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Presidential Documents

Title 3—

The President

Executive Order 13766 of January 24, 2017

Expediting Environmental Reviews and Approvals for High Priority Infrastructure Projects

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct as follows:

Section 1. *Purpose.* Infrastructure investment strengthens our economic platform, makes America more competitive, creates millions of jobs, increases wages for American workers, and reduces the costs of goods and services for American families and consumers. Too often, infrastructure projects in the United States have been routinely and excessively delayed by agency processes and procedures. These delays have increased project costs and blocked the American people from the full benefits of increased infrastructure investments, which are important to allowing Americans to compete and win on the world economic stage. Federal infrastructure decisions should be accomplished with maximum efficiency and effectiveness, while also respecting property rights and protecting public safety and the environment. To that end, it is the policy of the executive branch to streamline and expedite, in a manner consistent with law, environmental reviews and approvals for all infrastructure projects, especially projects that are a high priority for the Nation, such as improving the U.S. electric grid and telecommunications systems and repairing and upgrading critical port facilities, airports, pipelines, bridges, and highways.

Sec. 2. *Identification of High Priority Infrastructure Projects.* With respect to infrastructure projects for which Federal reviews and approvals are required, upon request by the Governor of a State, or the head of any executive department or agency (agency), or on his or her own initiative, the Chairman of the White House Council on Environmental Quality (CEQ) shall, within 30 days after a request is made, decide whether an infrastructure project qualifies as a ''high priority'' infrastructure project. This determination shall be made after consideration of the project's importance to the general welfare, value to the Nation, environmental benefits, and such other factors as the Chairman deems relevant.

Sec. 3. *Deadlines.* With respect to any project designated as a high priority under section 2 of this order, the Chairman of the CEQ shall coordinate with the head of the relevant agency to establish, in a manner consistent with law, expedited procedures and deadlines for completion of environmental reviews and approvals for such projects. All agencies shall give highest priority to completing such reviews and approvals by the established deadlines using all necessary and appropriate means. With respect to deadlines established consistent with this section that are not met, the head of the relevant agency shall provide a written explanation to the Chairman explaining the causes for the delay and providing concrete actions taken by the agency to complete such reviews and approvals as expeditiously as possible.

Sec. 4. *General Provisions.* (a) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

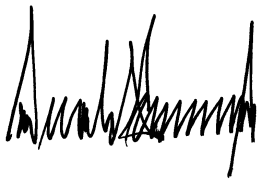
(b) Nothing in this order shall be construed to impair or otherwise affect:

(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.

(c) All actions taken pursuant to this order shall be consistent with requirements and authorities to protect intelligence and law enforcement sources and methods. Nothing in this order shall be interpreted to supersede measures established under authority of law to protect the security and integrity of specific activities and associations that are in direct support of intelligence and law enforcement operations.

(d) 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.



THE WHITE HOUSE,
January 24, 2017.

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Filed 1–27–17; 8:45 am]
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Presidential Documents

Memorandum of January 24, 2017

Construction of American Pipelines

Memorandum for the Secretary of Commerce

The Secretary of Commerce, in consultation with all relevant executive departments and agencies, shall develop a plan under which all new pipelines, as well as retrofitted, repaired, or expanded pipelines, inside the borders of the United States, including portions of pipelines, use materials and equipment produced in the United States, to the maximum extent possible and to the extent permitted by law. The Secretary shall submit the plan to the President within 180 days of the date of this memorandum.

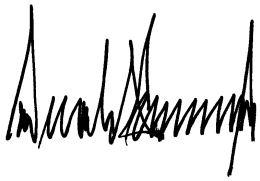
''Produced in the United States'' shall mean:

(i) With regard to iron or steel products, that all manufacturing processes for such iron or steel products, from the initial melting stage through the application of coatings, occurred in the United States.

(ii) Steel or iron material or products manufactured abroad from semi-finished steel or iron from the United States are not ''produced in the United States'' for purposes of this memorandum.

(iii) Steel or iron material or products manufactured in the United States from semi-finished steel or iron of foreign origin are not ''produced in the United States'' for purposes of this memorandum.

The Secretary of Commerce is hereby authorized and directed to publish this memorandum in the *Federal Register.*



THE WHITE HOUSE,
Washington, January 24, 2017

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Presidential Documents

Memorandum of January 24, 2017

Construction of the Dakota Access Pipeline

Memorandum for the Secretary of the Army

Section 1. *Policy.* The Dakota Access Pipeline (DAPL) under development by Dakota Access, LLC, represents a substantial, multi-billion-dollar private investment in our Nation's energy infrastructure. This approximately 1,100-mile pipeline is designed to carry approximately 500,000 barrels per day of crude oil from the Bakken and Three Forks oil production areas in North Dakota to oil markets in the United States. At this time, the DAPL is more than 90% complete across its entire route. Only a limited portion remains to be constructed.

I believe that construction and operation of lawfully permitted pipeline infrastructure serve the national interest.

Accordingly, pursuant to the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct as follows:

Sec. 2. *Directives.* (a) *Pipeline Approval Review.* The Secretary of the Army shall instruct the Assistant Secretary of the Army for Civil Works and the U.S. Army Corps of Engineers (USACE), including the Commanding General and Chief of Engineers, to take all actions necessary and appropriate to:

(i) review and approve in an expedited manner, to the extent permitted by law and as warranted, and with such conditions as are necessary or appropriate, requests for approvals to construct and operate the DAPL, including easements or rights-of-way to cross Federal areas under section 28 of the Mineral Leasing Act, as amended, 30 U.S.C. 185; permits or approvals under section 404 of the Clean Water Act, 33 U.S.C. 1344; permits or approvals under section 14 of the Rivers and Harbors Act, 33 U.S.C. 408; and such other Federal approvals as may be necessary;

(ii) consider, to the extent permitted by law and as warranted, whether to rescind or modify the memorandum by the Assistant Secretary of the Army for Civil Works dated December 4, 2016 (Proposed Dakota Access Pipeline Crossing at Lake Oahe, North Dakota), and whether to withdraw the Notice of Intent to Prepare an Environmental Impact Statement in Connection with Dakota Access, LLC's Request for an Easement to Cross Lake Oahe, North Dakota, dated January 18, 2017, and published at 82 *Fed. Reg.* 5543;

(iii) consider, to the extent permitted by law and as warranted, prior reviews and determinations, including the Environmental Assessment issued in July of 2016 for the DAPL, as satisfying all applicable requirements of the National Environmental Policy Act, as amended, 42 U.S.C. 4321 *et seq.,* and any other provision of law that requires executive agency consultation or review (including the consultation or review required under section 7(a) of the Endangered Species Act of 1973, 16 U.S.C. 1536(a));

(iv) review and grant, to the extent permitted by law and as warranted, requests for waivers of notice periods arising from or related to USACE real estate policies and regulations; and

(v) issue, to the extent permitted by law and as warranted, any approved easements or rights-of-way immediately after notice is provided to Congress

pursuant to section 28(w) of the Mineral Leasing Act, as amended, 30 U.S.C. 185(w).

(b) *Publication.* A copy of this memorandum shall be provided immediately to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Majority Leader of the Senate, and the Governors of each State located along the Dakota Access Pipeline route. This memorandum shall also be published in the *Federal Register.*

(c) *Private Property.* Nothing in this memorandum alters any Federal, State, or local process or condition in effect on the date of this memorandum that is necessary to secure access from an owner of private property to construct the pipeline and facilities described herein. Land or an interest in land for the pipeline and facilities described herein may only be acquired consistently with the Constitution and applicable State laws.

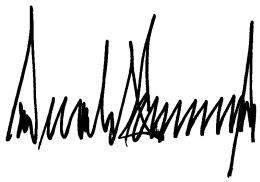
Sec. 3. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
Washington, January 24, 2017

[FR Doc. 2017–02032
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Presidential Documents

Memorandum of January 24, 2017

Construction of the Keystone XL Pipeline

Memorandum for the Secretary of State[,] the Secretary of the Army[, and] the Secretary of the Interior

Section 1. *Policy.* In accordance with Executive Order 11423 of August 16, 1968, as amended, and Executive Order 13337 of April 30, 2004, the Secretary of State has delegated authority to receive applications for Presidential permits for the construction, connection, operation, or maintenance, at the borders of the United States, of facilities for the exportation or importation of petroleum, petroleum products, coal, or other fuels to or from a foreign country, and to issue or deny such Presidential permits. As set forth in those Executive Orders, the Secretary of State should issue a Presidential permit for any cross-border pipeline project that ''would serve the national interest.''

Accordingly, pursuant to the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct as follows:

Sec. 2. *Invitation to Submit an Application.* I hereby invite TransCanada Keystone Pipeline, L.P. (TransCanada), to promptly re-submit its application to the Department of State for a Presidential permit for the construction and operation of the Keystone XL Pipeline, a major pipeline for the importation of petroleum from Canada to the United States.

Sec. 3. *Directives.* (a) *Department of State.* The Secretary of State shall, if the application referred to in section 2 is submitted, receive the application and take all actions necessary and appropriate to facilitate its expeditious review. With respect to that review, I hereby direct as follows:

(i) The Secretary of State shall reach a final permitting determination, including a final decision as to any conditions on issuance of the permit that are necessary or appropriate to serve the national interest, within 60 days of TransCanada's submission of the permit application.

(ii) To the maximum extent permitted by law, the Final Supplemental Environmental Impact Statement issued by the Department of State in January 2014 regarding the Keystone XL Pipeline (Final Supplemental EIS) and the environmental analysis, consultation, and review described in that document (including appendices) shall be considered by the Secretary of State to satisfy the following with respect to the Keystone XL Pipeline as described in TransCanada's permit application to the Department of State of May 4, 2012:

(A) all applicable requirements of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*; and

(B) any other provision of law that requires executive department consultation or review (including the consultation or review required under section 7(a) of the Endangered Species Act of 1973, 16 U.S.C. 1536(a)).

(iii) To the maximum extent permitted by law, any Federal permit or authorization issued before the date of this memorandum for the Keystone XL Pipeline shall remain in effect until the completion of the project.

(iv) The agency notification and fifteen-day delay requirements of sections 1(g), 1(h), and 1(i) of Executive Order 13337 are hereby waived on the

basis that, under the circumstances, observance of these requirements would be unnecessary, unwarranted, and a waste of resources.

(b) *Department of the Army.* The Secretary of the Army shall, if the application referred to in section 2 is submitted and a Presidential permit issued, instruct the Assistant Secretary of the Army for Civil Works and the U.S. Army Corps of Engineers, including the Commanding General and Chief of Engineers, to take all actions necessary and appropriate to review and approve as warranted, in an expedited manner, requests for authorization to utilize Nationwide Permit 12 under section 404(e) of the Clean Water Act, 33 U.S.C. 1344(e), with respect to crossings of the ''waters of the United States'' by the Keystone XL Pipeline, to the maximum extent permitted by law.

(c) *Department of the Interior.* The Secretary of the Interior, as well as the Directors of the Bureau of Land Management and the United States Fish and Wildlife Service, shall, if the application referred to in section 2 is submitted and a Presidential permit issued, take all steps necessary and appropriate to review and approve as warranted, in an expedited manner, requests for approvals related to the Keystone XL Pipeline, to the maximum extent permitted by law, including:

(i) requests for grants of right-of-way and temporary use permits from the Bureau of Land Management; (ii) requests under the United States Fish and Wildlife Service's regulations implementing the Migratory Bird Treaty Act, 16 U.S.C. 703 *et seq.*; and (iii) requests for approvals or other relief related to other applicable laws and regulations.

(d) *Publication.* The Secretary of State shall promptly provide a copy of this memorandum to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Majority Leader of the Senate, and the Governors of each State located along the Keystone XL Pipeline route as described in TransCanada's application of May 4, 2012. The Secretary of State is authorized and directed to publish this memorandum in the *Federal Register.*

(e) *Private Property.* Nothing in this memorandum alters any Federal, State, or local process or condition in effect on the date of this memorandum that is necessary to secure access from an owner of private property to construct the pipeline and cross-border facilities described herein. Land or an interest in land for the pipeline and cross-border facilities described herein may only be acquired consistently with the Constitution and applicable State laws.

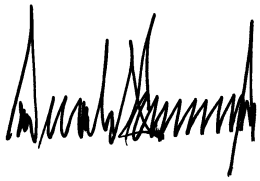
Sec. 4. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
Washington, January 24, 2017

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Presidential Documents

Memorandum of January 24, 2017

Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing

Memorandum for the Heads of Executive Departments and Agencies

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

Section 1. *Purpose.* This memorandum directs executive departments and agencies (agencies) to support the expansion of manufacturing in the United States through expedited reviews of and approvals for proposals to construct or expand manufacturing facilities and through reductions in regulatory burdens affecting domestic manufacturing.

Sec. 2. *Stakeholder Consultation on Streamlining Permitting.* The Secretary of Commerce shall conduct outreach to stakeholders concerning the impact of Federal regulations on domestic manufacturing and shall solicit comments from the public for a period not to exceed 60 days concerning Federal actions to streamline permitting and reduce regulatory burdens for domestic manufacturers. As part of this process, the Secretary of Commerce shall coordinate with the Secretaries of Agriculture and Energy, the Administrator of the Environmental Protection Agency, the Director of the Office of Management and Budget, the Administrator of the Small Business Administration, and such other agency heads as may be appropriate.

Sec. 3. *Permit Streamlining Action Plan.* Within 60 days after completion of the process described in section 2 of this memorandum, the Secretary of Commerce shall submit a report to the President setting forth a plan to streamline Federal permitting processes for domestic manufacturing and to reduce regulatory burdens affecting domestic manufacturers. The report should identify priority actions as well as recommended deadlines for completing actions. The report also may include recommendations for any necessary changes to existing regulations or statutes, as well as actions to change policies, practices, or procedures that can be taken immediately under existing authority.

Sec. 4. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

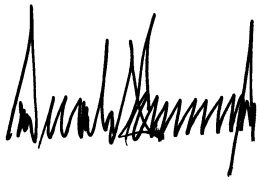
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable laws and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of Commerce is hereby authorized and directed to publish this memorandum in the *Federal Register.*



THE WHITE HOUSE,
Washington, January 24, 2017

[FR Doc. 2017–02044
Filed 1–27–17; 8:45 am]
Billing code 3510–07–P

Rules and Regulations

Federal Register
Vol. 82, No. 18
Monday, January 30, 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. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF EDUCATION

2 CFR Part 3474

34 CFR Parts 99, 200, and 299

[Docket ID ED–2016–OESE–0032; Docket ID ED–2015–OS–0105]

RIN 1810–AB27; 1894–AA07

Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act—Accountability and State Plans; Open Licensing Requirement for Competitive Grant Programs; Family Educational Rights and Privacy Act

AGENCY: Office of Elementary and Secondary Education; Office of the Chief Privacy Officer, Office of Management; Office of the Secretary; Department of Education.

ACTION: Final regulations; delay of effective dates.

SUMMARY: In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' published in the **Federal Register** on January 24, 2017, the Department delays the effective dates of the following regulations until March 21, 2017: Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act—Accountability and State Plans (ESSA Accountability and State Plans), RIN 1810–AB27; Open Licensing Requirement for Competitive Grant Programs (Open Licensing), RIN 1894–AA07; and Family Educational Rights and Privacy Act.

DATES: Effective January 30, 2017, the effective date of the final rules published on November 29, 2016 at 81 FR 86076; January 19, 2017 at 82 FR 7376; and January 19, 2017 at 82 FR 6252, respectively, is delayed to March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Hilary Malawer, Assistant General Counsel, U.S. Department of Education, 400 Maryland Avenue SW., Room 6E231, Washington, DC 20202. Telephone: (202) 401–6148 or by email: *hilary.malawer@ed.gov.*

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

SUPPLEMENTARY INFORMATION: On January 20, 2017, the Assistant to the President and Chief of Staff issued a memorandum entitled, ''Regulatory Freeze Pending Review.'' This memorandum directed heads of executive departments and agencies to take certain steps to ensure that the President's appointees and designees have the opportunity to review new or pending regulations. It instructed agencies to temporarily postpone the effective dates of regulations that had been published in the **Federal Register** but were not yet effective until 60 days after the date of the memorandum (January 20, 2017). In accordance with that directive, the Department is delaying the effective dates of the regulations listed below as follows:

RIN	Title	Agency contact	Original effective date	Delayed effective date
1810–AB27	ESSA–Accountability and State Plans.	Meredith Miller, OESE (202) 401–8368 *Meredith.Miller@ed.gov.*	January 30, 2017	March 21, 2017.
1894–AA07	Open Licensing Requirement for Competitive Grant Programs.	Sharon Leu, Office of the Secretary (202) 453–5646 *tech@ed.gov.*	March 20, 2017	March 21, 2017.
2017–00958	Family Educational Rights and Privacy Act.	Kathleen Styles, Office of Management (855) 249–3072 *PrivacyTA@ed.gov.*	February 21, 2017	March 21, 2017.

This is the first of several regulatory actions the Department intends to take regarding regulations that have been published in the **Federal Register** but had not taken effect as of January 20, 2017, including the Department's regulations for Borrower Defense (RIN 1840–AD19), TEACH Grants (RIN 1840–AD07), and State Authorization (RIN 1840–AD20) issued under title IV of the Higher Education Act of 1965, as amended.

Waiver of Rulemaking and Delayed Effective Date: Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed regulations and publishes rules not less than 30 days before their effective dates. However, the APA provides that an agency is not required to conduct notice-and-comment rulemaking or delay effective dates when the agency, for good cause, finds that the requirement is impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(B) and (d)(3)). There is good cause to waive both of these requirements here as the President's appointees and designees need to delay the effective dates of these regulations to have adequate time to review new or pending regulations, and neither the notice and comment processes nor delayed effective date could be implemented in time to allow for this review.

Accessible Format: Individuals with disabilities may obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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(PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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

List of Subjects

2 CFR Part 3474

Accounting; Administrative practice and procedure; Adult education; Aged; Agriculture; American Samoa; Bilingual education; Blind; Business and industry; Civil rights; Colleges and universities; Communications; Community development; Community facilities; Copyright; Credit; Cultural exchange programs; Educational facilities; Educational research; Education; Education of disadvantaged; Education of individuals with disabilities; Educational study programs; Electric power; Electric power rates; Electric utilities; Elementary and secondary education; Energy conservation; Equal educational opportunity; Federally affected areas; Government contracts; Grant programs; Grant programs-agriculture; Grant programs-business and industry; Grant programs-communications; Grant programs-education; Grant programs-energy; Grant programs-health; Grant programs-housing and community development; Grant programs-social programs; Grant administration; Guam; Home improvement; Homeless; Hospitals; Housing; Human research subjects; Indians; Indians-education; Infants and children; Insurance; Intergovernmental relations; International organizations; Inventions and patents; Loan programs; Loan programs social programs; Loan programs-agriculture; Loan programs-business and industry; Loan programs-communications; Loan programs-energy; Loan programs-health; Loan programs-housing and community development; Manpower training programs; Migrant labor; Mortgage insurance; Nonprofit organizations; Northern Mariana Islands; Pacific Islands Trust Territories; Privacy; Renewable Energy; Reporting and recordkeeping requirements; Rural areas; Scholarships and fellowships; School construction; Schools; Science and technology; Securities; Small businesses; State and local governments; Student aid; Teachers; Telecommunications; Telephone; Urban areas; Veterans; Virgin Islands; Vocational education; Vocational rehabilitation; Waste treatment and disposal; Water pollution control; Water resources; Water supply; Watersheds; Women.

34 CFR Part 99

Administrative practice and procedure; Privacy; Reporting and recordkeeping requirements; Students.

34 CFR Part 200

Elementary and secondary education; Grant programs-education; Indians-education; Infants and children; Juvenile delinquency; Migrant labor; Private schools; Reporting and recordkeeping requirements.

34 CFR Part 299

Administrative practice and procedure; Elementary and secondary education; Grant programs-education; Private schools; Reporting and recordkeeping requirements.

Dated: January 26, 2017.

Philip H. Rosenfelt,

Acting Secretary of Education.

[FR Doc. 2017–02056 Filed 1–27–17; 8:45 am]

BILLING CODE 4000–01–P

FARM CREDIT SYSTEM INSURANCE CORPORATION

12 CFR Part 1411

RIN 3055–AA13

Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation

AGENCY: Farm Credit System Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule implements inflation adjustments to civil money penalties (CMPs) that the Farm Credit System Insurance Corporation (FCSIC) may impose under the Farm Credit Act of 1971, as amended. These adjustments are required by 2015 amendments to the Federal Civil Penalties Inflation Adjustment Act of 1990.

DATES: This rule will become effective January 30, 2017.

FOR FURTHER INFORMATION CONTACT: Howard Rubin, General Counsel, Farm Credit System Insurance Corporation, 1501 Farm Credit Drive, McLean, Virginia 22102, (703) 883–4380, TTY (703) 883–4390.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act) amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (the Inflation Adjustment Act) [1] to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The Inflation Adjustment Act provides for the regular evaluation of CMPs and requires FCSIC, and every other Federal agency with authority to impose CMPs, to ensure that CMPs continue to maintain their deterrent values.[2]

FCSIC must enact regulations that annually adjust its CMPs pursuant to the inflation adjustment formula of the amended Inflation Adjustment Act and rounded using a method prescribed by the Inflation Adjustment Act. The new amounts will apply to penalties assessed on or after the effective date of this rule. Agencies do not have discretion in choosing whether to adjust a CMP, by how much to adjust a CMP, or the methods used to determine the adjustment.

B. CMPs Imposed Pursuant to Section 5.65 of the Farm Credit Act

First, section 5.65(c) of the Farm Credit Act, as amended (Act), provides that any insured Farm Credit System bank that willfully fails or refuses to file any certified statement or pay any required premium shall be subject to a penalty of not more than $100 for each day that such violations continue, which penalty FCSIC may recover for its use.[3] Second, section 5.65(d) of the Act provides that, except with the prior written consent of the Farm Credit Administration, it shall be unlawful for any person convicted of any criminal offense involving dishonesty or a breach of trust to serve as a director, officer, or employee of any System institution.[4] For each willful violation of section 5.65(d), the institution involved shall be subject to a penalty of not more than $100 for each day during which the violation continues, which FCSIC may recover for its use.

FCSIC's current § 1411.1 provides that FCSIC can impose a maximum penalty

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[1] Public Law 101–410, Oct. 5, 1990, 104 Stat. 890, as amended by Public Law 104–134, title III, sec. 31001(s)(1), Apr. 26, 1996, 110 Stat. 1321–373; Public Law 105–362, title XIII, sec. 1301(a), Nov. 10, 1998, 112 Stat. 3293; Public Law 114–74, title VII, sec. 701(b), Nov. 2, 2015, 129 Stat. 599.

[2] Under the amended Inflation Adjustment Act, a CMP is defined as any penalty, fine, or other sanction that: (1) Either is for a specific monetary amount as provided by Federal law or has a maximum amount provided for by Federal law; (2) is assessed or enforced by an agency pursuant to Federal law; and (3) is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts. All three requirements must be met for a fine to be considered a CMP.

