal entity and is excluded from the definition of "investment company" under section 3(c)(1) or 3(c)(7) of the Act.

8. Applicants seek to supersede the Prior Order³ to permit a Regulated

Entity and one or more other Regulated Entities and/or one or more Affiliated Funds to participate in the same investment opportunities through a proposed co-investment program where such participation would otherwise be prohibited under sections 17(d) and 57(a)(4) and rule 17d-1 (the "Co-Investment Program").⁴ For purposes of the application, a "Co-Investment Transaction" means any transaction in which a Regulated Entity (or its Wholly-Owned Investment Sub, as defined below) participated, in reliance on the Order or the Prior Order), (a) together with one or more other Regulated Entities and/or (b) together with one or more Affiliated Funds. A "Potential Co-Investment Transaction" means any investment opportunity in which a Regulated Entity (or its Wholly-Owned Investment Sub) could not participate together with one or more Regulated Entities and/or together with one or more Affiliated Funds without obtaining and relying on the Order. Affiliated Funds that have the capacity to, and elect to, co-invest with the Regulated Entities are referred to as "Participating Funds."

9. Applicants state that a Regulated Entity may, from time to time, form one or more Wholly-Owned Investment Subs.⁵ Such a subsidiary would be

Corporation, *et al.*, Investment Company Act Release Nos. 30769 (Oct. 28, 2013) (notice) and 30807 (Nov. 25, 2013) (order). All existing entities that currently intend to rely on the Order have been named as applicants. Any other existing or future entity that relies on the Order in the future will comply with the terms and conditions of the application.

⁴ "Future Affiliated Funds" means any entity whose (i) investment adviser is an Affiliated Investment Adviser, (ii) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act, (iii) that is not a subsidiary of a Regulated Entity, and (iv) that intends to participate in the Co-Investment Program. "Affiliated Funds" means the Existing Affiliated Funds and the Future Affiliated Funds. "Regulated Entity" means any of (i) MCC, (ii) Sierra, (iii) STRF, (iv) SOF, or (v) any future closed-end investment company that is registered under the Act or has elected to be regulated as a BDC under the Act, whose investment adviser is a Regulated Entity Adviser, and that intends to participate in the Co-Investment Program. "Regulated Entity Advisers" means (i) MCC Advisors, (ii) SIC Advisors, (iii) STRF Advisors, (iv) SOF Advisors, and (v) any future investment adviser that Medley LLC controls.

⁵ The term "Wholly-Owned Investment Sub" means an entity (i) that is wholly-owned by a Regulated Entity (with such Regulated Entity at all times holding, beneficially and of record, 100% of the voting and economic interests), (ii) whose sole business purpose is to hold one or more investments on behalf of such Regulated Entity (and, in the case of an SBIC Subsidiary, maintain a license under the SBA Act and issue debentures guaranteed by the SBA); (iii) with respect to which the Regulated Entity's board of directors ("Board") has the sole authority to make all determinations with respect to the entity's participation under the conditions of the application; and (iv) that would

Continued

¹ Section 2(a)(48) defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in sections 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial assistance with respect to the issuers of such securities.

² "Affiliated Investment Advisers" means the Existing Affiliated Investment Adviser and any future investment adviser that Medley LLC controls.

³ The requested order (the "Order") would supersede an exemptive order issued by the Commission on November 25, 2013 (the "Prior Order") that was granted pursuant to sections 57(a)(4) and 57(i) and rule 17d-1, with the result that no person will continue to rely on the Prior Order if the Order is granted. Medley Capital

prohibited from investing in a Co-Investment Transaction with any Affiliated Fund or another Regulated Entity because it would be a company controlled by the Regulated Entity for purposes of sections 17(d) and 57(a)(4) and rule 17d-1. Applicants request that each Wholly-Owned Investment Sub be permitted to participate in Co-Investment Transactions in lieu of the Regulated Entity that owns it and that the Wholly-Owned Investment Sub's participation in any such transaction be treated, for purposes of the Order, as though the Regulated Entity were participating directly. Applicants represent that this treatment is justified because a Wholly-Owned Investment Sub would have no purpose other than serving as a holding vehicle for the Regulated Entity's investments and, therefore, no conflicts of interest could arise between the Regulated Entity and the Wholly-Owned Investment Sub. The Regulated Entity's Board would make all relevant determinations under the conditions with regard to a Wholly-Owned Investment Sub's participation in a Co-Investment Transaction, and the Regulated Entity's Board would be informed of, and take into consideration, any proposed use of a Wholly-Owned Investment Sub in the Regulated Entity's place. If the Regulated Entity proposes to participate in the same Co-Investment Transaction with any of its Wholly-Owned Investment Subs, the Board of the Regulated Entity will also be informed of, and take into consideration, the relative participation of the Regulated Entity and the Wholly-Owned Investment Sub.

10. In selecting investments for each Regulated Entity, the Regulated Entity Advisers will consider the investment objective, investment policies, investment position, capital available for investment, and other factors relevant to the respective Regulated Entities they advise. The Regulated Entity Advisers expect that any portfolio company that is an appropriate investment for a Regulated Entity should also be an appropriate investment for one or more other Regulated Entities and/or one or more Affiliated Funds, with certain exceptions based on available capital or

diversification.⁶ The Regulated Entity Adviser, as applicable, will present each Potential Co-Investment Transaction and the proposed allocation of each investment opportunity to the directors of the relevant Regulated Entity's Board that are eligible to vote under section 57(o) of the Act (the "Eligible Directors"). The "required majority," as defined in section 57(o) ("Required Majority") of a Regulated Entity will approve each Co-Investment Transaction prior to any investment by the Regulated Entity.

11. All subsequent activity (*i.e.*, exits or Follow-On Investments, as defined below) in a Co-Investment Transaction will also be made in accordance with the terms and conditions set forth in the application.⁷ A Regulated Entity may participate in a pro rata disposition or Follow-On Investment without obtaining prior approval of the Required Majority if, among other things: (i) The proposed participation of each Regulated Entity and Affiliated Fund is proportionate to its outstanding investments in the issuer immediately preceding the disposition or Follow-On Investment, as the case may be; and (ii) the Board of the Regulated Entity has approved that Regulated Entity's participation in pro rata dispositions and Follow-On Investments as being in the best interests of the Regulated Entity. If the Board has not given such approval in advance, any such disposition or Follow-On Investment will be submitted to the Regulated Entity's Eligible Directors. The Board of a Regulated Entity may at any time rescind, suspend or qualify its approval of pro rata dispositions and Follow-On Investments with the result that all dispositions and/or Follow-On Investments must be submitted to the Eligible Directors.

12. Applicants state that none of the Principals will benefit directly or indirectly from any Co-Investment Transaction (other than by virtue of the ownership of securities of MCC and the Affiliated Investment Advisers) or participate individually in any Co-Investment Transaction. In addition, no Independent Director will have any direct or indirect financial interest in any Co-Investment Transaction or any interest in any portfolio company, other than through an interest (if any) in the securities of a Regulated Entity.

⁶ The Regulated Entities, however, will not be obligated to invest, or co-invest, when investment opportunities are referred to them.

⁷ "Follow-On Investments" means additional investments in securities of issuers, including through the exercise of warrants, conversion privileges, and other rights to purchase securities of the issuers.

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d-1 under the Act are applicable to Regulated Entities that are registered closed-end investment companies. Section 17(d) of the Act and rule 17d-1 under the Act prohibit participation by a registered investment company and an affiliated person in any "joint enterprise or other joint arrangement or profit-sharing plan," as defined in the rule, without prior approval by the Commission by order upon application.

2. Similarly, with regard to BDCs, Section 57(a)(4) of the Act prohibits certain affiliated persons of a BDC from participating in joint transactions with the BDC or a company controlled by such BDC in contravention of rules as prescribed by the Commission. Under section 57(b)(2) of the Act, any person who is directly or indirectly controlling, controlled by, or under common control with a BDC is subject to section 57(a)(4). Applicants submit that each of the Affiliated Funds and the other Regulated Entities could be deemed to be a person related to each Regulated Entity in a manner described by section 57(b) by virtue of being under common control with such Regulated Entity.

2. Section 57(i) of the Act provides that, until the Commission prescribes rules under section 57(a)(4), the Commission's rules under section 17(d) of the Act applicable to registered closed-end investment companies will be deemed to apply to BDCs. Because the Commission has not adopted any rules under section 57(a)(4), rule 17d-1 applies.

3. Rule 17d-1, as made applicable to BDCs by section 57(i), prohibits any person who is related to a BDC in a manner described in section 57(b), acting as principal, from participating in, or effecting any transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan in which the BDC or a company controlled by such BDC is a participant, absent an order from the Commission. In passing upon applications under rule 17d-1, the Commission considers whether the participation by the BDC or controlled company in the joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

4. Applicants state that they expect that co-investment in portfolio companies by the Regulated Entities and the Affiliated Funds will increase the number of favorable investment opportunities for the Regulated Entities

be an investment company but for section 3(c)(1) or 3(c)(7) of the Act. All subsidiaries participating in the Co-Investment Program will be Wholly-Owned Investment Subs and will have Objectives and Strategies (as defined below) that are either substantially the same as, or a subset of, their parent Regulated Entity's Objectives and Strategies. An SBIC Subsidiary may be a Wholly-Owned Investment Sub if it satisfies the conditions in this definition.

and that the Co-Investment Program will be implemented only if the Required Majority of the applicable Regulated Entity approves it.

5. Applicants submit that the Required Majority's approval of each Co-Investment Transaction before investment, and other protective conditions set forth in the application, will ensure that the applicable Regulated Entity will be treated fairly. Applicants state that the Regulated Entities' participation in the Co-Investment Transactions will be consistent with the provisions, policies, and purposes of the Act and on a basis that is not different from or less advantageous than that of other participants.

6. Under condition 14, if the Regulated Entity Advisers or the Principals, or any person controlling, controlled by, or under common control with the Regulated Entity Advisers or the Principals, and the Affiliated Funds (collectively, the "Holders") own in the aggregate more than 25% of the outstanding voting securities of a Regulated Entity ("Shares"), then the Holders will vote such Shares as directed by an independent third party when voting on matters specified in the condition. Applicants believe that this condition will ensure that the Independent Directors will act independently in evaluating the Co-Investment Program, because the ability of the Regulated Entity Advisers or the Principals to influence the Independent Directors by a suggestion, explicit or implied, that the Independent Directors can be removed will be limited significantly. Applicants represent that the Independent Directors will evaluate and approve any independent third party, taking into accounts its qualifications, reputation for independence, cost to the shareholders, and other factors that they deem relevant.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Each time a Regulated Entity Adviser or an Affiliated Investment Adviser considers a Potential Co-Investment Transaction for an Affiliated Fund or another Regulated Entity that falls within the then-current Objectives and Strategies of a Regulated Entity,⁸

the appropriate Regulated Entity Adviser will make an independent determination of the appropriateness of the investment for the Regulated Entity in light of the Regulated Entity's then-current circumstances.

2. (a) If a Regulated Entity Adviser deems a Regulated Entity's participation in any Potential Co-Investment Transaction to be appropriate for such Regulated Entity, it will then determine an appropriate level of investment for such Regulated Entity.

(b) If the aggregate amount recommended by Regulated Entity Advisers to be invested by the Regulated Entities in such Potential Co-Investment Transaction, together with the amount proposed to be invested by each Participating Fund, collectively, in the same transaction, exceeds the amount of the investment opportunity, the amount proposed to be invested by each such party will be allocated among them pro rata based on each participating party's capital available for investment in the asset class being allocated, up to the amount proposed to be invested by each. The Regulated Entity Advisers will provide the respective Eligible Directors with information concerning each party's available capital to assist the Eligible Directors with their review of such Regulated Entity's investments for compliance with these allocation procedures.

(c) After making the determinations required in conditions 1 and 2(a), the Regulated Entity Advisers will distribute written information concerning the Potential Co-Investment Transaction, including the amount proposed to be invested by each Regulated Entity and any Participating Fund, to the Eligible Directors of the each participating Regulated Entity for their consideration. A Regulated Entity will co-invest with another Regulated Entity and/or any Participating Fund only if, prior to participating in the Potential Co-Investment Transaction, a Required Majority of the Regulated Entity concludes that:

(i) The terms of the transaction, including the consideration to be paid, are reasonable and fair to the Regulated Entity and its stockholders and do not involve overreaching in respect of the Regulated Entity or its stockholders on the part of any person concerned;

(ii) the transaction is consistent with (A) the interests of the Regulated Entity's stockholders; and

(B) the Regulated Entity's then-current Objectives and Strategies.

(iii) the investment by another Regulated Entity or one or more Participating Funds would not disadvantage the Regulated Entity, and participation by such Regulated Entity is not on a basis different from or less advantageous than that of any Participating Fund or other Regulated Entity; provided that, if any Participating Fund or other Regulated Entity, but not the Regulated Entity itself, gains the right to nominate a director for election to a portfolio company's board of directors or the right to have a board observer or any similar right to participate in the governance or management of the portfolio company, such event shall not be interpreted to prohibit the Required Majority from reaching the conclusions required by this condition (2)(c)(iii), if

(A) the Eligible Directors shall have the right to ratify the selection of such director or board observer, if any;

(B) the Regulated Entity Adviser agrees to, and does, provide periodic reports to the Board of the applicable Regulated Entity with respect to the actions of such director or the information received by such board observer or obtained through the exercise of any similar right to participate in the governance or management of the portfolio company; and

(C) any fees or other compensation that any other Regulated Entity or any Participating Fund or any affiliated person of either receives in connection with the right of a Participating Fund or other Regulated Entity to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately among any Participating Funds (who may, in turn, share their portion with their affiliated persons) and the participating Regulated Entities in accordance with the amount of each party's investment; and

(iv) the proposed investment by the Regulated Entity will not benefit the Regulated Entity Advisers, the Affiliated Funds or other Regulated Entities, or any affiliated person of any of them (other than the other parties to the Co-Investment Transaction), except (a) to the extent permitted by condition 13; (b) to the extent permitted by sections 17(e) or 57(k), as applicable; (c) indirectly, as a result of an interest in securities issued by one of the parties to the Co-Investment Transaction; or (d) in the case of fees or other compensation described in condition 2(c)(iii)(C).

3. Each Regulated Entity has the right to decline to participate in any Potential

⁸ "Objectives and Strategies" means the Regulated Entity's investment objectives and strategies, as described in the Regulated Entity's registration statement on Form N-2, other filings the Regulated Entity has made with the Commission under the Securities Act of 1933, as amended (the "1933 Act"), or under the Securities Exchange Act of

1934, as amended, and the Regulated Entity's reports to stockholders.

Co-Investment Transaction or to invest less than the amount proposed.

4. The Regulated Entity Advisers will present to the Board of each Regulated Entity, as applicable, on a quarterly basis, a record of all investments in Potential Co-Investment Transactions made by the Affiliated Funds and other Regulated Entities during the preceding quarter that fell within the Regulated Entity's then-current Objectives and Strategies that were not made available to the respective Regulated Entity, and an explanation of why the investment opportunities were not offered to the Regulated Entity. All information presented to the Board pursuant to this condition will be kept for the life of the Regulated Entity and at least two years thereafter, and will be subject to examination by the Commission and its staff.

5. Except for Follow-On Investments made pursuant to condition 8 below,⁹ a Regulated Entity will not invest in reliance on the Order in any portfolio company in which any other Regulated Entity, any Affiliated Fund, or any affiliated person of any other Regulated Entity or Affiliated Fund is an existing investor.

6. A Regulated Entity will not participate in any Potential Co-Investment Transaction unless the terms, conditions, price, class of securities to be purchased, settlement date and registration rights will be the same for such Regulated Entity as for the Participating Funds and/or other Regulated Entities. The grant to an Affiliated Fund or another Regulated Entity, but not such Regulated Entity, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the portfolio company will not be interpreted so as to violate this condition 6, if conditions 2(c)(iii)(A), (B) and (C) are met.

7. (a) If any Regulated Entity or Participating Fund elects to sell, exchange, or otherwise dispose of an interest in a security that was acquired in a Co-Investment Transaction, then:

(i) The investment adviser to such Regulated Entity or Participating Fund will notify each other Regulated Entity that participated in the Co-Investment Transaction of the proposed disposition at the earliest practical time; and

(ii) the investment adviser to each other Regulated Entity that participated

in the Co-Investment Transaction will formulate a recommendation as to participation by such Regulated Entity in the disposition.

(b) Each Regulated Entity will have the right to participate in such disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to any Participating Funds and any other Regulated Entities.

(c) A Regulated Entity may participate in such disposition without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Entity and the Participating Funds in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition; (ii) the Board of the applicable Regulated Entity has approved as being in the best interests of the applicable Regulated Entity the ability to participate in such dispositions on a pro rata basis (as described in greater detail in the application); and (iii) the Board of the applicable Regulated Entity is provided on a quarterly basis with a list of all dispositions made in accordance with this condition. In all other cases, the applicable Regulated Entity Adviser will provide its written recommendation as to such Regulated Entity's participation to the Eligible Directors, and such Regulated Entity will participate in such disposition solely to the extent that a Required Majority determines that it is in such Regulated Entity's best interests.

(d) Each Regulated Entity and each of the Participating Funds will bear its own expenses in connection with any such disposition.

8. (a) If any Regulated Entity or Participating Fund desires to make a Follow-On Investment in a portfolio company whose securities were acquired in a Co-Investment Transaction, then:

(i) The investment adviser to such Regulated Entity or Participating Fund will notify each other Regulated Entity that participated in the Co-Investment Transaction of the proposed transaction at the earliest practical time; and

(ii) the investment adviser to each other Regulated Entity that participated in the Co-Investment Transaction will formulate a recommendation as to the proposed participation, including the amount of the proposed investment, by such Regulated Entity.

(b) A Regulated Entity may participate in such Follow-On Investment without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Entity and Participating Fund in such investment is proportionate to its

outstanding investments in the issuer immediately preceding the Follow-On Investment; (ii) the Board of the applicable Regulated Entity has approved as being in the best interests of such Regulated Entity the ability to participate in Follow-On Investments on a pro rata basis (as described in greater detail in the application); and (iii) the Board of the applicable Regulated Entity is provided on a quarterly basis with a list of all Follow-On Investments made in accordance with this condition. In all other cases, the applicable Regulated Entity Adviser will provide its written recommendation as to such Regulated Entity's participation to the Eligible Directors, and such Regulated Entity will participate in such follow-on investment solely to the extent that a Required Majority determines that it is in such Regulated Entity's best interests.

(c) If, with respect to any follow-on investment:

(i) The amount of the opportunity is not based on the Regulated Entities' and the Participating Funds' outstanding investments immediately preceding the follow-on investment; and

(ii) the aggregate amount recommended by the applicable Regulated Entity Adviser to be invested by each Regulated Entity in such Co-Investment Transaction, together with the amount proposed to be invested by the Participating Funds and/or other Regulated Entity, collectively, in the same transaction, exceeds the amount of the investment opportunity, then the amount to be invested by each such party will be allocated among them pro rata based on each party's capital available for investment in the asset class being allocated, up to the amount proposed to be invested by each.

(d) The acquisition of Follow-On Investments as permitted by this condition will be considered a Co-Investment Transaction for all purposes and be subject to the other conditions set forth in the application.

9. The Independent Directors of each Regulated Entity will be provided quarterly for review all information concerning Potential Co-Investment Transactions and Co-Investment Transactions, including investments made by other Regulated Entities or Affiliated Funds that the Regulated Entity considered but declined to participate in, so that the Independent Directors may determine whether all investments made during the preceding quarter, including those investments that the Regulated Entity considered but declined to participate in, comply with the conditions of the Order. In addition, the Independent Directors will consider at least annually the continued

⁹ This exception applies only to Follow-On Investments by a Regulated Entity in issuers in which that Regulated Entity already holds investments.

appropriateness for the Regulated Entities of participating in new and existing Co-Investment Transactions.

10. Each Regulated Entity will maintain the records required by section 57(f)(3) as if each of the Regulated Entities were a BDC and each of the investments permitted under these conditions were approved by the Required Majority under section 57(f).

11. No Independent Director of a Regulated Entity will also be a director, general partner, managing member or principal, or otherwise an "affiliated person" (as defined in the Act) of, any of the Affiliated Funds.

12. The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the 1933 Act) shall, to the extent not payable by the Regulated Entity Advisers or the Affiliated Investment Advisers under their respective investment advisory agreements with the Regulated Entities and the Participating Funds, be shared by the applicable Regulated Entities and the Participating Funds in proportion to the relative amounts of their securities held or being acquired or disposed of, as the case may be.

13. Any transaction fee (including break-up or commitment fees but excluding brokers' fees contemplated by section 57(k)(2) or 17(e)(2), as applicable) received in connection with a Co-Investment Transaction will be distributed to the applicable Regulated Entities and the Participating Funds on a pro rata basis based on the amounts each invested or committed, as the case may be, in such Co-Investment Transaction. If any transaction fee is to be held by a Regulated Entity Adviser or an Affiliated Investment Adviser pending consummation of the transaction, the fee will be deposited into an account maintained by the Regulated Entity Adviser or such other adviser, as the case may be, at a bank or banks having the qualifications prescribed in Section 26(a)(1), and the account will earn a competitive rate of interest that will also be divided pro rata among each applicable Regulated Entity and each Participating Fund based on the amount each invests in such Co-Investment Transaction. None of the Affiliated Funds, Regulated Entity Advisers, Affiliated Investment Advisers, or any affiliated person of any of the Regulated Entities will receive additional compensation or remuneration of any kind (other than (a) in the case of the Regulated Entities and the Participating Funds, the pro rata

transaction fees described above and fees or other compensation described in condition 2(c)(iii)(C) and (b) in the case of the Regulated Entity Advisers and the Affiliated Advisers, investment advisory fees paid in accordance with the Regulated Entities' and Affiliated Funds' governing agreements) as a result of or in connection with a Co-Investment Transaction.

14. If the Regulated Entity Advisers, the Principals, any person controlling, controlled by, or under common control with the Regulated Entity Advisers or the Principals, and the Affiliated Funds (collectively, the "Holders") own in the aggregate more than 25% of the outstanding voting securities of a Regulated Entity ("Shares"), then the Holders will vote such Shares as directed by an independent third party when voting on (1) the election of directors; (2) the removal of one or more directors; or (3) any other matter under either the Act or applicable State law affecting the Board's composition, size or manner of election.

15. The Regulated Entity Advisers and the Affiliated Investment Advisers will maintain written policies and procedures reasonably designed to ensure compliance with the foregoing conditions. These policies and procedures will require, among other things, that each Regulated Entity Adviser will be notified of all Potential Co-Investment Transactions that fall within the then-current Objectives and Strategies of any Regulated Entity it advises and will be given sufficient information to make its independent determination and recommendations under conditions 1, 2(a), 7 and 8.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-04591 Filed 3-8-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80152; File No. SR-CBOE-2017-018]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to the Automated Improvement Mechanism

March 3, 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 23, 2017, Chicago Board Options Exchange, Incorporated (the "Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks to amend Rule 6.74A. The text of the proposed rule change is provided below. (additions are *italicized*; deletions are [bracketed])

* * * * *

Chicago Board Options Exchange, Incorporated Rules

* * * * *

Rule 6.74A. Automated Improvement Mechanism ("AIM")

Notwithstanding the provisions of Rule 6.74, a Trading Permit Holder that represents agency orders may electronically execute an order it represents as agent ("Agency Order") against principal interest or against a solicited order provided it submits the Agency Order for electronic execution into the AIM auction ("Auction") pursuant to this Rule.

(a) No change.

(b) Auction Process. Only one Auction may be ongoing at any given time in a series and Auctions in the same series may not queue or overlap in any manner. The Auction may not be cancelled and shall proceed as follows:

(1) Auction Period and Request for Responses (RFRs).

(A) To initiate the Auction, the Initiating Trading Permit Holder must mark the Agency Order for Auction processing, and specify (i) a single price at which it seeks to cross the Agency Order (with principal interest or a solicited order) (a "single-price submission"), including whether the Initiating Trading Permit Holder elects to have last priority in allocation, [or] (ii) that it is willing to automatically

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

match (“auto-match”) as principal the price and size of all Auction responses up to an optional designated limit price in which case the Agency Order will be stopped at the NBBO (if 50 standard option contracts or 500 mini-option contracts or greater) or one cent/one minimum increment better than the NBBO (if less than 50 standard option contracts or 500 mini-option contracts), *or (iii) the initial price at which it seeks to cross the Agency Order (with principal interest or a solicited order) and that it is willing to auto-match.* Once the Initiating Trading Permit Holder has submitted an Agency Order for processing pursuant to this subparagraph, such submission may not be modified or cancelled.

(B)–(I) No change.

(2)–(3) No change.

* * * * *

The text of the proposed rule change is also available on the Exchange’s Web site (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange seeks to amend Rule 6.74A in order to allow a Trading Permit Holder (“TPH”) to input an initial price when selecting the auto-match feature in the Automated Improvement Mechanism (“AIM”).

In order to initiate an AIM auction a TPH must specify: (i) A single price at which it seeks to cross the Agency Order (with principal interest or a solicited order) (a “single-price submission”), including whether the Initiating Trading Permit Holder elects to have last priority in allocation, (ii) that it is willing to automatically match (“auto-match”) as principal the price

and size of all Auction responses up to an optional designated limit price in which case the Agency Order will be stopped at the NBBO (if 50 standard option contracts or 500 mini-option contracts or greater) or one cent/one minimum increment better than the NBBO (if less than 50 standard option contracts or 500 mini-option contracts). When a TPH specifies the auto-match feature the TPH does not identify the initial stop price. Instead, the Agency Order is automatically stopped at the NBBO (if 50 standard option contracts or 500 mini-option contracts or greater) or one cent/one minimum increment better than the NBBO (if less than 50 standard option contracts or 500 mini-option contracts). In order to allow TPHs to offer greater price improvement to Agency Orders the Exchange is seeking to amend Rule 6.74A in order to allow TPHs to specify the initial auction price when the TPH specifies the auto-match feature.

Currently, if a TPH selects the auto-match feature and there are no auction responses, the Agency Order will execute at either the NBBO (if 50 standard option contracts or 500 mini-option contracts or greater) or one cent/one minimum increment better than the NBBO (if less than 50 standard option contracts or 500 mini-option contracts). In order to allow price-improvement beyond the NBBO or beyond one cent/one minimum increment better than the NBBO when there are no auction responses, the Exchange is amending Rule 6.74A to allow a TPH to input an initial auction price when using the auto-match feature. For example, consider a TPH using the auto-match feature when the NBBO is 1.00–1.20 and the Agency Order is to buy for 50 contracts or less. Currently, the Agency Order is automatically stopped at 1.19. If there are no auction responses the Agency Order will be executed at 1.19. This proposed amendment will allow TPHs to specify the auto-match feature and specify the initial auction price. Thus, in the above example, a TPH could specify the initial auction price as 1.18 instead of 1.19, guaranteeing price improvement beyond the NBBO improved by one minimum increment. If any auction responses are received they would be processed in the same manner as the current auto-match feature (*i.e.*, Rule 6.74A(b)(1)(A)(ii)). Additionally, the Exchange notes that as provided in Rule 6.74A(a) the Agency Order and contra order will be cancelled if the initial auction price does not meet the conditions described in paragraph (a) of Rule 6.74A.

The Exchange will announce the availability of the new feature via

Regulatory Circular at least 7 business days prior to the implementation date. The implementation date will be within 120 days of the operative date of this filing.

2. Statutory Basis

The The [sic] Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁵ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁶ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed amendment will give TPHs initiating AIM auctions the ability, when utilizing the auto-match feature, to guarantee price improvement beyond the NBBO (if 50 standard option contracts or 500 mini-option contracts or greater) or beyond one cent/one minimum increment better than the NBBO (if less than 50 standard option contracts or 500 mini-option contracts), which generally protects investors and the public interest by giving Agency Orders the possibility of receiving better execution prices. The Exchange also notes that the proposed functionality is not unique as Nasdaq PHLX LLC (“PHLX”) and Nasdaq BX, Inc. (“BX”) currently offer such functionality.⁸

B. Self-Regulatory Organization’s Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because the

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

⁷ *Id.*

⁸ See PHLX Rule 1080(n)(ii)(A)(1) and BX Rules at Chapter VI, Section 9(ii)(A)(1).

proposed amendment simply gives TPHs initiating AIM auctions the ability, when utilizing the auto-match feature, to guarantee price improvement beyond the NBBO (if 50 standard option contracts or 500 mini-option contracts or greater) or beyond one cent/one minimum increment better than the NBBO (if less than 50 standard option contracts or 500 mini-option contracts, which generally protects investors and the public interest by giving Agency Orders the possibility of receiving better execution prices.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act⁹ and Rule 19b-4(f)(6)¹⁰ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or

- Send an email to rule-comments@sec.gov. Please include File Number SR-CBOE-2017-018 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-CBOE-2017-018. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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-CBOE-2017-018, and should be submitted on or before March 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-04604 Filed 3-8-17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80148; File No. SR-MIAX-2017-10]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

March 3, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 24, 2017, Miami International Securities Exchange LLC ("MIAX Options" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the "Fee Schedule").

The text of the proposed rule change is available on the Exchange's Web site at <http://www.miaxoptions.com/rule-filings>, at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Market Maker Sliding Scale (defined

⁹ 15 U.S.C. 78s(b)(3)(A).

¹⁰ 17 CFR 240.19b-4(f)(6).

¹¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

below) contained in its Fee Schedule to increase certain “taker” fees for certain tiers assessed to MIAX Options Market Makers,³ as described below.

Section (1)(a)(i) of the Fee Schedule sets forth the Exchange’s Market Maker Sliding Scale for Market Maker Transaction Fees (the “Sliding Scale”). The Sliding Scale assesses a per contract transaction fee on a Market Maker for the execution of simple orders and quotes (collectively, “simple orders”) and complex orders and quotes (collectively, “complex orders”). The amount of the transaction fee is based on the Market Maker’s percentage of total national market maker volume in all options classes that trade on the Exchange during a particular calendar month, and the Exchange aggregates the volume executed by Market Makers in both simple orders and complex orders for purposes of determining the applicable tier and corresponding per

contract transaction fee amount.⁴ The Sliding Scale applies to all MIAX Options Market Makers for transactions in all products (except for mini-options, for which there are separate product fees), with fees established for option classes in the Penny Pilot Program⁵ (“penny option classes”) and separate fees for non-penny option classes, and further based on whether the Market Maker is acting as a “maker” or a “taker”⁶ in simple orders. Market Makers that place resting liquidity, *i.e.*, quotes or orders on the MIAX Options System,⁷ are assessed the “maker” fee. Market Makers that execute against (remove) resting liquidity are assessed a higher “taker” fee. This is distinguished from traditional “maker-taker” models where “makers” typically receive a rebate and “takers” are assessed a fee; the Exchange instead assesses lower transaction fees to “makers” as compared to “takers,” similar to the

manner implemented at other exchanges.⁸

Further, the Exchange provides discounted transaction fees for Members⁹ and their qualified Affiliates¹⁰ that achieve certain volume thresholds through the submission of Priority Customer¹¹ orders under the Exchange’s Priority Customer Rebate Program (“PCRP”),¹² which is set forth on two tables: One setting forth the transaction fees applicable to Members and their Affiliates that are in PCRP Volume Tier 3 or higher; and the other setting forth the transaction fees applicable to Members and their Affiliates that are not in PCRP Volume Tier 3 or higher. The Sliding Scale also includes maker and taker fees in both tables in each tier for simple orders in penny option classes and non-penny option classes.

The current Sliding Scale tables are as follows:

MEMBERS AND THEIR AFFILIATES IN PRIORITY CUSTOMER REBATE PROGRAM VOLUME TIER 3 OR HIGHER

Tier	Percentage thresholds	Simple				Complex			
		Per contract fee for penny classes		Per contract fee for non-penny classes		Per contract fee for penny classes	Per contract fee for non-penny classes	Per contract surcharge for removing liquidity against a resting priority customer complex order on the strategy book for penny and non-penny classes	
		Maker	Taker	Maker	Taker				
All MIAX Market Makers									
1	\$0.00–0.075	\$0.21	\$0.23	\$0.25	\$0.30	\$0.25	\$0.29	\$0.10	
2	Above 0.075–0.60	0.15	0.22	0.19	0.27	0.19	0.23	0.10	
3	Above 0.60–1.00	0.08	0.15	0.12	0.20	0.12	0.16	0.10	
4	Above 1.00–1.50	0.04	0.06	0.08	0.12	0.07	0.11	0.10	
5	Above 1.50	0.02	0.04	0.06	0.10	0.05	0.09	0.10	

³ The term “Market Makers” refers to Lead Market Makers (“LMMs”), Primary Lead Market Makers (“PLMMs”), and Registered Market Makers (“RMMs”) collectively. See Exchange Rule 100. A Directed Order Lead Market Maker (“DLMM”) and Directed Primary Lead Market Maker (“DPLMM”) is a party to a transaction being allocated to the LMM or PLMM and is the result of an order that has been directed to the LMM or PLMM. See Fee Schedule, note 2.

⁴ The calculation of the volume thresholds does not include QCC Orders, PRIME AOC Responses, and unrelated MIAX Market Maker quotes or unrelated MIAX Market Maker orders that are received during the Response Time Interval and executed against the PRIME Order. See Fee Schedule, page 2. For a further discussion of these exclusions, see Securities Exchange Act Release No. 78299 (July 12, 2016), 81 FR 46734 (July 18, 2016)(SR-MIAX-2016-20).

⁵ See Securities Exchange Act Release No. 78080 (June 15, 2016), 81 FR 40377 (June 21, 2016) (SR-MIAX-2016-16).

⁶ See Securities Exchange Act Release No. 78519 (August 9, 2016), 81 FR 54162 (August 15, 2016) (SR-MIAX-2016-21).

⁷ The term “System” means the automated trading system used by the Exchange for the trading of securities. See Exchange Rule 100.

⁸ The Exchange notes that similar maker-taker pricing is implemented at International Securities Exchange, LLC (“ISE”). ISE’s Schedule of Fees, Section I, assesses maker fees to ISE market makers in its select symbols that are lower than its taker fees. ISE’s fees are distinguished from the MIAX Options fees because the ISE fees apply to ISE market maker orders sent to ISE by ISE Electronic Access Members, whereas the Exchange’s fees apply to quotes and orders submitted by Market Maker.

⁹ The term “Member” means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed “members” under the Exchange Act. See Exchange Rule 100.

¹⁰ For purposes of the MIAX Options Fee Schedule, the term “Affiliate” means an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm’s Form BD, Schedule A (“Affiliate”). See Fee Schedule, note 1.

¹¹ The term “Priority Customer” means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). A “Priority Customer Order” means an order for the account of a Priority Customer. See Exchange Rule 100.

¹² Under the PCRP, MIAX Options credits each Member the per contract amount resulting from each Priority Customer order transmitted by that Member which is executed electronically on the Exchange in all multiply-listed option classes (excluding QCC Orders, mini-options, Priority Customer-to-Priority Customer Orders, PRIME AOC Responses, PRIME Contra-side Orders, PRIME Orders for which both the Agency and Contra-side Order are Priority Customers, and executions related to contracts that are routed to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in Exchange Rule 1400), provided the Member meets certain percentage thresholds in a month as described in the Priority Customer Rebate Program table. See Fee Schedule, Section (1)(a)iii.

MEMBERS AND THEIR AFFILIATES NOT IN PRIORITY CUSTOMER REBATE PROGRAM VOLUME TIER 3 OR HIGHER

Tier	Percentage thresholds	Simple				Complex		
		Per contract fee for penny classes		Per contract fee for non-penny classes		Per contract fee for penny classes	Per contract fee for non-penny classes	Per contract surcharge for removing liquidity against a resting priority customer complex order on the strategy book for penny and non-penny classes
		Maker	Taker	Maker	Taker			
All MIAX Market Makers								
1	0.00–0.075	\$0.23	\$0.25	\$0.27	\$0.32	\$0.25	\$0.29	\$0.10
2	Above 0.075–0.60	0.17	0.24	0.21	0.29	0.19	0.23	0.10
3	Above 0.60–1.00	0.10	0.17	0.14	0.22	0.12	0.16	0.10
4	Above 1.00–1.50	0.06	0.08	0.10	0.14	0.07	0.11	0.10
5	Above 1.50	0.04	0.06	0.08	0.12	0.05	0.09	0.10

The Exchange proposes to increase the taker fees as set forth in both tables below:

MEMBERS AND THEIR AFFILIATES IN PRIORITY CUSTOMER REBATE PROGRAM VOLUME TIER 3 OR HIGHER

Tier	Percentage thresholds	Simple				Complex		
		Per contract fee for penny classes		Per contract fee for non-penny classes		Per contract fee for penny classes	Per contract fee for non-penny classes	Per contract surcharge for removing liquidity against a resting priority customer complex order on the strategy book for penny and non-penny classes
		Maker	Taker	Maker	Taker			
All MIAX Market Makers								
1	\$0.00–0.075	\$0.21	\$0.23	\$0.25	\$0.30	\$0.25	\$0.29	\$0.10
2	Above 0.075–0.60	0.15	0.22	0.19	0.27	0.19	0.23	0.10
3	Above 0.60–1.00	0.08	0.19	0.12	0.23	0.12	0.16	0.10
4	Above 1.00–1.50	0.04	0.18	0.08	0.22	0.07	0.11	0.10
5	Above 1.50	0.02	0.17	0.06	0.21	0.05	0.09	0.10

MEMBERS AND THEIR AFFILIATES NOT IN PRIORITY CUSTOMER REBATE PROGRAM VOLUME TIER 3 OR HIGHER

Tier	Percentage thresholds	Simple				Complex			
		Per contract fee for penny classes		Per contract fee for non-penny classes		Per contract fee for penny classes	Per contract fee for non-penny classes	Per contract surcharge for removing liquidity against a resting priority customer complex order on the strategy book for penny and non-penny classes	
		Maker	Taker	Maker	Taker				
All MIAX Market Makers									
1	\$0.00–0.075	\$0.23	\$0.25	\$0.27	\$0.32	\$0.25	\$0.29	\$0.10	
2	Above 0.075–0.60	0.17	0.24	0.21	0.29	0.19	0.23	0.10	
3	Above 0.60–1.00	0.10	0.21	0.14	0.25	0.12	0.16	0.10	
4	Above 1.00–1.50	0.06	0.20	0.10	0.24	0.07	0.11	0.10	
5	Above 1.50	0.04	0.19	0.08	0.23	0.05	0.09	0.10	

The Exchange has determined to substantially reduce the magnitude of volume discounts that Market Makers achieve in Tiers 3, 4, and 5, as a taker for Members who are in the Priority Customer Rebate Program Volume Tier 3 or Higher and for Members who are not in the Priority Customer Rebate

Program Volume Tier 3 or Higher. This significant, volume-based discount was designed to incentivize Market Makers to act as a taker on the Exchange.¹³ For business and competitive reasons, the

¹³ See Securities Exchange Act Release No. 78519 (August 9, 2016), 81 FR 54162 (August 15, 2016)(SR-MIAX-2016-21).

Exchange now believes it is appropriate to reduce the magnitude of discounts. The Exchange is not eliminating the discounts entirely, but narrowing the ranges between the highest fee (assessed for Tier 1) and fees assessed in Tiers 3, 4, and 5) in each of the two tables. The proposed Market Maker taker fees are

generally in line with the Market Maker taker fees charged by other exchanges for executing simple orders at similar volume levels, including Exchanges that don't offer a volume discount for market maker taker volume.¹⁴

The proposed rule change is scheduled to become operative March 1, 2017.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act¹⁵ in general, and furthers the objectives of Sections 6(b)(4) of the Act,¹⁶ in that it is an equitable allocation of reasonable fees and other charges among Exchange Members and other persons using its facilities, and Section 6(b)(5) of the Act,¹⁷ in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed taker fee increase for the various tiers is equitable and not unfairly discriminatory because all similarly situated Market Makers are subject to the same fees and access to the Exchange is offered on terms that are not unfairly discriminatory. The Exchange initially set its taker fees at the various volume levels based upon business determinations and an analysis of current taker fees and volume levels at other exchanges. When the Exchange initially adopted taker fees,¹⁸ it set its higher tier taker fees much lower than other exchanges in order to encourage its Market Makers to reach for higher volume levels in order to achieve greater discounts. For competitive and business

reasons, the Exchange believes that it no longer needs to offer such deep discounts in the higher tiers and desires to narrow the range between the lower and higher tiers with respect to the taker fees. The Exchange also believes that it is appropriate to increase taker fees to be more in line with competing exchanges. The Exchange notes that the increased taker fees are comparable to those assessed by other exchanges and that even with the increase, the Exchange's taker fees are still less than those assessed by such exchanges.¹⁹

The Exchange's proposal to assess a higher fee to Market Makers that take liquidity in penny option and non-penny option classes is also reasonable, equitable and not unfairly discriminatory under the Act. While distinguished from the traditional "maker-taker" fee model under which an exchange pays a per-contract rebate to their members to encourage them to place resting liquidity by providing quotes and orders ("maker") on their trading systems and assessing a fee that executes against a resting order ("taker"), the Exchange assesses a reduced fee for "makers" as compared to "takers" rather than giving the "maker" a rebate.

The Exchange believes that the maker-taker pricing model is an important competitive tool for exchanges and directly or indirectly can provide better prices for investors. Such pricing models may narrow the MIAX Options Bid and Offer ("MBBO") because the reduced fee for "makers" effectively subsidizes, and thus encourages, the posting of liquidity, while the assessment of lower fees in higher tiers to "takers" encourages Market Makers to provide order flow. The Exchange believes that this pricing model provides Market Makers with greater incentive to either match or improve upon the best price displayed on MIAX Options, all to the benefit of investors and the public in the form of improved execution prices.

Further, the Exchange's assessment of a higher fee to Market Makers who remove liquidity is reasonable, equitable and not unfairly discriminatory and follows a similar line of reasoning. It is common practice among options exchanges to differentiate between fees for adding liquidity and fees for removing liquidity, and such differentiation has been accepted as not unfairly discriminatory under the Act.²⁰ The Exchange believes that the differentiation in pricing between "makers" and "takers" is appropriate,

because "takers" remove liquidity and benefit disproportionately from their executions as compared to "makers," without assuming the obligations that "makers" assume in making continuous, two-sided markets, and without engaging in competitive price discovery and improvement in the same manner as "makers." Liquidity removers benefit from the price and size discovery function that liquidity providers have performed in posting their quotations and orders, and when executing against resting liquidity, a "taker" is not taking the risk of an order or quote sitting unexecuted on the Book. The Exchange believes for these reasons that assessing a higher "taker" fee for the various tiers for simple orders is equitable, reasonable and not unfairly discriminatory, and thus consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed fee structure is intended to promote narrower spreads and encourage the posting of liquidity (instead of taking liquidity), and thus should promote better prices. The proposed rule change should enable the Exchange to attract, and compete for, order flow with other exchanges and the higher fees for removing liquidity will encourage Market Makers to submit order flow that adds liquidity, not removes it.

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. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow. The Exchange believes that the proposed rule changes reflect this competitive environment because they modify the Exchange's fees in a manner that encourages market participants to provide liquidity and to send order flow to the Exchange rather than remove liquidity from the market place.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

¹⁴ See ISE Schedule of Fees, Section I (ISE assesses Market Makers a taker fee of .44 per contract in Select Symbols); see also ISE Gemini ("Gemini") Schedule of Fees, Section I (Gemini assesses Market Makers a taker fee of \$.49 per contract in penny option classes and SPY for Tiers 1 through 3, with Tier 1 being total affiliated member ADV of up to 99,999 contracts, Tier 2 being total affiliated member ADV of between 100,00 [sic] and 224,999 contracts and Tier 3 being total affiliated member ADV of between 225,000 and 349,999 contracts and \$.48 per contract in penny options classes and SPY for Tier 4, which is total affiliated member ADV of 350,000 contracts or more); see further Bats BZX Options Exchange ("BATS") Fee Schedule, p. 1 (BATS assesses Market Maker a taker fee of \$.50 per contract in penny option classes and 1.07 per contract in non-penny option classes).

¹⁵ 15 U.S.C. 78f(b).

¹⁶ 15 U.S.C. 78f(b)(4).

¹⁷ 15 U.S.C. 78f(b)(5).

¹⁸ See *supra* note 13.

¹⁹ See *supra* note 14.

²⁰ *Id.*

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,²¹ and Rule 19b-4(f)(2)²² thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-MIAX-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-MIAX-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 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-MIAX-2017-10, and should be submitted on or before March 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²³

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-04600 Filed 3-8-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80154; File Nos. SR-NYSEMKT-2016-52 and SR-NYSEArca-2016-103]

Self-Regulatory Organizations; NYSE MKT LLC; NYSE Arca Inc.; Order Approving Proposed Rule Changes To Extend the Time Within Which a Member, Member Organization, an ATP Holder, OTP Holder, or OTP Firm Must File a Uniform Termination Notice for Securities Industry Registration ("Form U5")

March 3, 2017.

I. Introduction

On June 16, 2016, NYSE MKT LLC ("NYSE MKT") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act")² and Rule 19b-4 thereunder,³ a proposed rule change to extend the time within which a member or member organization, or an Amex Trading Permit Holder ("ATP Holder") must file a Form U5, or any amendments thereto. The proposed rule change was published for comment in the **Federal Register** on July 7, 2016.⁴ On July 14, 2016, NYSE Arca, Inc. ("NYSE Arca") (NYSE MKT and NYSE Arca, each an "Exchange") filed with the Commission, a proposed rule change

to extend the time within which an Options Trading Permit Holder ("OTP Holder") or Options Trading Permit Firm ("OTP Firm") must file a Form U5, or any amendments thereto. The proposed rule change was published for comment in the **Federal Register** on July 27, 2016.⁵ The Commission received two comment letters regarding the proposals.⁶ NYSE responded to the NASAA Letter on August 12, 2016.⁷

On October 5, 2016, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule changes.⁸ The Commission received four additional comment letters regarding the proposals.⁹ NYSE responded to the OIA Letter on October 26, 2016.¹⁰ On December 21, 2016, the Commission designated a longer period of time to determine whether to approve or disapprove the proposed rule changes.¹¹ Thereafter the Commission received one additional comment letter.¹² NYSE submitted a response on January 16, 2017.¹³ This order approves the proposed rule changes.

II. Description of the Proposals

NYSEMKT-2016-52

As set forth in the NYSE MKT Notice, NYSE MKT proposes to amend its rules regarding when a member, member

⁵ See Securities Exchange Act Release No. 78381 (July 21, 2016), 81 FR 49286 ("NYSE Arca Notice").

⁶ See letters from Judith Shaw, President, North American Securities Administrators Association, Inc., dated August 3, 2016 ("NASAA Letter") and Rick A. Fleming, Investor Advocate and Tracey L. McNeil, Ombudsman, Office of the Investor Advocate, Commission, dated October 3, 2016 ("OIA Letter"), to Brent J. Fields, Secretary, Securities and Exchange Commission.

⁷ See letter from Elizabeth K. King, General Counsel and Corporate Secretary, New York Stock Exchange LLC ("NYSE") dated August 12, 2016 ("NYSE Letter I"), to Brent J. Fields, Secretary, Commission.

⁸ See Securities Exchange Act Release No. 79055, 81 FR 70460 (October 12, 2016).

⁹ See letters from Kevin Zambrowicz, Associate General Counsel, Securities Industry and Financial Markets Association, dated October 19, 2016 ("SIFMA Letter"), Michele Van Tassel, President, Association of Registration Management ("ARM"), dated November 4, 2016 ("ARM Letter I"), Edwin L. Reed, Deputy Director, Alabama Securities Commission, dated November 14, 2016 ("ASC Letter"), and Mike Rothman, President, NASAA, dated November 16, 2016 ("NASAA Response") to Brent J. Fields, Secretary, Commission.

¹⁰ See letter from Elizabeth K. King, General Counsel and Corporate Secretary, NYSE, dated October 26, 2016 ("NYSE Letter II") to Brent J. Fields, Secretary, Commission.

¹¹ See Securities Exchange Act Release No. 79645, 81 FR 95679 (December 28, 2016).

¹² See letter from Michele Van Tassel, President, ARM, dated January 4, 2017 ("ARM Letter II") to Brent J. Fields, Secretary, Commission.

¹³ See letter from Elizabeth K. King, General Counsel and Corporate Secretary, NYSE, dated January 16, 2017 ("NYSE Letter III") to Brent J. Fields, Secretary, Commission.

²¹ 15 U.S.C. 78s(b)(3)(A)(ii).

²² 17 CFR 240.19b-4(f)(2).

²³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ See Securities Exchange Act Release No. 78198 (June 30, 2016), 81 FR 44363 ("NYSE MKT Notice").

organization, or an ATP Holder must file a Form U5 and amendments thereto. Under Commentary .01 to NYSE MKT Rule 340, members and member organizations (collectively, “Members”) are required to file a Form U5 and any amendment thereto with the Central Registration Depository (“CRD”) within 10 days of the date of termination of an employee who has been approved for admission to the trading floor. Under Commentary .09 to NYSE MKT Rule 341, Members must submit information concerning the termination of employment of a Member, registered employee, or an officer on Form U5 within 10 days of the date of termination. Under NYSE MKT Rule 359(a), an ATP Holder that terminates an ATP Holder or approved person must file a Form U5 within 10 days of the termination.

NYSE MKT proposes to amend these rules by replacing the 10-day deadline with a requirement to promptly file a Form U5 with CRD, but not later than 30 calendar days after the date of termination of a Member, ATP Holder, registered employee, officer, or approved person. Further, the proposed rule change would require that any amendment to a Form U5 be promptly filed with CRD, but not later than 30 calendar days after learning of the facts or circumstances giving rise to the need to amend the Form. In addition, the proposed rule change would require that the Form U5 be provided to the terminated person concurrently with filing.

NYSEArca–2016–103

As set forth in the NYSE Arca Notice, NYSE Arca also proposes to amend its rules regarding when an OTP Holder and an OTP Firm must file a Form U5 and amendments thereto. Under NYSE Arca Rule 2.17(c), an OTP Holder that terminates an OTP is required to file a Form U5 or any amendment thereto within 10 business days of the termination or the occurrence requiring the amendment. Under NYSE Arca Rule 2.23(i), OTP Holders and OTP Firms are required to file a Form U5 and any amendment thereto within 10 business days of the termination date of an employee who has been approved for admission to the trading floor or participation on any trading system. Similar to NYSE MKT, NYSE Arca proposes to amend its rules to require OTP Holders and OTP Firms to promptly file a Form U5 with CRD, but not later than 30 calendar days after the date of termination of an OTP or employee, as applicable. In addition, NYSE Arca proposes to require that any amendment to a Form U5 be promptly

filed with CRD, but not later than 30 calendar days after learning of the facts or circumstances giving rise to the need to amend the Form U5 and add a requirement to the rules that the Form U5 be provided to the terminated person concurrently with filing. The Exchanges state that the proposed rule changes would harmonize their rules with the requirements of other exchanges and FINRA.¹⁴

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule changes are consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.¹⁵ In particular, the Commission finds that the proposed rule changes are consistent with Section 6(b)(5) of the Act,¹⁶ which requires, among other things, that the rules of a national securities exchange be 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 a national market system, to protect investors and the public interest, and not to permit unfair discrimination between customers, issuers, brokers, or dealers. The proposed rule changes, which will provide additional time for Members to file Forms U5, should help to ensure more accurate information regarding the reasons for the termination of a registered person, which would serve to protect investors and the public interest.

As noted above, the Commission received seven comment letters on the proposed rule changes and three letters from the NYSE responding to the comments.¹⁷ SIFMA and ARM support the proposed 30-day filing deadline¹⁸ because they think it is more reasonable

than the current 10-day period¹⁹ and would align the Form U5 filing requirement with the more broadly applicable FINRA standard.²⁰ SIFMA also notes that the 10-day period may create challenges for firms in the process of collecting and reviewing information that may be relevant to the accuracy of the filing.²¹ ARM also supports the 30-day filing deadline and asserts that the 10-day Form U5 filing requirement imposes unnecessary urgency on the process, causing Members to rush to meet the deadline at the risk of being less thorough than a 30-day review period would allow.²²

In contrast, NASAA, OIA, and the ASC object to extending the time for filing Form U5 because regulators use the information on the Form U5 and need the information on a timely basis.²³ All three commenters argue that the 10-day filing requirement for Form U5 should be maintained, noting that any harmonization effort among self-regulatory organizations should focus on shortening the Form U5 filing deadlines across the industry, rather than on lengthening them.²⁴

NASAA, the OIA, and the ASC also raise concerns about the impact of the proposed rule changes on investor protection, including potential challenges the proposals would pose for state regulators trying to fulfill their regulatory responsibilities, and note that the Form U5 contains valuable regulatory information relating to the termination of securities industry professionals, which is used by regulators in making licensing decisions, often under short timeframes.²⁵ The OIA notes that the information on Form U5 is used by state regulators making licensing decisions, FINRA to identify and initiate investigations, firms when making hiring decisions, and the information alerts investors about potential red flags in a broker's employment history.²⁶ NASAA states that a 30-day filing deadline for the Form U5 poses significant challenges for state regulators, particularly due to the often

¹⁴ See, e.g., NYSE Rule 345(a).17(a) (providing for prompt reporting but in any event no later than 30 days following termination, and concurrently to the person); BATS BZX Exchange, Inc. Rule 2.5 Interpretations and Policies .04(a) Termination of Employment (providing for immediate reporting but in no event later than 30 days following termination, and concurrently to the person); FINRA By-Laws Article 5 Sec. 3(a) (providing for giving notice not later than 30 days after termination, and concurrently to the person).

¹⁵ In approving the proposed rule changes, the Commission has considered the proposed rules' impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁶ 15 U.S.C. 78f(b)(5).

¹⁷ See NASAA Letter, OIA Letter, SIFMA Letter, ARM Letter I, ASC Letter, NASAA Response, and ARM Letter II and NYSE Letter I responding to the NASAA Letter, NYSE Letter II responding to the OIA Letter, and NYSE Letter III responding to all the comment letters.

¹⁸ See SIFMA Letter, ARM Letter I, and ARM Letter II.

¹⁹ See SIFMA Letter at 2, ARM Letter I at 2.

²⁰ See SIFMA Letter at 2.

²¹ See *id.*

²² See ARM Letter I at 2 and ARM Letter II at 2. SIFMA and ARM object to the use of the word “promptly” in the rule language because they believe it may create unnecessary ambiguity regarding the standard. SIFMA Letter at 3 and ARM Letter I at 2.

²³ See NASAA Letter at 1–2, NASAA Response at 1–2, OIA Letter at 2–7, and ASC Letter.

²⁴ See NASAA Letter at 1–2, NASAA Response at 3, OIA Letter at 6, and ASC Letter at 2.

²⁵ See NASAA Letter at 1–2, OIA Letter at 2–7, and ASC Letter.