[3] 12 U.S.C. 2277a–14(c).

[4] 12 U.S.C. 2277a–14(d)

of $198 per day for a violation under section 5.65(c) and (d) of the Act.

C. Required Adjustments

The 2015 Act requires agencies to make annual adjustments for inflation. Annual inflation adjustments are based on the percent change between the October Consumer Price Index for all Urban Consumers (CPI–U) preceding the date of the adjustment, and the prior year's October CPI–U. In this case, the change between the October 2016 CPI–U (241.729) and the October 2015 CPI–U (237.838) = 1.01636. Multiplying 1.01636 times the current penalty amount of $198, after rounding to the nearest dollar as required by the 2015 Act, results is a new penalty amount of $201.

D. Notice and Comment Not Required by Administrative Procedure Act

In accordance with the 2015 Act, Federal agencies shall adjust civil monetary penalties ''notwithstanding'' Section 553 of the Administrative Procedures Act. This means that public procedure generally required for agency rulemaking—notice, an opportunity for comment, and a delay in effective date—is not required for agencies to issue regulations implementing the annual adjustment.

List of Subjects in 12 CFR Part 1411

Banks, banking, Civil money penalties, Penalties.

For the reasons stated in the preamble, part 1411 of chapter XIV, title 12 of the Code of Federal Regulations is amended to read as follows:

PART 1411—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 1411 is revised to read as follows:

Authority: 12 U.S.C. 2277a–7(10), 2277a–14(c) and (d); 28 U.S.C. 2461 *note.*

■ 2. Revise § 1411.1 to read as follows:

§ 1411.1 Inflation adjustment of civil money penalties for failure to file a certified statement, pay any premium required or obtain approval before employment of persons convicted of criminal offenses.

In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, a civil money penalty imposed pursuant to section 5.65(c) or (d) of the Farm Credit Act of 1971, as amended, shall not exceed $201 per day for each day the violation continues.

Dated: January 12, 2017.

Dale L. Aultman,

Secretary to the Board, Farm Credit System Insurance Corporation.

[FR Doc. 2017–01033 Filed 1–27–17; 8:45 am]

BILLING CODE 6710–01–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1112 and 1228

[Docket No. CPSC–2014–0018]

Safety Standard for Sling Carriers

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Danny Keysar Child Product Safety Notification Act, section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA), requires the United States Consumer Product Safety Commission (Commission or CPSC) to promulgate consumer product safety standards for durable infant or toddler products. These standards are to be ''substantially the same as'' applicable voluntary standards, or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product. The Commission is issuing a safety standard for infant slings (sling carriers) in response to the direction of section 104(b) of the CPSIA. In addition, the Commission is amending its regulations regarding third party conformity assessment bodies to include the mandatory standard for slings in the list of Notices of Requirements (NOR) issued by the Commission.

DATES: This rule is effective January 30, 2018. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of January 30, 2018.

FOR FURTHER INFORMATION CONTACT: Daniel Dunlap, Compliance Officer, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: 301–504–7733; email: *ddunlap@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Statutory Authority

The CPSIA was enacted on August 14, 2008. Section 104(b) of the CPSIA, part of the Danny Keysar Child Product Safety Notification Act, requires the Commission to: (1) Examine and assess the effectiveness of voluntary consumer product safety standards for durable infant or toddler products, in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts; and (2) promulgate consumer product safety standards for durable infant or toddler products. Standards issued under section 104 are to be ''substantially the same as'' the applicable voluntary standards or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product.

The term ''durable infant or toddler product'' is defined in section 104(f)(1) of the CPSIA as ''a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years.'' Section 104(f)(1)(H) provides that the term ''durable infant or toddler product'' includes ''infant carriers.''

In this document, the Commission is issuing a safety standard for sling carriers.[1] Section 104(f)(2)(H) of the CPSIA lists ''infant carriers'' as one of the categories of durable infant or toddler products. As indicated by a review of ASTM's standards and retailers' Web sites, the category of ''infant carriers'' includes hand-held infant carriers, soft infant carriers, frame backpack carriers, and sling carriers. The Commission has issued final rules for three types of infant carriers: Hand-held infant carriers (78 FR 73415 (December 6, 2013)), soft infant carriers (78 FR 20511 (April 5, 2013)) and frame carriers (80 FR 11113 (March 2, 2015)). In the Commission's product registration card rule identifying additional products that the Commission considers durable infant or toddler products necessitating compliance with the product registration card requirements, the Commission specifically identified ''infant slings,'' or sling carriers, as a durable infant or toddler product. 76 FR 68668 (December 29, 2009). Accordingly, 16 CFR 1130.2(a)(18) now specifically identifies ''infant slings'' as a durable infant or toddler product. At the notice of proposed rulemaking (NPR) stage, the staff briefing package for the proposed rule included a detailed technical analysis of the durability of sling carriers, which concluded that sling carriers are durable

[1] The Commission voted 3–2 to publish this notice in the **Federal Register**. Chairman Elliot F. Kaye, Commissioner Robert S. Adler, and Commissioner Marietta S. Robinson voted to approve publication of the final rule. Commissioners Ann Marie Buerkle and Joseph P. Mohorovic voted against publication of the final rule.

products. The durability of infant slings is further discussed in section VI.G of this preamble.

Because the voluntary standard on infant slings, ASTM 2907–15, *Standard Consumer Safety Specification for Sling Carriers,* refers to ''infant slings'' as ''sling carriers,'' this document refers to infant slings as ''sling carriers.'' The terms are intended to be interchangeable and have the same meaning.

On July 23, 2014, the Commission issued an NPR for sling carriers. 79 FR 42724. The NPR proposed to incorporate by reference the voluntary standard, ASTM F2907–14a, *Standard Consumer Safety Specification for Sling Carriers,* without modification.

In this document, the Commission is issuing a mandatory safety standard for sling carriers. As required by section 104(b)(1)(A), the Commission consulted with manufacturers, retailers, trade organizations, laboratories, consumer advocacy groups, consultants, and the public to develop this standard, largely through the ASTM process. The rule incorporates by reference the most recent voluntary standard, developed by ASTM International, ASTM F2907–15, with one modification.

In addition, the final rule amends the list of NORs issued by the Commission in 16 CFR part 1112 to include the standard for sling carriers. Under section 14 of the Consumer Product Safety Act (CPSA), the Commission promulgated 16 CFR part 1112 to establish requirements for accreditation of third party conformity assessment bodies (or testing laboratories) to test for conformity with a children's product safety rule. Amending part 1112 adds to the list of children's product safety rules a NOR for the sling carriers standard.

II. Product Description

The scope section of ASTM F2907–15 defines a ''sling carrier'' as ''a product of fabric or sewn fabric construction, which is designed to contain a child in an upright or reclined position while being supported by the caregiver's torso.'' These products typically are intended for children starting at full-term birth, until a weight of about 35 pounds. The designs of infant slings vary, but the designs generally range from unstructured hammock-shaped products that suspend from the caregiver's body, to long lengths of material or fabric that are wrapped around the caregiver's body. Infant slings normally are worn with the infant positioned on the front, hip, or back of the consumer, and with the infant facing toward or away from the consumer. As stated in the ''sling carrier'' definition, these products generally allow the infant to be placed in an upright or reclined position. However, the reclined position is intended to be used only when the infant is worn on the front of the consumer. The ability to carry the infant in a reclined position is the primary feature that distinguishes sling carriers from soft infant and toddler carriers, another subset of sling carriers. The Commission has identified three broad classes of sling carrier products available in the United States:

- Ring slings are hammock-shaped fabric products, in which one runs fabric through two rings to adjust and tighten the sling.
- Pouch slings are similar to ring slings but do not use rings for adjustment. Many pouch slings are sized, rather than designed, to be adjustable. Other pouch slings are more structured and use buckles or other fasteners to adjust the size.
- Wrap slings are generally composed of a long length of fabric, up to approximately 6 yards long, and up to 2 feet wide. A wrap sling is completely unstructured with no fasteners or other means of structure; instead, the caregiver uses different methods of wrapping the material around the caregiver's body and the child's body to support the child. Wrap-like slings mimic the manner in which a wrap supports the child, but they use fabric in other manners, such as loops, to reduce the need for caregivers to learn wrapping methods.

ASTM F2907 does not distinguish among the type of slings. The voluntary standard's requirements apply equally to all slings.

III. Market Description

In the NPR, CPSC staff reported that it had identified 47 suppliers of sling carriers to the U.S. market, including 33 companies based in the United States and 14 foreign companies that exported directly to U.S. customers via Internet sales or to U.S. retailers. The 33 U.S.-based firms included 25 manufacturers, four importers, and four firms for which the supply source was not identified. Under U.S. Small Business Administration (SBA) definitions, all but one of the 47 firms would be considered a ''small business.'' The NPR also noted that ''there may be hundreds more suppliers that produce small quantities of slings.'' In response to the NPR, the Commission received comments, including from the SBA, concerning the rule's potential impact on small businesses. As explained further in section IX of this preamble, the final regulatory flexibility analysis (FRFA) uses information provided by The Baby Carrier Alliance Institute (BCIA) to expand on the discussion in the NPR and give additional information about the rule's possible effect on small businesses.

The market price of sling carriers varies, depending on the type of sling carriers. Ring slings are generally the least expensive, with prices ranging from $40 to $200, and an average price of $100. Handwoven wraps have a price range of $200 to $800 per wrap. Machine-woven wraps range in price from $65 to $400, with an average price of about $150. The BCIA provided no information on pouches, but pricing is believed to be similar to ring slings.

More recently, information provided by the BCIA confirms the role of numerous small and very small artisanal manufacturers in the sling market. The BCIA identified more than 324 U.S. manufacturers of slings, wraps, and pouches, including both members and non-members of BCIA, many of which are *very* small. The firms that the BCIA identified overlap partially with the 47 suppliers identified by CPSC staff, but the firms do not include some of the larger non-members of BCIA, some European firms that export to the United States, and a number of small Chinese firms. The BCIA has also identified some additional hand weavers. Thus, the total number of manufacturers may reach 400. According to the BCIA, about 250 of the 324 identified small sling manufacturers had annual sales revenue of less than $10,000, and an additional 45 had revenues of greater than $10,000, but less than $50,000. Most of these *very* small manufacturers (especially those with sales revenue of $50,000 or less annually) worked out of their home, and had one or no employees. In a letter to CPSC concerning the sling rulemaking, the SBA Office of Advocacy described many of these very small manufacturers as ''stay-at-home moms that supplement their income by creating the slings.''

According to the BCIA, a common scenario for the development of a very small sling manufacturer starts with a mother using various slings or soft carriers and then deciding to make her own design in her home. Some of these home businesses grow into larger businesses that become more specialized and sophisticated, typically designing and marketing their own products, but having the product manufactured overseas. Based on emails with the BCIA, and CPSC staff's review of sling Web sites, the newer home businesses generally may not know about the sling carrier voluntary standard or realize they may be subject to existing federal regulations on children's products, such as the CPSIA

regulations on product labeling and registration cards.

The BCIA reports that dollar sales for the 324 manufacturers they identified amount to approximately $36 million annually. Unit sales for these manufacturers are estimated to be about 500,000 annually. Given the exclusion of some of the larger wrap and pouch manufacturers from the total provided by the BCIA, we estimate annual unit sales at 800,000 to 1 million and dollar sales to be about $55 million to $70 million annually.

In 2013, the CPSC conducted a Durable Nursery Product Exposure Survey (DNPES) of U.S. households with children under age 6. Data from the DNPES indicate that there were an estimated 7.33 million slings in U.S. households in 2013 (with 95 percent probability that the actual value is between 6.2 million and 8.5 million). The survey data also indicated that about 23.4 percent of the slings in U.S. households were currently in use (an estimated 1.72 million slings, with 95 percent probability that the actual value is between about 1.17 million and 2.26 million).

IV. Incident Data

In the NPR briefing package, CPSC staff identified a total of 122 sling carrier-related incidents, including 16 fatalities and 54 injuries that reportedly occurred from January 2003 through October 27, 2013. Since the extraction of the data for the NPR briefing package, CPSC staff has received 37 new reports (1 fatal and 36 nonfatal) related to sling carriers, reported between October 28, 2013 and September 15, 2016. Although reporting is ongoing, most of the new reports of incidents received, thus far, show a date of occurrence in 2014. Among the incidents where the age of the victim was reported, the children were 10 months old or younger. Among these new reports of incidents:

- *Fatalities:* The new fatality incident occurred in 2013, when a 5-month-old was severely injured due to a lack of oxygen; the child passed away in 2015.
- *Nonfatal incidents:* Among the 36 new nonfatal incident reports related to sling carriers, 13 reported an injury to the infant or toddler while using the product. All of the injury victims were infants ranging in age from 1 month to 10 months. Among the 13 nonfatal injuries, one required hospitalization for a leg fracture following a fall. Another skull fracture injury was reported, but hospitalization was not mentioned. Other injuries not requiring hospitalization included closed-head injuries, contusions/abrasions, lacerations/scratches, and skin rash.

The number of emergency department-treated injuries associated with sling carriers for the period covered was insufficient to derive any reportable national estimates. Therefore, reportable injury estimates cannot be calculated.

There were no new hazard patterns identified among the 37 reports received by the CPSC since publication of the sling carrier NPR; the hazards identified in the 37 new incidents are consistent with the hazard patterns identified among the incidents present in the NPR briefing package. Those hazard patterns were:

- *Consumer comments:* Consumer concerns or observations about perceived safety hazards of a product, a product's noncompliance with standards, and/or contentions of unauthorized sale;
- *Caregiver missteps:* Instances where the caregiver slipped, tripped, or grabbed/dropped the child during placement into/removal out of the carrier;
- *Miscellaneous product-related issues:* Consumers complaints about unspecified product breakage, or the poor quality of the fabric, the ring(s), and/or the stitching used in the sling carrier;
- *Unspecified falls;*
- Problems with *positioning* the infant in the sling carrier; and
- *Problems with buckles:* Releasing, slipping, or breaking of buckles, thereby causing infants to fall or nearly fall.

V. Overview of ASTM 2907

The voluntary standard for sling carriers was first approved and published in 2012, as ASTM F2907–12, *Standard Consumer Safety Specification for Sling Carriers.* ASTM has revised the voluntary standard seven times since the initial publication. The current version, ASTM F2907–15, was approved on October 15, 2015, and published in November 2015. The NPR for sling carriers proposed incorporating ASTM F2907–14a by reference; however, ASTM has revised the voluntary standard twice since then. The revisions since the NPR are listed below.

- *ASTM F2907–14b:* This revision modified the occupant-retention test pass/fail criteria, increasing from 1 inch to 3 inches the amount the ring sling attachment system may slip while still passing the standard. This ballot was open at the time of the CPSC NPR, and the NPR requested comments on the issue. Six comments to the NPR agreed with the change ASTM had balloted and zero disagreed.
- *ASTM F2907–15:* Under this revision, the test torso for the occupant-retention test is clothed in a ''tight-fitting, thermal knit or waffle-weave, cotton or cotton/polyester undershirt or equivalent.'' Seven NPR comments requested a change to the NPR (which did not require any clothing on the test torso) to increase the friction characteristics of the test torso. This particular issue was brought to the subcommittee by test laboratories and small manufacturers after publication of the NPR.

VI. Response to Comments

A. Comment Overview

The NPR solicited information and comments concerning all aspects of the proposed rule. The NPR also specifically asked for comments regarding the proposed 12-month effective date, the changes that were under consideration by ASTM at the time of the NPR, and the costs of labeling. The Commission received 188 comments from 162 commenters. Twenty-seven commenters submitted two or more comments, while two comments were signed by multiple people. Staff divided the comments into 11 major topic areas, and summary responses follow. The 11 major topic areas are listed below:

- 12-month effective date;
- ASTM balloted item;
- Changes to test equipment;
- Consumer education;
- Consumer use, misuse, and user error;
- Durable product definition and wrap exemption requests;
- Economic burden;
- Existing rules: Product registration card and soft infant and toddler carriers (16 CFR 1126);
- Incident data;
- Instructions and labeling;
- Periodic testing: Costs, frequency, and necessity; and
- Miscellaneous other.

The full comments can be found on *regulations.gov.*

B. 12-Month Effective Date

Comment: Six comments discussed the proposed effective date for the rule. Of these, only one comment opposed the proposed 12-month effective date. The commenter who opposed the 12-month period stated the belief ''that smaller manufacturers can in fact move more quickly and can adapt to these changes as many were involved in the writing of the ASTM standard which is already published.'' The remaining comments, including those from the U.S. Small Business Administration's

Office of Advocacy, agreed that 12 months was appropriate for this product.

Response: Many of the commenters suggested that the testing requirements of the rule, which will not go into effect until the effective date of the rule, will result in a substantial economic burden to very small producers. This conclusion is supported by the analysis presented in the Final Regulatory Flexibility analysis (FRFA). Consistent with the Commission's proposal, the final rule provides a 12-month effective date, longer than the 6-month period the Commission usually provides for rules under section 104 of the CPSIA. The 12-month effective date will give needed time for some very small producers, which are frequently home-based and have limited experience dealing with regulatory processes. This will allow these producers additional time to learn how to comply with the testing and recordkeeping requirements, as well as spread out the testing costs over a longer period.

C. ASTM Balloted Item

Comment: Six commenters expressed support for the changes made to testing for ring slings published in ASTM F2907–14b, the version of the sling carrier standard published following CPSC's NPR, and which resulted from the ballot that was open at the time of the NPR. One commenter posed a question related to the change: ''If this recommendation is being made to allow slippage up to 3 on ring slings, then would that recommendation be made on wraps as well?''

Response: The Commission agrees with the comments favoring adopting the change. CPSC staff tested the revision in ASTM F2907, which was published as ASTM F2907–14b, and staff found that the increase from 1 inch to 3 inches did not decrease the stringency of the standard. The dual-ring lock mechanism on ring slings is unique to those products, and to maintain the strength of the dual-ring lock, the fabric must be under tension. During normal use, this tension is maintained from the weight of the child. During testing, the dual-ring lock is repeatedly exposed to tension, then release, as the test torso moves up and down. Due to the nature of the dual-ring lock, this allows the fabric to creep through the dual-ring lock. However, some fabric creep does not appear to compromise the overall ability of the sling to contain the child. The test still maintains the requirement that the dual-ring lock cannot completely release. Staff found that this fabric creep was unique to the dual-ring lock. Regarding wraps, there was generally little, if any, fabric creep; and in general, the testing only tightened the knots. Because some fabric creep is normal in a dual-ring lock but should not occur with other attachment mechanisms, staff concluded that the change published in ASTM F2907–14b did not affect the stringency. During ASTM task group discussions before balloting this revision, the task group discussed the question of other attachment mechanisms and concluded that the change should apply only to ring slings because of the unique dual-ring lock mechanism.

D. Changes to Test Equipment

Comment: Seven comments addressed the surface of the test torso. Two commenters asked to ''make the dummy less slippery and more accurate to real-life scenarios''; three commenters requested a fabric or fabric-covered test torso; and two commenters suggested changing the test torso pending the outcome of ASTM task group discussions.

Response: In June 2015, 8 months after the close of the NPR comment period, ASTM F15.21 balloted another change to the test methods. The proposal was to clothe the test torso in ''a tight-fitting, thermal knit or waffle-weave, cotton or cotton/polyester undershirt or equivalent.'' The ballot item passed and was approved by ASTM on October 15, 2015. CPSC staff repeated testing using the specified shirt and found no significant changes in the test results. Before this ballot item, the ASTM standard did not specify the surface material of the test torso. Thus, test torso surface materials varied among test labs, including wood, metal, and fiberglass. Although the ballot item rationale was based on mimicking real-life conditions in which the caregiver would be clothed when using the sling, CPSC staff expects that standardization of the test torso surface will also increase the repeatability and reliability of test results among test labs.

For these reasons, the Commission agrees with the comments and concludes that ASTM F2907–15 is the most appropriate version of the standard to codify as a final rule.

Comment: Two comments suggested using an anthropomorphic mannequin (i.e., a weighted doll with head, neck, arms and legs), instead of a sand bag during the occupant-retention test and a shot-filled bag during the dynamic test.

Response: Currently, only the restraint test, Section 7.6, uses an anthropomorphic mannequin, specifically the CAMI Infant dummy. For the occupant-retention and dynamic tests, test masses provide the flexibility to fit into a variety of slings, no matter the configuration of the sling. As discussed in the briefing package and public hearing accompanying the NPR, staff and the ASTM committee investigated using a more anthropomorphic mannequin and found that the readily available anthropomorphic mannequin used in many ASTM standards (*i.e.,* the CAMI mannequin) cannot accurately represent the manner in which a child sits in a sling. Developing a new mannequin that is flexible enough to fit into all types of slings would be time- and resource-intensive, without necessarily increasing the stringency or repeatability of the standard.

E. Consumer Education

Comment: Twenty-six comments expressed that education was all that was needed, instead of regulation or product testing. Sixteen comments discussed the critical role education plays in the safe use of sling carriers, and many of these comments identified education as a key component of preventing user error. Twelve additional comments made more general statements that the focus should be on education, or else they expressed a general sentiment supporting education. One specific commenter (−0137) supported consumer education, but felt ''this should be a discussion amongst creators and the safety groups. This should not just be a decision made by the CPSC . . .''

Response: The Commission agrees that educating caregivers who use sling carriers is extremely important. The Commission acknowledges that most sling carriers, and especially wrap carriers, require the caregiver to position the child and the fabric in ways that are both practical and safe, and that the skill needed to use a sling properly is not necessarily intuitive to many caregivers. The Commission also agrees that excellent instructions, training, and support are available from baby-wearing educators and other persons with experience and knowledge of the safe use of the product. However, section 104 of the CPSIA requires CPSC to: (1) Examine and assess voluntary safety standards for durable infant or toddler products, and to (2) promulgate mandatory consumer product safety standards that are ''substantially the same as'' the voluntary standards or more stringent than the voluntary standards if the Commission determines that more stringent standards would further reduce the risk of injury associated with these products. Therefore, an educational program,

alone, would not satisfy the direction in section 104. The Commission concludes that the requirements for the instructions and product labeling provide a framework that each manufacturer can tailor to the recommended-use positions for their specific slings. This will require that each sling includes the minimum information needed for proper use of the product and that the required on-product positioning label will follow the product throughout its lifecycle.

Comment: Seven commenters specifically mentioned the baby-wearing community (e.g., local baby-wearing groups, Facebook baby-wearing groups, or Babywearing International, a nonprofit organization whose mission is to promote baby-wearing education and support) as a resource available for new caregivers to learn about the use of sling carriers.

Response: The Commission agrees that the groups mentioned provide a valuable resource to promote the safe use of sling carriers and encourages the groups to continue their work. Staff urges members and groups to become involved with the ASTM International F15.21 subcommittee on sling carriers, which currently includes members representing sling manufacturers, sling industry groups, testing laboratories, and child-safety advocates. Through this voluntary standards consensus process, all voices can be heard in the effort to develop a robust voluntary standard, which forms the basis of the mandatory standards promulgated by CPSC under the Danny Keysar Child Product Safety Notification Act.