²⁶ See OIA Letter at 3.

automatic nature of the registration process in many states where, under a 30-day standard, a state may not have Form U5 information before it is required to make a new licensing decision.²⁷ NASAA further suggests that it is time for a comprehensive review of Form U5 filing deadlines.²⁸ In addition, NASAA asserts that the importance of state licensing decisions outweigh any arguable burden of the shorter filing deadline.²⁹ NASAA also asserts that because “approximately 73% of Form U5s are already filed within 10 days of a representative’s termination,” the burden of maintaining a shorter filing deadline is demonstrably minimal, as the vast majority of firms already comply with the deadline.³⁰ Thus, NASAA does not believe that the 10-day requirement imposes a competitive disadvantage on the Exchanges’ members.³¹ NASAA also asserts that Commission approval of the proposal would be premature, as NASAA’s ongoing work in this area may lead to an industry-wide examination of Form U5 filing issues, and ultimately a recommendation to shorten the deadlines for filing the Form U5.³² OIA supports a harmonized approach among the self-regulatory organizations but argues that the appropriate way to harmonize the requirement would be to shorten the filing timeframes to 10 days across the industry.³³

NYSE responds by stating that the proposed rule changes would harmonize the Exchanges’ rules with the existing rules of the other exchanges and FINRA and thereby ensure uniformity and promote clarity and consistency.³⁴ In addition, the Exchange believes that maintaining a requirement for NYSE MKT and NYSE Arca Members different from the requirement for FINRA members results in a burden on competition.³⁵ With respect to concerns regarding timely access to information by investors, NYSE references a proposed rule change that amended FINRA’s rules to reduce the time period within which information disclosed on Form U5 is made available to the public via BrokerCheck from 15

days to three days.³⁶ In this regard, NYSE suggests that the relevant timing is when information provided on the Form U5 is made available on BrokerCheck. NYSE also states that unless FINRA moves to a shorter timeframe it would be a burden on competition for NYSE MKT and NYSE Arca to continue to maintain a different standard than is required of members of other self-regulatory organizations.³⁷

Finally, NYSE asserts its belief that the proposals are consistent with the Act because they conform to the rules of other self-regulatory organizations.³⁸ Further, NYSE believes that the proposals should eliminate potential reporting inaccuracies caused by any such disparities among exchanges’ regulatory reporting requirements and ensure greater accuracy in Form U5 reporting because the proposed timeframes would provide Members with sufficient time to perform due diligence before reporting a termination.³⁹ Specifically responding to SIFMA and ARM, NYSE states that the proposed rule language is not ambiguous, adding that the “prompt” requirement is consistent with rules of other self-regulatory organizations and should encourage prompt filing of Form U5, but does not shorten the deadline of 30 days.⁴⁰

As discussed above, the Commission believes that the changes, which will provide additional time for Members to file Forms U5, may result in more accurate information describing the reasons for the termination of a registered person, which would serve to protect investors and the public interest. Certain commenters appear to be concerned that Members may require additional time to accurately and completely respond to questions on the

Form U5.⁴¹ The additional time associated with the proposed rule change should contribute to the accuracy of information contained in the Form U5. The Commission notes that Forms U5 must be accurate and complete so that investors have the information that they need to determine if they wish to work with a particular registered person, and regulators have the information they need to properly oversee the associated persons engaged in the securities business in their jurisdictions, as soon as possible. In addition, the Commission notes that proposed time limits are consistent with the rules of other self-regulatory organizations.⁴²

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁴³ that the proposed rule changes (SR–NYSEMKT–2016–52 and SR–NYSE Arca 2016–103) be, and hereby are, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴⁴

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017–04606 Filed 3–8–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80147; File No. SR–OCC–2017–001]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Proposed Rule Change Concerning The Options Clearing Corporation’s Margin Coverage During Times of Increased Volatility

March 3, 2017.

On January 4, 2017, The Options Clearing Corporation (“OCC”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change SR–OCC–2017–001 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder.² The proposed rule change was published for comment in the **Federal Register** on January 25, 2017.³ The

²⁷ See NASAA Letter at 2 and NASAA Response at 2. See also ASC Letter at 2 (stating it is far more efficient for a state to prevent an agent with disqualifying history from becoming registered than it is to revoke or suspend a registered agent).

²⁸ See NASAA Response at 2.

²⁹ See *id.*

³⁰ See *id.*

³¹ See *id.* at 2–3.

³² See *id.* at 3.

³³ See OIA Letter at 3.

³⁴ See NYSE Letter III at 2.

³⁵ See NYSE Letter I at 1, NYSE Letter II at 2.

³⁶ See NYSE Letter I at 2. But see OIA Letter at 6 noting “that, while timelier disclosure of Form U5 information on BrokerCheck impacts the speed in which a retail investor may be alerted to red flag conduct, it has no impact on the speed in which regulators are alerted to, and can respond to, the information in the Form U5.”

³⁷ See NYSE Letter I at 2, NYSE Letter II at 3.

³⁸ See NYSE Letter I at 1–2, NYSE Letter II at 1–2, NYSE Letter III at 1–2. NYSE refers to similar exchange rules featuring a 30-day time limit for the filing and amending of the Form U5, including two rules adopted in 2016. See NYSE Letter II at 2. The Commission approved a rule change, SR–NYSEArca–2016–104, which amended one rule to add “calendar” to modify the 30-day time frame within which to submit Form U5 and a second rule to shorten the time within which to submit the Form U5 from 30 business days to 30 calendar days. See Securities Exchange Act Release No. 78809 (September 9, 2016), 81 FR 63543 (September 15, 2016).

³⁹ See NYSE Letter III at 2.

⁴⁰ See *id.*

⁴¹ See SIFMA letter at 2, ARM Letter I at 1–2 and ARM Letter II at 2.

⁴² See *supra*, note 14 and accompanying text.

⁴³ 15 U.S.C. 78s(b)(2).

⁴⁴ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ Securities Exchange Act Release No. 79818 (January 18, 2017) 82 FR 8455 (January 25, 2017) (SR–OCC–2017–001) (“Notice”).

Commission received one comment letter on the Notice.⁴ This order approves the proposed rule change.

I. Description of the Proposed Rule Change

A. Background

OCC protects itself against potential losses that could result from the default of a clearing member by requiring margin to be posted in connection with each member's positions. The amount of margin calculated and collected from OCC's clearing members, along with mutualized clearing-fund resources, is intended to make available to OCC sufficient financial resources for the orderly transfer or liquidation of a defaulting clearing member's positions. OCC's proprietary risk management system, the System for Theoretical Analysis and Numerical Simulations ("STANS"), calculates each clearing member's margin requirement by utilizing Monte Carlo simulations to forecast price movements related to the positions in each clearing member's portfolio. The STANS margin requirement is intended to be sufficient to collateralize the member's losses across its portfolio over a two-day period, under normal market conditions.

To determine margin requirements, STANS utilizes time-series data, including pricing data on assets underlying the options contracts that OCC clears, and performs calculations related to, among other things, the volatilities of these underliers. The margin amount collected from each clearing member also accounts for expected changes in the value of collateral posted in connection with that member's portfolio.

According to OCC, one of the primary risk drivers in the STANS methodology relates to the volatilities of individual equity securities, which are derived from pricing data imported monthly into STANS. Between data feeds, the STANS margin methodology relies on a process that adjusts the individual volatility measures of equity-based option underliers (e.g., GE or IBM) by a multiplier derived from the volatility of the Standard & Poor's® 500 index ("SPX"). OCC refers to that multiplier as the uniform scale factor. To account for intra-month changes in volatility, the uniform scale factor adjusts individual volatilities of applicable underliers by a

factor tied to the relationship between the short-term and long term volatility of the SPX. Specifically, the uniform scale factor is used as a proxy to "scale up" volatilities of equity-based option underliers⁵ when near-term volatility estimates fall below a certain ratio relative to long-term average volatility, in each case based on the SPX. OCC asserts that, by applying a scale factor in this way, margin requirements better account for intra-month volatility risks for individual equity-based option underliers and thereby better ensure that clearing members maintain sufficient margin assets in connection with option positions based upon those underliers.

B. The Proposed Rule Change

In its filing, OCC proposed a number of enhancements to its STANS margin methodology that it believes would result in more accurate clearing member margin requirements. Specifically, OCC proposed the following: (1) To change the length of time-series data used to calculate the uniform scale factor; (2) to introduce new equity index-based scale factors; (3) to anchor individual risk factor volatilities to longer-term averages; and (4) to implement daily data updates of risk factors in OCC's statistical models used to value U.S. Treasury securities for collateral and margin purposes.

First, OCC proposed to change the time-series data period and thereby the data set used to calculate the uniform scale factor. One aspect of the uniform scale factor calculation relies on pricing information, or time-series data, relating to the individual components of the SPX index dating back to 1946, which pre-dates the 1957 introduction of the SPX. Because the time-series data pre-dates the SPX's publication, OCC's current practice is to supplement the published SPX data with additional pricing information that relies upon assumptions about what theoretically could have been the index's composition prior to 1957. OCC proposed to discontinue that practice going forward, and instead rely on post-1957 information only. OCC stated that this change would improve the quality of data used in the uniform scale factor calculation.

Second, OCC proposed to introduce four new scale factors for equity-based options. OCC stated that the uniform scale factor is derived from SPX pricing

information and currently serves as OCC's sole volatility proxy used to scale equity-based option underliers. According to OCC, the new scale factors would be based upon indices whose volatility characteristics more closely correlate with the volatility characteristics of the underliers to which they will be applied.

Accordingly, OCC believes the new scale factors would serve as more appropriate volatility proxies than the uniform scale factor currently in use. Specifically, OCC proposed to introduce new scale factors based upon the following indices: (1) The Russell 2000® Index (12/29/1978); (2) the Dow Jones Industrial Average Index (9/23/1997); (3) the NASDAQ-100 Index (2/4/1985); and (4) the S&P 100 Index (1/2/1976).⁶ OCC stated that although the SPX-based uniform scale factor would continue to serve as the default scale factor for most equity-based products, the new scale factors would apply to a number of index options, options on exchange-traded funds, and options on exchange-traded notes that more closely correlate to the indices used in the proposed scale factor calculations.

Third, OCC proposed to anchor risk factor volatilities to longer-term trends by applying either the uniform scale factor or the applicable proposed new scale factor to the greater of two volatility estimates: (i) An observed, historical average; or (ii) a forecasted volatility measure. The proposed change would modify OCC's current practice of applying the uniform scale factor solely to the forecasted volatility measure for applicable underliers. OCC stated that its revised methodology would better ensure that short-term or temporary decreases in forecasted volatility do not result in significant margin reductions, thereby improving risk management in those cases where observed, historical average volatilities exceed forecasted volatility measures.

Finally, OCC proposed to implement daily updates to risk factors used to construct the U.S. Treasury yield curve and value U.S. Treasury securities for collateral and margin purposes. According to OCC, daily updates to the U.S. Treasury yield curve would better ensure that the STANS margin calculations accurately reflect the current state of the U.S. Treasury market, particularly during periods of heightened volatility, which would lead to more accurate margin calculations.

⁴ See comment from Tressifa S. Moore (January 19, 2017). The comment appears to be an excerpt from the EDGAR Filer Manual, available at www.sec.gov/info/edgar/edmanuals.htm, and does not have any substantive relevance to the proposed rule change.

⁵ The uniform scale factor applies to the volatility measures for single-name and index underliers. It does not apply to exchange-traded funds, futures, or volatility-based underliers. For the latter types of options, STANS uses a constant volatility measure calculated from monthly data feeds.

⁶ The dates in parentheses are the dates from which OCC has historical data on the specified index.

II. Discussion and Findings

Section 19(b)(2)(C) ⁷ of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the rule change, as proposed, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.

The Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act, which requires, among other things, that the rules of a clearing agency assure the safeguarding of securities and funds that are in the custody or control of the clearing agency or for which it is responsible.⁸ As described above, the proposed rule changes are designed to improve the accuracy, and ensure the sufficiency, of margin collateral posted by clearing members. First, OCC's proposed change to rely only on published SPX index data to calculate the uniform scale factor is an appropriate improvement to the process for performing intra-month volatility adjustments in STANS; in turn, having more accurate margin calculations should better ensure that OCC has sufficient financial resources to protect itself in the event of a clearing member default, thereby supporting the safeguarding of securities and funds in OCC's custody and control.

Second, OCC's proposed change to introduce new scale factors for equity-based products whose underliers correlate more closely with the indices used in the proposed scale factor calculations appropriately improves the accuracy of STANS calculations relating to volatility risks. More accurately accounting for volatility risks in margin calculations, as above, should better ensure that OCC has sufficient financial resources in the event of a clearing-member default, in turn supporting the safeguarding of securities and funds in OCC's custody and control.

Third, the proposed change to apply the relevant scale factor to the greater of the historical and forecasted volatility measures will support OCC in safeguarding securities and funds in its control by better ensuring that reductions in forecasted volatility do not result in commensurate reductions in margin requirements. By mitigating procyclical reductions in margin requirements, the proposed change is designed to ensure that OCC maintains sufficient margin to protect itself against losses in the event of a clearing member default. This, in turn, better safeguards

the securities and funds in OCC's custody and control.

Fourth, the proposed change to incorporate daily updates into the time-series data used to construct the U.S. Treasury yield curve serves to better ensure that the STANS margin calculations for U.S. Treasury securities accurately reflect their value as collateral, especially during periods of heightened volatility. By ensuring that U.S. Treasury securities are accurately valued for collateral and margin purposes, the proposed change is designed to ensure that clearing member accounts do not become under-margined and to protect OCC's non-defaulting members against the potential loss of securities and funds in OCC's custody and control. The proposed rule changes are designed to ensure that OCC is better able to accurately compute and collect sufficient margin from its clearing members, thereby better ensuring that OCC appropriately estimates and manages its credit exposures. For these reasons, the Commission finds that the proposed change is consistent with Section 17A(b)(3)(F) of the Act.

Additionally, the Commission finds that the proposed rule change is consistent with the Clearing Agency Standards, specifically rules 17Ad-22(b)(1) and (b)(2) under the Act.⁹ Rule 17Ad-22(b)(1) requires OCC to establish, implement, maintain, and enforce written policies and procedures reasonably designed to, among other things, limit its exposures to potential losses from defaults by its participants under normal market conditions so that the operations of the clearing agency would not be disrupted and non-defaulting participants would not be exposed to losses that they cannot anticipate or control.¹⁰ Rule 17Ad-22(b)(2) requires OCC to establish, implement, maintain, and enforce written policies and procedures reasonably designed to, among other things, use margin requirements to limit its credit exposures to participants under normal market conditions and use risk-based models and parameters to set such margin requirements.¹¹

The Commission finds that the proposed rule change is consistent with rules 17Ad-22(b)(1) and (b)(2) under the Act. The proposed rule change is designed to better enable OCC to limit its potential losses from clearing-member defaults under normal market conditions by improving the data, scale factors, and methodology used to derive

certain volatility and other estimates for purposes of margin calculations. By improving these estimates, the STANS margin requirements would better ensure that OCC's members post sufficient collateral in connection with their options positions, thereby protecting OCC against the potential losses from a clearing-member default. Furthermore, by limiting OCC's exposure to such losses, the proposed rule change better ensures that OCC would continue operations without disruption and that non-defaulting clearing members would not be exposed to losses they cannot anticipate or control.

The proposed rule change also would improve the risk-based models and parameters that OCC uses to set margin requirements and limit its credit exposures to clearing members under normal market conditions. STANS, as discussed above, is a risk-based, forecasting tool that OCC currently uses to calculate margin requirements that are intended to be sufficient to collateralize each clearing member's losses over a two-day period under normal market conditions. The proposed change incrementally enhances STANS by improving the data, scale factors, and methodology used to derive certain volatility and other estimates relevant to risk-based margin calculations. The proposed rule change would improve the quality of data used to estimate risk drivers in the STANS margin calculations, for example, by relying solely on published index data throughout the uniform scale factor time-series data period. In addition, the four new scale factors would more accurately reflect intra-month volatility risks associated with applicable option underliers in the STANS margin calculations. The proposed rule change would better ensure that the STANS margin requirements remain anchored to historical average volatilities, thereby mitigating procyclical reductions in margin requirements, by applying the relevant scale factor to the greater of an observed, historical average and a forecasted volatility measure. Finally, incorporating daily updates into time-series data used to construct the U.S. Treasury yield curve would improve valuation of U.S. Treasury collateral and the accuracy of STANS margin calculations, because margin requirements account for expected changes in the value of posted U.S. Treasury collateral. For the reasons stated above, the Commission finds that the proposed change is consistent with Rules 17Ad-22(b)(1) and (b)(2) under the Act.

⁷ 15 U.S.C. 78s(b)(2)(C).

⁸ 15 U.S.C. 78q-1(b)(3)(F).

⁹ 17 CFR 240.17Ad-22(b)(1) and (b)(2).

¹⁰ 17 CFR 240.17Ad-22(b)(1).

¹¹ 17 CFR 240.17Ad-22(b)(2).

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed change is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A of the Act¹² and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,¹³ that the proposed rule change (SR–OCC–2017–001) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017–04599 Filed 3–8–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80153; File No. SR–NASDAQ–2017–022]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Billing Ports and Other Services

March 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on February 21, 2017, The NASDAQ Stock Market LLC (“Nasdaq” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Chapter XV, entitled “Options Pricing,” at Section 3, which governs pricing for Exchange members using the NASDAQ Options Market (“NOM”), the Exchange’s facility for executing and routing standardized equity and index

options. The Exchange proposes to clarify that NOM port fees and other services in Chapter VX, Section 3 of NOM Rules are not prorated.

The text of the proposed rule change is available on the Exchange’s Web site at <http://nasdaq.cchwallstreet.com>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to include language within Chapter XV, Section 3 to clarify that the port fees and other services noted in this section are not subject to proration.

Chapter XV, Section 3, entitled “NASDAQ Options Market—Ports and other Services” includes pricing for TradeInfo,³ various port fees and Remote ITCH to Trade Options (ITTO) Wave Ports.⁴ The port fees include

³ TradeInfo allows an Options Participant to scan for all orders it submitted to NOM in a particular security or all orders of a particular type, regardless of their status (open, canceled, executed, etc.) [sic] Also, it permits a participant to cancel open orders at the port or firm mnemonic level. TradeInfo allows a NOM Participant to manage its order flow and mitigate risk by giving users the ability to view its orders and executions, as well as the ability to perform cancels at the port or firm mnemonic level. Finally, TradeInfo has the ability download records of orders and executions for recordkeeping purposes.

⁴ These are wireless networks through which Nasdaq provides ITTO market data. A Remote Wave Port is a physical port located in Nasdaq’s space within a third-party’s (remote) data center that receives market data delivered by Nasdaq via a wireless network, which is then simultaneously distributed to Wave Ports within that location. Clients must separately subscribe to the data received by the Remote Wave Port service.

Order Entry Ports,⁵ CTI Ports,⁶ OTTO Ports,⁷ ITTO Ports,⁸ BONO Ports,⁹ Order Entry DROP Ports,¹⁰ OTTO DROP Ports¹¹ and SQF Ports.¹² Today, the

⁵ The Order Entry Port Fee is a connectivity fee in connection with routing orders to the Exchange via an external order entry port. NOM Participants access the Exchange’s network through order entry ports. A NOM Participant may have more than one order entry port.

⁶ CTI offers real-time clearing trade updates. A real-time clearing trade update is a message that is sent to a member after an execution has occurred and contains trade details. The message containing the trade details is also simultaneously sent to The Options Clearing Corporation. The trade messages are routed to a member’s connection containing certain information. The administrative and market event messages include, but are not limited to: System event messages to communicate operational-related events; options directory messages to relay basic option symbol and contract information for options traded on the Exchange; complex strategy messages to relay information for those strategies traded on the Exchange; trading action messages to inform market participants when a specific option or strategy is halted or released for trading on the Exchange; and an indicator which distinguishes electronic and non-electronically delivered orders.

⁷ OTTO provides a method for subscribers to send orders and receive status updates on those orders. OTTO accepts limit orders from system subscribers, and if there is a matching order, the orders will execute. Non-matching orders are added to the limit order book, a database of available limit orders, where they are matched in price-time priority.

⁸ ITTO is a data feed that provides quotation information for individual orders on the NOM book, last sale information for trades executed on NOM, and Order Imbalance Information as set forth in NOM Rules Chapter VI, Section 8. ITTO is the options equivalent of the NASDAQ TotalView/ITCH data feed that NASDAQ offers under NASDAQ Rule 7023 with respect to equities traded on NASDAQ. As with TotalView, members use ITTO to “build” their view of the NOM book by adding individual orders that appear on the feed, and subtracting individual orders that are executed. See Chapter VI, Section 1 at subsection (a)(3)(A).

⁹ Best of NASDAQ Options or “BONO”^(SM) is a data feed that provides the NOM Best Bid and Offer (“NBBO”) and last sale information for trades executed on NOM. The NBBO and last sale information are identical to the information that NOM sends the Options Price Regulatory Authority (“OPRA”) and which OPRA disseminates via the consolidated data feed for options.

¹⁰ The DROP interface provides real time information regarding orders sent to NOM and executions that occurred on NOM. The DROP interface is not a trading interface and does not accept order messages.

¹¹ The OTTO DROP data feed provides real-time information regarding orders entered through OTTO and the execution of those orders. The OTTO DROP data feed is not a trading interface and does not accept order messages.

¹² SQF is an interface that allows NOM Market Makers to connect and send quotes and sweeps into the System. Data includes the following: (1) Options Auction Notifications (e.g., opening imbalance, market exhaust, PRISM Auction information, or other information); (2) Options Symbol Directory Messages; (3) System Event Messages (e.g., start of messages, start of system hours, start of quoting, start of opening); (4) Option Trading Action Messages (e.g., halts, resumes); and (5) Quote Messages (quote/sweep messages, risk protection triggers or purge notifications). An Active Purge Port may be configured as a “Purge-only” port of purging option interest from the Exchange’s system

¹² In approving this proposed rule change, the Commission has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹³ 15 U.S.C. 78s(b)(2).

¹⁴ 17 CFR 200.30–3(a)(12).

¹⁵ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

Exchange does not prorate any of these per month fees. The Exchange proposes to add a clarifying sentence to make clear that fees are assessed in full month increments and are not prorated, to avoid any confusion.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹³ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁴ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by clearly specifying in Chapter XV, Section 3 that the Exchange's pricing regarding ports and other services is not prorated. The Exchange believes that its decision to not prorate is consistent with the Act because prorating billing results in complexity and increased costs associated with the billing process.

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 Exchange will uniformly assess the fees in Chapter XV, Section 3 to all Options Participants in a uniform manner.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁵ and Rule 19b-4(f)(6) thereunder.¹⁶ Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the

Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁷ and Rule 19b-4(f)(6) thereunder.¹⁸

A proposed rule change filed under Rule 19b-4(f)(6)¹⁹ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),²⁰ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately. The Exchange requests that the Commission waive the 30-day operative delay contained in Rule 19b-4(f)(6)(iii) so that the Exchange may implement the change upon filing specifying that the fees in Chapter XV, Section 3 of the Exchange's Options Pricing rule will not be prorated. The Commission believes that adding the sentence to Chapter XV, Section 3 of the Exchange's Options Pricing rule to state that fees are assessed in full-month increments, *i.e.*, they are not prorated, will avoid confusion and thus serve to protect investors and the public interest. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.²¹

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NASDAQ-2017-022 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-NASDAQ-2017-022. 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-NASDAQ-2017-022 and should be submitted on or before March 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²²

Eduardo A. Aleman,

Assistant Secretary.

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and allowing entry of underlying-level purges for a specified range of options and delivery of Purge Notification messages identifying the identification of who submitted the purge and the underlying symbol.

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(5).

¹⁵ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁶ 17 CFR 240.19b-4(f)(6).

¹⁷ 15 U.S.C. 78s(b)(3)(A).

¹⁸ 17 CFR 240.19b-4(f)(6).

¹⁹ 17 CFR 240.19b-4(f)(6).

²⁰ 17 CFR 240.19b-4(f)(6)(iii).

²¹ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²² 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80149; File No. SR–NASDAQ–2016–161]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Adopt a New Extended Life Priority Order Attribute Under Rule 4703, and To Make Related Changes to Rules 4702, 4752, 4753, 4754, and 4757

March 3, 2017

I. Introduction

On November 17, 2016, the NASDAQ Stock Market LLC (“Exchange” or “Nasdaq”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b–4 thereunder,² a proposed rule change to adopt a new Extended Life Priority order (“ELO”) attribute for Designated Retail Orders under Nasdaq Rule (“Rule(s)”) 4703, and to make related changes to Rules 4702, 4752, 4753, 4754, and 4757. The proposed rule change was published for comment in the **Federal Register** on December 5, 2016.³ On January 17, 2017, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.⁵ The Commission initially received seven comment letters on the proposed rule change.⁶ On February 17,

2017, the Exchange filed Amendment No. 1 to the proposed rule change⁷ and submitted a comment response letter.⁸ The Commission subsequently received one additional comment letter on the proposed rule change.⁹ The Commission is publishing this notice and order to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons and to institute proceedings pursuant to Section 19(b)(2)(B) of the Act¹⁰ to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposal, as Modified by Amendment No. 1

The Exchange has proposed to offer a new ELO attribute, which would allow certain displayed retail orders to receive higher priority on the Nasdaq book than other orders at the same price, and to make conforming changes to its rules. As discussed in more detail below, the Exchange has proposed to amend Rule 4703 to set forth the ELO attribute in new subparagraph (m), add an Attachment B to its Designated Retail Order Attestation Form that sets forth an attestation that would be required of members in connection with utilizing the ELO attribute, and make related changes to Rules 4702(b), 4752, 4753, 4754, and 4757.

dated December 28, 2016 (“IMC Letter”); and Venu Palaparthi, SVP, Compliance, Regulatory and Government Affairs, Virtu Financial LLC, dated February 9, 2017 (“Virtu Letter”).

⁷ In Amendment No. 1, the Exchange: (i) Specified that the ELO attribute would be available during “System Hours” as defined in Rule 4701(g); (ii) clarified that any subsequent proposal to broaden the availability of the ELO attribute would be set forth in a distinct rule filing; (iii) provided additional details regarding the calculation of the 99% ELO eligibility requirement; (iv) proposed to assess members’ compliance with ELO eligibility requirements on a monthly basis instead of a quarterly basis as initially proposed; (v) stated that, concurrently with the initial launch of the ELO attribute, it will implement new surveillances to identify any potential misuse of the ELO attribute; (vi) provided additional discussions regarding the availability of the ELO identifier on the Exchange’s TotalView ITCH market data feed; (vii) provided additional details as to how the ELO attribute would operate with other order attributes and cross-specific order types; (viii) provided information regarding the Exchange’s implementation of the ELO attribute; and (ix) provided additional justifications for proposing the ELO attribute. Amendment No. 1 has been placed in the public comment file for SR–NASDAQ–2016–161 at <https://www.sec.gov/comments/sr-nasdaq-2016-161/nasdaq2016161-1589828-132168.pdf>.

⁸ See Letter to Brent J. Fields, Secretary, Commission, from T. Sean Bennett, Associate Vice President and Principal Associate General Counsel, Nasdaq, dated February 17, 2017 (“Nasdaq Response Letter”).

⁹ See Letter to Brent J. Fields, Secretary, Commission, from John Ramsay, Chief Market Policy Officer, Investors Exchange LLC, dated March 2, 2017 (“IEX Letter”).

¹⁰ 15 U.S.C. 78s(b)(2)(B).

Proposed Rule 4703(m) and Attestation

Proposed Rule 4703(m) states that ELO is an order attribute that allows an order to receive priority in the Nasdaq book above other orders resting on the Nasdaq book at the same price that are not designated with the ELO attribute.¹¹ As proposed, the ELO attribute would be available only for displayed orders that qualify as Designated Retail Orders,¹² and would be available during System Hours.¹³ A Designated Retail Order with the ELO attribute that is not marketable upon entry would be ranked on the Nasdaq book ahead of other displayed orders at the same price level that do not have the ELO attribute, but behind any other ELO orders at the same price level that the Exchange received previously.¹⁴

As proposed, in order for an Exchange member to be eligible to use the ELO attribute, at least 99% of the Designated Retail Orders with the ELO attribute entered by the participant must exist unaltered on the Nasdaq book for a minimum of one second.¹⁵ Exchange members would be required to submit a signed written attestation, in a form prescribed by Nasdaq, that they will comply with these eligibility requirements.¹⁶

¹¹ See also proposed changes to Rule 4757(a)(1)(B).

¹² See proposed Rule 4703(m). The term “Designated Retail Order” has the meaning set forth in Rule 7018. If a Designated Retail Order with a non-display attribute is also entered with the ELO attribute, the ELO attribute would be ignored and the order would be ranked on the Nasdaq book as a non-displayed order without Extended Life Priority. See *id.* The Exchange has stated that it anticipates extending the availability of the ELO functionality to all orders that meet the requirements of the ELO attribute. See Notice, 81 FR at 87630; see also Amendment No. 1. According to the Exchange, any such extension will be made through a separate filing with the Commission, and will likely require significant changes to the operation of the ELO attribute to account for the different participants eligible to use the attribute. See Amendment No. 1.

¹³ See Amendment No. 1. See also Rule 4701(g) (defining “System Hours” to mean the period of time beginning at 4:00 a.m. ET and ending at 8:00 p.m. ET (or such earlier time as may be designated by Nasdaq on a day when Nasdaq closes early)).

¹⁴ See proposed Rule 4703(m); see also Notice, 81 FR at 87631.

¹⁵ See proposed Rule 4703(m). The Exchange has stated that it will monitor the effectiveness of the one-second minimum resting time and the 99% threshold, and will propose to adjust these requirements, as needed, in a new rule filing. See Amendment No. 1.

¹⁶ See proposed Rule 4703(m). The Exchange has proposed to amend its Designated Retail Order Attestation Form to add an Attachment B in order to require members to attest to compliance with the eligibility requirements for the ELO attribute, and to attest to their understanding of the penalties in cases of non-compliance. See proposed changes to the Designated Retail Order Attestation Form, included as Exhibit 3 to Amendment No. 1. As proposed, the Designated Retail Order Attestation

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 79428 (November 30, 2016), 81 FR 87628 (“Notice”).

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 79810, 82 FR 8244 (January 24, 2017). The Commission designated March 5, 2017 as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change.

⁶ See Letters to Brent J. Fields, Secretary, Commission, from: Joseph Saluzzi and Sal Arnuk, Partners, Themis Trading LLC, dated December 19, 2016 (“Themis Letter”); Eric Swanson, EVP, General Counsel, and Secretary, Bats Global Markets, Inc., dated December 22, 2016 (“BATS Letter”); Adam Nunes, Head of Business Development, Hudson River Trading LLC, dated December 22, 2016 (“Hudson River Trading Letter”); Joanna Mallers, Secretary, FIA Principal Traders Group, dated December 23, 2016 (“FIA PTG Letter”); Adam C. Cooper, Senior Managing Director and Chief Legal Officer, Citadel Securities, dated December 27, 2016 (“Citadel Letter”); Andrew Stevens, General Counsel, IMC Financial Markets,

For purposes of determining compliance with the 99% threshold, the Exchange would measure the number of orders with the ELO attribute that rested for one second or longer and divide that value by the number of orders that the member marked with the ELO attribute.¹⁷ Moreover, the one second time frame would begin at the time the ELO order is entered into the Nasdaq book and would conclude once the order is removed from the Nasdaq book or modified by the participant or the Nasdaq system.¹⁸ As proposed, any change to an order that would currently result in the order losing priority (*i.e.*, a change in the order's time stamp) would, if applied to an ELO order, be considered an alteration of the ELO order and stop the clock in terms of determining whether the order rested on the book unaltered for at least one second.¹⁹ In this vein, the Exchange stated that any type of update to an order that creates a new time stamp for priority purposes would count as a modification of the order and noted, by way of example, that each time an ELO order is updated due to pegging,²⁰ repricing, or reserve replenishment, the one-second timer would restart.²¹ The Exchange also stated that full cancellations would stop the timer.²² By contrast, a sub-second full or partial execution of an ELO order resting on the Nasdaq book would not count as an order modification or cancellation for purposes of determining compliance with the ELO eligibility requirements.²³ Likewise, a member's reduction of the size of a resting ELO order prior to one second elapsing also would not count as an alteration for purposes of

determining compliance with the ELO eligibility requirements.²⁴

As noted above, only displayed Designated Retail Orders would be eligible for the ELO attribute, and if a Designated Retail Order with a non-display attribute is also entered with the ELO attribute, the order would be added to the Nasdaq book as a non-displayed order without Extended Life Priority.²⁵ By way of example, the Exchange noted that an order with minimum quantity or midpoint pegging attributes would not be able to receive Extended Life Priority because an order with either of those attributes must be non-displayed.²⁶ The Exchange also noted that a reserve order has a displayed portion and non-displayed portion, and the displayed portion of a reserve order with the ELO attribute would be eligible to receive Extended Life Priority while the non-displayed portion of the order would not.²⁷ If the displayed portion of such an order receives a full execution, the displayed quantity would be replenished from the non-displayed reserve quantity, the newly-replenished displayed size would receive a new time stamp and Extended Life Priority based on that time stamp, and a new timer would start for purposes of determining compliance with the one second requirement.²⁸

As proposed, an order designated with the ELO attribute would only have Extended Life Priority if it is ranked at its displayed price. Specifically, proposed Rule 4703(m) would provide that an ELO order that is adjusted by the Exchange system upon entry to be displayed on the Nasdaq book at one price but ranked on the book at a different, non-displayed price would be ranked without the ELO attribute at the non-displayed price. If the Nasdaq system subsequently adjusts such an order to be displayed and ranked on the Nasdaq book at the same price, the order would be assigned Extended Life Priority and ranked on the book in time priority among other orders with Extended Life Priority at that price.²⁹

Additionally, proposed Rule 4703(m) would provide that, for purposes of the Nasdaq Opening, Closing, and Halt Crosses, all ELO orders on the Nasdaq book upon initiation of a Cross may participate in such a Cross and retain priority among orders posted on the Nasdaq book that also participate in the

Cross. Upon initiation of a Cross, all ELO orders on the Nasdaq book that are eligible to participate in a Cross would be processed in accordance with Rule 4752 (Opening Process), Rule 4753 (Nasdaq Halt Cross), or Rule 4754 (Nasdaq Closing Cross), as applicable.³⁰ ELO orders that are held by the Nasdaq system for participation in the Opening or Closing Cross would not have Extended Life Priority in the Cross,³¹ but would be assigned Extended Life Priority if the order joins the Nasdaq book upon completion of the Cross.³² Any orders with Extended Life Priority that are not executed in a Cross would be ranked on the Nasdaq book with Extended Life Priority.³³

The Exchange has stated that it would carefully monitor members' use of the ELO attribute on a monthly basis and would not rely solely on a member's attestation with regard to ELO usage.³⁴ The Exchange also has stated that it would determine whether a member was in compliance with the ELO eligibility requirements for a given month within five business days of the end of that month.³⁵ A member that does not meet the ELO eligibility requirements for any given month would be ineligible to receive Extended Life Priority for its orders in the month immediately following the month in which it did not comply.³⁶ Following the end of the ineligible month, a member would once again be able to enter ELO orders if it completes a new attestation.³⁷ If a member fails to meet the ELO eligibility requirements for a second time, its orders would not be eligible for Extended Life Priority for the two months immediately following the month in which it did not meet the

³⁰ See *id.*

³¹ According to the Exchange, cross-specific orders marked with the ELO attribute would be eligible to participate in the Nasdaq Opening, Halt, and Closing Crosses, but they would be ranked for purposes of a cross execution without the ELO attribute. See Notice, 81 FR at 87631. By contrast, orders with the ELO attribute that are ranked on the Nasdaq book (*i.e.*, orders that are in the continuous market) would retain Extended Life Priority for purposes of a cross execution. See *id.* See also Amendment No. 1.

³² See proposed Rule 4703(m).

³³ See *id.*

³⁴ See Amendment No. 1.

³⁵ See *id.*

³⁶ See *id.*; see also proposed new Attachment B to the Exchange's Designated Retail Order Attestation Form at Exhibit 3 to Amendment No. 1. Nasdaq has stated that its system would prevent a member that is not eligible to participate in the program from entering orders that are flagged with Extended Life Priority (including such designation on the port level). See Notice, 81 FR at 87630 n.17.

³⁷ See Amendment No. 1; see also proposed new Attachment B to the Exchange's Designated Retail Order Attestation Form at Exhibit 3 to Amendment No. 1.

Form would also inform members that they can designate certain order entry ports as "Retail Extended Life Order Ports" or tag each order as a "Retail Extended Life Order." See *id.*

¹⁷ See Amendment No. 1.

¹⁸ See *id.* For an ELO order that Nasdaq routes upon receipt, the one second time frame would begin if and when the order returns to Nasdaq and is posted on the Nasdaq book. See *id.*

¹⁹ See *id.*

²⁰ The Exchange illustrated through an example that each time an ELO order with a primary or market pegging attribute has its price updated, it would be considered a new order for purposes of determining its resting time. See *id.* According to the Exchange, each price update would be considered a separate order for determining compliance with the ELO eligibility requirements. See *id.*

²¹ See *id.*

²² See *id.*

²³ See proposed Rule 4703(m); see also Amendment No. 1. According to the Exchange, a sub-second partial execution of an ELO order would be in compliance with the ELO eligibility requirement of one second. See Amendment No. 1. In addition, a sub-second partial execution of an ELO order would not reset the time from which the one second time frame is measured for the remainder of the order. See *id.*

²⁴ See Amendment No. 1.

²⁵ See proposed Rule 4703(m); see also *supra* note 12.

²⁶ See Amendment No. 1.

²⁷ See *id.*

²⁸ See *id.*

²⁹ See proposed Rule 4703(m).

eligibility requirements for the second time.³⁸ If a member fails to meet the ELO eligibility requirements for a third time, it would no longer be eligible to receive Extended Life Priority for its orders.³⁹ In addition, concurrently with the initial launch of the ELO attribute, the Exchange would implement new surveillance to identify any potential misuse of the ELO attribute.⁴⁰ Moreover, any attempted manipulation or misrepresentation of the nature of an ELO order (e.g., representing a non-retail order to be a Designated Retail Order) would be a violation of Nasdaq's rules.⁴¹

The Exchange has proposed to designate orders with the ELO attribute with a new, unique identifier.⁴² Specifically, orders with the ELO attribute may be individually designated with the new identifier, or may be entered through an order port that has been set to designate, by default, all orders with the new identifier.⁴³ Orders marked with the new identifier—whether on an order-by-order basis or via a designated port—would be disseminated via Nasdaq's TotalView ITCH data feed.⁴⁴

Additional Conforming Rule Changes

In connection with the proposed addition of Rule 4703(m), the Exchange has proposed to make conforming changes to Rules 4702(b)(1)(C), (b)(2)(C), and (b)(4)(C) to indicate that the ELO attribute may be assigned to price to comply, price to display, and post-only orders, respectively. In addition, the Exchange has proposed to amend Rules 4752 (Opening Process), 4753 (Nasdaq Halt Cross), and 4754 (Nasdaq Closing Cross) to incorporate ELO orders into

the cross execution priority hierarchies set forth in each of those rules.

Implementation

The Exchange has stated that it plans to implement the ELO functionality for Designated Retail Orders in a measured manner.⁴⁵ Specifically, the Exchange anticipates a rollout of the ELO functionality, beginning with a small set of symbols and gradually expanding further, and that it will publish the symbols that are eligible for the ELO attribute on its Web site.⁴⁶ According to the Exchange, the exact implementation date would be reliant on several factors, such as the results of extensive testing and industry events and initiatives.⁴⁷ The Exchange currently plans to implement the initial set of symbols for ELO in the third quarter of 2017.⁴⁸

III. Summary of Comments and Nasdaq's Response

The Commission received eight comment letters that expressed concerns with respect to the proposed rule change,⁴⁹ and one response letter from the Exchange.⁵⁰ Commenters' concerns are focused on: (1) The availability of the ELO attribute only to retail orders; (2) the eligibility requirements for the ELO attribute, including the effectiveness of the attestation requirement and the Exchange's methods for monitoring compliance and imposing discipline for non-compliance; (3) the potential market impact of the proposal; (4) the potential for information leakage from the identification of ELO orders in Nasdaq's market data feed; and (5) the potential conflict between the proposed ELO eligibility requirements and other activities of the member.

A. Availability of the ELO Attribute Only to Designated Retail Orders

Three commenters expressed concern that the Exchange's proposal would provide the ELO functionality only to retail orders.⁵¹ One commenter argued

that the proposal would effectively allow retail orders to cut in line in front of existing orders.⁵² Another commenter argued that the proposal would unfairly burden competition because it would allow the Exchange to compete for order flow by creating an order attribute that inappropriately favors certain market participants at the expense of others.⁵³ These commenters also argued that the proposal is unnecessary, stating that there is insufficient evidence that retail investors are experiencing difficulty in obtaining fills for resting orders and therefore would benefit from the proposed functionality.⁵⁴

In response to comments, the Exchange stated its belief that the growth in internalization and the speed of execution has required differentiation of retail orders, which are typically entered by long-term investors, from those of other market participants.⁵⁵ The Exchange also noted that the proposal is an effort to promote displayed orders with longer time horizons to enhance the market so that it works for a wider array of market participants, and the proposal will benefit publicly traded companies by promoting long-term investment in corporate securities.⁵⁶ In addition, the Exchange noted that providing the proposed ELO functionality to retail investors would help improve execution quality and retail participation in on-exchange transactions, which would improve overall market quality on the Exchange.⁵⁷ The Exchange also noted that the proposal would provide firms handling retail order flow with additional options to consider when determining the best way to represent and execute retail non-marketable limit orders.⁵⁸ According to the Exchange, the proposal may lead to improved

respect to the potential expansion of the ELO functionality beyond retail orders, or noted that their concerns regarding the enhanced priority provided to retail orders under the proposal could be exacerbated in connection with any such expansion. See BATS Letter at 1; Citadel Letter at 6; FIA PTG Letter at 6. In response to these concerns, the Exchange noted that any future expansion of the ELO functionality beyond retail orders would be subject to a separate rule filing with the Commission. See Nasdaq Response Letter at 7. See also Amendment No. 1.

⁵² See FIA PTG Letter at 3–4. This commenter noted that most retail participants do not cancel orders within one second, Nasdaq would not be systematically enforcing the minimum order life requirement, and the decision whether to classify order flow as ELO would be made by brokers, not their retail customers. See *id.* at 3.

⁵³ See Citadel Letter at 4.

⁵⁴ See FIA PTG Letter at 2–3; Citadel Letter at 1–2.

⁵⁵ See Amendment No. 1.

⁵⁶ See Nasdaq Response Letter at 2.

⁵⁷ See Nasdaq Response Letter at 3 and 7.

⁵⁸ See *id.* at 3.

³⁸ See Amendment No. 1; see also proposed new Attachment B to the Exchange's Designated Retail Order Attestation Form at Exhibit 3 to Amendment No. 1.

³⁹ See Amendment No. 1; see also proposed new Attachment B to the Exchange's Designated Retail Order Attestation Form at Exhibit 3 to Amendment No. 1.

⁴⁰ See Amendment No. 1.

⁴¹ See *id.* According to Nasdaq, like the current surveillance it conducts, the new surveillance would identify potential violative conduct that would be investigated by Nasdaq and FINRA, and if the conduct is found to be violative, the offending member would be subject to disciplinary action. See Amendment No. 1 (citing the Nasdaq Rule 9000 Series).

⁴² See Notice, 81 FR at 87630–31; see also proposed new Attachment B to the Exchange's Designated Retail Order Attestation Form at Exhibit 3 to Amendment No. 1.

⁴³ See Notice, 81 FR at 87630–31; see also proposed new Attachment B to the Exchange's Designated Retail Order Attestation Form at Exhibit 3 to Amendment No. 1.

⁴⁴ See Notice, 81 FR at 87630–31. The Exchange is not proposing to disseminate the ELO identifier via the SIP data feeds. See Amendment No. 1.

⁴⁵ See Amendment No. 1.

⁴⁶ See *id.* The Exchange noted that, in symbols that are not eligible for ELO functionality, it will accept orders submitted with the ELO attribute as non-ELO orders. See *id.*

⁴⁷ See *id.*

⁴⁸ See *id.* The Exchange stated that it will notify market participants via an Equity Trader Alert once a specific date for the initial rollout is determined. See *id.* For a more detailed description of the proposed rule change, see Amendment No. 1.

⁴⁹ See *supra* notes 6 and 9. The IMC Letter broadly supported the comments articulated in the FIA PTG Letter and did not provide additional comments on the proposed rule change.

⁵⁰ See *supra* note 8.

⁵¹ See FIA PTG Letter at 3–4; Hudson River Trading Letter at 2; Citadel Letter at 5–6. Three commenters also expressed general concerns with

execution quality for not only retail orders, but also those orders that interact with retail orders.⁵⁹

B. Eligibility Requirements and Exchange Monitoring

Four commenters expressed concern that the Exchange's initial proposal to monitor for compliance with the ELO eligibility requirements on a quarterly basis is insufficient to appropriately surveil for misuse of the functionality.⁶⁰ Two of these commenters advocated for stronger or more immediate penalties for failure to comply with the ELO eligibility requirements.⁶¹ Specifically, one commenter stated that the Exchange should describe how it would monitor for and penalize abuse intra-quarter, and that the proposal does not impose strong enough penalties to deter abuse.⁶² The other commenter proposed that the Exchange conduct weekly reviews and that a participant be prohibited from utilizing the ELO functionality after only two weeks of non-compliance.⁶³ In addition, one commenter suggested that the Exchange should systematically enforce the one second resting time for ELO orders,⁶⁴ and one commenter suggested that the Exchange should code a one second minimum duration into the ELO attribute.⁶⁵

Three commenters argued that, under the proposed attestation requirement, a participant could game the 99% threshold by improperly inflating its number of compliant ELO orders, such as by submitting a large number of non-marketable ELO Orders, while impermissibly benefiting from its non-compliant 1% of ELO Orders.⁶⁶ One of these commenters also stated that the Exchange has not provided sufficient clarity regarding how it would calculate whether at least 99% of a member's ELO orders have rested unaltered on the Nasdaq book for a minimum of one second.⁶⁷

Moreover, two commenters expressed concern that the Exchange has not sufficiently limited the definition of "Designated Retail Order" for purposes of the proposed functionality to truly capture retail investors and to prevent misuse of the definition.⁶⁸

In response, the Exchange amended its proposal, among other things, to add additional detail regarding the ELO functionality, including how the proposed one-second timer would operate and how the 99% threshold would be calculated, as well as to shorten the review period for determining compliance with the eligibility requirements from a quarterly review to a monthly review period.⁶⁹ The Exchange also stated that it believes its proposed 99% threshold is appropriate, noting that the standard would require "near perfect performance" while allowing some flexibility in the event any unforeseen issues may result in *de minimis* non-compliance.⁷⁰ Further, the Exchange stated that it would establish new surveillance to detect potential misuse of the proposed functionality and noted that any attempt to game or otherwise abuse the ELO functionality would be a violation of the Exchange's rules and would subject the member to potential disciplinary action.⁷¹

Moreover, the Exchange stated that the definition of Designated Retail Order is clear that the member entering such an order must have policies and procedures designed to ensure that the order complies with the requirements of the definition, including that the order originate from a natural person.⁷² The Exchange also stated that the definition of Designated Retail Order allows for orders to originate from organizations in very limited circumstances.⁷³ The Exchange noted that, accordingly, it does not believe that there is latitude for a member to legally represent itself as eligible to enter an order with ELO priority when the order does not fit within the definition of Designated Retail Order.⁷⁴

C. Potential Market Impact

Two commenters expressed concern that the proposal would create

uncertainty regarding the priority of resting orders, and would negatively impact market liquidity and price discovery.⁷⁵ According to these commenters, the increased uncertainty among liquidity providers would result in wider spreads, which would adversely impact long-term investors, including institutional and retail investors.⁷⁶ One of these commenters also noted that the proposal would negatively impact market makers' hedging strategies in ETFs and their underlying securities, and the associated risk and cost would be borne by institutional and retail investors.⁷⁷ Another commenter argued that ELO orders should not receive priority over other orders that have already been resting for at least one second, and that doing so would discourage other market participants from displaying liquidity.⁷⁸

In response, the Exchange noted its belief that markets and price discovery best function through the interactions of a diverse set of market participants.⁷⁹ Moreover, the Exchange noted that providing a mechanism by which retail orders may have an increased chance of execution on the Exchange will promote competition among the Exchange, its exchange peers, and off-exchange trading venues.⁸⁰ According to the Exchange, if the proposal does not ultimately improve market quality, market participants may send their orders elsewhere.⁸¹

D. Potential for Information Leakage

Four commenters expressed concern that the proposed ELO order identifier on Nasdaq's TotalView ITCH market data feed would cause information leakage by revealing to market participants that certain orders are retail orders and must remain unaltered for at least one second.⁸² Two of these commenters noted that, through the process of elimination, market participants also would be able to identify the preponderance of other quotes as coming from institutions or professional market makers.⁸³ One of these commenters also contended, however, that not tagging ELO orders

⁵⁹ See Amendment No. 1.

⁶⁰ See BATS Letter at 1–2; Citadel Letter at 4; Themis Letter at 2–3; Virtu Letter at 2.

⁶¹ See BATS Letter at 2; Virtu Letter at 2.

⁶² See BATS Letter at 2.

⁶³ See Virtu Letter at 2.

⁶⁴ See FIA PTG Letter at 5.

⁶⁵ See Themis Letter at 3.

⁶⁶ See FIA PTG Letter at 4; Citadel Letter at 6; IEX Letter at 2.

⁶⁷ See FIA PTG Letter at 4.

⁶⁸ See FIA PTG Letter at 4; Citadel Letter at 4–5.

⁶⁹ See Nasdaq Response Letter at 4 and Amendment No. 1. See also *supra* notes 17–24 and 34–39 and accompanying text. One commenter noted that this increased frequency of monitoring did not address its concerns with the Exchange's proposed monitoring and enforcement mechanisms. See IEX Letter at 3.

⁷⁰ See Nasdaq Response Letter at 4.

⁷¹ See *id.* See also *supra* notes 40–41 and accompanying text. One commenter noted that the Exchange has not offered any specifics about this proposed new surveillance. See IEX Letter at 2. This commenter also noted that the proposed penalties for misuse of the ELO attribute would not address the problem that other market participants that traded with noncompliant ELO orders were doing so under false assumptions. See *id.* at 2–3.

⁷² See Nasdaq Response Letter at 6. See also Nasdaq Rule 7018 (defining "Designated Retail Order").

⁷³ See Nasdaq Response Letter at 6.

⁷⁴ See *id.*

⁷⁵ See Citadel Letter at 3–4; FIA PTG Letter at 5.

⁷⁶ See Citadel Letter at 3–4; FIA PTG Letter at 5.

⁷⁷ See Citadel Letter at 3.

⁷⁸ See Hudson River Trading Letter at 2–3.

⁷⁹ See Amendment No. 1.

⁸⁰ See Nasdaq Response Letter at 7.

⁸¹ See *id.* at 3 and Amendment No. 1. The Exchange stated that while Regulation NMS may dictate that the best displayed price must be accessed before executing at an inferior price, it does not dictate that an order must be displayed on Nasdaq. See Nasdaq Response Letter at 3.

⁸² See Citadel Letter at 5; FIA PTG Letter at 5; Themis Letter at 1–2; IEX Letter at 1–2.

⁸³ See FIA PTG Letter at 5; IEX Letter at 1–2.

would prevent liquidity providers from being able to identify their place in the queue, and that this uncertainty would lead to wider spreads and smaller order size.⁸⁴

The Exchange acknowledged that information leakage is a concern for some non-retail market participants who may build or unwind significant trading positions or engage in proprietary and confidential trading strategies, and that it may be an issue if the ELO attribute were to be applied as currently proposed to non-retail market participant orders.⁸⁵ The Exchange stated that it does not believe that information leakage is a concern with respect to the current proposal because the ELO functionality would be available only to retail orders, and retail investor interest is most often represented by one order at a single price.⁸⁶ In addition, according to the Exchange, the identification of ELO orders in the Exchange's TotalView ITCH market data feed would provide transparency that would be valuable for the industry in evaluating the efficacy of the proposal.⁸⁷

E. Potential Conflict With Other Activities of a Member

One commenter suggested that the proposal could conflict with FINRA Rule 5320, commonly known as the Manning rule, which may require a broker-dealer to fill held customer orders in certain circumstances within one second of receiving the order.⁸⁸ The commenter stated that, in this situation, the broker-dealer would have to cancel the customer's resting order on Nasdaq to prevent the customer from receiving a duplicative fill.⁸⁹ According to the commenter, if this cancellation occurred within one second of the broker-dealer routing a customer ELO order to Nasdaq, the broker-dealer's efforts to comply with its FINRA Rule 5320 obligations would potentially render the broker-dealer out of compliance with

the ELO requirements.⁹⁰ The commenter further contended that it expects this scenario to occur frequently in very liquid stocks.⁹¹ In addition, the commenter asserted that, if a broker-dealer cannot meet the 99% threshold due to its FINRA Rule 5320 obligations, that broker-dealer's non-ELO customer limit orders would be disadvantaged as compared to other broker-dealers' retail customer limit orders that could utilize the ELO attribute.⁹²

This commenter also expressed concern that an Exchange member may receive a sub-second cancellation request from a customer, which could cause the member to fall under the 99% threshold and become ineligible to submit ELO orders on behalf of other customers.⁹³

In response, the Exchange argued that the Manning obligations of a member using the ELO functionality would be no different from the obligations on an OTC market maker that internalizes orders and relies on the "no-knowledge" exception to separate its proprietary trading from its handling of customer orders.⁹⁴ The Exchange stated that this exception should be equally applicable to a member using the ELO functionality.⁹⁵

The Exchange also noted that it believes that retail investor limit orders that are posted on the Exchange will generally not be cancelled in a short period of time such as one second, because retail investors tend to have long-term investment goals and increasing the chance of receiving an execution is worth the risk of their order resting for one second or longer.⁹⁶

IV. Proceedings To Determine Whether To Approve or Disapprove SR–NASDAQ–2016–161, as Modified by Amendment No. 1, and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act⁹⁷ to determine whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposal, as discussed below. Institution of proceedings does not indicate that the Commission has reached any

conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change, as modified by Amendment No. 1.

Pursuant to Section 19(b)(2)(B) of the Act,⁹⁸ the Commission is providing notice of the grounds for disapproval under consideration. As discussed above, the Exchange has proposed to offer a new ELO attribute, which would only be available to Designated Retail Orders and would allow an order to receive priority in the Nasdaq book above other orders resting on the Nasdaq book at the same price that are not designated with the ELO attribute. The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the consistency of the proposed rule change, as modified by Amendment No. 1, with Section 6(b)(5) of the Act,⁹⁹ which requires that the rules of a national securities exchange be designed, among other things, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers; and Section 6(b)(8) of the Act,¹⁰⁰ which requires that the rules of a national securities exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

V. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their data, views, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5), 6(b)(8), or any other provision of the Act, or the rules and regulations thereunder. Although there does not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of data, views, and arguments, the Commission will

⁸⁴ See FIA PTG Letter at 5.

⁸⁵ See Nasdaq Response Letter at 6.

⁸⁶ See *id.* at 6–7. One commenter noted that Nasdaq's response does not address the concern that the ELO identifier could help market participants identify institutional investor orders. See IEX Letter at 1–2.

⁸⁷ See Nasdaq Response Letter at 7.

⁸⁸ See Citadel Letter at 2. FINRA Rule 5320(a) states that "[e]xcept as provided herein, a member that accepts and holds an order in an equity security from its own customer or a customer of another broker-dealer without immediately executing the order is prohibited from trading that security on the same side of the market for its own account at a price that would satisfy the customer order, unless it immediately thereafter executes the customer order up to the size and at the same or better price at which it traded for its own account."

⁸⁹ See Citadel Letter at 2.

⁹⁰ See *id.*

⁹¹ See *id.*

⁹² See *id.*

⁹³ See *id.* at 5.

⁹⁴ See Nasdaq Response Letter at 5. See also Supplementary Material .02 to FINRA Rule 5320.

⁹⁵ See Nasdaq Response Letter at 5.

⁹⁶ See *id.* at 4.

⁹⁷ 15 U.S.C. 78s(b)(2)(B).

⁹⁸ *Id.*

⁹⁹ 15 U.S.C. 78f(b)(5).