Comment: Ten commenters suggested a joint public educational campaign among the CPSC and manufacturers, industry groups, or the baby-wearing community. One comment suggested an educational campaign, but did not mention partnering. One comment specifically suggested that the Commission sponsor an educational campaign in conjunction with the final rule and that the informational campaign focus on ''specific risks that can only be addressed through proper usage and close attention to the infant'' (–0172).

Response: Although an educational campaign is outside the scope of the rule, a joint informational campaign may be an avenue to provide safety information to sling users.

Comment: Six commenters suggested standardizing and regulating education materials and packaging, with two commenters saying that such standardization and regulation of education materials should be the only requirement. One additional commenter expressed general support for ASTM requirements for instructional materials, and another commenter suggested requiring informational brochures.

Response: The rule incorporates by reference ASTM F2907–15; section 9 of ASTM F2907–15 requires instructions to be provided with each sling and for these instructions to include some standard content, including information on assembly, adjustment, restraint systems (if applicable), maintenance, cleaning, storage, and use. However, education alone does not address the hazards posed by material failures, such as ripped fabric and broken hardware, nor does an educational program require that all sling carriers be sold with instructions and on-product warning labels that will follow the product through its lifecycle. The rule, by referencing ASTM F2907–15, requires instructions to contain images of each manufacturer's recommended carrying position, all warnings that are required to be on the product, and additional safety-related instructions and information, such as the minimum and maximum weight of the child for which the sling is intended, the importance of checking for damaged seams and hardware, and the warning never to use the sling when balance or mobility is impaired.

F. Consumer Use, Misuse, and User Error

Comment: Seventy-one comments discussed consumer use or the role of user error in the reported incidents. Sixty-four comments made general statements asserting that injuries resulted from user error; five comments suggested that manufacturers were not responsible for misuse; and three comments discussed the benefits of using sling carriers. In addition, several commenters raised other issues related to consumer use or user error.

Response: CPSC agrees that many incidents suggest that caregiver behavior plays a vital role in the proper use of sling carriers. In addition, the Commission agrees that, due to the unique nature of sling carrier products, educating caregivers is the primary method to address user error. The Commission concludes that the warnings and instruction requirements are the best way, within CPSC's authority, to educate consumers. In addition, reasonably foreseeable misuse is one of the factors that CPSC must consider. The Commission encourages manufacturers to provide the best instructions and warnings to address foreseeable misuses of their products. For products where a design change could prevent a possible misuse, that is preferable; however, for sling carriers, education, including instructions and warnings, may be the best way to address certain foreseeable user errors. Finally, although it is difficult to quantify the benefits mentioned in these comments, the Commission appreciates the examples that commenters provided.

Comment: One commenter (–0185) suggested that the reclined position should not be a recommended-use position; another commenter (–0041) recommended not showing ''advanced carries'' in instructions, and instead, recommended having the instructions show ''an unsafe carry.''

Response: The ability to use a sling in the reclined position is one of the key factors differentiating soft infant and toddler carriers from sling carriers. The unstructured nature of many sling carriers suggests that it could be reasonable and foreseeable that caregivers will place a child in a position other than perfectly upright. The instructions and warnings are key to giving caregivers the information they need to position a child properly, including positions with a slight recline. In addition, the on-product label requirement in ASTM F2907–15 calls for examples of improper positioning.

G. ''Durable Product'' Definition and Wrap Exemption Requests

Comment: Numerous commenters requested that wraps be exempted from any new regulations on sling carriers. Eight commenters suggested that slings should not be considered durable products.

Response: The Commission considered the possibility of exempting wraps and other all-fabric carriers without load-bearing hardware or seams. However, exclusion of wraps would preclude any educational or labeling requirements for these products, along with third party testing requirements. A large number of commenters stressed the importance of educational materials, which CPSC considers to include instructions and warnings. In addition, the NPR included an analysis explaining why the Commission concluded that sling carriers, including wraps, are a type of infant carrier, a product specifically identified as a ''durable infant or toddler product'' in section 104(f)(2)(H) of the CPSIA. Specifically, the Commission considered the following factors in the initial determination:

- Age of children carried in sling carriers.
  - One reported incident victim was 3 years old, which demonstrates that

these products are used past the first year of life.

○ The voluntary standard (F2907) defines a ''sling carrier'' for use up to 35 pounds. Three-year-old children are likely to still be within this weight limit, and some 4- and 5-year-old children may be less than 35 pounds.

▪ Durability of sling carrier parts.

○ Although wraps and pouch slings are all-fabric products, ring slings, modifications of wraps and pouch slings, and other products that meet the definition of a ''sling carrier'' also contain parts that are considered durable from an engineering perspective and suggest that they were selected for long-term use. In addition, the test methods in ASTM F2907 combine to ensure that slings meet a minimum level of durability.

▪ Reuse of sling carriers.

○ Two incidents involved a hand-me-down sling carrier. One sling was reported to have been received from a relative, and the other sling carrier was reported to have been used for the infant's older sibling.

○ Preliminary data from CPSC's durable nursery product survey indicate that only 4 percent of respondents throw away used sling carriers; and 96 percent of respondents save the sling carrier for later use, sell the sling carrier, or give away the sling carrier. In addition, the CPSC's durable nursery products survey indicated that approximately one-fifth of sling carrier frequent users obtain their sling carrier second hand.

○ With 96 percent of survey respondents to CPSC's durable nursery products survey indicating that the sling carrier was saved or otherwise passed on to another caregiver, it is foreseeable that some sling carriers are likely to be used by more than one child. In addition, sling carriers appear to be bought and sold on resale markets.

▪ Recalls of sling carriers.

○ CPSC issued a recall in March 2008, regarding a certain sling carrier that was manufactured in March and April 2007. CPSC received reports of incidents involving sling carriers subject to the recall more than 5 years after the recall announcement.

○ CPSC issued a recall in March 2010, regarding a different sling carrier that was sold from 2003 to 2010. That recall was reissued as a safety alert 2 years later because the sling carriers subject to the recall were found in the marketplace.

No commenters provided data suggesting that slings, or specifically wraps, are not infant carriers, or are single-use/single-user products that are categorically used for short periods of time only, or are otherwise intended to have a very short lifespan. Therefore, the Commission concludes that wraps are infant carriers that meet the definition of ''durable nursery products'' under CPSIA section 104. Additional discussion of these issues is included in the FRFA.

H. Economic Burden

Comment: According to the SBA Office of Advocacy (Advocacy), ''the CPSC's assumptions [regarding] the number [of firms affected by the proposed rule] and impact [of the proposed rule] on affected small carrier manufacturers is based on inadequate data and analyses.'' According to Advocacy, the CPSC provides ''the public with some data on the sling carrier market, but it is an inadequate basis for the CPSC's analyses as described in the IRFA.'' Advocacy's comment concluded: ''Advocacy recommends the CPSC gather more information on small sling carrier manufacturer's market share as well as the number of accidents that can be attributed to them. If the CPSC is unable to obtain this information because of the uncertainty inherent in its analysis, Advocacy recommends the CPSC present a range of potential costs instead of one point estimate.''

Response: For the NPR, CPSC staff prepared an initial regulatory flexibility analysis (IRFA) examining the impact the NPR could have on small business. The IRFA identified 47 suppliers of slings to the U.S. market, but noted that there might be hundreds more suppliers that produce small quantities. For the FRFA, staff expanded the discussion of firms to include 324 firms identified by the BCIA, an industry trade association. According to the BCIA, about 250 of the 324 identified firms had total annual sales revenues of less than $10,000, and an additional 45 had revenues of greater than $10,000, but less than $50,000. These identified firms with revenues less than $50,000 annually were characterized in our analysis as ''very small firms.'' The expanded discussion in the FRFA includes: (1) Additional information on the characteristics of the firms, (2) estimates of annual industry-wide sales, (3) estimates of the numbers of slings in use, and (4) estimates of the market share of the very small firms.

The FRFA also includes an expanded discussion of sling injuries and injury rates, and what we know about the injuries involving slings produced by small and very small firms. This discussion is included in the section of the FRFA titled, ''Sling Injuries and Risk Estimates.''

Finally, the FRFA substantially expanded the discussion of the likely impacts of the rule on small and very small sling producers. Based largely on the information from the BCIA, as well as some information provided in the comments from Advocacy, staff developed four hypothetical ''representative'' producers: (1) A hand weaver, (2) a ring sling producer, (3) a machine weaver, and (4) a mass producer. For each of these producers, staff developed estimates of annual sales, average unit sales prices, and the number of style/fabric combinations likely to be produced by the firms, all of which will affect the estimated costs of the rule. For the very small representative firms (*i.e.,* the hand weaver and ring sling producer), the estimated annual testing costs that would be triggered by the rule amounted to about 16 percent to 36 percent of total revenues. For the machine weaver, the annual testing costs amounted to an estimated 2.4 percent to 4.7 percent of revenues. Only the mass producer (with annual revenues of about $2.7 million) had annual expected costs of less than 1 percent. The FRFA concludes that the final rule would have a significant adverse impact on a substantial number of small businesses and could cause numerous small producers to exit (or not to enter) the market. In addition, there may be significant additional impacts on small manufacturers, including the need to provide instructional materials. We cannot rule out the potential for compliance costs to be high enough that they could lead to significant economic impacts, especially for very small manufacturers.

Comment: Advocacy recommended that the CPSC expand and improve its discussion of alternatives that may reduce the costs of the rule on small businesses.

Response: As recommended, the FRFA substantially expanded the discussion of alternatives the Commission could choose that would reduce the impact of the rule on small businesses. These alternatives are discussed in detail in the FRFA (Tab D of the staff's briefing package) and under Analysis of Alternatives in this briefing memorandum. The options include:

▪ Determining that slings are not durable infant or toddler products and terminate rulemaking;

▪ Delaying the effective date of the requirements;

▪ Exempting wraps (a specific type of sling made entirely of fabric) from the requirements of standard;

▪ Allowing a small batch exemption for small manufacturers (this alternative

would require a change in a federal statute);

- Amending the existing CPSC regulation at 16 CFR part 1107 to reduce the frequency of periodic testing required for small or home-based sling producers; or
- Adopting ASTM F2907–15 with no changes, and directing staff to work with ASTM to address the staff-recommended change.

Comment: More than 100 of the 188 comments received in response to the NPR focused on the economic burden that the rule and testing requirements would impose on very small producers of slings. Some of these commenters said that they recognized the need for some product safety regulation for slings, but they also expressed concern about the impact of the rule on very small businesses. Many of the comments said that the costs resulting from the testing requirements would drive small producers out of business. Some of the commenters, who are very small sling producers, suggested that the rule would be cost prohibitive and would probably result in their exit from the sling market. Several users expressed concern that the proposed rule would reduce the availability of slings in the marketplace.

Response: The Commission agrees that the rule and associated testing requirements will pose a significant economic burden on many small producers and has discussed these possible impacts in the FRFA. The FRFA discussion of alternatives has been expanded to include additional alternatives that were not discussed in the IRFA and could reduce the negative impact of the rule on small businesses. Despite the expected impact, the Commission is promulgating the final rule for sling carriers in order to comply with Congressional direction regarding durable infant and toddler products and the Commission designation in the product registration card rule of infant carriers as such products. The Commission also believes that a mandatory standard is necessary despite the costs to small business because the standard would address mechanical or fabric failure hazards and impose warning and instruction requirements that would address suffocation hazards. The staff's briefing package notes that, of the six sling recalls since 2001, four involved small manufacturers, of which two may have been *very* small with sales revenue of less than $50,000 annually. One recall initiated after a death (a 10-day old-boy) appears to have involved a very small manufacturer. The recall was for 40 slings sold over an 8-month period, or five slings per month. Another recall, for a potentially hazardous defect in the stitching (fall hazard), involved 165 slings sold over a 4-month period, or 41 slings per month. A third recall involved defective aluminum rings, also a potential fall hazard, with 1,200 ring slings sold over a 9-month period, or about 133 slings per month. The largest recall involving a small business concerned 5,000 slings with defective rings sold over a 7-month period, roughly 700 per month. The remaining two recalls involved the same large firm. Additionally, staff's briefing package includes information regarding production test plans that could reduce the frequency of testing for manufacturers that implement a product test plan, which could reduce the testing costs.

Comment: Three commenters reported that information in the IRFA did not reflect the true number of small businesses that would be affected by the rule or the significant financial impact that would be imposed on small producers. These commenters provided additional information on the number and size of the very small producers and the likely financial impact of the rule.

Response: The Commission agrees that the discussion of the market and market impact of the sling proposed rule was not fully descriptive of the very small manufacturers in the marketplace or of the full economic burden that would be imposed by the rule. The information provided by the commenters was used to develop estimates of annual sales, average unit sales prices, and the number of style/fabric combinations likely to be produced by the firms; all of this information will affect the estimated testing costs of the rule. The information has been incorporated into the FRFA's description of the sling market and in the discussion of cost impacts on small and very small businesses.

I. Existing Rules: Product Registration Card and Soft Infant and Toddler Carriers (16 CFR Part 1126)

*Comment: Three commenters requested reconsideration of the product registration card requirement or specific aspects of it (e.g., ''*perforated* registration cards is silly in my opinion''). Three other commenters specifically mentioned that they agreed that the product registration card requirement was necessary to conduct product recalls. One commenter specifically suggested ''an online registration system so that the carrier's owner can be continuously updated.''*

Response: The requirements of the product registration rule (which are set out at 16 CFR part 1130) are outside the scope of this rulemaking on sling carriers. We note that the rule does provide for online registration; however, ''electronic/email registration does not replace the mandatory requirement stated in section 104(d)(1)(A) of the CPSIA that each manufacturer of a durable infant or toddler product must provide consumers with a postage-paid consumer registration form with each such product.''

J. Incident Data

Comment: Thirty-two commenters raised issues relating to incident data. In general, most of these comments expressed one or two opinions. First, a majority of the comments regarding incidents claim that most injuries and deaths cited in the NPR briefing package result from positioning errors and caregiver missteps. Second, many commenters claimed that no injury or death in the incident data presented was related to the issue of fabric strength.

Response: For the incidents in which sufficient information was available, caregiver missteps were often cited in the reports; however, there were many incidents with insufficient information. The lack of information is not evidence that product-related defects (for example, fabric weakness) were absent in the incidents.

Comment: A number of commenters suggested that the injuries are not ''the result of manufacturer defects'' (e.g., –0011) or not related to structural integrity (e.g., –0063, –0070).

Response: The Commission disagrees with this comment. Of the 54 injuries, nine were product-related (three buckle-related and six miscellaneous product-related) incidents. Of the 52 non-injury incidents, 12 were product-related (nine buckle-related and three miscellaneous product-related) incidents. An additional 25 reported incidents, including seven fatalities and 15 injuries (including two hospitalizations) under the *undetermined* or *unspecified* category, did not provide enough information for staff to make a determination on the cause(s) leading to the incident. This lack of information is not the same as conclusive evidence that no manufacturer issues were involved in these incidents. In addition, although voluntary recalls are not necessarily associated with findings of a defect, the NPR discussed three recalls between 2005 and 2007, for structural integrity issues, one associated with four injuries, including a skull fracture. Finally, the updated data provided in Tab A of the staff's briefing package discuss four new incident reports related to fabrics, rings, and stitching,

including a minor injury that occurred when fabric ripped.

Comment: Several comments (–0011) raised issues related to risk and relative risk of slings. One specific question was: ''How does the rate of injury/death for sling carriers compare to other modes of carrying children?'' In addition, comments (e.g., –0011, –0079) suggested that, compared to carrying a child in the caregiver's arms, the risk of carrying a child in a sling carrier was the same or lower.

Response: CPSC has not compared the rate of injury/death for sling carriers with the rates for similar modes of infant carriers. Such a comparative analysis is not relevant for the purposes of this rulemaking. The Commission does not state that sling carriers are more or less dangerous than other infant carriers, and regulation mandated under section 104 of the CPSIA does not require such a comparison.

Comment: ''[The] non-incident, non-injury comments helped to inflate the perceived danger of both sling carriers and SITCs.''

Response: For briefing packages on section 104 rules, staff reports on *all* relevant data reported to CPSC. Because the non-injury comments were not used as the basis for any new requirements for a standard, including them in the briefing package does not affect the issuance of a Section 104 rule.

Comment: Several commenters suggested that ''there was an overall lack of information associating injuries with specific makes and models of sling carriers,'' (–0011) or that all deaths were due to one type of carrier (e.g., ''deaths due to improper use (of what I would imagine were bag style slings) . . .'' –0087). One commenter's point, that several other commenters copied and included in their comments, also suggested that ''. . . bag style sling carriers are notoriously (anecdotally?) more dangerous than ring slings or woven wraps . . .'' and that staff should attempt to correlate data ''with a specific brand or general type of sling carrier.''

Response: CPSC staff intentionally omitted make and model information in the NPR briefing package because many of the products involved in incidents were not identifiable in that manner. Providing the information for only the known manufacturers would unfairly identify those entities. The purpose of the rulemaking is to encompass the product class, not specific makes and models of slings of which CPSC staff is aware. When staff observes a pattern of deaths or injuries involving ''a specific brand,'' that data is investigated by the CPSC's Office of Compliance. Regarding the request to correlate data with a general type of carrier, staff reviewed the 17 deaths reported in the two briefing packages associated with this rulemaking (16 in the NPR, plus one additional death noted in this final rule package) to identify the type of sling involved in each death. Six deaths were associated with bag-type slings, four with wrap or wrap-like slings, three with ring slings, and one with a pouch sling. There was not enough information to identify the sling type involving the three remaining deaths.

Comment: One comment (–0179) suggested that ''suffocation-related incidents are understated. In addition, the commenter suggested that staff ''mischaracterizes incidents . . .'' by categorizing some incidents as ''undetermined'' or ''unspecified cause,'' instead of identifying the incidents as involving positional asphyxia, and excluding SIDS cases on the basis that they are position-related incidents.

Response: The Commission disagrees. For each ruleamaking, CPSC staff, as a team, makes a deliberate decision on the most relevant period to gather data. Usually this period starts from when the latest major version of the relevant ASTM standard occurred. For sling carriers, the very first ASTM standard, F2907–12, was developed using CPSC data from 2003 forward. The NPR covered the period from 2003 forward. Moreover, consistent with other durable product briefing packages, certain incidents (*e.g.,* those with an official cause of death of SIDS, with no additional definitive information) were considered out-of-scope cases. In addition, the commenter cites sling-related data and analysis from CPSC from prior years. The data extraction criteria for those earlier years were different because the data were analyzed for a different purpose (*e.g.,* it may have been a search for *all* fatalities in sling carriers that have been reported to CPSC). The discrepancy is not an attempt to understate the dangers of suffocation associated with the use of sling carriers.

K. Instructions and Labeling

Comment: One commenter requested on-product labeling for products that are manufactured after the effective date, so that consumers can clearly identify products that meet the mandatory standard. An additional comment (–0172) requested that the product include a marking that clearly indicates that a compliant product meets the mandatory standard.

Response: The Commission is not making any changes to the proposed rule based on this comment because manufacturers are already allowed to label compliant products under section 14 of the CPSA and 16 CFR part 1107. In addition, section 8.1.3 of ASTM F2907–15 and the product registration card rule (16 CFR 1130.4) already include requirements that slings bear a code mark or other means to identify the date of manufacture. Additionally, manufacturers or importers may voluntarily label compliant products with the words: ''Meets CPSC Safety Requirements,'' under section 14 of the CPSA and 16 CFR part 1107. Thus, adding a requirement in the final rule for sling carrier manufacturers to mark their products would be redundant.

Comment: Nineteen comments generally discussed the effectiveness of warnings and instructions in addressing the hazards. The most common argument advanced by commenters is that, in the context of sling carriers, labeling, instructions, and similar approaches are superior to performance requirements or to the proposed material testing requirements because the hazards with slings result from user error, infant positioning, or similar behavioral issues. Some comments (e.g., –0043,–0063, –0095) assert that warnings and instructions are all that are needed or that warnings and instructions are the only requirements that are likely to avoid injuries. In contrast, one comment (–0179) argues that warnings are not likely to address the hazard effectively, as demonstrated by recent deaths, and that instructing consumers to ''check often'' is an unreasonable expectation.

Response: Improper infant positioning accounts for the majority of fatalities associated with these products. The Commission generally recommends designing the hazard out of a product or guarding the consumer from the hazard, rather than employing warnings, because a warning's effectiveness depends on persuading consumers to alter their behavior to avoid the hazard. Nevertheless, as discussed in the NPR briefing package, staff was unable to develop performance tests or requirements that could address the infant positioning hazard; and therefore, staff concluded that the ''last resort'' measure of warning about proper and improper infant positioning was the only feasible hazard-mitigation strategy (see Smith, 2014). Staff continues to believe that this is the only viable way of addressing the infant positioning hazard, short of a ban on slings. However, staff does not agree that warnings and instructions are all that is needed to address injuries with sling carriers. Consequently, the Commission

incorporates by reference ASTM F2907–15, which includes performance requirements that are intended to address hazards other than infant positioning.

Comment: Sixteen comments address the content of the warning label and instructions, generally in terms of consumer comprehension of the information. These include comments about the importance of the labels and instructions to be understood easily, clear, accurate, pertinent, and to include all necessary information, including information about what to avoid.

Response: The warnings and instructions must be accurate, comprehensive, and easy to understand, and the Commission believes that the requirements for sling carriers accomplish these goals. Staff worked extensively with the ASTM Subcommittee on Sling Carriers to improve the requirements for warnings and instructions from the original 2012 version of the voluntary standard to address more effectively the sling hazards that cannot be addressed by performance requirements. The current requirements for warning and instructional content adequately address key information about the nature of the hazards, the consequences of exposure to the hazards, and appropriate behaviors in which consumers can and should engage—or not engage—to avoid these hazards. Thus, no revisions to the content requirements are necessary.

Comment: Seven comments suggested specific items that should be included in the warnings. Specifically:

- *Two comments (–0016 & –0058) proposed warning against the use of slings with infants younger than a certain age (i.e., 4 months or 6 months).*
- *Two comments (–0031 & –0118) stated that the warning should include or highlight images of proper positioning, including the acronym TICKS.*
- *One comment (–0079) stated that consumers should be aware of the recommendation to check stitching and fabric for wear.*
- *Two comments (–0038 & –0041) argued that some companies currently include dangerous instructions or positioning information.*
- *One comment (–0172) stated that the current warning does not sufficiently describe the suddenness with which suffocation can occur and the need for constant mindfulness and monitoring. The comment also stated that the fall hazard is not described sufficiently.*

Response: The Commission agrees that the items proposed by the commenters should be included on sling warning labels and concludes that each item is already sufficiently addressed by the warning currently required in ASTM F2907–15. The warning label requirements in ASTM F2907–15, which are incorporated by reference into the final rule, address most issues pertaining to unsafe positioning, by specifying both proper and improper infant positioning in the warning and instructional language and in the warning pictogram.

Comment: One comment (–0179) states that the warning's direction to keep the ''face uncovered'' is weaker than previous warnings by CPSC, and does not address concerns that sling-type carriers can cause infants whose heads are below the rim of the sling to assume a curled posture.