¹⁰⁰ 15 U.S.C. 78f(b)(8).

consider, pursuant to Rule 19b-4 under the Act,¹⁰¹ any request for an opportunity to make an oral presentation.¹⁰²

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved by March 30, 2017. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by April 13, 2017. 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-NASDAQ-2016-161 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-NASDAQ-2016-161. The 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-NASDAQ-2016-161 and should be submitted by March 30, 2017. Rebuttal comments should be submitted by April 13, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁰³

Eduardo A. Aleman,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80150; File No. SR-ICC-2017-003]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Proposed Rule Change, Security-Based Swap Submission, or Advance Notice Relating to ICC's End-of-Day Price Discovery Policies and Procedures

March 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 16, 2017, ICE Clear Credit LLC ("ICC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change, security-based swap submission, or advance notice as described in Items I, II, and III below, which Items have been prepared primarily by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change, security-based swap submission, or advance notice from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change, Security-Based Swap Submission, or Advance Notice

The principal purpose of the proposed changes is to make changes to the ICC End-of-Day Price Discovery Policies and Procedures ("Pricing Policy") related to the implementation of ICC's new Clearing Participant ("CP") direct price submission process.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, Security-Based Swap Submission, or Advance Notice

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change, security-based swap submission, or advance notice and discussed any comments it received on the proposed rule change, security-based swap submission, or advance notice. The text of these statements may be examined at the places specified in Item IV below. ICC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, Security-Based Swap Submission, or Advance Notice

ICC proposes revising its Pricing Policy to make changes related to the implementation of ICC's new CP direct price submission process. Currently, ICC uses an intermediary agent to implement functions of its price discovery process. Specifically, under the current process, Clearing Participants submit required prices to the intermediary agent; these prices are then input into ICC's price settlement methodology to determine settlement prices. ICC proposes to enhance its price discovery process to remove the intermediary agent from the price settlement process. In doing so, ICC will require CPs to submit prices directly to the clearinghouse. The prices will continue to be input into ICC's price settlement methodology to determine settlement prices. There are no changes to the price settlement methodology as a result of the changes. The proposed revisions to the Pricing Policy are described in detail as follows.

ICC updated the Pricing Policy to note that ICC requires CPs to establish direct connectivity with the clearinghouse and use a FIX API to submit required prices. ICC revised the Pricing Policy to remove references to the intermediary agent and the Valuation Service API (and related message terminology), which will be decommissioned with the launch of the new CP direct price submission process, and to add reference to the new FIX API message terminology, which will be utilized under the new CP direct price submission process. Such changes are reflected throughout the Pricing Policy. ICC has also updated the Pricing Policy to specify that ICC will send the unsolicited FIX API messages directly to each CP.

¹⁰¹ 17 CFR 240.19b-4.

¹⁰² Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94-29 (June 4, 1975), grants to the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

¹⁰³ 17 CFR 200.30-3(a)(12); 17 CFR 200.30-3(a)(57).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

Under the new CP direct price submission process, ICC will consolidate the price discovery process across indices and singles names; as such, new FIX API messages will include information for both Indices and Single Names. Previously, the price discovery process provided files separately for each product type.

ICC updated the Submission Requirements set forth in the Pricing Policy to include iTraxx Australia and iTraxx Asia Ex-Japan indices. For both indices, prices must be submitted in spread and either midpoint or bid-offer format. Further, ICC updated the Submission Requirements for CDX.NA.HY and CDX.EM indices to note that prices may be submitted in either price or upfront format; previously, only price format was accepted.

ICC has updated the Pricing Policy to reflect the replacement of existing firm trade data files with new FIX API firm trade messages. ICC also made minor changes to the timing of certain steps in the price settlement process; no changes were made to the actual settlement submission windows.

ICC also updated the Distribution of End-of-Day Prices process set forth in the Pricing Policy. Under the new CP direct price submission process, ICC will publish separate messages to CPs, listing end-of-day prices for single names and indices. The end-of-day prices provided will not change and will continue to be based on CPs' cleared positions. ICC will continue to publish end-of-day prices for every listed risk sub-factors' most actively traded instrument, and will distribute daily end-of-day prices for all cleared instruments through Markit.

Section 17A(b)(3)(F) of the Act³ requires, among other things, that the rules of a clearing agency be designed to protect investors and the public interest and to comply with the provisions of the Act and the rules and regulations thereunder. ICC believes that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICC, in particular, to Section 17(A)(b)(3)(F),⁴ because ICC believes that the proposed rule changes will assure the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions, as the proposed revisions simplify and increase the efficiency of ICC's price discovery process, which includes the determination of settlement prices and

firm trades. As such, the proposed changes are designed to promote the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions within the meaning of Section 17A(b)(3)(F) of the Act.⁵ Further, such changes are consistent with Rule 17Ad-22(d)(4),⁶ as the changes will decrease external operational risk, since ICC no longer would rely on the service of an intermediary agent to perform key aspects of its price discovery process.

B. Clearing Agency's Statement on Burden on Competition

ICC does not believe the proposed rule changes would have any impact, or impose any burden, on competition. The changes to ICC's price submission process apply uniformly across all market participants. Therefore, ICC does not believe the proposed rule changes impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change, Security-Based Swap Submission, or Advance Notice Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. Date of Effectiveness of the Proposed Rule Change, Security-Based Swap Submission, or Advance Notice 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, security-based swap submission, or advance notice 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-ICC-2017-003 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-ICC-2017-003. 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, security-based swap submission, or advance notice that are filed with the Commission, and all written communications relating to the proposed rule change, security-based swap submission, or advance notice 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 filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's Web site at <https://www.theice.com/clear-credit/regulation>.

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-ICC-2017-003 and should be submitted on or before March 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

³ 15 U.S.C. 78q-1(b)(3)(F).

⁴ *Id.*

⁵ *Id.*

⁶ 17 CFR 240.17Ad-22(d)(4).

⁷ 17 CFR 200.30-3(a)(12).

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-04602 Filed 3-8-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80155; File No. SR-BX-
2017-014]

Self-Regulatory Organizations; NASDAQ BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Chapter X, Section 7(a) of the Exchange's Rules Relating to Minor Rule Violation Penalties for Position Limit Violations

March 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 28, 2017, NASDAQ BX, Inc. ("BX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Chapter X, Section 7(a) of the Exchange's Rules, as described in further detail below.

The text of the proposed rule change is available on the Exchange's Web site at <http://nasdaqbx.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Chapter X, Section 7(a) of the Exchange's rules (the "Rules"), which sets forth the Exchange's minor rule violation penalties and in particular, penalties for violating Chapter III, Section 7 of the Rules pertaining to position limits, so that these penalties are consistent with those of BX's sister exchange, the International Securities Exchange, LLC ("ISE"), as well as other competing options exchanges.

Chapter III, Section 7 of the Exchange's Rules imposes position limits for Options Participants in certain circumstances. Meanwhile, Chapter X, Section 7(a) of the Rules assesses fines for minor rule violations, including position limits violations, as follows.

First, for violations occurring in customer accounts, Section 7(a)(i) assesses fines based upon the cumulative number of violations that occur over the course of a two year rolling period. For the first six violations that occur during any such period, an Option Participant will either be issued a letter of caution (to the extent that the violations are up to five percent in excess of applicable limits) or assessed \$1 per contract (to the extent that the violations are more than five percent in excess of applicable limits). For the seventh through twelfth violations that occur during any such period, the fine is \$1 per contract over the limit, regardless of the extent of the violations. Finally, for the thirteenth or any additional violations that occur during any such period, the fine increases to \$5 per contract over the limit. Notwithstanding the above, the Rule provides that the minimum fine that the Exchange shall assess is \$100.

Second, for violations that occur in the accounts of Options Participants (i.e., proprietary accounts and accounts of other Options Participants), Section 7(a)(ii) again assesses fines based upon the cumulative number of violations that occur over the course of a two year rolling period. For the first three violations that occur in any such period, an Option Participant will either be assessed a letter of caution (to the extent that the violations are up to five percent in excess of applicable limits) or \$1 per contract (to the extent that the violations are more than five percent in excess of applicable limits). For the fourth through the sixth violations that occur during any such period, the fine is \$1

per contract over the limit, regardless of the extent of the violations. Finally, for the seventh or any additional violations that occur during any such period, the fine increases to \$5 per contract over the limit. Notwithstanding the above, the Rule provides that the minimum fine that the Exchange shall assess is \$100.

The Exchange proposes to replace its schedule of fines for position limit violations to mirror the schedule of fines that ISE and other exchanges apply to such violations. The ISE schedule of position limits fines set forth in ISE Rule 1614(d) is simpler and, in certain instances, more stringent than the BX schedule of fines. It provides that for any cumulative violations of the ISE position limits rule³ that occur during any rolling two year period, ISE assesses a fine of \$500 for the first offense, \$1,000 for the second offense, \$2,500 for the third offense, and \$5,000 for the fourth and each subsequent offense. The ISE rule is identical to that which several other exchanges employ.⁴ The proposed rule change conforms the fine schedule of BX to that of ISE.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁵ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁶ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that its proposed Rule change will be more effective than the existing Rule in preventing manipulative acts and practices and protecting investors because under the proposed Rule, the Exchange will immediately impose a fine upon an Options Participant that violates its position limits, and it will do so regardless of the extent of the

³ ISE Rule 1614(d)(1) counts as a single violation, provided that such a violation is inadvertent: (i) A 1 trade date overage; (ii) a consecutive string of trade date overage violations where the position does not change or where a steady reduction in the overage occurs; or (iii) a consecutive string of trade date overage violations resulting from other mitigating circumstances.

⁴ See BATS BZX Exchange, Inc. Rule 25.3(a); C2 Options Exchange Rule Chapter 17 (incorporating by reference CBOE Rule 17.50(g)(1)); see also NYSE Arca, Inc. Rule 10.12(k)(i)(21) (imposing fines of \$1,000, \$2,500, and \$5,000 for the first, second, and third violations, respectively while omitting corresponding verbiage that defines the nature of a single violation subject to a fine).

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

violation, as opposed to only imposing a fine (rather than a caution letter) after the first six violations or to the extent that a violation exceeds 5 percent of the applicable limits.

Moreover, the proposed Rule change promotes fairness and consistency in the marketplace by harmonizing penalties across exchanges for the same conduct. As noted above, the proposed schedule of fines would be identical to the schedules of fines that ISE, BATS BZX, and C2 Options Exchange presently employ, and similar to that which NYSE Arca employs.

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 proposal will adopt the same schedule of fines as exists at other exchanges and it will apply the same schedule of fines to all Options Participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.⁷

A proposed rule change filed under Rule 19b-4(f)(6)⁸ normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b-4(f)(6)(iii)⁹ permits the Commission to designate a shorter time if such action is consistent with the

protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that the proposed rule change helps to protect investors and to prevent manipulative acts by enabling the Exchange to immediately impose a fine upon an Options Participant for position limit violations. The Exchange further states that the proposed rule change promotes fairness and consistency in the marketplace by unifying the Exchange's schedule of fines with schedules imposed by other exchanges.

The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission notes that the proposal harmonizes the Exchange's schedule of fines with respect to position limit violations with fines currently imposed by other exchanges, and thus does not raise any new or novel issues. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.¹⁰

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)¹¹ 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-BX-2017-014 on the subject line.

¹⁰ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹¹ 15 U.S.C. 78s(b)(2)(B).

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-BX-2017-014. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BX-2017-014 and should be submitted on or before March 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-04607 Filed 3-8-17; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

National Women's Business Council (NWBC); Data Collection Available for Public Comments

AGENCY: National Women's Business Council, Small Business Administration.

ACTION: 60-day notice and request for comments.

¹² 17 CFR 200.30-3(a)(12).

⁷ In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

⁸ 17 CFR 240.19b-4(f)(6).

⁹ 17 CFR 240.19b-4(f)(6)(iii).

SUMMARY: The National Women's Business Council (NWBC) intends to request approval from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before May 8, 2017.

ADDRESSES: Send all comments to Dolores Rowen, Research Manager, National Women's Business Council, Small Business Administration, 409 3rd Street, Suite 5500, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Dolores Rowen, Research Manager, National Women's Business Council, Dolores.Rowen@sba.gov 202-205-9974, or Curtis B. Rich, Management Analyst, Curtis.Rich@sba.gov 202-205-7030.

SUPPLEMENTARY INFORMATION: The National Women's Business Council (NWBC) is a non-partisan federal advisory council created to serve as an independent source of advice and counsel to the President, Congress, and the U.S. Small Business Administration on economic issues of importance to women business owners.

NWBC is undertaking a research study that will build upon existing knowledge to uncover insights and new information germane to supporting and encouraging entrepreneurship among millennial women. Data will be collected via focus groups with millennial women and men.

Given the decline in entrepreneurship among millennials compared to prior

generations at the same age, research is necessary to understand what young women require such that the government can foster increased participation in entrepreneurship among millennial women and the extent to which there are gendered differences. This research will develop insights about multiple topics including: Differences between prospective and current millennial women entrepreneurs; differences between millennial men and women entrepreneurs; motivating factors; and student debt as a motivator and deterrent. This work will include multiple perspectives to develop a well-rounded picture including prospective millennial women entrepreneurs, current millennial women entrepreneurs, and current millennial men entrepreneurs.

NWBC will use the resulting report from this data collection to inform its annual report to the President, Congress, and the SBA on policy and program recommendations to support the growth of women-owned businesses.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

Title: Research on Millennial Women Entrepreneurs.

Description of Respondents: Respondents in the study will be prospective millennial women

entrepreneurs, current millennial women entrepreneurs, and current millennial men entrepreneurs. Focus groups with all three respondent types will be conducted in Los Angeles, California, Denver, Colorado, and Boston, Massachusetts. The focus groups will develop insights regarding motivating factors and barriers related to student debt and entrepreneurship.

Form Number: N/A.

Total Estimated Annual Responses:

There will be a maximum of 108 focus group participants (no more than 12 persons for each of 9 focus groups). Potential participants will be identified and recruited via nomination, group or community membership, and targeted emails and online recruitment tools.

Total Estimated Annual Hour Burden:

Focus group participants will spend approximately 120 minutes in total completing a pre-discussion screener, engaging in focus group discussion, and traveling to and from the focus group location.

The total annual time burden is estimated at 216 hours for completion of all aspects of data collection. To estimate the annualized cost of this time burden, we assumed 2,000 annual working hours and an annual salary of \$66,000, which is the median annual salary for small business owners in the United States as reported by PayScale Human Resources, resulting in a cost per participant of \$66. In order to obtain 108 focus group participants, it is estimated that 300 contacts will be needed. Of those 192 individuals who are contacted and screened, but who are not eligible, willing, or able to participate in the focus groups, the time burden is approximately five minutes. This adds an additional annual time burden of \$528.00. In total, the time burden cost for this study is estimated at \$7,656.00.

Information collection (focus groups)	Number of respondents	Number of responses per respondent	Average burden per response in hours	Total annual burden of hours
Focus group 1	36	1	2	72
Focus group 2	36	1	2	72
Focus group 3	36	1	2	72
Total Annual Burden Hours .....	.....	.....	.....	216

Curtis B. Rich,
Management Analyst.

[FR Doc. 2017-04654 Filed 3-8-17; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF STATE

[Public Notice 9910]

U.S. Department of State Advisory Committee on Private International Law (ACPIL): Public Meeting on Electronic Commerce—Electronic Transferable Records

The Office of the Assistant Legal Adviser for Private International Law, Department of State, gives notice of a public meeting to discuss a model law on electronic transferable records prepared by Working Group IV of the United Nations Commission on International Trade Law (UNCITRAL). The public meeting will take place on Monday, March 27, 2017 from 9:30 a.m. until 12 p.m. EDT. This is not a meeting of the full Advisory Committee.

The UNCITRAL Working Group has completed its work on the model law and has requested that the UNCITRAL Secretariat transmit the text of the draft model law, including accompanying explanatory notes, for consideration at the upcoming Commission session, which commences in June. In advance of the Commission session, the Secretariat has provided these texts to UNCITRAL member states for comment.

The purpose of the public meeting is to obtain the views of concerned stakeholders on the draft text, which is numbered A/CN.9/920 and is available at <http://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/CN.9/920&Lang=E>, so that the United States may decide whether to provide any comments to the Secretariat and the Commission. As the UNCITRAL member states have been asked to provide specific and succinct comments, the public meeting will focus on the text drafted by the UNCITRAL Working Group. Participants in the public meeting should read the text in advance of the meeting and should be prepared with particular comments on the draft. Those who cannot attend but wish to comment are welcome to do so by email to Michael Coffee at coffeems@state.gov.

Time and Place: The meeting will take place on March 27, 2017, from 9:30 a.m. until 12 p.m. EDT in Room 356, South Building, State Department Annex 4A, Washington, DC 20037. Participants should plan to arrive at the Navy Hill gate on the west side of 23rd Street NW., at the intersection of 23rd Street NW., and D Street NW., by 9:00 a.m. for visitor screening. If you are unable to attend the public meeting and would like to participate from a remote location, teleconferencing will be available.

Public Participation: This meeting is open to the public, subject to the capacity of the meeting room. Access to the building is strictly controlled. For pre-clearance purposes, those planning to attend should email pil@state.gov providing full name, address, date of birth, citizenship, driver's license or passport number, and email address. This information will greatly facilitate entry into the building. A member of the public needing reasonable accommodation should email pil@state.gov not later than March 20, 2017. Requests made after that date will be considered, but might not be able to be fulfilled. If you would like to participate by telephone, please email pil@state.gov to obtain the call-in number and other information.

Data from the public is requested pursuant to Public Law 99-399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107-56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities.

The data will be entered into the Visitor Access Control System (VACS-D) database. Please see the Security Records System of Records Notice (State-36) at <https://foia.state.gov/docs/SORN/State-36.pdf> for additional information.

Michael S. Coffee,

Attorney-Adviser, Office of Private International Law, Office of the Legal Adviser, Department of State.

[FR Doc. 2017-04575 Filed 3-8-17; 8:45 am]

BILLING CODE 4710-08-P

DEPARTMENT OF STATE

[Public Notice 9911]

Industry Advisory Group: Notice of Open Meeting

The Industry Advisory Group (IAG) of the Bureau of Overseas Buildings Operations (OBO) will meet on Wednesday, April 5 from 2:00 p.m. until 4:00 p.m. Eastern Daylight Time. The meeting is open to the public and will be held in the Loy Henderson Conference Room of the U.S. Department of State, located at 2201 C Street NW. (entrance on 23rd Street), Washington, DC. For logistical and security reasons, the public must enter and exit the building using only the 23rd Street entrance.

This committee serves the U.S. government in a solely advisory capacity concerning industry and academia's latest concepts, methods,

best practices, innovations, and ideas related to OBO's mission to provide safe, secure, and functional facilities that represent the U.S. government to the host nation and support our staff in the achievement of U.S. foreign policy objectives. These facilities should represent American values and the best in American architecture, engineering, technology, sustainability, art, culture, and construction execution.

The majority of the meeting will be devoted to discussions between the Department's senior management and IAG representatives with respect to industry and academia's latest concepts, methods, best practices, innovations and ideas related to property management that are applicable to OBO's vital mission. Reasonable time will be provided for members of the public to provide comment.

Admittance to the State Department building will be by means of a pre-arranged clearance list. In order to register, you must provide the following information via email to IAGR@state.gov: First and last name, company/firm name (if applicable), date of birth, country of citizenship, and the number and issuing country/state associated with a valid government-issued ID (*i.e.*, U.S. government ID, U.S. military ID, passport, or driver's license) and requests for reasonable accommodation by March 22. You can also visit the OBO Web site at <http://overseasbuildings.state.gov/> for additional information. Requests made after that date will be considered, but may not be able to be fulfilled. The public may attend this meeting as seating capacity allows.

Personal data is requested pursuant to Public Law 99-399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107-56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS-D) database.

Please see the Security Records System of Records Notice (State-36) at <https://foia.state.gov/docs/SORN/State-36.pdf> for additional information.

Please contact IAGR@state.gov with any questions.

William Moser,

Acting Director, Department of State, Bureau of Overseas Buildings Operations.

[FR Doc. 2017-04576 Filed 3-8-17; 8:45 am]

BILLING CODE 4710-51-P

SURFACE TRANSPORTATION BOARD**Release of Waybill Data**

The Surface Transportation Board has received a request from the Association of American Railroads. (WB17-11-2/1/17) for permission to use certain data from the Board's 2015 Carload Waybill Sample. 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.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2017-04584 Filed 3-8-17; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2006-25854; FMCSA-2013-0107; FMCSA-2013-0108]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA confirms its decision to renew exemptions for six individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have "no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV." The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions are effective on December 23, 2016. The exemptions expire on December 23, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001.

Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:**I. Electronic Access**

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

On October 13, 2016, FMCSA published a notice announcing its decision to renew exemptions for six individuals from the Epilepsy and Seizure Disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (81 FR 70737). The public comment period ended on November 13, 2016, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person:

Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining

whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the six renewal exemption applications and no comments received, FMCSA confirms its decision to exempt the following drivers from the Epilepsy and Seizure Disorders requirement in 49 CFR 391.41(b)(8), subject to the requirements cited above:

Stephen Amell (VT)
Gary Freeman (AL)
Aaron Gillette (SD)
David Kestner (VA)
Michael Kramer (KS)
Chad Smith (MA)

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-04660 Filed 3-8-17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2014-0212]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for three individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV)

drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were effective on August 28, 2016. The exemptions expire on August 28, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

On October 17, 2016, FMCSA published a notice announcing its decision to renew exemptions for three individuals from the Epilepsy and Seizure Disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (81 FR 71564). The public comment period ended on November 16, 2016, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of

these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person:

Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the three renewal exemption applications and no comments received, FMCSA confirms its decision to exempt the following drivers from the Epilepsy and Seizure Disorders requirement in 49 CFR 391.41(b)(8), subject to the requirements cited above: Peter Bender (MN); Terry Hamby (NC); and Louis Lerch (IA).

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04677 Filed 3–8–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2007–0070; FMCSA–2014–0313]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions of 71 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. FMCSA has statutory authority to exempt individuals from this rule if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: Each group of renewed exemptions are effective from the dates stated in the discussions below. Comments must be received on or before April 10, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. FMCSA–2007–0070; FMCSA–2014–0313 using any of the following methods:

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

- **Mail:** Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

- **Hand Delivery or Courier:** West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.

- **Fax:** 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, fmcamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are from 8 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the Federal Motor Carrier Safety Regulations 2-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 71 individuals listed in this notice have recently become eligible for a renewed exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. The drivers remain in good standing with the Agency, have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period.

II. Exemption Decision

This notice addresses 71 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. These 71 drivers remain in good standing with the Agency, have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. Therefore, FMCSA has decided to extend each exemption for a renewable two-year period. Each individual is identified according to the renewal date.

The exemptions are renewed subject to the following conditions: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual submit an annual ophthalmologist's or optometrist's report; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. The following groups of drivers received renewed exemptions in the month of March and are discussed below.

As of March 12, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 16 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (73 FR 6248; 73 FR 13274):

Richard L. Burwell (OH)
David Clemente, Sr. (NJ)
Timothy M. Collier (NY)
William M. Dement (MO)
James O. Hamilton (OH)
William B. Jenks, Jr. (UT)

Timothy L. Johnson (IA)
Douglas O. Krosch (MN)
Robert E. Martin (MO)
Garrett A. Phillips (NY)
Randy L. Quattlebaum (TX)
Mark C. Smith (NE)
Billy J. Stamper (OK)
Robert E. Tauriainen (OR)
David B. Tomlin (AL)
Brian T. Tow (WA)

The drivers were included in Docket No. FMCSA–2007–0070. Their exemptions are effective as of March 12, 2017, and will expire on March 12, 2019.

As of March 24, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 55 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 8929; 80 FR 24313):

Timothy E. Adkins (KY)
Daniel S. Arke (HI)
Raul Arlequin Jr. (FL)
Chad W. Beeman (NY)
Jeffrey S. Bohle (IA)
Bradley T. Boyd (IA)
Bradley M. Brauer (NE)
Gary W. Brendel (NY)
Thomas Browning (PA)
Kell D. Busby, Jr. (MI)
Rafael B. Castillo (NJ)
Zachary D. Craig (ND)
Terry R. Darnall (IL)
Raymond W. Dropps (MN)
Curtis W. Fox (IN)
William H. Geiselhart, Jr. (PA)
Darrel G. Goetz (MO)
Chris S. Hammack (CO)
James P. Hancock, Jr. (PA)
Donald S. Hanson (MN)
Michael Hasley (AR)
Gene A. Heibult (SD)
Ronald R. Herrington (WV)
Jay H. Hess (PA)
Kevin L. Holmes (IL)
Claude E. Hoskins (WA)
Ulysses Jones (IN)
Sean M. Jordan (PA)
Steven N. Kemp (TX)
Tracy A. Knake (IA)
Robert E. Lane (IN)
Jason C. Lewis (MD)
Corey A. Maas (KS)
James P. MacDonald (MA)
Timothy D. Maxson (NY)
Guy D. McGuire (MD)
Roy A. Montalvan (PA)
Justin M. Powell (NC)
Jackie Riley (NC)
Rudy A. Rodriguez (OR)
Philip M. Schopp (MO)
Andrew T. Segetti (CT)
Roger L. Shones (MN)
William L. Sirabella (RI)
Ronald D. Strobo (FL)

Rodney H. Swartz (NY)
David A. Tipps (IL)
Keith J. Tschetter (ND)
Sean E. Twohig (NY)
Jimmie W. Ward (NC)
Michael R. Waskow (WI)
James B. Westphal (WI)
John A. Winquist (SD)
Robert J. Wyand (NY)
Michael E. Zincone (RI)

The drivers were included in Docket No. FMCSA–2014–0313. Their exemptions are effective as of March 24, 2017, and will expire on March 24, 2019.

Each of the 71 drivers in the aforementioned groups qualifies for a renewal of the exemption. They have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of the 71 drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption. The drivers were included in docket numbers FMCSA–2007–0070; FMCSA–2014–0313.

IV. Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by April 10, 2017.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 71 individuals from rule prohibiting persons with ITDM from operating CMVs in interstate commerce in 49 CFR 391.41(b)(3). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail

the medical condition of each applicant for an exemption from rule prohibiting persons with ITDM from operating CMVs in interstate commerce. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

V. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket numbers FMCSA–2007–0070; FMCSA–2014–0313 and click the search button. When the new screen appears, click on the blue “Comment Now!” button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

VI. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA–2007–0070; FMCSA–2014–0313 and click “Search.” Next, click “Open Docket Folder” and you will find

all documents and comments related to this notice.

Issued on: February 28, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04693 Filed 3–8–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0083; FMCSA–2010–0115; FMCSA–2010–0138; FMCSA–2012–0108; FMCSA–2012–0109; FMCSA–2014–0016; FMCSA–2014–0017]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions of 174 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue

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

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

On December 20, 2016, FMCSA published a notice announcing its decision to renew exemptions for 174 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (81 FR 92949). The public comment period ended on January 19, 2017, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the 174 renewal exemption applications and that no comments were received, FMCSA confirms its decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.41(b)(3):

As of July 2, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 30 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 25919; 75 FR 28677; 75 FR 38597; 75 FR 38598):
 Spencer W. Alexander (UT)
 Cody R. Anderson (MT)
 Ronnie L. Barker (GA)
 Joseph P. Beagan (RI)

Brian C. Blevins (VA)
 John M. Charlton (UT)
 Stuart A. Dietz (KS)
 Michael G. Eikenberry (IN)
 Francisco K. Gallardo (AZ)
 Devin S. Gibson (UT)
 Jason C. Green (MS)
 Kimmy D. Hall (AR)
 Edward G. Harbin (AR)
 Lewis M. Hendershott (NJ)
 Mark E. Henning (NY)
 Christopher M. Hultman (WI)
 Duane K. Kohls (MN)
 John F. Lohmuller (IN)
 Jerry A. McMurdy (PA)
 Steven L. Miller (ND)
 H. A. Miller (OR)
 Andrew D. Monson (MN)
 Timothy J. Nowak (FL)
 Peter J. Pendola (VA)
 Ross R. Romano (MI)
 Max S. Sklarski (NM)
 Jason D. Sweet (CA)
 Robert M. Thomson (IL)
 James P. Tomasik (PA)
 Joseph H. Watkins (IN)

The drivers were included in one of the following docket Nos: FMCSA–2010–0083; FMCSA–2010–0115. Their exemptions are effective as of July 2, 2016, and will expire on July 2, 2018.