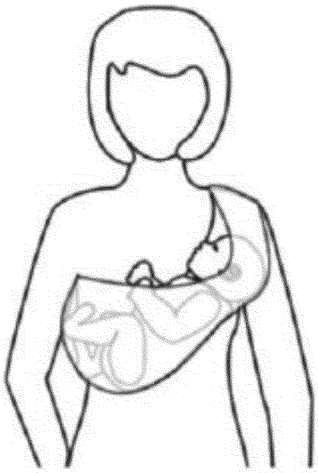

FIGURE 1. Portion of pictogram example from ASTM F2907 - 14a (Figure 5, referenced in Section 8.3.4).

Response: The Commission disagrees with the assertion that the directive to keep the face uncovered is weaker than an instruction to keep the head above the rim of the sling. CPSC staff and the ASTM Subcommittee considered a reference about keeping the baby's head above the rim of the sling, but concluded that consumers might have difficulty assessing when an infant's head would be considered ''above the rim.'' Furthermore, young infants may need head support when carried in a sling, and this would require the sling to pass around the back of the baby's head. This scenario is illustrated in Figure 1. Although this graphic, which appears in the ''example pictogram'' of the ASTM standard, is intended to show a proper position, consumers may consider the infant's head to be ''below the rim,'' and therefore, conclude incorrectly that such a position is improper. Given that the warnings already instruct consumers to make sure the infant's body does not curl into a chin-to-chest position, the Subcommittee and CPSC staff agree that warning language instructing consumers to make sure that the infant's face is uncovered and fully visible is sufficient to address the risk of positional asphyxia, and would minimize confusion.

Comment: Fifteen comments specifically discuss the size or length of the warning label and instructions. Many of the comments argued that smaller, shorter, or more ''concise'' labels and instructions are superior to larger or longer ones, but they provided no particular evidence or rationale to support their arguments. One comment (–0179) stated that manufacturers are producing ''unreasonably long'' instructions. Two comments (0003 & 0008) stated that large warning labels hurt the aesthetics of the product; and some comments simply expressed dislike of the idea of a ''huge'' label (e.g., —0070) or thought that some of the information in the label seemed ''a tad much'' (–0132). Two comments (–0025 & –0096) claimed that shorter labels and instructions are more effective because they are more likely to be read, understood, noticed, or followed. Two comments (–0019, –0057) argued that large labels are more likely to be removed by the consumer; and one of these comments (–0019) specifically identified ''free-hanging'' labels as labels that are likely to be accidentally torn or ripped off, intentionally cut off or removed, or rolled and sewn against a hem to keep it out of the way.

Response: Warnings generally should be physically large, but brief. However, a concise warning is unlikely to be effective if it does not convey all key information pertaining to the hazards—namely, a description of the nature of the hazard, consequences of exposure to the hazard, and how to avoid the hazard. Brevity is only one factor that must be considered by a warning designer, and CPSC staff worked with the ASTM Subcommittee to develop effective warning language that is comprehensive, yet reasonably concise. Staff recognizes that a large label may detract from the aesthetics of the product and that some consumers may feel compelled to remove such a label from the product. However, the alternative would be to create a warning that blends into the product or goes unnoticed by consumers, which would likely offer little-to-no safety benefit. Although the standard requires that warning labels be permanent, CPSC

agrees that so-called ''free-hanging'' labels—that is, labels that are affixed to the product at only one end of the label—are more likely to be torn or ripped off, or otherwise altered by the consumer, and that this would eliminate the potential safety benefit of the label. Additionally, the standard proposed in the NPR does not prohibit such labels or prevent manufacturers from affixing labels to the products in this way. Thus, the final rule includes a requirement that prevents label attachment along a single edge of the label.

The ASTM F2907–15 requirements that are most relevant to this issue are those pertaining to warning label permanency. Section 8.3 of ASTM F2907–15 states that warning labels shall be permanent, and section 5.7 specifies that warning label permanence is determined by testing in accordance with section 7.3, which includes requirements for labels attached with a seam. Section 5.7 includes two subsections that address permanency requirements for labels that are applied directly to the surface of the sling (5.7.1; *e.g.,* via hot stamping or heat transfer) and a requirement that non-paper labels shall not liberate small parts (5.7.2). The Commission concludes that the following additional subsection (which is included in the final rule) would appropriately address the ''free-hanging'' label issue:

''5.7.3 Warning labels that are attached to the fabric with seams shall remain in contact with the fabric around the entire perimeter of the label, when the sling is in all manufacturer-recommended use positions.''

On December 14, 2016, staff received a letter from the chair of the ASTM subcommittee indicating the group would be considering this requirement as quickly as possible.

Comment: Five comments addressed issues related to the medium through which the warnings and instructions are to be delivered to consumers. Some comments (–0003, –0095, –0172) suggested that the Internet (e.g., the manufacturer's Web site) should be used to communicate warning and instructional information. One of these (–0003) stated that this approach, combined with providing this information in materials that are supplied with the product, is sufficient, adding that warnings do not need to be on the product at all. Another one of these (–0172) specifically suggested requiring video instructions, available both online and on a CD from the manufacturer, and that the label should include a Web site address that refers the reader to online instructions. Another (–0058) suggested instructional DVDs and pamphlets as options. One comment (–0016) suggested that the instructions could be a ''simple printable card.''

Response: The Internet or other media, such as CDs or DVDs, can be a useful means of communicating safe baby-wearing information to consumers. However, the Commission believes it is preferable to communicate this information on the product itself, through warning labels, so that such information would be available to consumers throughout the product's full lifecycle, regardless of their access to these other media forms of information. Furthermore, the instructional requirements in ASTM F2907–15 do not specify the media form that the instructions must take; they only specify: ''Instructions shall be provided with the sling'' (Section 9.1). Thus, instructions may be provided in other than a traditional paper form. Because not all manufacturers maintain an online presence, the rule does not include a mandatory label that requires online instructions; however, there is nothing to prevent a manufacturer from including this information on their label.

Comment: Three comments (–0005, –0177, & –0188) stated that there should be a standard instruction manual or set of guidelines, perhaps ASTM-approved, for all manufacturers. One of these (–0005) seemed to suggest that the current standard already required this.

Response: Sling carriers vary substantially in design, and certain products offer an enormous degree of adjustability. ''Wraps,'' for example, are a type of sling that consists solely of a long length of material that must be tied or knotted, and these products can be wrapped and tied around the caregiver's body in myriad ways. Thus, the Commission does not believe that a standard, universal instruction manual could be developed and applied to all sling carriers. However, section 9 of ASTM F2907–15 (which the rule incorporates by reference) does require instructions to be provided with each sling and for these instructions to include some standard content, including information on assembly, adjustment, restraint systems (if applicable), maintenance, cleaning, storage, and use. The final rule also requires instructions to contain images of each manufacturer's recommended carrying position, all warnings that are required to be on the product, and additional safety-related instructions and information, such as the minimum and maximum weight of the child for which the sling is intended, the importance of checking for damaged seams and hardware, and a warning never to use the sling when balance or mobility is impaired.

Comment: One comment (–0175) stated that section 8.1.1 of ASTM F2907—15, for clarity and consistency, should match the corresponding requirement in ASTM F2236—14, Standard Consumer Safety Specification for Soft Infant and Toddler Carriers.

Response: CPSC agrees that consistency among the various juvenile product standards is beneficial to manufacturers and consumers. Staff has worked with the ASTM Ad Hoc Wording Task Group (Ad Hoc task group), consisting of members of the various subcommittees affected by the durable nursery products rules, whose stated mission is to develop uniform and consistent language to be applied to similar portions of various ASTM juvenile product standards. The Ad Hoc task group recently completed draft recommended language for portions of the ''Marking and Labeling'' section for ASTM juvenile product standards, and the final recommendations are now posted on the ASTM Web site for consideration by the individual subcommittees.

For uniformity, and to avoid confusion, CPSC staff ordinarily would recommend that the final rule include a provision that differs from section 8.1.1 of ASTM F2907–15 so that it is consistent with the Ad Hoc task group recommendation. However, the current voluntary standard includes a requirement that the product be marked with the Web site, if applicable. The analogous Ad Hoc task group requirement includes no such mandate. One possible resolution would be to use the Ad Hoc task group recommendation, but add the Web site as an additional required element. However, this change would result in a requirement whose content is identical to the current voluntary standard requirement. Given this finding and staff's belief that retaining the Web site marking requirement is important, staff did not recommend that the mandatory rule differ from this section of ASTM F2907. Staff believes that it would be more appropriate to refrain from incorporating the Ad Hoc task group recommendations until the ASTM subcommittee considers future revisions to the standard. The final rule follows this approach.

L. Periodic Testing: Costs, Frequency, and Necessity

Comment: Because of the large economic burden of the testing

requirements for low-volume producers, several commenters (e.g., –0099, –0177, –0166, –0178, –0175) suggested that the Commission consider a testing schedule based on production interval (e.g., every 500 slings), rather than on an annual timeline (e.g., every year). These commenters suggested that because of the low volumes of the very small producers, safety did not require annual testing.

Response: As described in the FRFA, small manufacturers that establish production testing plans, which need not be complicated, would be required to conduct periodic testing every 2 years, rather than every year. The FRFA also discusses other regulatory alternatives for Commission consideration that could further limit periodic testing for low-volume manufacturers, and that could substantially reduce periodic testing costs. One alternative discussed in the FRFA would require, for manufacturers *with established production testing plans,* would require third party periodic testing only after a certain number of units of a product had been produced, even if it meant that periodic third party tests would be conducted less often than every 2 years. However, although this regulatory alternative could substantially reduce the costs of periodic testing, it would require a modification in the testing and certification rule (16 CFR part 1107) before it could be implemented.

Comment: Three comments requested that the government provide financial assistance to small businesses to cover third party testing costs or for ''taxpayer-funded'' testing.

Response: Congress has not provided CPSC with the authority to conduct premarket testing or to provide government assistance for manufacturers' test programs.

Comment: Two comments suggested that small businesses should be allowed, as a group, to submit fabric for testing. This means that the group could ''submit a SINGLE testing piece for each category and have the approval apply to each business so that the cost of testing can be shared.'' (–0189)

Response: Commenters, such as the ones above, may be confusing the testing that would be required by ASTM F2907 with other CPSC testing requirements for children's products. In the case of lead and phthalates, component testing and certification are allowed. However, ASTM F2907 establishes performance test requirements for the product as a whole because it is more than a simple fabric strength test. Other factors that may contribute to a sling passing or failing the performance tests include: The size and shape of the sling, any hardware, and the instructions that accompany the sling (because the tests are ''per manufacturer instructions'').

Comment: One comment suggested ''pricing [the 3rd party testing] according to output would make sure out [sic] pieces follow regulations while keeping big and small manufacturers running.'' (–0149)

Response: The price charged by third party testing laboratories is not set or regulated by CPSC.

Comment: Eleven comments requested specific changes to the periodic testing requirements. Four commenters specifically requested testing bi-annually (e.g., ''allowing for testing every 2 years or only when there is a material change,'' noting: ''It's possible to tweak the testing requirements in ways that would not be overly onerous to small business owners (testing every other year, only when there is a change of materials, etc.)'')

Six commenters, including the four previous commenters, suggested testing should be required only when a material change occurs. One commenter requested testing every 3 years (''testing should be limited to a manufacturing level achieved by a large manufacturer, or every three years, whichever comes sooner.''); and four commenters suggested a period less frequent than annually, but with no specific timeframe suggested (e.g., ''Third party testing should not need to occur yearly''; ''require testing either every year OR every 500 wraps . . . ''; ''modifying the testing schedule so that testing does not need to be re-done annually for established manufacturers who don't have a material change in the supply chain'').

One commenter suggested bulk testing of fibers and woven fabric. One commenter suggested: ''basic licensure or proof of competency per manufacturer/weaver,'' in lieu of periodic testing. Two commenters stated that they were unsure what would constitute a material change.

Response: CPSC agrees that testing every other year (instead of annual testing) represents a potentially meaningful reduction in the burden of third party testing costs. Such an approach is already permitted under an existing CPSC regulation, if certain basic conditions are satisfied. Subpart C of 16 CFR part 1107 requires periodic testing of children's products, including the third party certification testing for durable nursery products. This testing must be conducted at a minimum of 1-, 2-, or 3-year intervals, depending upon whether the manufacturer has a periodic testing plan (1 year), a production testing plan (2 years), or plans to conduct continued testing using an accredited ISO/IEC 17025:2005 laboratory (3 years). Periodic testing is required even if no material changes have occurred in the children's product. Regarding the suggestion to conduct third party testing after a fixed production volume (*i.e.,* 500 units), third party testing is required on a 1-, 2-, or 3-year period, irrespective of the production volume.

The commenter suggesting bulk testing of fibers and woven fabric is referring to component part testing, which is allowed and described in 16 CFR part 1109, Conditions and Requirements for Relying on Component Part Testing or Certification, or Another Party's Finished Product Testing or Certification, to Meet Testing and Certification Requirements. Third party test results of bulk component material may be used for certification purposes for all products using the bulk material to which the tests apply.

Additionally, 16 CFR 1107.23 requires that the certification testing be repeated whenever the manufacturer makes a material change in the product. A material change is defined in 16 CFR 1107.2 as:

> '' . . . any change in the product's design, manufacturing process, or sourcing of component parts that a manufacturer exercising due care knows, or should know, could affect the product's ability to comply with the applicable rules, bans, standards, or regulations.''

As described in 16 C FR1107.21(c)(2), a production testing plan is a written plan describing actions taken by a manufacturer, other than third party testing, to help ensure continued compliance of a children's product. This written plan would include a description of the actions, (*e.g.,* incoming inspection of raw materials, first party testing, in-factory quality assurance/quality control (QA/QC) systems) that a manufacturer uses to control for potential variability in its production process that could affect the product's compliance. Although some testing is still required in a production testing plan, the test methods employed are not required to be CPSC-accepted test methods, nor must the testing be completed by a CPSC-accepted laboratory. 16 CFR 1107(a)(2). Additionally, 16 CFR part 1107 does not require manufacturers necessarily to use destructive tests and permits manufacturers to ''tailor'' the tests to the needs of the product. For commenters who specifically requested biannual testing, or who suggested testing yarns and fabrics, rather than whole products,

annually, the application of a production test plan is an option currently available provided they establish a production test plan that meets the requirements of 16 CFR part 1107(c)(2).

All product changes are not necessarily material changes. Only changes that a manufacturer, exercising due care, knows, or should know, could affect the product's ability to comply with the requirements are material changes. Therefore, for a hand weaver, this requirement may mean that a change in yarn alone is not necessarily a material change, unless the new yarn could affect the compliance of the finished product. For example, sourcing yarn from a different supplier is considered a material change because the hand weaver cannot assume that the new yarn has the same mechanical properties as previously used yarns. Furthermore, only the rules affected by a material change require third party testing. For example, if a hand weaver changes the color of a yarn, unless the coloring process affects the mechanical strength of the yarn, material change testing to ASTM F2907 section 7.1, Static Load Test, is not required.

Periodic testing frequency is determined outside this particular rule by 16 CFR part 1107, which is outside the current rulemaking effort.

Regarding the comment requesting ''basic licensure or proof of competency per manufacturer/weaver,'' this is not an option available to the Commission because it is not within the jurisdiction of the CPSC to conduct pre-market testing or certify manufacturers for any industry. Consequently, the final rule does not make such a change.

Comment: One commenter proposed, and several others referenced or quoted the comment, that CPSC should: ''Require specific recordkeeping. Manufacturers would need to keep a record of these compliant materials for review'' as a ''quicker [sic], less costly, and less destructive way to maintain compliance.''

Response: Record keeping related to the testing and certification of children's products is already required under 16 CFR 1107.26.

Comment: Eleven commenters requested that the Commission consider exemptions for certain types of fabrics or provide a guideline for fiber content, yarn weights, thread count, weave structures and fabric weights to be used for slings.

Specifically, one comment (CPSC–2014–0018–0070) stated: ''There are already weight standards in place that determine whether a textile shall be tested for flammability. This is because previous tests have determined that a fabric over a certain weight does not pose a flammability risk. I believe a similar standard could be determined to provide a guideline for what characteristics of cloth (sett, ppi, fiber content) make for a suitable textile to be used as an infant sling. Anything produced outside these tested and approved parameters could be tested to insure [sic] compliance with the standard.''

Response: Although the Standard for the Flammability of Clothing Textiles (16 CFR part 1610) provides exemptions from flammability testing for certain types of fabrics, such as ''plain surface fabrics, regardless of fiber content, weighing 2.6 ounces per square yard or more,'' the exemptions in 16 CFR part 1610 are based on years of test experience and data. CPSC staff tested approximately 40 slings, to date. However, at this time, these tests do not provide sufficient data to determine guidelines or exemptions regarding fabric integrity for the fabrics to be used for slings. CPSC could consider this issue in the future, when more test experience and sufficient data are gathered.

Comment: We received one comment regarding flammability testing. This comment (–0014) stated: ''I question the need for the flammability testing. None of the injuries or fatalities was related to fire. In any event, we are just talking about woven pieces of cloth here, no different than other, less regulated, fabrics used for ordinary clothing.''

Response: ASTM F2907–15 states:

(a) Flammability—There shall be no Class 2 or 3 fabrics used in the construction of a sling carrier when the product is evaluated against the requirements of 16 CFR part 1610.

The regulation at 16 CFR part 1610 is the standard that regulates clothing textile flammability, Standard for the Flammability of Clothing Textiles. Woven fabrics used for slings are in the same category of clothing textiles. Accordingly, they also need to pass the clothing flammability standard. Part 1610 provides exemptions for certain types of fabrics, and the majority of fabrics used for slings are heavier and of the type already exempted from flammability testing. Therefore, a sling that uses plain-surface fabric weighing 2.6 oz./sq. yard or more, or fabrics derived from any of the following fibers or created entirely from a combination of these fibers: Acrylic, modacrylic, nylon, olefin, polyester, and wool, will meet the requirements of the standard without flammability testing. Only products that are ''incapable of being evaluated to the requirements of 16 CFR 1610'' are required to undergo flammability tests under 16 CFR 1500.3(c)(6)(vi).

M. Miscellaneous Other

Comment: One comment questioned the estimate that staff determined under the Paperwork Reduction Act. The commenter stated: ''It may not be accurate to call the time and costs associated with preparing instructional literature usual and customary. To date baby sling manufacturers have not be [sic] required to supply instructional literature. Many BCIA Members provide BCIA babywearing safety information with their products in lieu of instructional literature, so it may be fair to say that this literature will need to be developed due to the implementation of this standard.''

Response: The rule requires manufacturers to provide instructional material. Sling manufacturers that already provide such information, estimated by the BCIA to be about one-third of the industry (about 135 manufacturers), may have to modify their existing instructions to make sure that the instructions have all the content required by ASTM. The additional effort would probably be modest, an estimated 5 hours, if estimates for revisions to instructions for other children's products are comparable. Using an hourly rate of $33.29 to calculate these costs, the total compensation for sales and office workers in private industry in goods-producing industries would amount to about $166 ($33.29 × 5) per firm.

The BCIA estimated that firms that had not previously prepared instructions would require 30 to 60 hours of labor, and/or paid consultants, as well. If the remaining 265 firms require 45 hours, on average, then the impact per-firm would be about $1,500 ($33.29 × 45). Thus, the cost could average $166 for firms that already provide the literature and $1,500 for those that do not. Once the literature has been created, it would not need to be modified, unless the manufacturer makes changes to a model that renders portions of the literature obsolete. However, the cost of subsequent modifications to the literature is likely to be less than the cost of its initial design.

Comment: Seven comments requested variations of a ban. Specifically:

- *Two comments requested a ban of all sling carriers;*
- *Four comments requested bans of certain types of sling carriers. Three of these mentioned ''bag style'' sling carriers), urging: ''[i]t would make the most sense to ban the manufacture of all*

bag slings (as in the type of sling involved in the Infantino recall) rather than punish those making perfectly safe wraps and ring slings with unnecessary regulation'' (–0085) and ''[a]pprove specific bans on dangerous types of carriers. As stated previously, bag style sling carriers are notoriously (anecdotally?) more dangerous than ring slings or woven wraps,'' (–0131).

▪ *One comments requested a ban on buckles used in sling carriers, specifically: ''[b]an buckles in this class of carrier, as well as the bag style slings.''(–0087).*

Response: Section 104 of CPSIA does not permit the Commission to ban products. In addition, although there was a recall related to deaths in one certain type of ''bag-style'' sling, this is not the only type of sling for which fatal incidents have been reported. Fatal incidents have also been reported in wrap and ring slings. Regarding the request specifically to ban buckles ''in this class of carriers,'' the test methods in the standard are designed to test any hardware for slings, including buckles. Some designs use buckles for adjustment, and the standard is designed to identify buckles that are not strong enough.

VII. Final Rule

A. Final Rule for Part 1228 and Incorporation by Reference

Section 1228.2(a) of the final rule provides that sling carriers must comply with ASTM F2907–15. The rule incorporates the ASTM standard by reference with one modification. The rule modifies the ASTM standard to address concerns about the ease with which required warning labels can be removed if attached by only one seam. The Commission determines that this modification to ASTM F2907–15 is more stringent than the voluntary standard and would further reduce the risk of injury associated with sling carriers.

The Office of the Federal Register (OFR) has regulations concerning incorporation by reference. 1 CFR part 51. These regulations require that, for a final rule, agencies must discuss in the preamble of the rule the way that the materials the agency incorporates by reference are reasonably available to interested persons and how interested parties can obtain the materials. In addition, the preamble of the rule must summarize the material. 1 CFR 51.5(b).

In accordance with the OFR's requirements, the discussion in this section summarizes the provisions of ASTM F2907–15. Interested persons may purchase a copy of ASTM F2907–15 from ASTM, either through ASTM's Web site, or by mail at the address provided in the rule. A copy of the standard may also be inspected at the CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, or at NARA, as discussed below. We note that the Commission and ASTM arranged for commenters to have ''read-only'' access to ASTM F2907–15 during the NPR's comment period.

ASTM F2907–15 contains requirements covering:

- Laundering;
- Hazardous sharp points or edges;
- Small parts;
- Lead in paint;
- Wood parts;
- Locking and latching mechanisms;
- Warning labelling;
- Openings;
- Scissoring, shearing, and pinching;
- Monofilament threads; and
- Flammability.

The standard additionally contains test methods that must be used to assess conformity with these requirements, as were discussed in detail in section IV.B.1. of the sling carrier NPR.

B. Amendment to 16 CFR part 1112 to Include NOR for Sling Carriers

The final rule amends part 1112 to add a new section 1112.15(b)(39), which lists 16 CFR part 1228, *Safety Consumer Safety Specification for Sling Carriers,* as a children's product safety rule, for which the Commission has issued an NOR. Section XIII of this preamble provides additional background information regarding certification of sling carriers and issuance of an NOR.