As of July 22, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 44 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 29484; 79 FR 42628):

Curtis D. Andersen (MT)
 Thomas E. Armburst (IL)
 Michael A. Barrett (MI)
 Jerry G. Clise Jr. (MD)
 Richard K. Cressman (ND)
 Steven W. Dahl (ND)
 Shannon D. Eck (KS)
 Manuel Fernandez (PA)
 Kevin J. Franje (IA)
 Michael E. Goldsberry (VA)
 Jared P. Greene (OH)
 Michael L. Jobe (PA)
 Edwin P. Jonas, II (PA)
 David W. Jones (MD)
 John J. Katcher (CO)
 Glenn T. Keller (PA)
 Michael G. Keller (CA)
 Jay T. Kirschmann (ND)
 James L. Laufenberg (ND)
 James R. Longo (MD)
 Erik M. Mardesen (IA)
 Earl W. Meadows (WV)
 Ralph H. Mills (MA)
 Matthew C. Moberly (KY)
 Brant S. Perry (TX)
 Zachary A. Pettitt (TX)
 James W. Restuccio Jr. (NJ)
 Pedro Saavedra Garcia (CA)
 David Salmond (UT)

Jerry J. Shipley (KS)
 Glenn A. Skonberg (SD)
 Douglas R. Smith (KS)
 Cheryl G. Stephens (DE)
 James F. Stewart (PA)
 Martin T. Struthers (NE)
 Dennis C. Svec (MI)
 Larry L. Taff (AR)
 Filbert J. Torres (NM)
 Jennifer A. Tyson (PA)
 Burdette Walker (PA)
 Jacob D. Walter (PA)
 Richard E. Watkins (NY)
 Harold W. Wilson Jr. (SC)
 Ronald D. Young (GA)

The drivers were included in docket No. FMCSA–2014–0016. Their exemptions are effective as of July 22, 2016, and will expire on July 22, 2018.

As of July 24, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 18 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 33554; 77 FR 43417):

Jack D. Alt (NH)
 Tony O. Billman (PA)
 Tracy M. Dowton (MT)
 Anil D. Gharmalkar (KS)
 Larry A. Hamilton (MO)
 Allen K. Kates (NJ)
 Andrew L. Lyman (PA)
 Nancy A. Plunk (MO)
 Victor C. Port (ND)
 Scott D. Roles (MN)
 Jeffrey A. Ryan (IA)
 Keith A. Siekmeier (AK)
 Tom L. Simmons (IA)
 James H. Stichberry, Jr. (MD)
 Loyd J. Wagner (MO)
 John F. Watson (IN)
 Melvin E. Welch (NJ)
 Leroy R. Wille (IA)

The drivers were included in docket No: FMCSA–2012–0109. Their exemptions are effective as of July 24, 2016, and will expire on July 24, 2018.

As of July 25, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 55 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 35844; 79 FR 51223):

Todd Y. Albright (MT)
 John H. Aschman (MN)
 Robert M. Borunda (CA)
 Alan F. Brown Jr. (IN)
 Theodore W. Burnette (CA)
 John Canal (NY)
 Anthony C. Cole (WY)
 Kevin G. Comstock (MN)
 Jacob S. Crawford (GA)
 Christopher Dave (MI)
 Anthony J. Davis (IN)

Justin J. Day (SD)
 Charles G. Denegal (WA)
 Wayne H. Dirs (WA)
 Charles G. Elliott (IN)
 Joseph S. Farrow (MN)
 James R. Fiecke (ND)
 Eric C. Gambill (OH)
 Mark P. Gerrits (WI)
 Michael Gilon (NH)
 Chance A. Gooch (GA)
 Robert L. Harris (IN)
 Darrell S. Haynes (PA)
 Joseph D. Helget (OR)
 Charles D. Henderson (NY)
 Marvin S. Howard (OH)
 Eric A. Knox (KY)
 Erik M. Lindquist (WA)
 Thomas K. Linkel (IN)
 Christine I. Llewellyn (IL)
 Ryan A. Malandrone (WI)
 Thomas J. Manning (MN)
 Steve A. Meharry (WA)
 Robert A. Miller Jr. (WV)
 Ben G. Moore (IL)
 Chad M. Morris (NY)
 Paul C. Mortenson (WI)
 William D. Murray (AL)
 Jacob D. Nafziger (OH)
 Edward T. Nauer (VA)
 Keith W. Nichols (TX)
 Colin R. Parmelee (IN)
 Matthew P. Sczpanski (OH)
 Anthony S. Sobreiro (NJ)
 Colby E. Starnes (PA)
 Daniel E. Stephens (NY)
 Bartholomew Taliaferro (PA)
 Johnathan D. Truitt (IL)
 Rylan P. Wheeler (IL)
 Gordon J. White (MO)
 Kelly L. Whitley (NC)
 Jerry R. Williams (GA)
 Charles L. Wojton (PA)
 Michelle L. York (WA)
 Steven L. Zimmer (OH)

The drivers were included in docket No: FMCSA–2014–0017. Their exemptions are effective as of July 25, 2016, and will expire on July 25, 2018.

As of July 26, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 15 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 33551; 77 FR 43901):

Larry J. Anderson (MN)
 Wade D. Calvin (WA)
 Carl A. Candelaria (NM)
 Owen R. Dossett (AL)
 Jennifer A. Ferguson (SC)
 Michael E. Fritz (NV)
 Lee A. Haerterich (WI)
 Eric W. Holland (CO)
 Richard P. Holmen (MN)
 Edward Jones (GA)
 Paul A. Lacina (ND)
 Bradley J. Moore (MO)

Ross W. Petermann (MN)
 Randall J. Tatum (MA)
 Curtis J. Young (FL)

The drivers were included in docket No. FMCSA–2012–0108. Their exemptions are effective as of July 26, 2016, and will expire on July 26, 2018.

As of July 27, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 34206; 75 FR 44049):

Clinton R. Carlson II (RI)
 Brandon L. Cheek (NC)
 Richard A. Dufton, Jr. (NH)
 Kenneth Dunn (IN)
 Robert J. Dyxin (IL)
 Michael H. Hayden (NY)
 John T. Jones (OK)
 Blake A.S. Keeten (NE)
 Randall L. Koegel (NY)
 Worden T. Price (NC)
 Gary L. Sager (IL)
 Darrel D. Schroeder (KS)

The drivers were included in docket No: FMCSA–2010–0138. Their exemptions are effective as of July 27, 2016, and will expire on July 27, 2018.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: March 1, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04687 Filed 3–8–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0107]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemption of one

individual from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” This exemption enables this individual who has had one or more seizures and is taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemption is effective on January 12, 2016. The exemption will expire on January 12, 2018. Comments must be received on or before April 10, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, fmcamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2013–0107 using any of the following methods:

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

- **Mail:** Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

- **Hand Delivery:** West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.

- **Fax:** 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12–140 on the ground level of

the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for two years if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the two-year period.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person:

Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

The individual listed in this notice has requested renewal of his exemption from the Epilepsy and Seizure Disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated the application for renewal on its merits and decided to extend the exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that this driver is not currently achieving the statutory level of

safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, the applicant has satisfied the conditions for obtaining an exemption from the Epilepsy and Seizure Disorder requirements and were published in the **Federal Register** (78 FR 67449). In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce.

The driver in this notice remains in good standing with the Agency, has maintained his medical monitoring and has not exhibited any medical issues that would compromise his ability to safely operate a CMV during the previous two-year exemption period. FMCSA has concluded that renewing the exemption for this applicant is likely to achieve a level of safety equal to that existing without the exemption. Therefore, FMCSA has decided to renew the exemption for a two-year period. In accordance with 49 U.S.C. 31136(e) and 31315, this driver has received a renewed exemption.

As of January 12, 2016, Lyle Trimm (NJ) has satisfied the renewal conditions for obtaining an exemption from the Epilepsy and Seizure Disorders prohibition in 49 CFR 391.41(b)(8), from driving CMVs in interstate commerce (78 FR 67449).

This driver was included in FMCSA-2013-0107. This exemption is effective on January 12, 2016, and will expire on January 12, 2018.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the

two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of this exemption application, FMCSA renews the exemption of the aforementioned driver from the Epilepsy and Seizure Disorders requirement in 49 CFR 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: February 28, 2017.

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2017-04679 Filed 3-8-17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2016-0008]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt nine individuals from the requirement in the Federal

Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: The exemptions were effective on December 21, 2016. The exemptions will expire on December 21, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

On November 17, 2016, FMCSA published a notice announcing receipt of applications from nine individuals requesting an exemption from the epilepsy prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (81 FR 81233). The public comment period ended on December 19, 2016, and one comment was received.

FMCSA has evaluated the eligibility of these applicants and determined that

granting exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person:

Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria¹ to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section *H. Epilepsy: § 391.41(b)(8)*, paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received one comment from Shenella Carlisle, in this preceding, who cited information from a 2004 article from the American Academy of Neurology regarding the relative low crash risk of individuals who have seizures or epilepsy. She believes that an individual's primary care provider, who is familiar with the individual's history and treatment plan, is best suited to decide his or her vehicle crash risk.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the epilepsy/seizure standard in 49 CFR 391.41(b)(8) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

In reaching the decision to grant these exemption requests, FMCSA considered the 2007 recommendations of the Agency's Medical Expert Panel (MEP). The January 15, 2013, **Federal Register** notice (78 FR 3069) provides the current MEP recommendations which is the criteria the Agency uses to grant seizure exemptions.

The Agency's decision regarding these exemption applications is based on an

individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System (CDLIS) for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information System (MCMIS). For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA).

These nine applicants have been seizure-free over a range of 10 to 32 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last two years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

A summary of each applicant's seizure history was discussed in the November 17, 2016, **Federal Register** notice (81 FR 81233) and will not be repeated in this notice.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the epilepsy/seizure standard in 49 CFR 391.41(b)(8) is likely to achieve a level of safety equal to that existing without the exemption.

IV. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical

¹ See http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a and <https://www.gpo.gov/jdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the nine exemption applications, FMCSA exempts the following drivers from the epilepsy/seizure standard, 49 CFR 391.41(b)(8), subject to the requirements cited above:

Mark Beery (PA)
Douglas Cantwell (TN)
Mark McDaniel (IL)
Ronnie Moody (NC)
Tye Moore (IN)
Jack Porcellini (PA)
Jeffrey Rathman (CO)
Douglas Simms Jr. (NC)
Tara Van Horn (PA)

In accordance with 49 U.S.C. 31315(b)(1), each exemption is valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The individual fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: March 3, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-04643 Filed 3-8-17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2016-0213]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 18 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

DATES: Comments must be received on or before April 10, 2017. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2016-0213 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.

- *Fax:* 1-202-493-2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments

from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-113, Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption." FMCSA can renew exemptions at the end of each 2-year period. The 18 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

James M. Demgard

Mr. Demgard, 49, has a prosthetic left eye due to a traumatic incident in 1996. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2016, his optometrist stated, "I can certify James has a perfectly normal right eye in all aspects to perform the visual tasks required for commercial vehicle." Mr. Demgard reported that he has driven straight trucks for 29 years, accumulating 536,500 miles. He holds an operator's license from New Jersey. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

David L. Erickson

Mr. Erickson, 66, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/70, and in

his left eye, 20/25. Following an examination in 2016, his optometrist stated, "His right eye has been diagnosed with Amblyopia [sic] which occurs at birth . . . In my professional opinion, Mr. David Erickson is qualified to obtain a commercial drivers [sic] license and safely drive a commercial vehicle on any major roadway." Mr. Erickson reported that he has driven straight trucks for 30 years, accumulating 510,000 miles, and tractor-trailer combinations for 30 years, accumulating 1.14 million miles. He holds a Class A CDL from South Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Ray A. Fields

Mr. Fields, 64, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/25, and in his left eye, 20/200. Following an examination in 2016, his optometrist stated, "It is my opinion that Ray's eyes and vision are such that he should be allowed to continue with a CDL license as required for his present job." Mr. Fields reported that he has driven straight trucks for 7 years, accumulating 70,000 miles, and tractor-trailer combinations for 7 years, accumulating 14,000 miles. He holds a Class A CDL from Kansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jeffrey L. Gardner

Mr. Gardner, 51, has aphakia in his right eye due to removal of a congenital cataract in childhood. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, "Due to the long standing nature and stability of the patient's vision deficiency, he should have sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Gardner reported that he has driven straight trucks for 16 years, accumulating 160,000 miles, and tractor-trailer combinations for 16 years, accumulating 160,000 miles. He holds a Class AM1 CDL from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Thomas A. Grigsby

Mr. Grigsby, has a macular scar in his right eye due to a traumatic incident in 2013. The visual acuity in his right eye is 20/250, and in his left eye, 20/20. Following an examination in 2016, his ophthalmologist stated, "Based on that evidence, it would support the idea that

he has sufficient vision to continue driving the commercial vehicle that he has done for the last three years without any complications that I am aware of." Mr. Grigsby reported that he has driven tractor-trailer combinations for 7 years, accumulating 875,000 miles. He holds a Class A CDL from Arkansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Eugene C. Hamilton

Mr. Hamilton, 47, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/60. Following an examination in 2016, his ophthalmologist stated, "In my opinion, Mr. Hamilton should be able to continue operating a commercial vehicle as he has safely for many years. He has not had any change in his condition over the last decade." Mr. Hamilton reported that he has driven straight trucks for 25 years, accumulating 1 million miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jay A. Harding

Mr. Harding, 54, has a macular scar in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/50, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, "In my opinion, Mr. Harding has more than adequate vision to safely operate a commercial motor vehicle." Mr. Harding reported that he has driven straight trucks for 3 years, accumulating 105,000 miles, and tractor-trailer combinations for 28 years, accumulating 2.8 million miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he failed to stop when emerging from an alley, driveway, or building.

Melvin L. Hipsley III

Mr. Hipsley, 54, has had neovascular macular degeneration in his left eye since 2013. The visual acuity in his right eye is 20/20, and in his left eye, 20/60. Following an examination in 2016, his optometrist stated, "It is my medical opinion that Mr. Hipsley has sufficient vision to perform the driving tasks required to continue to operate a commercial vehicle." Mr. Hipsley reported that he has driven straight trucks for 30 years, accumulating 1.2 million miles, and tractor-trailer combinations for 20 years, accumulating 800,000 miles. He holds a Class AM

CDL from Maryland. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Charlie E. Hoggard

Mr. Hoggard, 44, has had a chorioretinal scar in his right eye due to a traumatic incident in 1992. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, "He suffered an explosive injury to his eye approximately 24 years ago, leaving him with a Chorioretinal Scar overlying the macula. At this time, Mr. Hoggard does not display any inability to operate a commercial vehicle due to his sustained injury from military service." Mr. Hoggard reported that he has driven straight trucks for 24 years, accumulating 1.25 million miles, tractor-trailer combinations for 24 years, accumulating 1.25 million miles, and buses for 12 years, accumulating 180,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Richard S. Huzzard

Mr. Huzzard, 75, has had macular degeneration in his right eye since 2013. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, "This certifies that in my medical opinion, Mr. Huzzard has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Huzzard reported that he has driven straight trucks for 45 years, accumulating 495,000 miles, and tractor-trailer combinations for 45 years, accumulating 729,000 miles. He holds a Class AM CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kenneth E. Lewis

Mr. Lewis, 56, has had a dense corneal scar in his right eye since 1998. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, "Assuming the results for the visual field examination is normal in the left eye, it is my opinion that Mr. Lewis possesses sufficient vision in the left eye to safely operate a commercial vehicle." Mr. Lewis reported that he has driven straight trucks for 3 years, accumulating 226,080 miles. He holds a Class A CDL from California. His driving record for the last 3 years shows no crashes and no

convictions for moving violations in a CMV.

George J. Paxson, III

Mr. Paxson, 60, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2016, his ophthalmologist stated, "This patient has strabismic amblyopia and exotropia in the left eye which has been stable for several decades. Based on this fact, it is my medical opinion that he has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Paxson reported that he has driven straight trucks for 39 years, accumulating 711,750 miles. He holds an operator's license from Delaware. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Harlie C. Perryman, III

Mr. Perryman, 54, has a corneal scar in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, light perception. Following an examination in 2016, his ophthalmologist stated, "Vision in Right Eye is 20/20 meeting requirements to operate a commercial vehicle." Mr. Perryman reported that he has driven straight trucks for 25 years, accumulating 575,000 miles. He holds an operator's license from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Menno H. Reiff

Mr. Reiff, 55, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, "He would be absolutely safe to drive a commercial vehicle and to see traffic signals. He does not have any limitations from his vision because of his amblyopia whatsoever." Mr. Reiff reported that he has driven straight trucks for 6 years, accumulating 48,000 miles and tractor-trailer combinations for 24 years, accumulating 768,000 miles. He holds a Class A CDL from Pennsylvania. His driving record for the last 3 years shows no crashes but two convictions in a CMV, one for an improper turn, and one for speeding; he exceeded the speed limit by 5 mph.

Steven R. Richter, Jr.

Mr. Richter, 42, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an

examination in 2016, his optometrist stated, "Stable vision in right eye since 1998. It is my medical opinion that Steve is safe to perform the driving tasks required to commercial operate a motor vehicle." Mr. Richter reported that he has driven straight trucks for 22 years, accumulating 110,000 miles and tractor-trailer combinations for 22 years, accumulating 220,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Robert R. Schwabe

Mr. Schwabe, 43, has had a retinal hamartoma in his right eye since 2007. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, "In my opinion, Mr. Schwabe's visual capabilities are sufficient to perform the visual tasks required to operate a commercial vehicle." Mr. Schwabe reported that he has driven straight trucks for 2 years, accumulating 1,000 miles, and tractor-trailer combinations for 19 years, accumulating 1.9 million miles. He holds a Class A CDL from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Phillip Shelburne

Mr. Shelburne, 32, has a retinal detachment in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, "He has a history of decreased vision in the right eye secondary to trauma 30 years ago . . . in my medical opinion he will have no difficulties operating a commercial vehicle." Mr. Shelburne reported that he has driven tractor-trailer combinations for 8 years, accumulating 400,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Wade C. Uhlir

Mr. Uhlir, 42, has had a prosthetic left eye due to anophthalmia since childhood. The visual acuity in his right eye is 20/30, and in his left eye, no light perception. Following an examination in 2016, his optometrist stated, "Based on the vision testing as of July 20, 2016, he can safely perform the driving visual tasks required to operate a commercial motor vehicle." Mr. Uhlir reported that he has driven tractor-trailer combinations for 14 years, accumulating 1.82 million miles. He holds a Class A

CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

III. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and put the docket number FMCSA-2016-0213 in the "Keyword" box, and click "Search." When the new screen appears, click on "Comment Now!" button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> and insert the docket number FMCSA-2016-0213 in the "Keyword" box and click "Search." Next, click "Open Docket Folder" button and choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590,

between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: February 28, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-04664 Filed 3-8-17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2016-0314]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 14 individuals who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle (CMV) from operating CMVs in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these

comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

FMCSA received applications from 14 individuals who requested an exemption from the FMCSRs prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a CMV from operating CMVs in interstate commerce.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(8).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for two years if it finds “such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption.”

The Agency’s decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant’s medical information provided by the applicant.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the criteria eligibility or meet the terms and conditions for a Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(8). Therefore, the 14 applicants in this notice have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(8).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitutes final action by the Agency. This notice summarizes the Agency’s recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 12 applicants do not meet the minimum time requirement for being seizure-free, either on or off of anti-seizure medication:

Daniel Bretz (PA)
Hunter Domagala (ND)
Michael Duno (NY)
Paul Gibson (AZ)
Patrick Hall (NY)
Cody Hitchcock (PA)
Robert Newton (NV)
Christopher Sparacino (NY)
Alexander Stepp (VA)
Carlos Thompson (PA)
Mark Tucker (WA)
Terry Watson (NC)

The following applicant is a citizen of Canada:

Jimmy Bore

The following applicant is an intrastate driver:

Thomas Ork (NY)

Issued on: March 3, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-04637 Filed 3-8-17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2012-0154; FMCSA-2014-0105]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 13 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: The renewed exemptions were effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before April 10, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001.

Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2012-0154; FMCSA-2014-0105 using any of the following methods:

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

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal Holidays.

- *Fax:* 1-202-493-2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for two

years if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the two-year period.

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to driver a CMV if that person:

First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951.

49 CFR 391.41(b)(11) was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

The 13 individuals listed in this notice have requested renewal of their exemptions from the hearing standard in 49 CFR 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the twelve applicants has satisfied the renewal conditions for obtaining an exemption from the hearing requirement (80 FR 57032; 80 FR 60747). In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management

Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce.

The 13 drivers in this notice remain in good standing with the Agency and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. FMCSA has concluded that renewing the exemptions for each of these applicants is likely to achieve a level of safety equal to that existing without the exemption. Therefore, FMCSA has decided to renew each exemption for a two-year period. In accordance with 49 U.S.C. 31136(e) and 31315, each driver has received a renewed exemption.

As of January 14, 2017, Clayton Ashby (VA) and Lon Edward Smith (MS) have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in 49 CFR 391.41(b)(11), from driving CMVs in interstate commerce (80 FR 60735). The drivers were included in FMCSA-2014-0105. The exemptions were effective on January 14, 2017, and will expire on January 14, 2019.

As of January 15, 2017, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in 49 CFR 391.41(b)(11), from driving CMVs in interstate commerce (78 FR 7479):

David Bateman (MN)
William Britt (TN)
Tyjuan Davis (VA)
Jerry Jones (TX)
Christopher Kuller (PA)
Kathy Miller (IA)
Leslie O'Rourke (IL)
Gersen Ramirez (TX)
Daniel Schoultz (PA)
Mark Valimont (MN)
Holly Cameron Wright (NC)

The drivers were included in FMCSA-2012-0154. The exemptions were effective on January 15, 2017, and will expire on January 15, 2019.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must report any crashes or accidents as defined in 49 CFR 390.5; and (2) report all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391 to FMCSA. In addition, the driver must also have a copy of the exemption when

driving, for presentation to a duly authorized Federal, State, or local enforcement official. The driver is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The exemption does not exempt the individual from meeting the applicable CDL testing requirements. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

IV. Conclusion

Based upon its evaluation of the twelve exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the hearing requirement in 49 CFR 391.41(b)(11). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-04682 Filed 3-8-17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2013-0443]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for five individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were effective on May 19, 2016. The exemptions expire on May 19, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

On October 14, 2016, FMCSA published a notice announcing its decision to renew exemptions for five individuals from the Epilepsy and Seizure Disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (81 FR 71170). The public comment period ended on November 14, 2016, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person

is physically qualified to drive a CMV if that person:

Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the five renewal exemption applications and no comments received, FMCSA confirms its decision to exempt the following drivers from the Epilepsy and Seizure Disorders requirement in 49 CFR 391.41(b)(8), subject to the requirements cited above: Thomas Bynum (NC); Ronald Hartl (WI); Craig Hoisington (NH); Michael Miller (WI); and Peter Thompson (FL).

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-04655 Filed 3-8-17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2016-0007]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 11 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: The exemptions were effective on November 15, 2016. The exemptions will expire on November 15, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

On October 14, 2016, FMCSA published a notice announcing receipt of applications from 11 individuals requesting an exemption from the epilepsy prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (81 FR 71179). The public comment period ended on

November 14, 2016, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person:

Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria¹ to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section *H. Epilepsy: § 391.41(b)(8)*, paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the epilepsy/seizure standard in 49 CFR 391.41(b)(8) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

In reaching the decision to grant these exemption requests, FMCSA considered the 2007 recommendations of the Agency’s Medical Expert Panel (MEP). The January 15, 2013, **Federal Register** notice (78 FR 3069) provides the current MEP recommendations which is the criteria the Agency uses to grant seizure exemptions.

The Agency’s decision regarding these exemption applications is based on an individualized assessment of each applicant’s medical information, including the root cause of the respective seizure(s) and medical information about the applicant’s seizure history, the length of time that

has elapsed since the individual’s last seizure, the stability of each individual’s treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician’s medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant’s driving record found in the Commercial Driver’s License Information System (CDLIS) for commercial driver’s license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information System (MCMIS). For non-CDL holders, the Agency reviewed the driving records from the State Driver’s Licensing Agency (SDLA).

These 11 applicants have been seizure-free over a range of eight to 34 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last two years. In each case, the applicant’s treating physician verified his or her seizure history and supports the ability to drive commercially.

A summary of each applicant’s seizure history was discussed in the October 14, 2016, **Federal Register** notice (81 FR 71179) and will not be repeated in this notice.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the epilepsy/seizure standard in 49 CFR 391.41(b)(8) is likely to achieve a level of safety equal to that existing without the exemption.

IV. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver’s qualification file, or keep a copy of his/her driver’s qualification file if

¹ See http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rqn=div5#ap49.5.391_171.a and <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 11 exemption applications, FMCSA exempts the following drivers from the epilepsy/seizure standard, 49 CFR 391.41(b)(8), subject to the requirements cited above:

Kevin Beamon (NY)
Marvin Lavern Fender (CO)
Michael Charles Grant (SC)
Todd W. Hines (OH)
John A. Kangas (MI)
Chad Thomas Knott (MD)
Duane Scott Mahin (KS)
Cornelius L. Page (MD)
Curtis Joseph Palubicki (MN)
Daniel A. Pierstorff (WI)
William M. Powderly (CA)

In accordance with 49 U.S.C. 31315(b)(1), each exemption is valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The individual fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-04659 Filed 3-8-17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2013-0442; FMCSA-2013-0445]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA confirms its decision to renew exemptions for two

individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each renewed exemption was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

On October 14, 2016, FMCSA published a notice announcing its decision to renew exemptions for two individuals from the Epilepsy and Seizure Disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in

interstate commerce and requested comments from the public (81 FR 71171). The public comment period ended on November 14, 2016, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person:

Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the two renewal exemption applications and no comments received, FMCSA confirms its decision to exempt the following drivers from the Epilepsy and Seizure Disorders requirement in 49 CFR 391.41(b)(8), subject to the requirements cited above.

As of July 8, 2016, Michael Duprey (CT), has satisfied the renewal conditions for obtaining an exemption from the Epilepsy and Seizure Disorders prohibition in 49 CFR 391.41(b)(8), from driving CMVs in interstate commerce (81 FR 71171). This driver was included in FMCSA-2013-0442. This exemption was effective on July 8, 2016, and will expire on July 8, 2018.

As of July 14, 2016, Ronald Blout (GA), has satisfied the renewal conditions for obtaining an exemption from the Epilepsy and Seizure Disorders prohibition in 49 CFR 391.41(b)(8), from driving CMVs in interstate commerce (81 FR 71171). This driver was included in FMCSA-2013-0445. This exemption was effective on July 14, 2016, and will expire on July 14, 2018.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two

years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-04651 Filed 3-8-17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1999-6480; FMCSA-2001-11426; FMCSA-2002-11714; FMCSA-2002-12844; FMCSA-2003-16564; FMCSA-2004-19477; FMCSA-2005-21711; FMCSA-2005-22727; FMCSA-2005-23099; FMCSA-2006-23773; FMCSA-2006-24015; FMCSA-2008-0021; FMCSA-2009-0011; FMCSA-2009-0303; FMCSA-2009-0321; FMCSA-2010-0050; FMCSA-2011-0142; FMCSA-2011-0299; FMCSA-2011-0366; FMCSA-2011-0379; FMCSA-2011-0380; FMCSA-2012-0039; FMCSA-2013-0174; FMCSA-2014-0002; FMCSA-2014-0003; FMCSA-2014-0004]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 131 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday,

except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

On December 16, 2016, FMCSA published a notice announcing its decision to renew exemptions for 131 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (81 FR 91239). The public comment period ended on January 17, 2017, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person:

Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this preceding.