VIII. Effective Date

The Administrative Procedure Act (APA) generally requires that the effective date of a rule be at least 30 days after publication of the final rule. 5 U.S.C. 553(d). Without evidence to the contrary, CPSC generally considers 6 months to be sufficient time for suppliers to come into compliance with a new standard; and a 6-month effective date is typical for other CPSIA section 104 rules. Six months is also the period that JPMA typically allows for products in the JPMA certification program to transition to a new standard once that standard is published.

However, given the large number of very small suppliers who will potentially experience significant economic impacts, in addition to the lack of established history of compliance with the voluntary standard, the rule provides a 12-month effective date. The Commission proposed a 12-month effective date in the NPR, and received six comments on the proposed effective date; all but one agreed that 12 months was an appropriate effective date for this product. Notably, comments supporting the proposed 12-month effective date included comments from the SBA's Office of Advocacy.

The safety standard for sling carriers and the corresponding changes to part 1112 regarding requirements for third party conformity assessment bodies will become effective 12 months after publication of the final rule in the **Federal Register**.

IX. Regulatory Flexibility Act

A. Introduction

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, requires that agencies review a proposed rule and a final rule for the rule's potential economic impact on small entities, including small businesses, and identify alternatives that may reduce such impact. Section 604 of the RFA generally requires that agencies prepare a final regulatory flexibility analysis (FRFA) when promulgating final rules, unless the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The NPR included an initial regulatory flexibility analysis (IRFA), describing the possible impacts of the proposed rule on small entities. Specifically, the FRFA must contain:

▪ A statement of the need for, and objectives of, the rule.

▪ A statement of the significant issues raised by the public comments in response to the IRFA. A statement of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments.

▪ The response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments.

▪ A description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available.

▪ A description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of small entities necessary for preparation of the report or record.

▪ A description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes,

including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.

B. Reason for Agency Action and Legal Basis for the Final Rule

The Danny Keysar Child Product Safety Notification Act, section 104 of the CPSIA, requires the CPSC to promulgate mandatory standards for nursery products that are substantially the same as, or more stringent than, the voluntary standard. The Commission worked closely with ASTM to develop the new requirements and test procedures that have been incorporated into ASTM F2907–15, which the Commission incorporates by reference.

C. Compliance Requirements of the Rule

The Commission is incorporating by reference the current voluntary standard, with one modification regarding label attachment, to form the final rule. Some of the more significant requirements of the current voluntary standard for sling carriers (ASTM F2907–15) include static and dynamic load testing to check structural integrity of the sling carriers, and occupant-retention testing to check that the child is not ejected from the sling carrier. The standard requires that the buckles, fasteners, and knots that secure the sling carrier remain in position before and after these three performance tests. There is also a separate restraint-system test to help ensure that any restraints used by the sling do not release while in use.

The voluntary standard also includes requirements to address the following issues:

- Sharp points and edges,
- small parts,
- marking and labeling requirements,
- flammability requirements,
- requirements for the permanency and adhesion of labels, and
- requirements for instructional literature.

The rule requires warning labels with specific language in the warnings and specifications for the size and color of the labels. The updated warning statements are intended to provide additional details of the fall and suffocation hazards in an effort to address those hazards. The rule requires manufacturers to provide with their slings instructional literature containing additional warnings not required on labels; the rule does not specify the format of the instructions.

D. Other Federal Rules

CPSC has not identified any federal or state rule that either overlaps or conflicts with the final rule.

E. Impact on Small Businesses

In the NPR, CPSC reported that it had identified 47 suppliers of sling carriers to the U.S. market, including 33 companies based in the United States and 14 foreign companies that exported directly to the U.S. customers via Internet sales or sales to U.S. retailers. The 33 U.S.-based firms included 25 manufacturers, four importers, and four firms for which the supply source was not identified. The NPR also noted that ''there may be hundreds more suppliers that produce small quantities of slings.'' Since the NPR, information provided by the BCIA confirms the role of numerous small and very small artisanal manufacturers in the sling market. The BCIA has identified more than 324 U.S. manufacturers of slings, wraps, and pouches, including both members and non-members of BCIA. The firms identified by BCIA overlap only partially with the 47 suppliers identified by CPSC staff. The BCIA has also identified some additional hand weavers. Thus, the total number of manufacturers may be about 400.

Because SBA guidelines pertain to U.S.-based entities, this analysis is limited to domestic firms. Under SBA guidelines, a manufacturer of sling carriers is ''small'' if it has 500 or fewer employees; and importers and wholesalers are ''small'' if they have 100 or fewer employees. Based on these guidelines, all of the manufacturers, except one (with a large parent corporation), appear to be small businesses. These small businesses consist of approximately 400 U.S. based manufacturers and an unknown number of importers. In addition, there is a subset of these small businesses that we describe as ''very small businesses,'' which are manufacturers with a single person or a couple working out of the home, with annual revenues of less than $50,000. For analysis, we refer to these suppliers as ''very small manufacturers'' to distinguish them from the more established manufacturers; however, this is not an official SBA designation.

The Juvenile Products Manufacturers Association (JPMA) and the BCIA have offered assistance to member manufacturers on testing and compliance with the ASTM sling carrier standards. However, the ASTM F2907 sling carrier standards are relatively new, and therefore, there is no established history of conformance to the standard among manufacturers. An email from the head of the BCIA on October 27, 2015 confirms the irregular nature of conformance with various provisions of the F2907 standard.

As of October 2016, only one manufacturer is listed on the JPMA Web site as certified compliant. Some manufacturers claim to be ''CPSIA compliant,'' but that may refer only to requirements for lead, flammability, labeling, small parts, and sharp edges and not necessarily the ASTM standard. Based on our review of small firm Web sites, a conversation with a small ring sling manufacturer, and a draft magazine article by a small nursing wrap producer, we have identified three additional firms that have conducted testing to some version of the ASTM standard, for a total of four firms. If these four firms already comply fully with the ASTM standard, they should not need to make any additional product changes due to the rule.

For manufacturers that do not already conform, it is difficult to assess the cost impact of the physical changes required for compliance with the standard; this will vary with different product designs and materials. Some of the fabrics currently used in slings include cotton, linen, polyester, modal (a cellulosic-like rayon), silk, bamboo, and various blends of fibers. There are a variety of different designs, some patented. At least one firm has redesigned its products to be subject to the soft carrier standard, rather than the sling standard. Currently, the precise cost of product changes necessary to satisfy testing under the ASTM standard is unknown. Additionally, according to the SBA, stakeholders that contacted the SBA do not agree that the costs to meet the requirements of the ASTM standard will necessarily be minimal. Consequently, we cannot rule out the potential for costs associated with the physical changes to lead to significant economic impacts, especially for very small manufacturers.

In addition to complying with the mechanical requirements of the rule, under section 14 of the CPSA, sling carriers will be subject to third party testing and certification. Once the new requirements become effective, all manufacturers will be subject to the additional costs associated with third party testing and certification requirements under the testing rule, *Testing and Labeling Pertaining to Product Certification* (16 CFR part 1107). These costs will include any physical and mechanical tests required by the final rule. Lead and phthalates testing, if applicable, are already required; hence, lead and phthalates testing are not part of this analysis.

The majority of the costs associated with the rule will likely be related to testing. Few of the sling carrier manufacturers have the technical capability or the equipment in-house to conduct many of the tests required by the standard, especially the dynamic-load, occupant-retention, and restraint-system tests. Therefore, most small and very small manufacturers will likely have to rely on third party testing during product development and could incur significant testing costs by simply pre-testing to determine initially whether their products comply with the standard and then retesting their products if the designs have to be modified to comply.

According to a BCIA representative, third party testing to the ASTM sling carrier voluntary standard, under the requirements of the *Testing and Certification Rule,* could cost around $510–$1,050 per model sample. Third party testing costs consists of two parts: (1) The testing costs unique to F2907 associated with the dynamic-load test, the static-load test, the occupant-retention test, and the restraints test; and (2) the general testing costs associated with testing for flammability, small parts, sharp edges, instructions, and labels. The testing costs unique to sling carriers vary widely, from $210 to $650, depending on whether the testing is done in China or in the United States, and on whether a discount, such as those negotiated by the BCIA for its members, is applied. The general testing costs may amount to $300 to $400 per test. The very small firms that manufacture in the United States will likely also test in the United States to avoid logistical difficulties, thus incurring higher costs.

Because very small firms likely will have their products tested in the United States, their costs will be higher than the minimum testing cost of $510 per model sample. Therefore, we use a testing fee of $700 per sample to conduct our analysis of impacts. The $700 would cover all elements of the required testing, including flammability, small parts, sharp edges, instructions, and labels. However, the cumulative effect of the various physical tests, which will be done on a single sample in the order specified in the standard, will render the tested sling unsellable, which adds to the impact of the rule. One commenter estimated that there are 100 domestic hand weavers and 50 foreign hand weavers of slings. For hand-woven slings, for example, the hand weaver will lose the revenue from a $200 to $800 sling, due to the destructive nature of testing. The loss of revenue represents a direct cost of testing and must be considered when evaluating impacts.

Section 9 of ASTM F2907 requires instructions to be provided with each sling and for these instructions to include some standard content, including information on contacting the manufacturer, assembly, adjustment, restraint systems (if applicable), maintenance, cleaning, storage, and use. The final rule also requires instructions to contain images of each manufacturer's recommended carrying position, all warnings that are required to be on the product, and additional safety-related instructions and information, such as the minimum and maximum weight of the child for which the sling is intended, the importance of checking for damaged seams and hardware, and never using the sling when balance or mobility is impaired.

Sling carrier manufacturers that already provide such information, estimated by the BCIA to be at about one-third of the industry, or approximately 135 manufacturers, may have to modify their existing instructions to make sure the instructions have all the content required by ASTM. The additional effort would probably be modest, estimated at 5 hours, if estimates for revisions to instructions for other children's products are comparable. Using an hourly rate of $33.29 to calculate these costs, the total compensation for sales and office workers in private industry in goods-producing industries would amount to about $166 ($33.29 per hour × 5 hours) per firm.

The BCIA estimated that firms that had not previously prepared instructions would require 30 to 60 hours of labor, and possibly outside advice, as well. If the remaining 265 firms require 45 hours, on average, then the impact per firm would be about $1,500 ($33.29 per hour × 45 hours). Thus the cost could average $166 for firms that already provide the literature and $1,500 for those that do not. Once the literature has been created, it would not have to be modified, unless the manufacturer makes changes to a model that render portions of the literature obsolete. The cost of subsequent modifications to the literature is likely to be less than the cost of its initial design.

Based upon our analysis of data provided by the BCIA, the initial certification tests, the periodic tests (individually and in combination), and the cost of instructional material are likely to have a significant impact on all but mass producers of slings, and could cause numerous very small producers to exit the market. Similarly, small importers will also be subject to third party testing and certification requirements. Consequently, these importers will experience the associated costs of compliance. The resulting costs could have a significant impact on these small importers. Additionally, according to the SBA, stakeholders that contacted the SBA do not agree (as suggested in the initial regulatory flexibility analysis) that the costs to meet the requirements of the ASTM standard will necessarily be minimal. Accordingly, we conclude that the final rule will likely have a significant impact on a substantial number of small entities.

F. Alternatives

The Commission has considered several alternatives that may potentially reduce the impact of the final rule on small businesses. These alternatives are:

▪ *Adopting the voluntary standard without change and working with ASTM to improve durability/attachment of warning labels in a future revision of the voluntary standard.* This alternative could marginally reduce the impact of the rule on small businesses. Section 104 of the CPSIA requires that the Commission promulgate a standard that is either substantially the same as the voluntary standard, or more stringent if the Commission determines that a more stringent standard would further reduce injuries associated with the product. Therefore, adopting ASTM F2907–15, with no modifications, would be the least stringent rule allowable; however, the modification to the standard regarding label attachment would further reduce the risk of injury associated with sling carriers.

▪ *Delaying the effective date of the requirements beyond 12 months.* Typically, the Commission provides a 6-month effective date for durable nursery product rules. For this rule, the Commission proposed a 12-month effective date, and provides that period in the final rule. One alternative that could reduce the impact on small firms would be to set an effective date later than 12 months. Implementing a later effective date could mitigate the effects of the rule on small businesses by delaying the need to conduct third party certification tests and allowing the businesses to spread the costs of bringing their slings into conformance over a longer period. This alternative, however, would only delay, not alleviate the effects of the rule. Moreover, commenters generally favored the 12-month effective date.

▪ *Exempting wraps from the standard.* Although the testing conducted by Laboratory Sciences has

been very limited, laboratory staff found no wraps (*i.e.,* simple rectangular pieces of woven or knitted fabric) that fail tests for static- and dynamic-load testing, which check for structural integrity, nor did staff find any wraps that failed the tests for occupant retention, which are used to check that the child is not ejected from the sling carrier. No injuries involving wraps have been identified that involve structural fabric weaknesses. Given that improper infant positioning is the primary hazard associated with sling carriers and that this hazard is addressed in the rule exclusively through the use of warnings, staff concludes that excluding wraps from education, instruction, and labeling may be ill-advised.

▪ *Providing an exemption for small batch manufacturers from the testing requirements proposed under the rule,* if permissible, this approach would exempt from the rules testing requirements for the large number of very small businesses in the sling market. Under Section 14(d)(4)(C)(ii) of the CPSA, however, the Commission cannot ''provide any alternative requirements or exemption'' from third party testing for ''durable infant or toddler products,'' as defined in section 104(f) of the Consumer Product Safety Improvement Act of 2008.

▪ *Amending 16 part 1107 to reduce the frequency of periodic testing for small or home based sling producers.* Currently, under the requirements of 16 CFR 1107.21, small home-based businesses that produce sling carriers must conduct *periodic* third party tests every year, or, if they have a formal production testing plan, every two years. The testing costs associated with third party *periodic* testing could be substantially reduced if the Commission amended existing regulations to allow small home based sling producers to conduct periodic testing less frequently. The details of this option that the Commission could consider at a later date would need to be determined by the Commission separately; it might apply to all nursery products, or it might be limited to sling carriers. However, all home-based firms would still be required to: (1) Produce conforming products; (2) conduct the initial certification tests (16 CFR 1107.20); (3) re-certify whenever there is a material change to the product (16 CFR 1107.23); and (4) implement a production testing plan and conduct on going production tests (16 CFR 1107.21(c)). This is not an alternative to the rule, but a possible additional action.

▪ *Determining that Slings are not Durable Products.* The Commission could determine that sling carriers, or some subset of sling carriers such as wraps, do not constitute a durable infant or toddler product. The definition of what constitutes a durable product, and the degree to which empirical and anecdotal evidence on sling carriers conforms to these definitions was discussed in the 2014 NPR briefing package. Because the Commission has previously issued a regulation defining ''durable infant or toddler product'' to include sling carriers, this alternative would require additional Commission regulatory action. Under this alternative, while there would be no mandatory standard, the voluntary standard would still exist and enforcement actions, such as recalls under Section 15 of the CPSA, would still be available. Notwithstanding, for the reasons stated in the 2014 NPR briefing package and reiterated herein, because the Commission has previously issued a regulation defining ''durable infant or toddler product'' to include ''infant slings,'' and staff conducted a lengthy analysis at the notice of proposed rulemaking staged which concluded that sling carriers are durable infant carriers, the Commission believes that not regulating would not meet the requirements under Section 104 to promulgate a standard that is substantially the same or more stringent than the current voluntary standard.

X. Environmental Considerations

The Commission's regulations address whether the agency is required to prepare an environmental assessment or an environmental impact statement. Under these regulations, a rule that has ''little or no potential for affecting the human environment,'' is categorically exempt from this requirement. 16 CFR 1021.5(c)(1). The final rule falls within the categorical exemption.

XI. Paperwork Reduction Act

This rule contains information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The preamble to the proposed rule discussed the information collection burden of the proposed rule and specifically requested comments on our estimates. Sections 8 and 9 of ASTM F2907–15 contain requirements for marking, labeling, and instruction literature. These requirements fall within the definition of ''collection of information,'' as defined in 44 U.S.C. 3502(3).

The Commission received one comment on regarding the information collection of this rule, discussed in section VI.M of this document.

OMB has not yet assigned a control number to this information collection. We will publish a notice in the **Federal Register** providing the number when we receive approval from OMB. This final rule makes modifications regarding the information collection burden because the number of estimated suppliers subject to the information collection burden has increased since publication of the NPR. Accordingly, the estimated burden of this collection of information is modified as follows:

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN

16 CFR section	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total burden hours
1228	400	3	1,200	11.5	13,800

XII. Preemption

Section 26(a) of the CPSA provides that when a consumer product safety standard is in effect and applies to a risk of injury associated with a consumer product, no state (or political subdivision) may establish or continue a provision of a standard or regulation that prescribes requirements for the performance, composition, contents, design, finish, construction, packaging, or labeling of the product dealing with the same risk of injury, unless the state requirement is identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to the Commission for an exemption from this preemption under certain circumstances. Section 104(b) of the CPSIA refers to the rules to be issued under that section as ''consumer product safety rules.'' Therefore, the preemption provision of section 26(a) of the CPSA would apply to a rule issued under section 104.

XIII. Amendment to 16 CFR Part 1112 To Include Notice of Requirements (NOR) for Sling Carriers

Section 14(a) of the CPSA imposes the requirement that products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard, or regulation under any other Act enforced by the Commission, must be certified as complying with all applicable CPSC-enforced requirements. 15 U.S.C. 2063(a). Section 14(a)(2) of the CPSA requires that certification of children's products subject to a children's product safety rule be based on testing conducted by a CPSC-accepted, third party conformity assessment body. Section 14(a)(3) of the CPSA requires the Commission to publish a NOR for the accreditation of third party conformity assessment bodies (or laboratories) to assess conformity with a children's product safety rule to which a children's product is subject. The *Standard Consumer Safety Specification for Sling Carriers,* to be codified at 16 CFR 1228, is a children's product safety rule that requires the issuance of an NOR.

The Commission published a final rule, *Requirements Pertaining to Third-Party Conformity Assessment Bodies,* 78 FR 15836 (March 12, 2013), which is codified at 16 CFR part 1112 (referred to here as part 1112). This rule became effective on June 10, 2013. Part 1112 establishes requirements for accreditation of third-party conformity assessment bodies (or laboratories) to test for conformance with a children's product safety rule in accordance with section 14(a)(2) of the CPSA. Part 1112 also codifies a list of all of the NORs that the CPSC had published at the time part 1112 was issued. All NORs issued after the Commission published part 1112, such as the standard for sling carriers, require the Commission to amend part 1112. Accordingly, the Commission is now amending part 1112 to include the standard for sling carriers in the list of other children's product safety rules for which the CPSC has issued NORs.

Laboratories applying for acceptance as a CPSC-accepted third-party conformity assessment body to test to the new standard for sling carriers would be required to meet the third-party conformity assessment body accreditation requirements in 16 CFR part 1112, *Requirements Pertaining to Third-Party Conformity Assessment Bodies.* When a laboratory meets the requirements as a CPSC-accepted third-party conformity assessment body, the laboratory can apply to the CPSC to have 16 CFR part 1228, *Standard Consumer Safety Specification for Sling Carriers,* included in its scope of accreditation of CPSC safety rules listed for the laboratory on the CPSC Web site at: *www.cpsc.gov/labsearch.*

As required by the RFA, staff conducted a FRFA when the Commission issued the part 1112 rule (78 FR 15836, 15855–58). Briefly, the FRFA concluded that the accreditation requirements would not have a significant adverse impact on a substantial number of small test laboratories because no requirements were imposed on test laboratories that did not intend to provide third-party testing services. The only test laboratories that were expected to provide such services were those that anticipated receiving sufficient revenue from the mandated testing to justify accepting the requirements as a business decision. Moreover, a test laboratory would only choose to provide such services if it anticipated receiving revenues sufficient to cover the costs of the requirements.

Based on similar reasoning, amending 16 CFR part 1112 to include the NOR for the sling carriers standard will not have a significant adverse impact on small test laboratories. Moreover, based upon the number of test laboratories in the United States that have applied for CPSC acceptance of accreditation to test for conformance to other mandatory juvenile product standards, we expect that only a few test laboratories will seek CPSC acceptance of their accreditation to test for conformance with the sling carrier standard. Most of these test laboratories will have already been accredited to test for conformity to other mandatory juvenile product standards, and the only costs to them would be the cost of adding the sling carrier standard to their scope of accreditation. For these reasons, the Commission certifies that the NOR amending 16 CFR part 1112 to include the sling carriers standard will not have a significant impact on a substantial number of small entities.

List of Subjects

16 CFR Part 1112

Administrative practice and procedure, Audit, Consumer protection, Reporting and recordkeeping requirements, Third-party conformity assessment body.

16 CFR Part 1228

Consumer protection, Imports, Incorporation by reference, Infants and children, Labeling, Law enforcement, and Toys.

For the reasons discussed in the preamble, the Commission amends Title 16 of the Code of Federal Regulations as follows:

PART 1112—REQUIREMENTS PERTAINING TO THIRD PARTY CONFORMITY ASSESSMENT BODIES

■ 1. The authority citation for part 1112 continues to read as follows:

Authority: 15 U.S.C. 2063; Pub. L. 110–314, section 3, 122 Stat. 3016, 3017 (2008).

■ 2. Amend § 1112.15 by adding paragraph (b)(39) to read as follows:

§ 1112.15 When can a third party conformity assessment body apply for CPSC acceptance for a particular CPSC rule and/or test method?

* * * * *

(b) * * *

(39) 16 CFR part 1228, Safety Standard for Sling Carriers.

* * * * *

■ 3. Add part 1228 to read, as follows:

PART 1228—SAFETY STANDARD FOR SLING CARRIERS

Sec.
1228.1 Scope.
1228.2 Requirements for sling carriers.

Authority: The Consumer Product Safety Improvement Act of 2008, Pub. L. 110–314, § 104, 122 Stat. 3016 (August 14, 2008); Pub. L. 112–28, 125 Stat. 273 (August 12, 2011).

§ 1228.1 Scope.

This part establishes a consumer product safety standard for sling carriers.

§ 1228.2 Requirements for sling carriers.

(a) Except as provided in paragraph (b) of this section, each sling carrier must comply with all applicable provisions of ASTM F2907–15, Standard Consumer Safety Specification for Sling Carriers, approved on October 15, 2015. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from ASTM International, 100 Bar Harbor Drive, P.O. Box 0700, West Conshohocken, PA 19428; *http://www.astm.org/cpsc.htm.* You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federalregulations/ibr_locations.html.*

(b) In addition to complying with section 5.7.2 of ASTM F2907–15, comply with the following:

(1) 5.7.3 Warning labels that are attached to the fabric with seams shall remain in contact with the fabric around the entire perimeter of the label, when the sling is in all manufacturer recommended use positions.

(2) [Reserved]

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2017–01285 Filed 1–27–17; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1300, 1301, 1302, 1303, 1304, 1308, 1309, 1310, 1312, 1313, 1314, 1315, 1316, and 1321

[Docket No. DEA–403]

RIN 1117–AB41

Revision of Import and Export Requirements for Controlled Substances, Listed Chemicals, and Tableting and Encapsulating Machines, Including Changes To Implement the International Trade Data System (ITDS); Revision of Reporting Requirements for Domestic Transactions in Listed Chemicals and Tableting and Encapsulating Machines; and Technical Amendments

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule; delay of effective date.

SUMMARY: On December 30, 2016, the Drug Enforcement Administration published a final rule to implement requirements associated with the International Trade Data System (ITDS) that will help streamline the export/import of tableting and encapsulating machines, controlled substances, and listed chemicals. That rule is scheduled to become effective January 30, 2017. In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' this action hereby temporarily delays until March 21, 2017, the effective date of the final rule entitled ''Revision of Import and Export Requirements for Controlled Substances, Listed Chemicals, and Tableting and Encapsulating Machines, Including Changes to Implement the International Trade Data System (ITDS); Revision of Reporting Requirements for Domestic Transactions in Listed Chemicals and Tableting and Encapsulating Machines; and Technical Amendments'' (RIN 1117–AB41) published in the **Federal Register** on December 30, 2016, at 81 FR 96992. The temporary delay in the effective date will allow Department of Justice officials an opportunity to review any potential questions of fact, law and policy raised by this regulation, consistent with the Chief of Staff's memorandum of January 20, 2017.

DATES: *Effective Dates:* This Final Rule is effective January 30, 2017. The effective date of the Final Rule amending 21 CFR parts 1300, 1301, 1302, 1303, 1304, 1308, 1309, 1310, 1312, 1313, 1314, 1315, 1316, and 1321 published in the **Federal Register** December 30, 2016, at 81 FR 96992 is delayed to March 21, 2017. However, compliance with the revisions to DEA regulations made by this rule is not required until July 31, 2017.

FOR FURTHER INFORMATION CONTACT: Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION: The Drug Enforcement Administration (DEA) is updating its regulations for the import and export of tableting and encapsulating machines, controlled substances, and listed chemicals, and its regulations relating to reports required for domestic transactions in listed chemicals, gamma-hydroxybutyric acid, and tableting and encapsulating machines. In accordance with Executive Order 13563, the DEA has reviewed its import and export regulations and reporting requirements for domestic transactions in listed chemicals (and gamma-hydroxybutyric acid) and tableting and encapsulating machines, and evaluated them for clarity, consistency, continued accuracy, and effectiveness. The amendments clarify certain policies and reflect current procedures and technological advancements. The amendments also allow for the implementation, as applicable to tableting and encapsulating machines, controlled substances, and listed chemicals, of the President's Executive Order 13659 on streamlining the export/import process and requiring the government-wide utilization of the International Trade Data System (ITDS). This rule additionally contains amendments that implement recent changes to the Controlled Substances Import and Export Act for reexportation of controlled substances among members of the European Economic Area made by the Improving Regulatory Transparency for New Medical Therapies Act. The rule also includes additional substantive and technical and stylistic amendments.

On July 15, 2016, the DEA published a general notice in the **Federal Register** announcing, in coordination with U.S. Customs and Border Protection (CBP), a pilot test of the ITDS involving the electronic submission of data related to the importation and exportation of controlled substances and listed chemicals. (81 FR 46058). The pilot program is testing the electronic transmission through CBP's ACE system, of data, forms and documents required by the DEA using the Partner Government Agency (PGA) Message Set and the Document Image System (DIS). The data, forms, and documents are transmitted for review by the DEA. The PGA Message Set and DIS enable importers, exporters, and brokers to electronically transmit data required by the DEA directly through ACE; this electronic process replaces certain paper-based processes that are used outside of the pilot program. The test commenced on August 1, 2016, and will continue until publication of a notice in the **Federal Register**. Any party seeking to participate in the test was instructed to contact their CBP client representative. The pilot program will be concluded as of the effective date of the final rule. At that time, all importers, exporters, and brokers will be able to use ACE to electronically file required data and documentation associated with the importation and exportation of controlled substances and listed chemicals.

The DEA's implementation of this action without opportunity for public comment is based on the good cause exceptions in 5 U.S.C. 553(b)(B) because seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary delay in the effective date will allow Department of Justice officials an opportunity to review any potential questions of fact, law and policy raised by this regulation, consistent with the Chief of Staff's memorandum of January 20, 2017. Given the imminence of the rule's effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. For the foregoing reasons, the good cause exceptions in 5 U.S.C. 553(d)(3) also apply to DEA's decision to make today's action effective immediately.

In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review'' this action hereby temporarily delays until March 21, 2017, the effective date of the final rule entitled ''Revision of Import and Export Requirements for Controlled Substances, Listed Chemicals, and Tableting and Encapsulating Machines, Including Changes to Implement the International Trade Data System (ITDS); Revision of Reporting Requirements for Domestic Transactions in Listed Chemicals and Tableting and Encapsulating Machines; and Technical Amendments'' (RIN 1117–AB41) published in the **Federal Register** on December 30, 2016, at 81 FR 96992.

Dated: January 25, 2017.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2017–01976 Filed 1–27–17; 8:45 am]

BILLING CODE 4410–09–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3020

[Docket Nos. MC2010–21 and CP2010–36]

Update to Competitive Product List

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

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

DATES: *Effective Date:* January 30, 2017.

Applicability Dates: October 4, 2016, Priority Mail Contract 240 (MC2016–201 and CP2016–290); October 4, 2016, Priority Mail Contract 242 (MC2016–203 and CP2016–292); October 4, 2016, Priority Mail Express & Priority Mail Contract 35 (MC2016–205 and CP2016–294); October 4, 2016, Priority Mail Contract 241 (MC2016–202 and CP2016–291); October 4, 2016, Priority Mail Contract 243 (MC2016–204 and CP2016–293); October 5, 2016, First-Class Package Service Contract 64 (MC2016–206 and CP2016–295); October 6, 2016, Priority Mail & First-Class Package Service Contract 32 (MC2016–209 and CP2016–298); October 6, 2016, Priority Mail & First-Class Package Service Contract 33 (MC2016–210 and CP2016–299); October 6, 2016, Priority Mail Express & Priority Mail Contract 36 (MC2016–207 and CP2016–296); October 12, 2016, Priority Mail & First-Class Package Service Contract 34 (MC2016–211 and CP2016–300); October 12, 2016, Priority Mail Contract 244 (MC2016–212 and CP2016–301); October 17, 2016, Priority Mail Contract 245 (MC2017–1 and CP2017–1); October 17, 2016, Priority Mail Contract 246 (MC2017–2 and CP2017–2); October 17, 2016, Priority Mail Contract 247 (MC2017–3 and CP2017–3); October 17, 2016, Priority Mail Express, Priority Mail & First-Class Package Service Contract 11 (MC2017–4 and CP2017–4); October 25, 2016, Priority Mail Express & Priority Mail Contract 37 (MC2017–6 and CP2017–12); October 25, 2016, Priority Mail Contract 248 (MC2017–5 and CP2017–11); October 27, 2016, Parcel Select Contract 17 (MC2016–200 and CP2016–284); November 3, 2016, Priority Mail Contract 252 (MC2017–10 and CP2017–25); November 3, 2016, Priority Mail Contract 253 (MC2017–11 and CP2017–26); November 3, 2016, Priority Mail Contract 249 (MC2017–7 and CP2017–22); November 3, 2016, Priority Mail Contract 251 (MC2017–9 and CP2017–24); November 3, 2016, Priority Mail Express Contract 43 (MC2017–12 and CP2017–27); November 3, 2016, Priority Mail Contract 250 (MC2017–8 and CP2017–23); November 4, 2016, Priority Mail & Parcel Select Contract 2 (MC2017–13 and CP2017–29); November 7, 2016, Priority Mail Express Contract 42 (MC2016–208 and CP2016–297); November 15, 2016, First-Class Package Service Contract 65 (MC2017–14 and CP2017–30); November 15, 2016, Priority Mail Contract 255 (MC2017–16 and CP2017–32); November 15, 2016, Priority Mail Contract 254 (MC2017–15 and CP2017–31); November 23, 2016, Priority Mail Contract 256 (MC2017–17 and CP2017–36); November 23, 2016, First-Class Package Service Contract 66 (MC2017–20 and CP2017–39); November 23, 2016, Priority Mail Contract 258 (MC2017–19 and CP2017–38); November 28, 2016, Priority Mail Express, Priority Mail & First-Class Package Service Contract 12 (MC2017–21 and CP2017–41); November 29, 2016, Priority Mail Contract 257 (MC2017–18 and CP2017–37); December 5, 2016, Priority Mail & First-Class Package Service Contract 35 (MC2017–23 and CP2017–43); December 5, 2016, Priority Mail & First-Class Package Service Contract 36 (MC2017–24 and CP2017–44); December 5, 2016, Priority Mail & First-Class Package Service Contract 37 (MC2017–25 and CP2017–45); December 5, 2016, Priority Mail Express, Priority Mail & First-Class Package Service Contract 13 (MC2017–22 and CP2017–42); December 13, 2016, Priority Mail Contract 261 (MC2017–28 and CP2017–53); December 13, 2016, Priority Mail Contract 259 (MC2017–26 and CP2017–51); December 13, 2016, Priority Mail Contract 260 (MC2017–27 and CP2017–52); December 14, 2016, Priority Mail Contract 262 (MC2017–29 and CP2017–54); December 14, 2016, Priority Mail Contract 264 (MC2017–31 and CP2017–56); December 14, 2016, Priority Mail Contract 263 (MC2017–30 and CP2017–55); December 14, 2016, Priority Mail Contract 265 (MC2017–32 and CP2017–57); December 15, 2016, Priority Mail Express, Priority Mail & First-Class Package Service Contract 14 (MC2017–33 and CP2017–58); December 15, 2016, First-Class Package Service Contract 67 (MC2017–34 and CP2017–59); December 20, 2016, Priority Mail & First-Class Package Service Contract 38 (MC2017–35 and CP2017–60); December 20, 2016, Priority Mail & First-Class Package Service Contract 39 (MC2017–36 and CP2017–61); December 20, 2016, Priority Mail & First-Class Package Service Contract 40 (MC2017–37 and CP2017–62); December 20, 2016, Priority Mail Express & Priority Mail Contract 38 (MC2017–38 and CP2017–63); December 22, 2016, First-Class Package Service Contract 69 (MC2017–40 and CP2017–65); December 22, 2016, Priority Mail Contract 268 (MC2017–43 and CP2017–68); December 22, 2016, Priority Mail Contract 266 (MC2017–41 and CP2017–66); December 22, 2016, Priority Mail Contract 267 (MC2017–42 and CP2017–67); December 22, 2016, First-Class Package Service Contract 68 (MC2017–39 and CP2017–64); December 22, 2016, Priority Mail Contract 269 (MC2017–44 and CP2017–69); December 22, 2016, Priority Mail Contract 270 (MC2017–45 and CP2017–71); December 22, 2016, Priority Mail Contract 271 (MC2017–46 and CP2017–72); December 23, 2016, Priority Mail Contract 272 (MC2017–47 and CP2017–73); December 23, 2016, Priority Mail & First-Class Package Service Contract 41 (MC2017–48 and CP2017–74); December 23, 2016, Priority Mail Express Contract 44 (MC2017–49 and CP2017–75); December 23, 2016, Priority Mail Contract 273 (MC2017–50 and CP2017–76); December 27, 2016, Priority Mail Contract 274 (MC2017–51 and CP2017–77); December 27, 2016, Priority Mail Contract 275 (MC2017–52 and CP2017–78); December 27, 2016, Priority Mail & First-Class Package Service Contract 42 (MC2017–56 and CP2017–82); December 27, 2016, Priority Mail Contract 277 (MC2017–54

and CP2017–80); December 27, 2016, First-Class Package Service Contract 70 (MC2017–55 and CP2017–81); December 28, 2016, Priority Mail Contract 278 (MC2017–57 and CP2017–83); December 30, 2016, Priority Mail Contract 276 (MC2017–53 and CP2017–79).

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

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

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

Changes. The competitive product list is being updated by publishing a replacement in its entirety of 39 CFR Appendix B to Subpart A of Part 3020—Competitive Product List. The following products are being added, removed, or moved within the competitive product list:

1. Priority Mail Contract 240 (MC2016–201 and CP2016–290) (Order No. 3548), added October 4, 2016.
2. Priority Mail Contract 242 (MC2016–203 and CP2016–292) (Order No. 3549), added October 4, 2016.
3. Priority Mail Express & Priority Mail Contract 35 (MC2016–205 and CP2016–294) (Order No. 3550), added October 4, 2016.
4. Priority Mail Contract 241 (MC2016–202 and CP2016–291) (Order No. 3551), added October 4, 2016.
5. Priority Mail Contract 243 (MC2016–204 and CP2016–293) (Order No. 3552), added October 4, 2016.
6. First-Class Package Service Contract 64 (MC2016–206 and CP2016–295) (Order No. 3553), added October 5, 2016.
7. Priority Mail & First-Class Package Service Contract 32 (MC2016–209 and CP2016–298) (Order No. 3555), added October 6, 2016.
8. Priority Mail & First-Class Package Service Contract 33 (MC2016–210 and CP2016–299) (Order No. 3556), added October 6, 2016.
9. Priority Mail Express & Priority Mail Contract 36 (MC2016–207 and CP2016–296) (Order No. 3557), added October 6, 2016.
10. Priority Mail & First-Class Package Service Contract 34 (MC2016–211 and CP2016–300) (Order No. 3562), added October 12, 2016.
11. Priority Mail Contract 244 (MC2016–212 and CP2016–301) (Order No. 3563), added October 12, 2016.
12. Priority Mail Contract 245 (MC2017–1 and CP2017–1) (Order No. 3569), added October 17, 2016.
13. Priority Mail Contract 246 (MC2017–2 and CP2017–2) (Order No. 3570), added October 17, 2016.
14. Priority Mail Contract 247 (MC2017–3 and CP2017–3) (Order No. 3571), added October 17, 2016.
15. Priority Mail Express, Priority Mail & First-Class Package Service Contract 11 (MC2017–4 and CP2017–4) (Order No. 3572), added October 17, 2016.
16. Priority Mail Express & Priority Mail Contract 37 (MC2017–6 and CP2017–12) (Order No. 3583), added October 25, 2016.
17. Priority Mail Contract 248 (MC2017–5 and CP2017–11) (Order No. 3584), added October 25, 2016.
18. Parcel Select Contract 17 (MC2016–200 and CP2016–284) (Order No. 3592), added October 27, 2016.
19. Priority Mail Contract 252 (MC2017–10 and CP2017–25) (Order No. 3599), added November 3, 2016.
20. Priority Mail Contract 253 (MC2017–11 and CP2017–26) (Order No. 3600), added November 3, 2016.
21. Priority Mail Contract 249 (MC2017–7 and CP2017–22) (Order No. 3602), added November 3, 2016.
22. Priority Mail Contract 251 (MC2017–9 and CP2017–24) (Order No. 3603), added November 3, 2016.
23. Priority Mail Express Contract 43 (MC2017–12 and CP2017–27) (Order No. 3604), added November 3, 2016.
24. Priority Mail Contract 250 (MC2017–8 and CP2017–23) (Order No. 3605), added November 3, 2016.
25. Priority Mail & Parcel Select Contract 2 (MC2017–13 and CP2017–29) (Order No. 3607), added November 4, 2016.
26. Priority Mail Express Contract 42 (MC2016–208 and CP2016–297) (Order No. 3608), added November 7, 2016.
27. First-Class Package Service Contract 65 (MC2017–14 and CP2017–30) (Order No. 3611), added November 15, 2016.
28. Priority Mail Contract 255 (MC2017–16 and CP2017–32) (Order No. 3613), added November 15, 2016.
29. Priority Mail Contract 254 (MC2017–15 and CP2017–31) (Order No. 3614), added November 15, 2016.
30. Priority Mail Contract 256 (MC2017–17 and CP2017–36) (Order No. 3627), added November 23, 2016.
31. First-Class Package Service Contract 66 (MC2017–20 and CP2017–39) (Order No. 3633), added November 23, 2016.
32. Priority Mail Contract 258 (MC2017–19 and CP2017–38) (Order No. 3636), added November 23, 2016.
33. Priority Mail Express, Priority Mail & First-Class Package Service Contract 12 (MC2017–21 and CP2017–41) (Order No. 3637), added November 28, 2016.
34. Priority Mail Contract 257 (MC2017–18 and CP2017–37) (Order No. 3639), added November 29, 2016.
35. Priority Mail & First-Class Package Service Contract 35 (MC2017–23 and CP2017–43) (Order No. 3643), added December 5, 2016.
36. Priority Mail & First-Class Package Service Contract 36 (MC2017–24 and CP2017–44) (Order No. 3644), added December 5, 2016.
37. Priority Mail & First-Class Package Service Contract 37 (MC2017–25 and CP2017–45) (Order No. 3645), added December 5, 2016.
38. Priority Mail Express, Priority Mail & First-Class Package Service Contract 13 (MC2017–22 and CP2017–42) (Order No. 3646), added December 5, 2016.
39. Priority Mail Contract 261 (MC2017–28 and CP2017–53) (Order No. 3658), added December 13, 2016.
40. Priority Mail Contract 259 (MC2017–26 and CP2017–51) (Order No. 3659), added December 13, 2016.
41. Priority Mail Contract 260 (MC2017–27 and CP2017–52) (Order No. 3661), added December 13, 2016.
42. Priority Mail Contract 262 (MC2017–29 and CP2017–54) (Order No. 3662), added December 14, 2016.
43. Priority Mail Contract 264 (MC2017–31 and CP2017–56) (Order No. 3663), added December 14, 2016.
44. Priority Mail Contract 263 (MC2017–30 and CP2017–55) (Order No. 3664), added December 14, 2016.
45. Priority Mail Contract 265 (MC2017–32 and CP2017–57) (Order No. 3667), added December 14, 2016.
46. Priority Mail Express, Priority Mail & First-Class Package Service Contract 14 (MC2017–33 and CP2017–58) (Order No. 3668), added December 15, 2016.
47. First-Class Package Service Contract 67 (MC2017–34 and CP2017–59) (Order No. 3669), added December 15, 2016.
48. Priority Mail & First-Class Package Service Contract 38 (MC2017–35 and CP2017–60) (Order No. 3674), added December 20, 2016.
49. Priority Mail & First-Class Package Service Contract 39 (MC2017–36 and CP2017–61) (Order No. 3675), added December 20, 2016.
50. Priority Mail & First-Class Package Service Contract 40 (MC2017–37 and CP2017–62) (Order No. 3678), added December 20, 2016.

51. Priority Mail Express & Priority Mail Contract 38 (MC2017–38 and CP2017–63) (Order No. 3679), added December 20, 2016.

52. First-Class Package Service Contract 69 (MC2017–40 and CP2017–65) (Order No. 3686), added December 22, 2016.

53. Priority Mail Contract 268 (MC2017–43 and CP2017–68) (Order No. 3687), added December 22, 2016.

54. Priority Mail Contract 266 (MC2017–41 and CP2017–66) (Order No. 3688), added December 22, 2016.

55. Priority Mail Contract 267 (MC2017–42 and CP2017–67) (Order No. 3689), added December 22, 2016.

56. First-Class Package Service Contract 68 (MC2017–39 and CP2017–64) (Order No. 3691), added December 22, 2016.

57. Priority Mail Contract 269 (MC2017–44 and CP2017–69) (Order No. 3692), added December 22, 2016.

58. Priority Mail Contract 270 (MC2017–45 and CP2017–71) (Order No. 3694), added December 22, 2016.

59. Priority Mail Contract 271 (MC2017–46 and CP2017–72) (Order No. 3696), added December 22, 2016.

60. Priority Mail Contract 272 (MC2017–47 and CP2017–73) (Order No. 3697), added December 23, 2016.

61. Priority Mail & First-Class Package Service Contract 41 (MC2017–48 and CP2017–74) (Order No. 3698), added December 23, 2016.

62. Priority Mail Express Contract 44 (MC2017–49 and CP2017–75) (Order No. 3699), added December 23, 2016.

63. Priority Mail Contract 273 (MC2017–50 and CP2017–76) (Order No. 3700), added December 23, 2016.

64. Priority Mail Contract 274 (MC2017–51 and CP2017–77) (Order No. 3701), added December 27, 2016.

65. Priority Mail Contract 275 (MC2017–52 and CP2017–78) (Order No. 3702), added December 27, 2016.

66. Priority Mail & First-Class Package Service Contract 42 (MC2017–56 and CP2017–82) (Order No. 3703), added December 27, 2016.

67. Priority Mail Contract 277 (MC2017–54 and CP2017–80) (Order No. 3704), added December 27, 2016.

68. First-Class Package Service Contract 70 (MC2017–55 and CP2017–81) (Order No. 3705), added December 27, 2016.

69. Priority Mail Contract 278 (MC2017–57 and CP2017–83) (Order No. 3708), added December 28, 2016.

70. Priority Mail Contract 276 (MC2017–53 and CP2017–79) (Order No. 3715), added December 30, 2016.

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

1. Priority Mail Contract 66 (MC2014–2 and CP2014–2) (Order No. 1869).

2. Priority Mail Contract 70 (MC2014–8 and CP2014–9) (Order No. 1897).

3. Priority Mail Contract 71 (MC2014–9 and CP2014–10) (Order No. 1914).

4. Priority Mail Contract 72 (MC2014–10 and CP2014–11) (Order No. 1915).

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

List of Subjects in 39 CFR Part 3020

Administrative practice and procedure, Postal Service.