VI. Conclusion

As of May 7, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (69 FR 64806; 70 FR 2705; 71 FR 6826; 71 FR 19602; 72 FR 1054; 73 FR 11989; 74 FR 26464; 74 FR 60022; 75 FR 4623; 75 FR 13653; 76 FR 49528; 76 FR 61143; 76 FR 70212; 77 FR 543; 77 FR 5874; 77 FR 17107; 77 FR 17117; 78 FR 76707; 78 FR 77782; 79 FR 1908; 79 FR 10611; 79 FR 13085; 79 FR 14331; 79 FR 14333; 79 FR 14571; 79 FR 18391; 79 FR 18392; 79 FR 22003; 79 FR 28588; 79 FR 29498):

Stephan P. Adamczyk (ME)
Otto J. Ammer, Jr. (PA)
Alphonso A. Barco (SC)
Teddy S. Bioni (PA)
Darrell Canupp (MI)
John A. Carroll, Jr. (AL)
James A. Champion (WA)
Larry Chinn (WI)
Michael Gargano (FL)
Ronald L. Walker (FL)
Charles G. Warshun, Jr. (NY)

The drivers were included in one of the following dockets: Docket Nos. FMCSA-2003-16241; FMCSA-2007-28695; FMCSA-2004-19477; FMCSA-2006-23773; FMCSA-2009-0303; FMCSA-2011-0142; FMCSA-2011-0366; FMCSA-2013-0174; FMCSA-2014-0002; FMCSA-2014-0003; FMCSA-2014-0004. Their exemptions are effective as of May 7, 2016, and will expire on May 7, 2018.

As of May 11, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 10 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (77 FR 15184; 77 FR 27850; 79 FR 21996):

Robert L. Brauns (IA)
Bobby R. Brooks (GA)
Clifford W. Doran, Jr. (NC)
Ryan C. Dugan (NY)
Glenn C. Grimm (NJ)
Charles J. Kennedy (OH)
Richard A. Pucker (WI)
John M. Riley (AL)
Jeffery A. Sheets (AR)
Randy L. Stevens (GA)

The drivers were included in one of the following dockets: Docket No. FMCSA-2001-0299; FMCSA-2011-0379; FMCSA-2011-0380. Their exemptions are effective as of May 11, 2016, and will expire on May 11, 2018.

As of May 12, 2016, and in accordance with 49 U.S.C. 31136(e) and

31315, the following 14 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (67 FR 68719; 68 FR 2629; 68 FR 74699; 69 FR 10503; 69 FR 71100; 70 FR 71884; 71 FR 4632; 71 FR 6826; 71 FR 6829; 71 FR 19602; 73 FR 5259; 73 FR 11989; 73 FR 15567; 73 FR 27015; 73 FR 76440; 75 FR 9480; 75 FR 13653; 75 FR 19674; 75 FR 22176; 77 FR 17109; 77 FR 23797; 77 FR 27845; 79 FR 23797):

Leo G. Becker (KS)
Stanley W. Davis (TX)
Ray L. Emert (PA)
John W. Forgy (ID)
Julian R. Hall (TX)
Neil W. Jennings (MO)
Mark Meacham (NC)
David A. Miller (NE)
Paul D. Schnautz (TX)
William T. Smiley (MD)
Richard M. Smith (CO)
Aaron S. Taylor (WI)
William B. Thomas (SC)
Michael J. Tisher (AK)

The drivers were included in one of the following dockets: Docket No. FMCSA–2002–12844; FMCSA–2003–16564; FMCSA–2005–22727; FMCSA–2006–23773; FMCSA–2008–0021; FMCSA–2011–0380. Their exemptions are effective as of May 12, 2016, and will expire on May 12, 2018.

As of May 16, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 36 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (79 FR 14571; 79 FR 28588):

Luis A. Agudo (MN)
Dmitriy D. Bayda (WA)
Marvin J. Benseid, Jr. (MS)
Cody W. Christian (OK)
Michael T. Deaton (WI)
Billy D. Devine (WA)
James G. Donze (MO)
Jeffrey D. Duncan (IN)
Charles R. Early (IN)
Dennis A. Feather (SC)
Nicholas C. Georgen (IA)
Robert E. Johnston, Jr. (WA)
Gregory J. Kuhn (NE)
David W. Leach (IL)
Kerry M. Leeper (WA)
Jason S. Logue (GA)
David F. Martin (NJ)
Martin L. Mayes (GA)
Daniel A. McNabb, Jr. (KS)
Phillip L. Mello (CA)
Roberto C. Mendez (TX)
Robert L. Murray (IL)
Barry L. Pylant (GA)
Steve W. Quenzer (SD)
Bradley W. Reed (AL)
Erik M. Rice (TX)
Ricky D. Rostad (MN)

Tatum R. Schmidt (IA)
Harry J. Scholl (PA)
Jacob A. Shaffer (PA)
Thomas G. Smedema (WI)
James S. Smith (AR)
Thomas W. Smith (PA)
Richard H. Solum (MN)
Scott R. Sorensen (CA)
Elston L. Taylor (VA)

The drivers were included on the following docket: Docket No. FMCSA–2014–0003. Their exemptions are effective as of May 16, 2016, and will expire on May 16, 2018.

As of May 21, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 8 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (70 FR 48797; 70 FR 61493; 73 FR 6246; 75 FR 9480; 75 FR 14656; 75 FR 19674; 75 FR 22176; 75 FR 28684; 77 FR 15184; 77 FR 23797; 77 FR 23800; 77 FR 27850; 79 FR 22000):

David A. Brannon (FL)
Steven R. Felks (TX)
Herbert C. Hirsch (MO)
Michael D. Kilgore (TX)
Douglas L. Norman (NC)
Carroll R. Rogers (CA)
Wayne J. Savage (VA)
Marion Tutt, Jr. (GA)

The drivers were included in one of the following dockets: Docket No. FMCSA–2005–21711; FMCSA–2009–0011; FMCSA–2010–0050; FMCSA–2011–0379. Their exemptions are effective as of May 21, 2016, and will expire on May 21, 2018.

As of May 22, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 28 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (79 FR 18392; 79 FR 29498):

Britton J. Anderson (KS)
James E. Baker (OH)
Aaron D. Barnett (IA)
Stanley R. Cap (SD)
Michael T. Craddock (CA)
Eric C. Dettrey (NJ)
Timothy C. Dotson (MO)
Roger L. Frazier (NC)
Danny J. Goss (MO)
James P. Griffin (WA)
Dennis P. Hart (OR)
Kyle C. Holschlag (IA)
Michael T. Huso (MN)
James D. Kessler (SD)
Robin D. Kurtz (CT)
Sherell J. Landry (TX)
Ronald N. Lindgren (MN)
Robert P. Malarkey, Sr. (NY)
Michael L. Manning (MO)
Rodney J. McMorran (IA)
John L. Meese (MO)
Thomas G. Ohlson (NY)

Robert D. Reeder (MI)
Craig Robinson (FL)
Michael E. Schlachter (WY)
Kenneth W. Sigl (WI)
Elmer F. Winters (NC)
Eugene T. Wolf (IA)

The drivers were included in one of the following dockets: Docket No. FMCSA–2014–0004. Their exemptions are effective as of May 22, 2016, and will expire on May 22, 2018.

As of May 25, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 18 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (64 FR 68195; 65 FR 20251; 67 FR 10471; 67 FR 17102; 67 FR 19798; 69 FR 17267; 69 FR 19611; 71 FR 4194; 71 FR 13450; 71 FR 14566; 71 FR 16410; 71 FR 19604; 71 FR 30227; 73 FR 27014; 75 FR 1835; 75 FR 9480; 75 FR 9482; 75 FR 22176; 75 FR 27622; 77 FR 10604; 77 FR 17108; 77 FR 20879; 77 FR 26816; 77 FR 31427):

Dwight A. Bennett (MD)
Juan Castanon (NM)
Ronald Flanery (KY)
Joshua G. Hansen (ID)
Daniel W. Henderson (TN)
Edward W. Hosier (MO)
Craig T. Jorgensen (WI)
Jose A. Lopez (CT)
Earl E. Martin (VA)
Brian E. Monaghan (IL)
Joseph C. Powell (VA)
Albert L. Remsburg, 3rd (MD)
David L. Schachle (PA)
Dennis R. Schneider (NM)
Michael See (NY)
Steven Simone (KS)
Mark Sobczyk (WI)
Frankie A. Wilborn (GA)

The drivers were included in one of the following dockets: Docket No. FMCSA–1999–6480; FMCSA–2001–11426; FMCSA–2005–23099; FMCSA–2006–24015; FMCSA–2009–0011; FMCSA–2009–0321; FMCSA–2012–0039. Their exemptions are effective as of May 25, 2016, and will expire on May 25, 2018.

As of May 30, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 6 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (67 FR 15662; 67 FR 37907; 69 FR 26206; 71 FR 26602; 73 FR 27017; 75 FR 27621; 77 FR 27849):

Joe W. Brewer (SC)
James W. Ellis, 4th (NJ)
David A. Inman (IN)
Lawrence C. Moody (NJ)
Stanley W. Nunn (TN)
Kevin R. Stoner (PA)

The drivers were included in one of the following dockets: Docket No.

FMCSA–2002–11714. Their exemptions are effective as of May 30, 2016, and will expire on May 30, 2018.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: March 1, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04658 Filed 3–8–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0213]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for four individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were effective on September 16, 2016. The exemptions expire on September 16, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or

submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

On October 14, 2016, FMCSA published a notice announcing its decision to renew exemptions for four individuals from the Epilepsy and Seizure Disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (81 FR 71166). The public comment period ended on November 14, 2016, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person:

Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—

MEDICAL ADVISORY CRITERIA, section H. Epilepsy; § 391.41(b)(8), paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the four renewal exemption applications and no comments received, FMCSA confirms its decision to exempt the following drivers from the Epilepsy and Seizure Disorders requirement in 49 CFR 391.41(b)(8), subject to the requirements cited above: Lee Anderson (MA); Gary Combs (KY); Roland Mezger (PA); and Robert Thomas Jr. (NC).

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04671 Filed 3–8–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0214; FMCSA–2014–0215]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions of seven individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and

are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before April 10, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2014-0214; FMCSA-2014-0215 using any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Mail:** Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- **Hand Delivery:** West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- **Fax:** 1-202-493-2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement

page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for two years if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the two-year period.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person:

Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

The seven individuals listed in this notice have requested renewal of their exemptions from the Epilepsy and Seizure Disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will

take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the seven applicants has satisfied the conditions for obtaining an exemption from the Epilepsy and Seizure Disorder requirements and were published in the **Federal Register** (80 FR 16507; 80 FR 16497). In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce.

The seven drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. FMCSA has concluded that renewing the exemptions for each of these applicants is likely to achieve a level of safety equal to that existing without the exemption. Therefore, FMCSA has decided to renew each exemption for a two-year period. In accordance with 49 U.S.C. 31136(e) and 31315, each driver has received a renewed exemption.

As of October 15, 2016, the following 5 individuals have satisfied the renewal conditions for obtaining an exemption from the Epilepsy and Seizure Disorders prohibition in 49 CFR 391.41(b)(8), from driving CMVs in interstate commerce (80 FR 16497): Thomas Avery (NY); Danny Crafton (ID); Philip Stewart (CA); Keith White (PA); and Alan VonLintel (KS). These drivers were included in FMCSA-2014-0215. The exemptions were effective on October 15, 2016, and will expire on October 15, 2018.

As of October 24, 2016, the following 2 individuals have satisfied the renewal conditions for obtaining an exemption from the Epilepsy and Seizure Disorders prohibition in 49 CFR 391.41(b)(8), from driving CMVs in interstate commerce (80 FR 16507): Michael Alimecco (PA); and Jeffrey Phillips (SC). These drivers were included in FMCSA-2014-0214. The exemptions were effective on

October 24, 2016, and will expire on October 24, 2018.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the seven exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the Epilepsy and Seizure Disorders requirement in 49 CFR 391.41 (b)(8). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: February 28, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-04662 Filed 3-8-17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2016-0381]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA confirms its decision to exempt 41 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions were effective on January 31, 2017. The exemptions expire on January 31, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-113, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

II. Background

On December 29, 2016, FMCSA published a notice of receipt of Federal diabetes exemption applications from 41 individuals and requested comments from the public (81 FR 96168). The public comment period closed on

January 30, 2017, and no comments were received.

FMCSA has evaluated the eligibility of the 41 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that "A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control" (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled "A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century." The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 41 applicants have had ITDM over a range of 1 to 43 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated

and discussed in detail in the December 29, 2016, **Federal Register** notice and they will not be repeated in this notice.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Conclusion

Based upon its evaluation of the 41 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(3), subject to the requirements cited above 49 CFR 391.64(b):

Donald Austin (GA)
Estil L. Baker, Jr. (IL)
Thomas M. Bard (IL)
Mark W. Birch (TX)
Richard Bollhardt (NJ)
Bryan R. Breaw (MN)
Trini L. Brisson (MI)
Keith M. Carpenter (PA)
Alan W. Carstensen (MN)
Russell L. Clapp (ME)
Allan J. Clune (NJ)
Ryan F. Curtis (NJ)
Jeffrey S. Daniels (IA)
Andrew M.M. Danner (VA)
George P. Diedrich, Jr. (NJ)
Wilson E. Donnell (ME)
Michael W. Erick (CT)
Eric Fedor (PA)
Juanita C. Gaines (TX)
Buckley E. Grant (KS)
Connor J. Grossaint (UT)
Brian A. Hagenhoff (MO)
Jeffrey D.S. Hosman (AR)
Terry P. Kelly (KY)
David M. Kerr (PA)
Michael P. Kruijer (NJ)
Salvatore Longo (IL)
Alan Mills (OR)
John R. Paulus (WI)
Bruce D. Peterson (WI)
Nicholas J. Powden (VT)
Dennis A. Roisum (WI)
Jeffrey P. Roskopf (WI)
David M. Ryee (CT)
Edward G. Smith, Jr. (ND)
Ralph H. Talmadge (NJ)
Jerry R. Thomason (GA)
Melvin E. Turner (TN)
Lash L. Walker (TN)
Donald E. Walstrom (IA)
Ronald A. Williams (OR)

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption is valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: February 28, 2017.

Larry W. Minor

Associate Administrator for Policy.

[FR Doc. 2017-04666 Filed 3-8-17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Monday, March 20, 2017 and Tuesday, March 21, 2017.

FOR FURTHER INFORMATION CONTACT:

Robert Rosalia at 1-888-912-1227 or (718) 834-2203.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be held Monday, March 20, 2017, from 1:00 p.m. to 4:30 p.m. Central time and Tuesday, March 21, 2017, from 8:00 a.m. until 4:30 p.m. Central Time at the IRS Office, 1919 Smith Street, Houston, TX 77001. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Robert Rosalia. For more information please contact Robert Rosalia at 1-888-912-1227 or (718) 834-2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact us at the Web site: <http://www.improveirs.org>. The agenda will include various IRS issues.

Dated: February 23, 2017.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017-04590 Filed 3-8-17; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8851

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 8851, Summary of Archer MSAs.

DATES: Written comments should be received on or before May 8, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to LaNita VanDyke, or at Internal Revenue Service, Room 66526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at LaNita.VanDyke@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Summary of Archer MSAs.

OMB Number: 1545-1743.

Form Number: 8851.

Abstract: Internal Revenue Code section 220(j)(4) requires trustees, who establish medical savings accounts, to report the following: (a) Number of medical savings accounts established before July 1 of the taxable year (beginning January 1, 2001), (b) name and taxpayer identification number of each account holder and, (c) number of accounts which are accounts of previously uninsured individuals. Form 8851 is used for this purpose.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 400,000.

Estimated Time per Respondent: 3 hours, 51 minutes.

Estimated Total Annual Burden Hours: 1,540,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long

as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 22, 2017.

Tuawana Pinkston,

Supervisory Tax Analyst.

[FR Doc. 2017-04583 Filed 3-8-17; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1041-ES

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 1041-ES, Estimated Income Tax for Estates and Trusts.

DATES: Written comments should be received on or before May 8, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at LaNita.VanDyke@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Estimated Income Tax for Estates and Trusts.

OMB Number: 1545-0971.

Form Number: Form 1041-ES.

Abstract: Internal Revenue Code section 6654(1) imposes a penalty on trusts, and in certain circumstances, a decedent's estate, for underpayment of estimated tax. Form 1041-ES is used by the fiduciary to make the estimated tax payments. The form provides the IRS with information to give estates and trusts proper credit for estimated tax payments.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and Businesses or other for-profit organizations.

Estimated Number of Respondents: 1,200,000.

Estimated Time per Respondent: 2 hours, 38 minutes.

Estimated Total Annual Burden Hours: 3,161,236.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to

minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 22, 2017.

Tuawana Pinkston,

Supervisory Tax Analyst.

[FR Doc. 2017-04585 Filed 3-8-17; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 943, 943-PR, 943-A, and 943A-PR

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Forms 943, Employer's Annual Tax Return for Agricultural Employees, 943-PR, Planilla Para La Declaracion Anual De La Contribucion Federal Del Patrono De Empleados Agricolas, 943-A, Agricultural Employer's Record of Federal Tax Liability, and 943A-PR, Registro De La Obligacion Contributiva Del Patrono Agricola.

DATES: Written comments should be received on or before May 8, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to LaNita Van Dyke at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at LaNita.VanDyke@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Employer's Annual Tax Return for Agricultural Employees (Form 943), Planilla Para La Declaracion Anual De La Contribucion Federal Del Patrono De

Empleados Agricolas (Form 943-PR), Agricultural Employer's Record of Federal Tax Liability (Form 943-A), and Registro De La Obligacion Contributiva Del Patrono Agricola (Form 943A-PR).

OMB Number: 1545-0035.

Form Numbers: 943, 943-PR, 943-A, and 943A-PR.

Abstract: Agricultural employers must prepare and file Form 943 and Form 943-PR (Puerto Rico only) to report and pay FICA taxes and income tax voluntarily withheld (Form 943 only). Agricultural employees may attach Forms 943-A and 943A-PR to Forms 943 and 943-PR to show their tax liabilities for semiweekly periods. The information is used to verify that the correct tax has been paid.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 965,673.

Estimated Time per Respondent: 11 hr., 16 min.

Estimated Total Annual Burden Hours: 10,880,812.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation,

maintenance, and purchase of services to provide information.

Approved: February 22, 2017.

Tuawana Pinkston,

Supervisory Tax Analyst.

[FR Doc. 2017-04587 Filed 3-8-17; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulations Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning, Source of Compensation for Labor or Personal Services.

DATES: Written comments should be received on or before May 8, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at LaNita.VanDyke@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Source of Compensation for Labor or Personal Services.

OMB Number: 1545-1900.

Regulation Project Number: TD 9212.

Abstract: This document contains final regulations that describe the proper basis for determining the source of compensation for labor or personal services performed partly within and partly without the United States. These final regulations will affect individuals who earn compensation for labor or personal services performed partly within and partly without the United States and are needed to provide appropriate guidance regarding the determination of the proper source of that compensation.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and households, and businesses and other for-profit organizations.

Estimated Number of Respondents: 20,000.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 10,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 22, 2017.

Tuawana Pinkston,

Supervisory Tax Analyst.

[FR Doc. 2017-04589 Filed 3-8-17; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8963

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 8963, Report of Health Insurance Provider Information.

DATES: Written comments should be received on or before May 8, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at Lanita.VanDyke@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Report of Health Insurance Provider Information.

OMB Number: 1545-2249.

Form Number: Form 8963.

Abstract: Form 8963 established under Section 9010 of the Patient Protection and Affordable Care Act (PPACA), and Public Law 111-148 (124 Stat. 119 (2010)), as amended by section 10905 of PPACA, and as further amended by section 1406 of the Health Care and Education Reconciliation Act of 2010, Public Law 111-152 (124 Stat. 1029 (2010)), which requires any covered entity engaged in the business of providing health insurance related to United States health risks to annually report its net premiums written.

Current Actions: This form is being submitted for OMB approval purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Business and other for-profit organizations and Not-for-profit organizations.

Estimated Number of Respondents: 3,200.

Estimated Total Annual Burden Hours: 18,208.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103. Pursuant to ACA section 9010, as amended, the information on this form is not subject to section 6103. All information on this form is subject to public disclosure.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 22, 2017.

Tuawana Pinkston,

IRS Reports Clearance Officer.

[FR Doc. 2017-04586 Filed 3-8-17; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[CO-88-90]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent

burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning an existing final regulation, CO-88-90 (TD 8530), Limitation on Net Operating Loss Carryforwards and Certain Built-In Losses Following Ownership Change; Special Rule for Value of a loss Corporation Under the Jurisdiction of a Court in a Title 11 Case (Section 1.382-9).

DATES: Written comments should be received on or before May 8, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Lanita Van Dyke at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at Lanita.VanDyke@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Limitation on Net Operating Loss Carryforwards and Certain Built-In Losses Following Ownership Change; Special Rule for Value of a Loss Corporation Under the Jurisdiction of a Court in a Title 11 Case.

OMB Number: 1545-1324. Regulation Project Number: CO-88-90 (TD 8530).

Abstract: This regulation provides guidance on determining the value of a loss corporation following an ownership change to which section 382(1)(6) of the Internal Revenue Code applies. Under Code sections 382 and 383, the value of the loss corporation, together with certain other factors, determines the rate at which certain pre-change tax attributes may be used to offset post-change income and tax liability.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 3,250.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 813.

The following paragraph applies to all of the collections of information covered by this notice:

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

respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 22, 2017.

Tuawana Pinkston,

Supervisory Tax Analyst.

[FR Doc. 2017-04588 Filed 3-8-17; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Financial Research Advisory Committee

AGENCY: Office of Financial Research, Treasury.

ACTION: Financial Research Advisory Committee—Solicitation of applications for Committee membership.

SUMMARY: The Office of Financial Research is soliciting applications for membership on its Financial Research Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Susan Stiehm, Designated Federal Officer, Office of Financial Research, Department of the Treasury, (212) 376-9808.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, (Pub. L. 92-463, 5 U.S.C. App. 2 § 1-16, as amended), the Treasury Department established a Financial Research Advisory Committee (Committee) to provide advice and recommendations to

the Office of Financial Research (OFR) and to assist the OFR in carrying out its duties and authorities.

(I) Authorities of the OFR

Background

The OFR was established under Title I of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111-203, July 21, 2010). The purpose of the OFR is to support the Financial Stability Oversight Council (Council) in fulfilling the purposes and duties of the Council and to support the Council's member agencies by:

- Collecting data on behalf of the Council, and providing such data to the Council and member agencies;
- Standardizing the types and formats of data reported and collected;
- Performing applied research and essential long-term research;
- Developing tools for risk measurement and monitoring;
- Performing other related services;
- Making the results of the activities of the OFR available to financial regulatory agencies; and
- Assisting such member agencies in determining the types and formats of data authorized by the Dodd-Frank Act to be collected by such member agencies.

(II) Scope and Membership of the Financial Research Advisory Committee

The Financial Research Advisory Committee was established to advise the OFR on issues related to the responsibilities of the office. It may provide its advice, recommendations, analysis, and information directly to the OFR and the OFR may share the Committee's advice and recommendations with the Secretary of the Treasury or other Treasury officials. The OFR will share information with the Committee as the Director determines will be helpful in allowing the Committee to carry out its role.

The Financial Research Advisory Committee is an advisory committee that was established on April 6, 2012 and renewed its charter on March 8, 2016. The OFR is currently soliciting applications for membership in order to provide for rotation of membership, as provided in its original and renewed charter, as well as to provide for a diverse and balanced body with a variety of interests, backgrounds, and viewpoints represented. Providing for such diversity enhances the views and advice offered by the Committee.

(III) Application for Advisory Committee Appointment

Treasury seeks applications from individuals representative of a constituency within the fields of economics, financial institutions and markets, statistical analysis, financial markets analysis, econometrics, applied sciences, risk management, data management, information standards, technology, or other areas related to OFR's duties and authorities. The terms of members chosen to serve may vary. Membership on the Committee is limited to the individuals appointed and is non-transferrable. Regular attendance is essential to the effective operation of the Committee. Some members of the Committee may be

required to adhere to the conflict of interest rules applicable to Special Government Employees, as such employees are defined in 18 U.S.C. 202(a). These rules include relevant provisions in 18 U.S.C. related to criminal activity, Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635), and Executive Order 12674 (as modified by Executive Order 12731).

To apply, an applicant must submit an appropriately-detailed resume and a cover letter describing their interest, reasons for application, and qualifications. In accordance with Department of Treasury Directive 21-03, a clearance process includes fingerprints, tax checks, and a Federal Bureau of Investigation criminal check.

Applicants must state in their application that they agree to submit to these pre-appointment checks.

The application period for interested candidates will extend to April 14, 2017. Applications should be submitted in sufficient time to be received by the close of business on the closing date and should be sent to *OFR FRAC@ofr.treasury.gov* or by mail to: Office of Financial Research, Department of the Treasury, Attention: Susan Stiehm, 1500 Pennsylvania Avenue NW., MT-1330, Washington, DC 20220.

Dated: March 2, 2017.

Barbara Shycoff,

Chief of External Affairs.

[FR Doc. 2017-04532 Filed 3-8-17; 8:45 am]

BILLING CODE 4810-25-P



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Part II

The President

Executive Order 13780—Protecting the Nation From Foreign Terrorist Entry Into the United States

Presidential Documents

Title 3—**Executive Order 13780 of March 6, 2017****The President****Protecting the Nation From Foreign Terrorist Entry Into the United States**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.*, and section 301 of title 3, United States Code, and to protect the Nation from terrorist activities by foreign nationals admitted to the United States, it is hereby ordered as follows:

Section 1. Policy and Purpose. (a) It is the policy of the United States to protect its citizens from terrorist attacks, including those committed by foreign nationals. The screening and vetting protocols and procedures associated with the visa-issuance process and the United States Refugee Admissions Program (USRAP) play a crucial role in detecting foreign nationals who may commit, aid, or support acts of terrorism and in preventing those individuals from entering the United States. It is therefore the policy of the United States to improve the screening and vetting protocols and procedures associated with the visa-issuance process and the USRAP.

(b) On January 27, 2017, to implement this policy, I issued Executive Order 13769 (Protecting the Nation from Foreign Terrorist Entry into the United States).

(i) Among other actions, Executive Order 13769 suspended for 90 days the entry of certain aliens from seven countries: Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen. These are countries that had already been identified as presenting heightened concerns about terrorism and travel to the United States. Specifically, the suspension applied to countries referred to in, or designated under, section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), in which Congress restricted use of the Visa Waiver Program for nationals of, and aliens recently present in, (A) Iraq or Syria, (B) any country designated by the Secretary of State as a state sponsor of terrorism (currently Iran, Syria, and Sudan), and (C) any other country designated as a country of concern by the Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence. In 2016, the Secretary of Homeland Security designated Libya, Somalia, and Yemen as additional countries of concern for travel purposes, based on consideration of three statutory factors related to terrorism and national security: “(I) whether the presence of an alien in the country or area increases the likelihood that the alien is a credible threat to the national security of the United States; (II) whether a foreign terrorist organization has a significant presence in the country or area; and (III) whether the country or area is a safe haven for terrorists.” 8 U.S.C. 1187(a)(12)(D)(ii). Additionally, Members of Congress have expressed concerns about screening and vetting procedures following recent terrorist attacks in this country and in Europe.

(ii) In ordering the temporary suspension of entry described in subsection (b)(i) of this section, I exercised my authority under Article II of the Constitution and under section 212(f) of the INA, which provides in relevant part: “Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.”

8 U.S.C. 1182(f). Under these authorities, I determined that, for a brief period of 90 days, while existing screening and vetting procedures were under review, the entry into the United States of certain aliens from the seven identified countries—each afflicted by terrorism in a manner that compromised the ability of the United States to rely on normal decision-making procedures about travel to the United States—would be detrimental to the interests of the United States. Nonetheless, I permitted the Secretary of State and the Secretary of Homeland Security to grant case-by-case waivers when they determined that it was in the national interest to do so.

(iii) Executive Order 13769 also suspended the USRAP for 120 days. Terrorist groups have sought to infiltrate several nations through refugee programs. Accordingly, I temporarily suspended the USRAP pending a review of our procedures for screening and vetting refugees. Nonetheless, I permitted the Secretary of State and the Secretary of Homeland Security to jointly grant case-by-case waivers when they determined that it was in the national interest to do so.