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

PART 3020—PRODUCT LISTS

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

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

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

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

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

Domestic Products*

Priority Mail Express
Priority Mail
Parcel Select
Parcel Return Service
First-Class Package Service
Retail Ground

International Products*

Outbound International Expedited Services
Inbound Parcel Post (at UPU rates)
Outbound Priority Mail International
International Priority Airmail (IPA)
International Surface Air List (ISAL)
International Direct Sacks—M-Bags
Outbound Single-Piece First-Class Package International Service

Negotiated Service Agreements *

Domestic*

Priority Mail Express Contract 8
Priority Mail Express Contract 16
Priority Mail Express Contract 17
Priority Mail Express Contract 18
Priority Mail Express Contract 19
Priority Mail Express Contract 20
Priority Mail Express Contract 21
Priority Mail Express Contract 22
Priority Mail Express Contract 23
Priority Mail Express Contract 24
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Priority Mail Express Contract 26
Priority Mail Express Contract 27
Priority Mail Express Contract 28
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Priority Mail Express Contract 35
Priority Mail Express Contract 36
Priority Mail Express Contract 37
Priority Mail Express Contract 38
Priority Mail Express Contract 39
Priority Mail Express Contract 40
Priority Mail Express Contract 41
Priority Mail Express Contract 42
Priority Mail Express Contract 43
Priority Mail Express Contract 44
Parcel Return Service Contract 5
Parcel Return Service Contract 6
Parcel Return Service Contract 7
Parcel Return Service Contract 8
Parcel Return Service Contract 9
Parcel Return Service Contract 10
Priority Mail Contract 24
Priority Mail Contract 59
Priority Mail Contract 63
Priority Mail Contract 64
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Priority Mail Express & Priority Mail Contract 10
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Priority Mail Express & Priority Mail Contract 34
Priority Mail Express & Priority Mail Contract 35
Priority Mail Express & Priority Mail Contract 36
Priority Mail Express & Priority Mail Contract 37
Priority Mail Express & Priority Mail Contract 38
Parcel Select & Parcel Return Service Contract 3
Parcel Select & Parcel Return Service Contract 5
Parcel Select Contract 2
Parcel Select Contract 8
Parcel Select Contract 9
Parcel Select Contract 10
Parcel Select Contract 11
Parcel Select Contract 12
Parcel Select Contract 13
Parcel Select Contract 14
Parcel Select Contract 15
Parcel Select Contract 16
Parcel Select Contract 17
Priority Mail—Non-Published Rates
Priority Mail—Non-Published Rates 1
First-Class Package Service Contract 35
First-Class Package Service Contract 36
First-Class Package Service Contract 37
First-Class Package Service Contract 38

First-Class Package Service Contract 39
First-Class Package Service Contract 40
First-Class Package Service Contract 41
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First-Class Package Service Contract 66
First-Class Package Service Contract 67
First-Class Package Service Contract 68
First-Class Package Service Contract 69
First-Class Package Service Contract 70
Priority Mail Express, Priority Mail & First-Class Package Service Contract 2
Priority Mail Express, Priority Mail & First-Class Package Service Contract 3
Priority Mail Express, Priority Mail & First-Class Package Service Contract 4
Priority Mail Express, Priority Mail & First-Class Package Service Contract 5
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Priority Mail & First-Class Package Service Contract 39
Priority Mail & First-Class Package Service Contract 40
Priority Mail & First-Class Package Service Contract 41
Priority Mail & First-Class Package Service Contract 42
Priority Mail & Parcel Select Contract 1
Priority Mail & Parcel Select Contract 2

Outbound International*

Global Expedited Package Services (GEPS) Contracts
- GEPS 3
- GEPS 5
- GEPS 6
- GEPS 7

Global Bulk Economy (GBE) Contracts
Global Plus Contracts
- Global Plus 1C
- Global Plus 1D
- Global Plus 2C
- Global Plus 3

Global Reseller Expedited Package Contracts
- Global Reseller Expedited Package Services 1
- Global Reseller Expedited Package Services 2
- Global Reseller Expedited Package Services 3
- Global Reseller Expedited Package Services 4

Global Expedited Package Services (GEPS)—Non-Published Rates
- Global Expedited Package Services (GEPS)—Non-Published Rates 2
- Global Expedited Package Services (GEPS)—Non-Published Rates 3
- Global Expedited Package Services (GEPS)—Non-Published Rates 4
- Global Expedited Package Services (GEPS)—Non-Published Rates 5
- Global Expedited Package Services (GEPS)—Non-Published Rates 6
- Global Expedited Package Services (GEPS)—Non-Published Rates 7
- Global Expedited Package Services (GEPS)—Non-Published Rates 8
- Global Expedited Package Services (GEPS)—Non-Published Rates 9
- Global Expedited Package Services (GEPS)—Non-Published Rates 10

Priority Mail International Regional Rate Boxes—Non-Published Rates
Outbound Competitive International Merchandise Return Service Agreement with Royal Mail Group, Ltd.
Priority Mail International Regional Rate Boxes Contracts
- Priority Mail International Regional Rate Boxes Contracts 1

Competitive International Merchandise Return Service Agreements with Foreign Postal Operators
- Competitive International Merchandise Return Service Agreements with Foreign Postal Operators 1
- Competitive International Merchandise Return Service Agreements with Foreign Postal Operators 2

Inbound International*

International Business Reply Service (IBRS) Competitive Contracts
- International Business Reply Service Competitive Contract 1
- International Business Reply Service Competitive Contract 3

Inbound Direct Entry Contracts with Customers
Inbound Direct Entry Contracts with Foreign Postal Administrations
- Inbound Direct Entry Contracts with Foreign Postal Administrations
- Inbound Direct Entry Contracts with Foreign Postal Administrations 1

Inbound EMS
Inbound EMS 2
Inbound Air Parcel Post (at non-UPU rates)
Royal Mail Group Inbound Air Parcel Post Agreement
Inbound Competitive Multi-Service Agreements with Foreign Postal Operators
Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1

Special Services*

Address Enhancement Services
Greeting Cards, Gift Cards, and Stationery
International Ancillary Services
International Money Transfer Service—Outbound
International Money Transfer Service—Inbound
Premium Forwarding Service
Shipping and Mailing Supplies
Post Office Box Service
Competitive Ancillary Services

Nonpostal Services*

Advertising
Licensing of Intellectual Property other than Officially Licensed Retail Products (OLRP)
Mail Service Promotion
Officially Licensed Retail Products (OLRP)
Passport Photo Service
Photocopying Service
Rental, Leasing, Licensing or other Non-Sale Disposition of Tangible Property
Training Facilities and Related Services
USPS Electronic Postmark (EPM) Program

Market Tests*

Customized Delivery
Global eCommerce Marketplace (GeM)

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–01898 Filed 1–27–17; 8:45 am]

BILLING CODE 7710–FW–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 578

[Docket No. NHTSA–2016–0136]

RIN 2127–AL82

Civil Penalties

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule; delay of effective date.

SUMMARY: This action temporarily delays for 60 days the effective date of the rule entitled ''Civil Penalties,'' published in the **Federal Register** on December 28, 2016.

DATES: Effective January 25, 2017. The effective date of the rule amending 49 CFR part 578 published at 81 FR 95489, December 28, 2016 is delayed until March 28, 2017.

FOR FURTHER INFORMATION CONTACT: For legal issues, contact Rebecca Schade, Office of Chief Counsel, at (202) 366–2992. For non-legal issues, contact John Finneran, Office of Vehicle Safety Compliance, at (202) 366–5289.

SUPPLEMENTARY INFORMATION: In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' [1] this action temporarily delays for 60 days the effective date of the rule entitled ''Civil Penalties,'' published in the **Federal Register** on December 28, 2016, at 81 FR 95489. That rule responded to a petition for reconsideration from the Alliance of Automobile Manufacturers and the Association of Global Automakers by delaying, until model year 2019, the implementation of inflationary adjustments to the Corporate Average Fuel Economy (CAFE) civil penalty rate. These inflationary adjustments are required by Congress as part of the Federal Civil Penalties Inflation Adjustment Improvements Act of 2015.

To the extent that 5 U.S.C. 553 is applicable, this action is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(3)(A). Alternatively, NHTSA's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is justified based on the good cause exceptions in 5 U.S.C. 553(b)(3)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary, and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2017. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of effective date is also good cause for making this action effective immediately upon publication.

Authority: Pub. L. 101–410, Pub. L. 104–134, Pub. L. 109–59, Pub. L. 114–74, Pub L. 114–94, 49 U.S.C. 32902 and 32912; delegation of authority at 49 CFR 1.81, 1.95.

Issued on: January 25, 2017.

Jack Danielson,

Acting Deputy Administrator.

[FR Doc. 2017–01957 Filed 1–25–17; 4:15 pm]

BILLING CODE 4910–59–P

[1] Available at *https://www.whitehouse.gov/the-press-office/2017/01/20/memorandum-heads-executive-departments-and-agencies* (last accessed Jan. 24, 2017).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 160815740–6740–01]

RIN 0648–BG28

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Revision of Bycatch Reduction Device Testing Manual

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

ACTION: Stay of final rule.

SUMMARY: In accordance with a January 20, 2017 memo from the White House, we the National Marine Fisheries Service (NMFS) are staying the final rule we published on December 27, 2016 in order to delay its effective date.

DATES: Effective January 30, 2017, the final rule that published December 27, 2016, at 81 FR 95056, is stayed until March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *susan.gerhart@noaa.gov.*

SUPPLEMENTARY INFORMATION: On December 27, 2016, NMFS published this final rule making administrative revisions to the Bycatch Reduction Device Testing Manual. The revisions were made in accordance with the framework procedures for adjusting management measures of the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico. These changes to management measures do not add to or change any existing Federal regulations. Therefore, no codified text is associated with these changes to management measures.

On January 20, 2017, the White House issued a memo instructing Federal agencies to temporarily postpone the effective date for 60 days after January 20, 2017, of any regulations or guidance documents that have published in the **Federal Register** but not yet taken effect,

for the purpose of ''reviewing questions of fact, law, and policy they raise.'' Because its effective date has already passed, we are enacting this stay of the rule published on December 27, 2016, at 81 FR 95056 (see **DATES** above) until March 21, 2017.

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

Dated: January 24, 2017.

Alan D. Risenhoover,

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

[FR Doc. 2017–01929 Filed 1–27–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 18
Monday, January 30, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

[NRC–2016–0081]

RIN 3150–AJ73

Revision of Fee Schedules; Fee Recovery for Fiscal Year 2017

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend the licensing, inspection, special project, and annual fees charged to its applicants and licensees. These proposed amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990 as amended (OBRA–90), which requires the NRC to recover approximately 90 percent of its annual budget through fees. The NRC is issuing the fiscal year (FY) 2017 proposed fee rule based on the NRC's Congressional Budget Justification (CBJ): FY 2017 (NUREG 1100, Volume 32), as adjusted to reflect re-baselining reductions approved by the Commission per the staff requirements memorandum for SECY–16–0009, ''Recommendations Resulting from the Integrated Prioritization and Re-baselining of Agency Activities,'' dated April 13, 2016, in the amount of $952.1 million, a decrease of $50.0 million from FY 2016.

DATES: Submit comments by March 1, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date. Because OBRA–90 requires the NRC to collect the FY 2017 fees by September 30, 2017, the NRC will not grant any request for an extension of the comment period.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0081. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Michele Kaplan, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–5256, email: *Michele.Kaplan@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments
II. Background; Statutory Authority
III. Discussion
IV. Regulatory Flexibility Certification
V. Regulatory Analysis
VI. Backfitting and Issue Finality
VII. Plain Writing
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IX. Paperwork Reduction Act
X. Voluntary Consensus Standards
XI. Availability of Guidance
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XIII. Availability of Documents

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0081 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0081.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2016–0081 in the subject line of your comment submission in order to ensure that the NRC is able to make your comment submission publicly available in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment

submissions available to the public or entering the comment submissions into ADAMS.

II. Background; Statutory Authority

The NRC's fee regulations are governed primarily by two laws: (1) The Independent Offices Appropriations Act of 1952 (IOAA) (31 U.S.C. 9701), and (2) OBRA–90. The OBRA–90 requires the NRC to recover approximately 90 percent of its budget authority through fees; this fee-recovery requirement may exclude amounts appropriated for Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General (IG) services for the Defense Nuclear Facilities Safety Board, as well as any amounts appropriated from the Nuclear Waste Fund. The OBRA–90 first requires the NRC to use its IOAA authority to collect user fees for NRC work that provides specific benefits to identifiable applicants and licensees (such as licensing work, inspections, special projects). The regulations at part 170 of title 10 of the *Code of Federal Regulations* (10 CFR) authorize these fees. But, because the NRC's fee recovery under the IOAA (10 CFR part 170) does not equal 90 percent of the NRC's budget authority, the NRC also assesses generic ''annual fees'' under 10 CFR part 171 to recover the remaining fees necessary to achieve OBRA–90's 90 percent fee recovery. These annual fees recover generic regulatory costs that are not otherwise collected through 10 CFR part 170.

III. Discussion

FY 2017 Fee Collection—Overview

The NRC is issuing the FY 2017 proposed fee rule based on the NRC's CBJ: FY 2017 (NUREG 1100, Volume 32, ADAMS Accession No. ML16036A086), as adjusted to reflect re-baselining reductions approved by the Commission per the staff requirements memorandum for SECY–16–0009, ''Recommendations Resulting from the Integrated Prioritization and Re-baselining of Agency Activities,'' dated April 13, 2016 (ADAMS Accession No. ML16104A158), in the amount of $952.1 million, a decrease of $50.0 million from FY 2016. As explained previously, certain portions of the NRC's total budget are excluded from the NRC's fee-recovery amount—specifically, these exclusions include: $1.4 million for waste-incidental-to-reprocessing activities, $1.0 million for IG services for the Defense Nuclear Facilities Safety Board, and $18.0 million and for generic homeland security activities. Also, for the first time, the NRC's FY 2017 CBJ adjusted for re-baselining reductions includes $5 million for advanced reactor infrastructure which was required to be excluded from the fee base. Additionally, approximately 10 percent of the NRC's budget is funded through a congressional appropriation. After accounting for the OBRA–90 exclusions, this 10-percent appropriation, and net billing adjustments—*i.e.,* the sum of unpaid current year invoices (estimated) minus payments for prior year invoices and the prior year billing credit issued to the U.S. Department of Energy (DOE) for the transportation fee class—the NRC must bill approximately $833.4 million in FY 2017 to licensees. Of this amount, the NRC estimates that $324.6 million will be recovered through 10 CFR part 170 user fees; that leaves approximately $508.8 million to be recovered through 10 CFR part 171 annual fees. Table I summarizes the fee-recovery amounts for the FY 2017 proposed fee rule using the re-baselined budget, and taking into account excluded activities, the 10-percent appropriation, and net billing adjustments (individual values may not sum to totals due to rounding).

The FY 2017 proposed fee rule is based on the FY 2017 CBJ, adjusted to reflect re-baselining reductions. In accordance with OBRA–90, the final fee rule will be based on the NRC's actual appropriation rather than the CBJ, and so the NRC will update the final fee schedule as appropriate. If the NRC receives a year-long continuing resolution, then the final fee schedule may look similar to the FY 2016 final fee rule.

TABLE I—BUDGET AND FEE RECOVERY AMOUNTS

[Dollars in millions]

	FY 2016 final rule	FY 2017 proposed rule	Percentage change
Total Budget Authority	$1,002.1	$952.1	−5.0
Less Excluded Fee Items	−21.1	−25.4	20.3
Balance	$981.0	$926.7	−5.5
Fee Recovery Percent	90	90	0.0
Total Amount to be Recovered	$882.9	$834.0	−5.5
10 CFR part 171 Billing Adjustments	0.0	0.0	0.0
Unpaid Current Year Invoices (estimated)	6.3	3.5	−44.4
Less Prior Year Billing Credit for Transportation Fee Class	−0.2	0.0	100.0
Less Payments Received in Current Year for Previous Year Invoices (estimated)	−5.6	−4.1	26.7
Subtotal	0.5	−0.6	−220.0
Amount to be Recovered through 10 CFR parts 170 and 171 Fees	$883.4	$833.4	−5.7
Less Estimated 10 CFR part 170 Fees	−332.7	−324.6	−2.4
Less Prior Year Unbilled 10 CFR part 170 Fees	0.0	0.0	0.0
10 CFR Part 171 Fee Collections Required	$550.7	$508.8	−7.6

FY 2017 Fee Collection—Hourly Rate

The NRC uses an hourly rate to assess fees for specific services provided by the NRC under 10 CFR part 170. The hourly rate also helps determine flat fees (which are used for the review of certain types of license applications). This rate would be applicable to all activities for which fees are assessed under §§ 170.21 and 170.31.

The NRC's hourly rate is derived by adding the budgeted resources for: (1) Mission-direct [1] program salaries and

[1] Mission-direct resources are allocated to perform core work activities committed to fulfilling the agency's mission of protecting the public health and safety, promoting the common defense and security, and protecting the environment. The majority of the resources assigned under the direct

Continued

benefits; (2) mission-indirect [2] program support; and (3) agency support,[3] which includes corporate support and the IG, and then dividing this sum by total mission-direct FTE converted to hours. The mission-direct FTE converted to hours is the product of the mission-direct FTE multiplied by the estimated annual mission-direct FTE productive hours. The following shows the hourly rate calculation:

$$\frac{\text{Budgeted Resources}^{4}}{\text{Mission-Direct FTE Converted to Hours}} = \text{Hourly Rate } \frac{\$801.3 \text{ million}}{2{,}004 \times 1{,}500} = \$267$$

For FY 2017, the NRC is proposing to increase the hourly rate from $265 to $267. The 0.8 percent increase in the FY 2017 hourly rate is due primarily to the decline in the number of mission-direct FTE compared to FY 2016, partially offset by decreases in the budgetary resources. The FY 2017 estimated annual direct hours per staff is 1,500 hours, up from 1,440 hours in FY 2016. The productive hours assumption reflects the average number of hours that a mission-direct employee spends on mission-direct work in a given year. This excludes hours charged to annual leave, sick leave, holidays, training and general administration tasks. Table II shows the hourly rate calculation methodology. The FY 2016 amounts are provided for comparison purposes.

TABLE II—HOURLY RATE CALCULATION

[Dollars in millions]

	FY 2016 final rule	FY 2017 proposed rule	Percentage change
Mission-Direct Program Salaries & Benefits	$369.6	$340.5	−7.9
Mission-Indirect Program Support	$140.6	$136.7	−2.8
Agency Support (Corporate Support and the IG)	$314.0	$324.2	3.2
Subtotal	$824.2	$801.4	−2.8
Less Offsetting Receipts [5]	−$0.1	−$0.1	−31.2
Total Budgeted Resources Included in Hourly Rate	$824.1	$801.3	−2.8
Mission-Direct FTE (Whole numbers)	2,157	2,004	−7.1
Mission-Direct FTE productive hours	1,440	1,500	4.2
Mission-Direct FTE Converted to Hours (Mission-Direct FTE multiplied by Mission-Direct FTE productive hours worked annually) (In Millions)	3.1	3.0	−3.2
Professional Hourly Rate (Total Budget Included in Hourly Rate Divided by FTE Converted to Hours) (Whole Numbers)	$265	$267	0.8

FY 2017 Fee Collection—Flat Application Fee Changes

The NRC proposes to amend the flat application fees that it charges to applicants for import and export licenses, applicants for materials licenses and other regulatory services, and holders of materials in its schedule of fees in §§ 170.21 and 170.31, to reflect the revised hourly rate of $267. The NRC calculates these flat fees by multiplying the average professional staff hours needed to process the licensing actions by the proposed professional hourly rate for FY 2017. The NRC analyzes the actual hours spent performing licensing actions and then estimates the average professional staff hours that are needed to process licensing actions as part of its biennial review of fees, which is required by Section 902 of the Chief Financial Officers Act of 1990 (31 U.S.C. 902(8)). The NRC performed this review in FY 2017 and will perform this review again in FY 2019. The higher hourly rate of $267 is the primary reason for the increase in application fees. Please see work papers (ADAMS Accession No. ML16358A648) for more detail.

The NRC rounds these flat fees in such a way that ensures both convenience for its stakeholders and that any rounding effects are minimal. Accordingly, fees under $1,000 are rounded to the nearest $10, fees between $1,000 and $100,000 are rounded to the nearest $100, and fees greater than $100,000 are rounded to the nearest $1,000.

The proposed licensing flat fees are applicable for import and export

business lines (Operating Reactors, New Reactors, Fuel Facilities, Nuclear Materials Users, Decommissioning and Low-Level Waste, and Spent Fuel Storage and Transportation) are core work activities considered mission-direct.

[2] Mission-indirect resources are those that support the core mission-direct activities. They include, for example, supervisory and nonsupervisory support and mission travel and training. Supervisory and nonsupervisory support and mission travel and training resources assigned under direct business lines within the budget structure are considered mission-indirect due to their supporting role of the core mission activities.

[3] Agency support resources are located in executive, administrative, and other support offices such as the Office of the Commission, the Office of the Secretary, the Office of the Executive Director for Operations, the Offices of Congressional and Public Affairs, the Office of the Inspector General, the Office of Administration, the Office of the Chief Financial Officer, the Office of the Chief Information Officer, the Office of the Chief Human Capital Officer and the Office of Small Business and Civil Rights. These budgeted costs administer the corporate or shared efforts that more broadly support the activities of the agency. These activities also include information technology services, human capital services, financial management and administrative support.

[4] Does not include contract dollars billed to licensees separately.

[5] The fees collected by the NRC for Freedom of Information Act (FOIA) services and indemnity (financial protection required of licensees for public liability claims at 10 CFR part 140) are subtracted from the budgeted resources amount when calculating the 10 CFR part 170 hourly rates, per the guidance in Office of Management and Budget (OMB) Circular A–25, User Charges. The budgeted resources for FOIA activities are allocated under the product for Information Services within the Corporate Support business line. The indemnity activities are allocated under the Licensing Actions and the Research & Test Reactors products within the Operating Reactors business line.

licensing actions (see fee categories K.1. through K.5. of § 170.21), as well as certain materials licensing actions (see fee categories 1.C. through 1.D., 2.B. through 2.F., 3.A. through 3.S., 4.B. through 5.A., 6.A. through 9.D., 10.B., 15.A. through 15.L., 15.R., and 16 of § 170.31). Applications filed on or after the effective date of the FY 2017 final fee rule will be subject to the revised fees in the final rule.

FY 2017 Fee Collection—Fee-Relief and Low-Level Waste (LLW) Surcharge

As previously noted, Congress provides 10 percent of the NRC's budget authority through an appropriation. The NRC applies this 10-percent congressional appropriation to offset certain budgeted activities—see Table III for a full listing. These activities are referred to as ''fee-relief'' activities. Any difference between the 10-percent appropriation and the budgeted amount of these fee-relief activities results in a fee adjustment (either an increase or decrease) to all licensees' annual fees, based on their percentage share of the NRC's budget.

In FY 2017, the NRC's budgeted fee-relief activities fall below the 10-percent appropriation threshold—therefore, the NRC proposes to assess a fee-relief adjustment (*i.e.,* credit) to decrease all licensees' annual fees based on their percentage share of the budget. Table III summarizes the fee-relief activities for FY 2017. The FY 2016 amounts are provided for comparison purposes.

TABLE III—FEE–RELIEF ACTIVITIES

[Dollars in millions]

Fee-relief activities	FY 2016 budgeted costs	FY 2017 budgeted costs	Percentage change
1. Activities not attributable to an existing NRC licensee or class of licensee:			
a. International activities [6]	$12.6	$13.9	10.4
b. Agreement State oversight	12.6	13.0	3.3
c. Scholarships and Fellowships	18.2	[7] 3.0	−83.5
d. Medical Isotope Production Infrastructure	1.0	4.1	310.0
2. Activities not assessed under 10 CFR part 170 licensing and inspection fees or 10 CFR part 171 annual fees based on existing law or Commission policy:			
a. Fee exemption for nonprofit educational institutions	10.1	9.8	−2.3
b. Costs not recovered from small entities under 10 CFR 71.16(c)	8.5	7.4	−12.8
c. Regulatory support to Agreement States	16.5	18.4	11.2
d. Generic decommissioning/reclamation (not related to the power reactor and spent fuel storage fee classes)	15.2	14.4	−5.6
e. *In Situ* leach rulemaking and unregistered general licensees	1.6	1.4	−12.5
f. Potential Department of Defense remediation program MOU activities	1.7	1.2	−33.2
Total fee-relief activities	98.0	86.6	−11.7
Less 10 percent of the NRC's total FY budget (less non-fee items)	−98.1	92.7	−5.5
Fee-Relief Adjustment to be Allocated to All Licensees' Annual Fees	−0.1	−6.1	−8611.0

Table IV shows how the NRC allocates the $6.1 million fee-relief adjustment (credit) to each license fee class.