(iv) Executive Order 13769 did not provide a basis for discriminating for or against members of any particular religion. While that order allowed for prioritization of refugee claims from members of persecuted religious minority groups, that priority applied to refugees from every nation, including those in which Islam is a minority religion, and it applied to minority sects within a religion. That order was not motivated by animus toward any religion, but was instead intended to protect the ability of religious minorities—whoever they are and wherever they reside—to avail themselves of the USRAP in light of their particular challenges and circumstances.

(c) The implementation of Executive Order 13769 has been delayed by litigation. Most significantly, enforcement of critical provisions of that order has been temporarily halted by court orders that apply nationwide and extend even to foreign nationals with no prior or substantial connection to the United States. On February 9, 2017, the United States Court of Appeals for the Ninth Circuit declined to stay or narrow one such order pending the outcome of further judicial proceedings, while noting that the “political branches are far better equipped to make appropriate distinctions” about who should be covered by a suspension of entry or of refugee admissions.

(d) Nationals from the countries previously identified under section 217(a)(12) of the INA warrant additional scrutiny in connection with our immigration policies because the conditions in these countries present heightened threats. Each of these countries is a state sponsor of terrorism, has been significantly compromised by terrorist organizations, or contains active conflict zones. Any of these circumstances diminishes the foreign government’s willingness or ability to share or validate important information about individuals seeking to travel to the United States. Moreover, the significant presence in each of these countries of terrorist organizations, their members, and others exposed to those organizations increases the chance that conditions will be exploited to enable terrorist operatives or sympathizers to travel to the United States. Finally, once foreign nationals from these countries are admitted to the United States, it is often difficult to remove them, because many of these countries typically delay issuing, or refuse to issue, travel documents.

(e) The following are brief descriptions, taken in part from the Department of State’s *Country Reports on Terrorism 2015* (June 2016), of some of the conditions in six of the previously designated countries that demonstrate why their nationals continue to present heightened risks to the security of the United States:

(i) *Iran*. Iran has been designated as a state sponsor of terrorism since 1984 and continues to support various terrorist groups, including Hizballah, Hamas, and terrorist groups in Iraq. Iran has also been linked to support

for al-Qa'ida and has permitted al-Qa'ida to transport funds and fighters through Iran to Syria and South Asia. Iran does not cooperate with the United States in counterterrorism efforts.

(ii) *Libya*. Libya is an active combat zone, with hostilities between the internationally recognized government and its rivals. In many parts of the country, security and law enforcement functions are provided by armed militias rather than state institutions. Violent extremist groups, including the Islamic State of Iraq and Syria (ISIS), have exploited these conditions to expand their presence in the country. The Libyan government provides some cooperation with the United States' counterterrorism efforts, but it is unable to secure thousands of miles of its land and maritime borders, enabling the illicit flow of weapons, migrants, and foreign terrorist fighters. The United States Embassy in Libya suspended its operations in 2014.

(iii) *Somalia*. Portions of Somalia have been terrorist safe havens. Al-Shabaab, an al-Qa'ida-affiliated terrorist group, has operated in the country for years and continues to plan and mount operations within Somalia and in neighboring countries. Somalia has porous borders, and most countries do not recognize Somali identity documents. The Somali government cooperates with the United States in some counterterrorism operations but does not have the capacity to sustain military pressure on or to investigate suspected terrorists.

(iv) *Sudan*. Sudan has been designated as a state sponsor of terrorism since 1993 because of its support for international terrorist groups, including Hizballah and Hamas. Historically, Sudan provided safe havens for al-Qa'ida and other terrorist groups to meet and train. Although Sudan's support to al-Qa'ida has ceased and it provides some cooperation with the United States' counterterrorism efforts, elements of core al-Qa'ida and ISIS-linked terrorist groups remain active in the country.

(v) *Syria*. Syria has been designated as a state sponsor of terrorism since 1979. The Syrian government is engaged in an ongoing military conflict against ISIS and others for control of portions of the country. At the same time, Syria continues to support other terrorist groups. It has allowed or encouraged extremists to pass through its territory to enter Iraq. ISIS continues to attract foreign fighters to Syria and to use its base in Syria to plot or encourage attacks around the globe, including in the United States. The United States Embassy in Syria suspended its operations in 2012. Syria does not cooperate with the United States' counterterrorism efforts.

(vi) *Yemen*. Yemen is the site of an ongoing conflict between the incumbent government and the Houthi-led opposition. Both ISIS and a second group, al-Qa'ida in the Arabian Peninsula (AQAP), have exploited this conflict to expand their presence in Yemen and to carry out hundreds of attacks. Weapons and other materials smuggled across Yemen's porous borders are used to finance AQAP and other terrorist activities. In 2015, the United States Embassy in Yemen suspended its operations, and embassy staff were relocated out of the country. Yemen has been supportive of, but has not been able to cooperate fully with, the United States in counterterrorism efforts.

(f) In light of the conditions in these six countries, until the assessment of current screening and vetting procedures required by section 2 of this order is completed, the risk of erroneously permitting entry of a national of one of these countries who intends to commit terrorist acts or otherwise harm the national security of the United States is unacceptably high. Accordingly, while that assessment is ongoing, I am imposing a temporary pause on the entry of nationals from Iran, Libya, Somalia, Sudan, Syria, and Yemen, subject to categorical exceptions and case-by-case waivers, as described in section 3 of this order.

(g) Iraq presents a special case. Portions of Iraq remain active combat zones. Since 2014, ISIS has had dominant influence over significant territory in northern and central Iraq. Although that influence has been significantly

reduced due to the efforts and sacrifices of the Iraqi government and armed forces, working along with a United States-led coalition, the ongoing conflict has impacted the Iraqi government's capacity to secure its borders and to identify fraudulent travel documents. Nevertheless, the close cooperative relationship between the United States and the democratically elected Iraqi government, the strong United States diplomatic presence in Iraq, the significant presence of United States forces in Iraq, and Iraq's commitment to combat ISIS justify different treatment for Iraq. In particular, those Iraqi government forces that have fought to regain more than half of the territory previously dominated by ISIS have shown steadfast determination and earned enduring respect as they battle an armed group that is the common enemy of Iraq and the United States. In addition, since Executive Order 13769 was issued, the Iraqi government has expressly undertaken steps to enhance travel documentation, information sharing, and the return of Iraqi nationals subject to final orders of removal. Decisions about issuance of visas or granting admission to Iraqi nationals should be subjected to additional scrutiny to determine if applicants have connections with ISIS or other terrorist organizations, or otherwise pose a risk to either national security or public safety.

(h) Recent history shows that some of those who have entered the United States through our immigration system have proved to be threats to our national security. Since 2001, hundreds of persons born abroad have been convicted of terrorism-related crimes in the United States. They have included not just persons who came here legally on visas but also individuals who first entered the country as refugees. For example, in January 2013, two Iraqi nationals admitted to the United States as refugees in 2009 were sentenced to 40 years and to life in prison, respectively, for multiple terrorism-related offenses. And in October 2014, a native of Somalia who had been brought to the United States as a child refugee and later became a naturalized United States citizen was sentenced to 30 years in prison for attempting to use a weapon of mass destruction as part of a plot to detonate a bomb at a crowded Christmas-tree-lighting ceremony in Portland, Oregon. The Attorney General has reported to me that more than 300 persons who entered the United States as refugees are currently the subjects of counterterrorism investigations by the Federal Bureau of Investigation.

(i) Given the foregoing, the entry into the United States of foreign nationals who may commit, aid, or support acts of terrorism remains a matter of grave concern. In light of the Ninth Circuit's observation that the political branches are better suited to determine the appropriate scope of any suspensions than are the courts, and in order to avoid spending additional time pursuing litigation, I am revoking Executive Order 13769 and replacing it with this order, which expressly excludes from the suspensions categories of aliens that have prompted judicial concerns and which clarifies or refines the approach to certain other issues or categories of affected aliens.

Sec. 2. *Temporary Suspension of Entry for Nationals of Countries of Particular Concern During Review Period.* (a) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall conduct a worldwide review to identify whether, and if so what, additional information will be needed from each foreign country to adjudicate an application by a national of that country for a visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual is not a security or public-safety threat. The Secretary of Homeland Security may conclude that certain information is needed from particular countries even if it is not needed from every country.

(b) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the President a report on the results of the worldwide review described in subsection (a) of this section, including the Secretary of Homeland Security's determination of the information needed from each country for adjudications and a list of countries that do not provide adequate information, within 20 days of the effective date of this order. The Secretary of Homeland Security

shall provide a copy of the report to the Secretary of State, the Attorney General, and the Director of National Intelligence.

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening and vetting of foreign nationals, to ensure that adequate standards are established to prevent infiltration by foreign terrorists, and in light of the national security concerns referenced in section 1 of this order, I hereby proclaim, pursuant to sections 212(f) and 215(a) of the INA, 8 U.S.C. 1182(f) and 1185(a), that the unrestricted entry into the United States of nationals of Iran, Libya, Somalia, Sudan, Syria, and Yemen would be detrimental to the interests of the United States. I therefore direct that the entry into the United States of nationals of those six countries be suspended for 90 days from the effective date of this order, subject to the limitations, waivers, and exceptions set forth in sections 3 and 12 of this order.

(d) Upon submission of the report described in subsection (b) of this section regarding the information needed from each country for adjudications, the Secretary of State shall request that all foreign governments that do not supply such information regarding their nationals begin providing it within 50 days of notification.

(e) After the period described in subsection (d) of this section expires, the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, shall submit to the President a list of countries recommended for inclusion in a Presidential proclamation that would prohibit the entry of appropriate categories of foreign nationals of countries that have not provided the information requested until they do so or until the Secretary of Homeland Security certifies that the country has an adequate plan to do so, or has adequately shared information through other means. The Secretary of State, the Attorney General, or the Secretary of Homeland Security may also submit to the President the names of additional countries for which any of them recommends other lawful restrictions or limitations deemed necessary for the security or welfare of the United States.

(f) At any point after the submission of the list described in subsection (e) of this section, the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, may submit to the President the names of any additional countries recommended for similar treatment, as well as the names of any countries that they recommend should be removed from the scope of a proclamation described in subsection (e) of this section.

(g) The Secretary of State and the Secretary of Homeland Security shall submit to the President a joint report on the progress in implementing this order within 60 days of the effective date of this order, a second report within 90 days of the effective date of this order, a third report within 120 days of the effective date of this order, and a fourth report within 150 days of the effective date of this order.

Sec. 3. Scope and Implementation of Suspension.

(a) *Scope.* Subject to the exceptions set forth in subsection (b) of this section and any waiver under subsection (c) of this section, the suspension of entry pursuant to section 2 of this order shall apply only to foreign nationals of the designated countries who:

(i) are outside the United States on the effective date of this order;

(ii) did not have a valid visa at 5:00 p.m., eastern standard time on January 27, 2017; and

(iii) do not have a valid visa on the effective date of this order.

(b) *Exceptions.* The suspension of entry pursuant to section 2 of this order shall not apply to:

(i) any lawful permanent resident of the United States;

(ii) any foreign national who is admitted to or paroled into the United States on or after the effective date of this order;

(iii) any foreign national who has a document other than a visa, valid on the effective date of this order or issued on any date thereafter, that permits him or her to travel to the United States and seek entry or admission, such as an advance parole document;

(iv) any dual national of a country designated under section 2 of this order when the individual is traveling on a passport issued by a non-designated country;

(v) any foreign national traveling on a diplomatic or diplomatic-type visa, North Atlantic Treaty Organization visa, C-2 visa for travel to the United Nations, or G-1, G-2, G-3, or G-4 visa; or

(vi) any foreign national who has been granted asylum; any refugee who has already been admitted to the United States; or any individual who has been granted withholding of removal, advance parole, or protection under the Convention Against Torture.

(c) *Waivers.* Notwithstanding the suspension of entry pursuant to section 2 of this order, a consular officer, or, as appropriate, the Commissioner, U.S. Customs and Border Protection (CBP), or the Commissioner's delegatee, may, in the consular officer's or the CBP official's discretion, decide on a case-by-case basis to authorize the issuance of a visa to, or to permit the entry of, a foreign national for whom entry is otherwise suspended if the foreign national has demonstrated to the officer's satisfaction that denying entry during the suspension period would cause undue hardship, and that his or her entry would not pose a threat to national security and would be in the national interest. Unless otherwise specified by the Secretary of Homeland Security, any waiver issued by a consular officer as part of the visa issuance process will be effective both for the issuance of a visa and any subsequent entry on that visa, but will leave all other requirements for admission or entry unchanged. Case-by-case waivers could be appropriate in circumstances such as the following:

(i) the foreign national has previously been admitted to the United States for a continuous period of work, study, or other long-term activity, is outside the United States on the effective date of this order, seeks to reenter the United States to resume that activity, and the denial of reentry during the suspension period would impair that activity;

(ii) the foreign national has previously established significant contacts with the United States but is outside the United States on the effective date of this order for work, study, or other lawful activity;

(iii) the foreign national seeks to enter the United States for significant business or professional obligations and the denial of entry during the suspension period would impair those obligations;

(iv) the foreign national seeks to enter the United States to visit or reside with a close family member (e.g., a spouse, child, or parent) who is a United States citizen, lawful permanent resident, or alien lawfully admitted on a valid nonimmigrant visa, and the denial of entry during the suspension period would cause undue hardship;

(v) the foreign national is an infant, a young child or adoptee, an individual needing urgent medical care, or someone whose entry is otherwise justified by the special circumstances of the case;

(vi) the foreign national has been employed by, or on behalf of, the United States Government (or is an eligible dependent of such an employee) and the employee can document that he or she has provided faithful and valuable service to the United States Government;

(vii) the foreign national is traveling for purposes related to an international organization designated under the International Organizations Immunities Act (IOIA), 22 U.S.C. 288 *et seq.*, traveling for purposes of conducting meetings or business with the United States Government, or traveling

to conduct business on behalf of an international organization not designated under the IOIA;

(viii) the foreign national is a landed Canadian immigrant who applies for a visa at a location within Canada; or

(ix) the foreign national is traveling as a United States Government-sponsored exchange visitor.

Sec. 4. *Additional Inquiries Related to Nationals of Iraq.* An application by any Iraqi national for a visa, admission, or other immigration benefit should be subjected to thorough review, including, as appropriate, consultation with a designee of the Secretary of Defense and use of the additional information that has been obtained in the context of the close U.S.-Iraqi security partnership, since Executive Order 13769 was issued, concerning individuals suspected of ties to ISIS or other terrorist organizations and individuals coming from territories controlled or formerly controlled by ISIS. Such review shall include consideration of whether the applicant has connections with ISIS or other terrorist organizations or with territory that is or has been under the dominant influence of ISIS, as well as any other information bearing on whether the applicant may be a threat to commit acts of terrorism or otherwise threaten the national security or public safety of the United States.

Sec. 5. *Implementing Uniform Screening and Vetting Standards for All Immigration Programs.* (a) The Secretary of State, the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence shall implement a program, as part of the process for adjudications, to identify individuals who seek to enter the United States on a fraudulent basis, who support terrorism, violent extremism, acts of violence toward any group or class of people within the United States, or who present a risk of causing harm subsequent to their entry. This program shall include the development of a uniform baseline for screening and vetting standards and procedures, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that applicants are who they claim to be; a mechanism to assess whether applicants may commit, aid, or support any kind of violent, criminal, or terrorist acts after entering the United States; and any other appropriate means for ensuring the proper collection of all information necessary for a rigorous evaluation of all grounds of inadmissibility or grounds for the denial of other immigration benefits.

(b) The Secretary of Homeland Security, in conjunction with the Secretary of State, the Attorney General, and the Director of National Intelligence, shall submit to the President an initial report on the progress of the program described in subsection (a) of this section within 60 days of the effective date of this order, a second report within 100 days of the effective date of this order, and a third report within 200 days of the effective date of this order.

Sec. 6. *Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.* (a) The Secretary of State shall suspend travel of refugees into the United States under the USRAP, and the Secretary of Homeland Security shall suspend decisions on applications for refugee status, for 120 days after the effective date of this order, subject to waivers pursuant to subsection (c) of this section. During the 120-day period, the Secretary of State, in conjunction with the Secretary of Homeland Security and in consultation with the Director of National Intelligence, shall review the USRAP application and adjudication processes to determine what additional procedures should be used to ensure that individuals seeking admission as refugees do not pose a threat to the security and welfare of the United States, and shall implement such additional procedures. The suspension described in this subsection shall not apply to refugee applicants who, before the effective date of this order, have been formally scheduled for transit by the Department of State. The Secretary of State shall resume travel of refugees into the

United States under the USRAP 120 days after the effective date of this order, and the Secretary of Homeland Security shall resume making decisions on applications for refugee status only for stateless persons and nationals of countries for which the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence have jointly determined that the additional procedures implemented pursuant to this subsection are adequate to ensure the security and welfare of the United States.

(b) Pursuant to section 212(f) of the INA, I hereby proclaim that the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests of the United States, and thus suspend any entries in excess of that number until such time as I determine that additional entries would be in the national interest.

(c) Notwithstanding the temporary suspension imposed pursuant to subsection (a) of this section, the Secretary of State and the Secretary of Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they determine that the entry of such individuals as refugees is in the national interest and does not pose a threat to the security or welfare of the United States, including in circumstances such as the following: the individual's entry would enable the United States to conform its conduct to a preexisting international agreement or arrangement, or the denial of entry would cause undue hardship.

(d) It is the policy of the executive branch that, to the extent permitted by law and as practicable, State and local jurisdictions be granted a role in the process of determining the placement or settlement in their jurisdictions of aliens eligible to be admitted to the United States as refugees. To that end, the Secretary of State shall examine existing law to determine the extent to which, consistent with applicable law, State and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions, and shall devise a proposal to lawfully promote such involvement.

Sec. 7. *Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility.* The Secretary of State and the Secretary of Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority permitted by section 212(d)(3)(B) of the INA, 8 U.S.C. 1182(d)(3)(B), relating to the terrorism grounds of inadmissibility, as well as any related implementing directives or guidance.

Sec. 8. *Expedited Completion of the Biometric Entry-Exit Tracking System.*

(a) The Secretary of Homeland Security shall expedite the completion and implementation of a biometric entry-exit tracking system for in-scope travelers to the United States, as recommended by the National Commission on Terrorist Attacks Upon the United States.

(b) The Secretary of Homeland Security shall submit to the President periodic reports on the progress of the directive set forth in subsection (a) of this section. The initial report shall be submitted within 100 days of the effective date of this order, a second report shall be submitted within 200 days of the effective date of this order, and a third report shall be submitted within 365 days of the effective date of this order. The Secretary of Homeland Security shall submit further reports every 180 days thereafter until the system is fully deployed and operational.

Sec. 9. *Visa Interview Security.* (a) The Secretary of State shall immediately suspend the Visa Interview Waiver Program and ensure compliance with section 222 of the INA, 8 U.S.C. 1202, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions. This suspension shall not apply to any foreign national traveling on a diplomatic or diplomatic-type visa, North Atlantic Treaty Organization visa, C-2 visa for travel to the United Nations, or G-1, G-2, G-3, or G-4 visa; traveling for purposes related to an international organization designated under the IOIA; or traveling for purposes of conducting meetings or business with the United States Government.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of State shall immediately expand the Consular Fellows Program, including by substantially increasing the number of Fellows, lengthening or making permanent the period of service, and making language training at the Foreign Service Institute available to Fellows for assignment to posts outside of their area of core linguistic ability, to ensure that nonimmigrant visa-interview wait times are not unduly affected.

Sec. 10. *Visa Validity Reciprocity.* The Secretary of State shall review all nonimmigrant visa reciprocity agreements and arrangements to ensure that they are, with respect to each visa classification, truly reciprocal insofar as practicable with respect to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment. If another country does not treat United States nationals seeking nonimmigrant visas in a truly reciprocal manner, the Secretary of State shall adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by that foreign country, to the extent practicable.

Sec. 11. *Transparency and Data Collection.* (a) To be more transparent with the American people and to implement more effectively policies and practices that serve the national interest, the Secretary of Homeland Security, in consultation with the Attorney General, shall, consistent with applicable law and national security, collect and make publicly available the following information:

(i) information regarding the number of foreign nationals in the United States who have been charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; or removed from the United States based on terrorism-related activity, affiliation with or provision of material support to a terrorism-related organization, or any other national-security-related reasons;

(ii) information regarding the number of foreign nationals in the United States who have been radicalized after entry into the United States and who have engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States;

(iii) information regarding the number and types of acts of gender-based violence against women, including so-called “honor killings,” in the United States by foreign nationals; and

(iv) any other information relevant to public safety and security as determined by the Secretary of Homeland Security or the Attorney General, including information on the immigration status of foreign nationals charged with major offenses.

(b) The Secretary of Homeland Security shall release the initial report under subsection (a) of this section within 180 days of the effective date of this order and shall include information for the period from September 11, 2001, until the date of the initial report. Subsequent reports shall be issued every 180 days thereafter and reflect the period since the previous report.

Sec. 12. *Enforcement.* (a) The Secretary of State and the Secretary of Homeland Security shall consult with appropriate domestic and international partners, including countries and organizations, to ensure efficient, effective, and appropriate implementation of the actions directed in this order.

(b) In implementing this order, the Secretary of State and the Secretary of Homeland Security shall comply with all applicable laws and regulations, including, as appropriate, those providing an opportunity for individuals to claim a fear of persecution or torture, such as the credible fear determination for aliens covered by section 235(b)(1)(A) of the INA, 8 U.S.C. 1225(b)(1)(A).

(c) No immigrant or nonimmigrant visa issued before the effective date of this order shall be revoked pursuant to this order.

(d) Any individual whose visa was marked revoked or marked canceled as a result of Executive Order 13769 shall be entitled to a travel document confirming that the individual is permitted to travel to the United States and seek entry. Any prior cancellation or revocation of a visa that was solely pursuant to Executive Order 13769 shall not be the basis of inadmissibility for any future determination about entry or admissibility.

(e) This order shall not apply to an individual who has been granted asylum, to a refugee who has already been admitted to the United States, or to an individual granted withholding of removal or protection under the Convention Against Torture. Nothing in this order shall be construed to limit the ability of an individual to seek asylum, withholding of removal, or protection under the Convention Against Torture, consistent with the laws of the United States.

Sec. 13. *Revocation.* Executive Order 13769 of January 27, 2017, is revoked as of the effective date of this order.

Sec. 14. *Effective Date.* This order is effective at 12:01 a.m., eastern daylight time on March 16, 2017.

Sec. 15. *Severability.* (a) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its other provisions to any other persons or circumstances shall not be affected thereby.

(b) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch officials shall implement those procedural requirements.

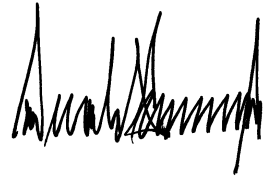
Sec. 16. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be "Donald Trump", located in the upper right quadrant of the page.

THE WHITE HOUSE,
March 6, 2017.



FEDERAL REGISTER

Vol. 82

Thursday,

No. 45

March 9, 2017

Part III

The President

Proclamation 9577—National Consumer Protection Week, 2017

Presidential Documents

Title 3—

Proclamation 9577 of March 6, 2017

The President

National Consumer Protection Week, 2017

By the President of the United States of America

A Proclamation

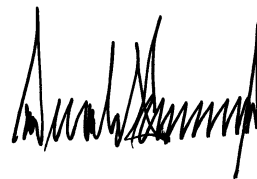
The economic strength and vitality of our Nation is directly linked to our consumers' confidence in the integrity and security of their personal information and the robust protection of their privacy. As an increasing number of transactions and activities occur online, the safety of vital consumer information is increasingly at risk. The American people deserve freedom from unscrupulous actors who perpetrate identity theft, abuse personal information, or engage in fraud.

Cyber crimes, which defraud hard-working Americans, cost our families billions of dollars each year and result in tremendous stress, loss of time, and hardship. Americans must have access to the tools necessary to protect their personal information and privacy and know how to use them to improve their online security. Our first defense against fraudulent cyber transactions and the misuse of personal information will always be a well-informed consumer.

National Consumer Protection Week reminds us of the importance of empowering consumers by helping them to more capably identify and report cyber scams, monitor their online privacy and security, and make well-informed decisions. The Federal Government, in conjunction with a network of national organizations and State and local partners, provides consumer education resources to help Americans protect their personal information. These resources assist military service members and their families, identity-theft victims, and all potentially vulnerable consumers. Our work to protect consumers from identity theft, abuse of personal information, and fraud, and to improve the integrity and security of our marketplaces, enhances the prosperity of our great country.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 5 through March 11, 2017, as National Consumer Protection Week. I call upon government officials, industry leaders, and advocates to educate our citizens about the protection of personal information and identity theft through consumer education activities in communities across the country.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.



Reader Aids

Federal Register

Vol. 82, No. 45

Thursday, March 9, 2017

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-741-6000**

Laws **741-6000**

Presidential Documents

Executive orders and proclamations **741-6000**

The United States Government Manual **741-6000**

Other Services

Electronic and on-line services (voice) **741-6020**

Privacy Act Compilation **741-6050**

Public Laws Update Service (numbers, dates, etc.) **741-6043**

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FEDERAL REGISTER PAGES AND DATE, MARCH

12167-12288.....	1
12289-12392.....	2
12393-12502.....	3
12503-12712.....	6
12713-12920.....	7
12921-13058.....	8
13059-13224.....	9

CFR PARTS AFFECTED DURING MARCH

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

9574.....	12707
9575.....	12709
9576.....	12711
9577.....	13223

Executive Orders:

13532 (Revoked by EO 13779).....	12499
13769 (Revoked by EO 13780).....	13209
13777.....	12285
13778.....	12497
13779.....	12499
13780.....	13209

7 CFR

Proposed Rules:

52.....	12424
271.....	12184
272.....	12184
273.....	12184

14 CFR

39.....	12289, 12291, 12293, 12393, 12395, 12397, 12401, 12405, 12407, 12410, 13059, 13062, 13063
71.....	12503, 12504, 12505, 12713, 12715, 13065

Proposed Rules:

39.....	12301, 12303, 12305, 12308, 12310, 12312, 12314, 12424, 12753, 12755, 13073, 13077, 13079
71.....	12522, 12523, 12525
73.....	12526, 12529

16 CFR

1240.....	12716
-----------	-------

17 CFR

Proposed Rules:

210.....	12757
211.....	12757
229.....	12757
231.....	12757
241.....	12757

18 CFR

11.....	12717
---------	-------

21 CFR

510.....	12167, 12170
516.....	12167
520.....	12167
522.....	12167, 12170
529.....	12167, 12170
558.....	12167
876.....	12171
1308.....	12171, 13067

Proposed Rules:

73.....	12184, 12531
---------	--------------

29 CFR

Proposed Rules:

1910.....	12318
1915.....	12318
1926.....	12318
2510.....	12319

33 CFR

100.....	12412, 12414
117.....	12177, 12415
165.....	12177, 12416
401.....	12418
402.....	12420

Proposed Rules:

100.....	13081
117.....	12185
165.....	13081
328.....	12532

36 CFR

1193.....	12295
1194.....	12295

37 CFR

204.....	12180
----------	-------

Proposed Rules:

201.....	12326
----------	-------

39 CFR

111.....	12180, 12181
243.....	12921
265.....	12921
266.....	12921
3004.....	12506

40 CFR

52.....	12328
300.....	12422
320.....	12333

Proposed Rules:

52.....	13084, 13086
110.....	12532
112.....	12532
116.....	12532
117.....	12532
122.....	12532
230.....	12532
232.....	12532
300.....	12532
302.....	12532
372.....	12924
401.....	12532

42 CFR

10.....	12508
438.....	12509

44 CFR

67.....	12510
---------	-------

47 CFR

1.....	12512
--------	-------

ii

Federal Register / Vol. 82, No. 45 / Thursday, March 9, 2017 / Reader Aids

64.....12182, 12922	Proposed Rules:	50 CFR	679 12423, 12749, 12750,
73.....12922	64.....12924	300.....12730	13072
74.....13069		635.....12296, 12747	Proposed Rules:
		660.....12922	622.....12187

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion

in today's **List of Public Laws**.

Last List March 3, 2017

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