In addition to the fee-relief adjustment, the NRC also assesses a generic LLW surcharge of $3.3 million. Disposal of LLW occurs at commercially operated LLW disposal facilities that are licensed by either the NRC or an Agreement State. There are three existing LLW disposal facilities in the United States that accept various types of low-level waste. All are in Agreement States and, therefore, regulated by the State authority. The NRC allocates this surcharge to its licensees based on data available in the DOE Manifest Information Management System. This database contains information on total LLW volumes and NRC usage information from four generator classes: Academic, industry, medical, and utility. The ratio of utility waste volumes to total LLW volumes over a period of time is used to estimate the portion of this surcharge that should be allocated to the power reactors, fuel facilities, and materials fee classes. The materials portion is adjusted to account for the fact that a large percentage of materials licensees are licensed by the Agreement States rather than the NRC.

Table IV shows the surcharge, and its allocation across the various fee classes.

TABLE IV—ALLOCATION OF FEE–RELIEF ADJUSTMENT AND LLW SURCHARGE, FY 2017

[Dollars in millions]

	LLW surcharge		Fee-relief adjustment		Total $
	Percent	($)	Percent	$	
Operating Power Reactors	24.0	0.8	85.8	−5.2	−4.4
Spent Fuel Storage/Reactor Decommissioning	0.0	0.0	3.8	−0.2	−0.2
Research and Test Reactors	0.0	0.0	0.3	0.0	0.0
Fuel Facilities	62.0	2.0	4.3	−0.3	1.8
Materials Users	14.0	0.5	3.4	−0.2	0.3
Transportation	0.0	0.0	0.6	0.0	0.0

[6] This amount includes international assistance activities, conventions and treaties, and specific cooperation activities.

[7] This amount does not include budgetary resources for Grants to Universities which is not included in the re-baselined budget request for FY 2017.

TABLE IV—ALLOCATION OF FEE–RELIEF ADJUSTMENT AND LLW SURCHARGE, FY 2017—Continued

[Dollars in millions]

	LLW surcharge		Fee-relief adjustment		Total $
	Percent	($)	Percent	$	
Rare Earth Facilities	0.0	0.0	0.0	0.0	0.0
Uranium Recovery	0.0	0.0	1.8	−0.1	−0.1
Total	100.0	3.3	100.0	−6.1	2.8

FY 2017 Fee Collection—Revised Annual Fees

In accordance with SECY–05–0164, ''Annual Fee Calculation Method,'' dated September 15, 2005, (ADAMS Accession No. ML052580332), the NRC re-baselines its annual fees every year. Re-baselining entails analyzing the budget in detail and then allocating the budgeted costs to various classes or subclasses of licensees. It also includes updating the number of NRC licensees in its fee calculation methodology.

The NRC proposes to revise its annual fees in §§ 171.15 and 171.16 to recover approximately 90 percent of the NRC's FY 2017 budget authority (less non-fee amounts and the estimated amount to be recovered through 10 CFR part 170 fees). The total estimated 10 CFR part 170 collections for this proposed rule are $324.6 million, a decrease of $8.1 million from the FY 2016 final rule. The NRC, therefore, must recover $508.8 million through annual fees from its licensees, which is a decrease of $41.9 million from the FY 2016 final rule.

Table V shows the re-baselined fees for FY 2017 for a representative list of categories of licensees. The FY 2016 amounts are provided for comparison purposes.

TABLE V—RE–BASELINED ANNUAL FEES

Class/category of licenses	FY 2016 final annual fee	FY 2017 proposed annual fee	Percentage change
Operating Power Reactors	$4,659,000	$4,318,000	−7.3
+ Spent Fuel Storage/Reactor Decommissioning	197,000	194,000	−1.5
Total, Combined Fee	4,856,000	4,512,000	−7.1
Spent Fuel Storage/Reactor Decommissioning	197,000	194,000	−1.5
Research and Test Reactors/Non-power Reactors	81,500	83,500	2.5
High Enriched Uranium Fuel Facility	7,867,000	6,599,000	−16.1
Low Enriched Uranium Fuel Facility	2,736,000	2,391,000	−12.6
UF_6 Conversion and Deconversion Facility	1,625,000	1,363,000	−16.1
Conventional Mills	38,900	42,300	8.7
Typical Materials Users:			
Radiographers (Category 3O)	26,000	27,100	4.2
Well Loggers (Category 5A)	14,500	16,100	11.0
Gauge Users (Category 3P)	7,900	9,200	16.5
Broad Scope Medical (Category 7B)	37,400	33,900	−9.4

The work papers that support this proposed rule show in detail how the NRC allocated the budgeted resources for each class of licenses and how the fees are calculated.

Paragraphs a. through h. of this section describe budgetary resources allocated to each class of licensees and the calculations of the re-baselined fees. For more information about detailed fee calculations for each class, please consult the accompanying work papers.

a. Fuel Facilities

The NRC proposes to collect $26.8 million in annual fees from the fuel facility class.

TABLE VI—ANNUAL FEE SUMMARY CALCULATIONS FOR FUEL FACILITIES

[Dollars in millions]

Summary fee calculations	FY 2016 final	FY 2017 proposed	Percentage change
Total budgeted resources	$40.5	$34.5	−14.8
Less estimated 10 CFR part 170 receipts	11.7	11.1	−5.1
Net 10 CFR part 171 resources	28.8	23.5	−18.4
Allocated generic transportation	1.1	1.6	45.5
Fee-relief adjustment/LLW surcharge	1.7	1.7	5.9
Billing adjustments	0.0	0.0	0.0
Total remaining required annual fee recovery	31.6	26.8	−15.2

In FY 2017, the fuel facilities budgetary resources decreased due to continued construction delays at multiple sites; specifically, significant construction delays are noted for the Shaw Mixed Oxide Fuel Fabrication Facility. Budgetary resources also decreased due to a reduced workload resulting from increased efficiencies within the Fuel Cycle inspection program created by streamlining inspections and guidance development. These decreases cause annual fees to decrease but are offset by a slight decrease in estimated 10 CFR part 170 billings due to changes in the prior year billings. In addition, annual fees for the fuel facilities fee class will be adjusted in the FY 2017 final fee rule with the expected departure of USEC Lead Cascade Gas Centrifuge Enrichment Demonstration facility from the fee class.

The NRC allocates annual fees to individual fuel facility licensees based on the effort/fee determination matrix developed in the FY 1999 final fee rule (64 FR 31447; June 10, 1999). To briefly recap, that matrix groups licensees into various categories. The NRC's fuel facility project managers determine the effort levels associated with regulating each category. This is done by assigning separate effort factors for the safety and safeguards activities associated with each category (for more information about this matrix, see the work papers). These effort levels are reflected in Table VII.

TABLE VII—EFFORT FACTORS FOR FUEL FACILITIES, FY 2017

Facility type (fee category)	Number of facilities	Effort factors (percent of total)	
		Safety	Safeguards
High-Enriched Uranium Fuel (1.A.(1)(a))	2	88 (44.0)	96 (55.2)
Low-Enriched Uranium Fuel (1.A.(1)(b))	3	70 (35.0)	30 (17.3)
Limited Operations (1.A.(2)(a))	0	0 (0.0)	0 (0.0)
Gas Centrifuge Enrichment Demonstration (1.A.(2)(b))	1	3 (1.5)	15 (8.6)
Hot Cell (1.A.(2)(c))	1	6 (3.0)	3 (1.7)
Uranium Enrichment (1.E.)	1	21 (10.5)	23 (13.2)
UF_6 Conversion and Deconversion (2.A.(1))	1	12 (6.0)	7 (4.0)

For FY 2017, the total budgeted resources for safety activities are $13.4 million. To calculate the annual fee, the NRC allocates this amount to each fee category based on its percent of the total regulatory effort for safety activities. Similarly, the NRC allocates the budgeted resources for safeguards activities, $11.7 million to each fee category based on its percent of the total regulatory effort for safeguards activities. Finally, the fuel facility fee class' portion of the fee-relief adjustment/LLW surcharge—$1.8 million—is allocated to each fee category based on its percent of the total regulatory effort for both safety and safeguards activities. The annual fee per licensee is then calculated by dividing the total allocated budgeted resources for the fee category by the number of licensees in that fee category. The fee for each facility is summarized in Table VIII.

TABLE VIII—ANNUAL FEES FOR FUEL FACILITIES

Facility type (fee category)	FY 2016 Final annual fee	FY 2017 proposed annual fee	Percentage change
High-Enriched Uranium Fuel (1.A.(1)(a))	$7,867,000	$6,599,000	−16.1
Low-Enriched Uranium Fuel (1.A.(1)(b))	2,736,000	2,391,000	−12.6
Limited Operations (1.A.(2)(a))	0.0	0.0	0.0
Gas Centrifuge Enrichment Demonstration (1.A.(2)(b))	1,539,000	1,291,000	−16.1
Hot Cell (and others) (1.A.(2)(c))	770,000	646,000	−16.1
Uranium Enrichment (1.E.)	3,762,000	3,156,000	−16.1
UF_6 Conversion and Deconversion (2.A.(1))	1,625,000	1,363,000	−16.1

b. Uranium Recovery Facilities

The NRC proposes to collect approximately $1.0 million in annual fees from the uranium recovery facilities fee class, an increase of about ten percent from FY 2016.

TABLE IX—ANNUAL FEE SUMMARY CALCULATIONS FOR URANIUM RECOVERY FACILITIES

[Dollars in millions]

Summary fee calculations	FY 2016 final	FY 2017 proposed	Percentage change
Total budgeted resources	$12.32	$14.77	19.9
Less estimated 10 CFR part 170 receipts	11.41	13.62	19.3
Net 10 CFR part 171 resources	0.91	1.15	26.4
Allocated generic transportation	N/A	N/A	N/A
Fee-relief adjustment	0.00	−0.11	−100.0
Billing adjustments	0.00	−0.01	−100.0

TABLE IX—ANNUAL FEE SUMMARY CALCULATIONS FOR URANIUM RECOVERY FACILITIES—Continued

[Dollars in millions]

Summary fee calculations	FY 2016 final	FY 2017 proposed	Percentage change
Total required annual fee recovery	0.91	1.03	11.1

Overall, in comparison to FY 2016, the FY 2017 budgetary resources for uranium recovery licensees increased due to additional work expected for new environmental reviews and licensing actions. Further, the estimated 10 CFR part 170 billings increased from the previous year due to the Ludeman expansion, the Willow Creek groundwater restoration review, and the Marsland environmental assessment.

The NRC computes the 10 CFR part 171 annual fee for the uranium recovery fee class by dividing the total annual fee recovery amount between DOE and the other licensees in this fee class. The annual fee increased for the overall fee class due to an increase in the budgeted resources to support contested hearing activities and increased workload for congressional hearings and inquiries. The NRC regulates DOE's Title I and Title II activities under the Uranium Mill Tailings Radiation Control Act (UMTRCA).[8] The proposed annual fee assessed to DOE includes the costs specifically budgeted for the NRC's UMTRCA Title I and II activities, as well as 10 percent of the remaining budgeted cost for this fee class. The DOE's UMTRCA annual fee increased because of a slight rise in budgeted resources combined with a decrease in estimates 10 CFR part 170 billings for DOE's UMTRCA site at Gunnison. The NRC assesses the remaining 90 percent of its budgeted costs to the rest of the licensees in this fee class, as described in the work papers. This is reflected in Table X as follows:

TABLE X—COSTS RECOVERED THROUGH ANNUAL FEES; URANIUM RECOVERY FEE CLASS

Summary of costs:	FY 2016 final annual fee	FY 2017 proposed annual fee	Percentage change
DOE Annual Fee Amount (UMTRCA Title I and Title II) General Licenses:			
UMTRCA Title I and Title II budgeted costs less 10 CFR part 170 receipts	$503,708	$581,964	15.5
10 percent of generic/other uranium recovery budgeted costs	41,157	55,497	34.8
10 percent of uranium recovery fee-relief adjustment	−94	−10,828	−11,419.1
Total Annual Fee Amount for DOE (rounded)	545,000	627,000	15.0
Annual Fee Amount for Other Uranium Recovery Licenses:			
90 percent of generic/other uranium recovery budgeted costs less the amounts specifically budgeted for Title I and Title II activities	370,415	499,477	34.8
90 percent of uranium recovery fee-relief adjustment	−$844	−$97,448	−11,646.0
Total Annual Fee Amount for Other Uranium Recovery Licenses	369,571	402,030	8.8

Further, for the non-DOE licensees, the NRC continues to use a matrix to determine the effort levels associated with conducting the generic regulatory actions for the different (non-DOE) licensees in this fee class; this is similar to the NRC's approach for fuel facilities, described previously.

The matrix methodology for uranium recovery licensees first identifies the licensee categories included within this fee class (excluding DOE). These categories are: conventional uranium mills and heap leach facilities; uranium *In Situ* Recovery (ISR) and resin ISR facilities; mill tailings disposal facilities; and uranium water treatment facilities. The matrix identifies the types of operating activities that support and benefit these licensees, along with each activity's relative weight (for more information, see the work papers). Table XI displays the benefit factors per licensee and per fee category, for each of the non-DOE fee categories included in the uranium recovery fee class as follows:

TABLE XI—BENEFIT FACTORS FOR URANIUM RECOVERY LICENSES

Fee category	Number of licensees	Benefit factor Per licensee	Total value	Benefit factor percent total
Conventional and Heap Leach mills (2.A.(2)(a))	1	150	150	11.0
Basic *In Situ* Recovery facilities (2.A.(2)(b))	5	190	950	67.0
Expanded *In Situ* Recovery facilities (2.A.(2)(c))	1	215	215	15.0
11e.(2) disposal incidental to existing tailings sites (2.A.(4))	1	85	85	6.0
Uranium water treatment (2.A.(5))	1	25	25	2.0
Total	9	665	1,425	100.0

[8] The Congress established the two programs, Title I and Title II, under UMTRCA to protect the public and the environment from uranium milling. The UMTRCA Title I program is for remedial action at abandoned mill tailings sites where tailings resulted largely from production of uranium for the weapons program. The NRC also regulates DOE's UMTRCA Title II program, which is directed toward uranium mill sites licensed by the NRC or Agreement States in or after 1978.

Applying these factors to the approximate $402,030 in budgeted costs to be recovered from non-DOE uranium recovery licensees results in the total annual fees for each fee category. The annual fee per licensee is calculated by dividing the total allocated budgeted resources for the fee category by the number of licensees in that fee category, as summarized in Table XII.

TABLE XII—ANNUAL FEES FOR URANIUM RECOVERY LICENSEES
(other than DOE)

Facility type (fee category)	FY 2016 final annual fee	FY 2017 proposed annual fee	Percentage change
Conventional and Heap Leach mills (2.A.(2)(a))	$38,900	$42,300	8.7
Basic *In Situ* Recovery facilities (2.A.(2)(b))	49,300	53,600	8.7
Expanded *In Situ* Recovery facilities (2.A.(2)(c))	55,800	60,700	8.9
11e.(2) disposal incidental to existing tailings sites (2.A.(4))	22,000	24,000	9.1
Uranium water treatment (2.A.(5))	6,500	7,100	9.2

c. Operating Power Reactors

The NRC proposes to collect $427.5 million in annual fees from the power reactor fee class in FY 2017, as shown in Table XIII. The FY 2016 values and percentage change are shown for comparison.

TABLE XIII—ANNUAL FEE SUMMARY CALCULATIONS FOR OPERATING POWER REACTORS
[Dollars in millions]

Summary fee calculations	FY 2016 final	FY 2017 proposed	Percentage change
Total budgeted resources	$750.4	$713.2	−5.0
Less estimated 10 CFR part 170 receipts	287.8	281.1	−2.3
Net 10 CFR part 171 resources	462.6	432.1	−6.6
Allocated generic transportation	1.8	0.3	−81.6
Fee-relief adjustment/LLW surcharge	1.0	−4.4	−540.1
Billing adjustment	0.6	−0.5	−185.8
Total required annual fee recovery	465.9	427.5	−8.3
Total Operating Reactors	100	99	−1.0

In comparison to FY 2016, the operating power reactors budgetary resources decreased in FY 2017 primarily due to fewer resources needed to reduce the licensing actions backlog and a reduction for generic work such as the Fukushima-related rulemaking, ''Station Blackout Mitigation Strategies,'' and the Generic Safety Issue-191. Compared with FY 2016, 10 CFR part 170 estimated billings primarily decreased due to less contract support for reducing the licensing actions backlog, and the transition of Fort Calhoun to decommissioning in November 2016. The FY 2017 10 CFR part 171 operating power reactor annual fee decreased primarily due to a reduction for generic work such as the Fukushima-related rulemaking, ''Station Blackout Mitigation Strategies,'' and the Generic Safety Issue-191.

The budgeted costs are divided equally among the 99 currently operating power reactors, resulting in a proposed annual fee of $4,318,000 per reactor. Additionally, each licensed power reactor is assessed the FY 2017 spent fuel storage/reactor decommissioning annual fee of $194,000 (see the discussion that follows). The combined FY 2017 annual fee for power reactors is, therefore, $4,512,000.

Further, on May 24, 2016, (81 FR 32617), the NRC published a final rule that amended its licensing, inspection, and annual fee regulations to establish a variable annual fee structure for light-water small modular reactors (SMRs). Under the variable annual fee structure, effective June 23, 2016, an SMR's annual fee would be calculated as a function of its licensed thermal power rating. Currently, there are no operating SMRs; therefore, the NRC does not propose an annual fee in FY 2017 for this type of licensee.

d. Spent Fuel Storage/Reactors in Decommissioning

The NRC proposes to collect $23.7 million in annual fees from 10 CFR part 50 power reactors and 10 CFR part 72 licensees who do not hold a 10 CFR part 50 license to collect the budgeted costs for spent fuel storage/reactor decommissioning.

TABLE XIV—ANNUAL FEE SUMMARY CALCULATIONS FOR THE SPENT FUEL STORAGE/REACTOR IN DECOMMISSIONING FEE CLASS
[Dollars in millions]

Summary fee calculations	FY 2016 final	FY 2017 proposed	Percentage change
Total budgeted resources	$30.47	$30.78	1.0

TABLE XIV—ANNUAL FEE SUMMARY CALCULATIONS FOR THE SPENT FUEL STORAGE/REACTOR IN DECOMMISSIONING FEE CLASS—Continued

[Dollars in millions]

Summary fee calculations	FY 2016 final	FY 2017 proposed	Percentage change
Less estimated 10 CFR part 170 receipts	7.46	7.69	3.0
Net 10 CFR part 171 resources	23.01	23.09	0.0
Allocated generic transportation costs	0.97	0.86	−11.3
Fee-relief adjustment	0.00	−0.23	−100.0
Billing adjustments	0.02	−$0.02	−200.0
Total required annual fee recovery	24.00	23.70	−1.3

In comparison to FY 2016, the annual fee decreased due to an increase in 10 CFR part 170 estimated billings attributed to the expected application for Holtec/Eddy Lea Energy, reductions in generic transportation, and an increase in fee-relief credit. This decrease is partially offset by the slight increase in budgetary resources in the Waste Research area.

The required annual fee recovery amount is divided equally among 122 licensees, resulting in an FY 2017 annual fee of $194,000 per licensee.

e. Research and Test Reactors/Non-Power Reactors

The NRC proposes to collect $0.334 million in annual fees from the research and test reactor licensee class.

TABLE XV—ANNUAL FEE SUMMARY CALCULATIONS FOR RESEARCH AND TEST REACTORS/NON-POWER REACTORS

[Dollars in millions]

Summary fee calculations	FY 2016 final	FY 2017 proposed	Percentage change
Total budgeted resources	$3.799	$2.268	−40.3
Less estimated 10 CFR part 170 receipts	3.510	1.950	−44.4
Net 10 CFR part 171 resources	0.289	0.318	10.0
Allocated generic transportation	0.034	0.034	0.0
Fee-relief adjustment	0.000	−0.017	−100.0
Billing adjustments	0.003	−0.001	−133.3
Total required annual fee recovery	0.326	0.334	2.5

In FY 2017, the research and test/non-power reactors budgetary resources decreased. This fee class includes resources for medical isotope productions facilities and research and test reactors. In FY 2017 there was a decrease in the workload for medical isotope production. Accordingly, the estimated 10 CFR part 170 billings decreased for the SHINE molybdenum-99 application. For research and test reactors, in comparison to FY 2016, the 10 CFR part 171 annual fee increased primarily due to a rise in contract support for the ''Non-Power Production and Utilization Facility'' rulemaking. The required annual fee-recovery amount is divided equally among the four research and test reactors subject to annual fees and results in an FY 2017 annual fee of $83,500 for each licensee.

f. Rare Earth

The application for a rare-earth facility has been placed on hold until late FY 2017. Therefore, the NRC has not allocated any budgetary resources to this fee class and does not propose an annual fee in FY 2017 for this fee class.

g. Materials Users

The NRC proposes to collect $35.5 million in annual fees from materials users licensed under 10 CFR parts 30, 40, and 70.

TABLE XVI—ANNUAL FEE SUMMARY CALCULATIONS FOR MATERIALS USERS

[Dollars in millions]

Summary fee calculations	FY 2016 final	FY 2017 proposed	Percentage change
Total budgeted resources for licensees not regulated by Agreement States	$33.2	$34.5	3.9
Less estimated 10 CFR part 170 receipts	1.1	0.9	−18.2
Net 10 CFR part 171 resources	32.1	33.6	4.7
Allocated generic transportation	2.4	1.6	−29.2
Fee-relief adjustment/LLW surcharge	0.5	0.3	−60.0
Billing adjustments	0.0	0.0	0.0
Total required annual fee recovery	35.0	35.5	1.4

To equitably and fairly allocate the $35.5 million in FY 2017 budgeted costs among approximately 2,700 diverse materials users licensees, the NRC continues to calculate the annual fees for each fee category within this class based on the 10 CFR part 170 application fees and estimated inspection costs for each fee category. Because the application fees and inspection costs are indicative of the complexity of the license, this approach provides a proxy for allocating the generic and other regulatory costs to the diverse categories of licenses based on the NRC's cost to regulate each category. This fee-calculation method also considers the inspection frequency (priority), which is indicative of the safety risk and resulting regulatory costs associated with the categories of licenses.

The annual fee for these categories of materials users' licenses is developed as follows: Annual fee = Constant × [Application Fee + (Average Inspection Cost/Inspection Priority)] + Inspection Multiplier × (Average Inspection Cost/Inspection Priority) + Unique Category Costs.

For FY 2017, the constant multiplier necessary to recover approximately $26.5 million in general costs (including allocated generic transportation costs) is 1.48 (see work papers for more detail). The average inspection cost is the average inspection hours for each fee category multiplied by the hourly rate of $267. The inspection priority is the interval between routine inspections, expressed in years. The inspection multiplier is the multiple necessary to recover approximately $8.5 million in inspection costs, and is 1.65 for FY 2017. The unique category costs are any special costs that the NRC has budgeted for a specific category of licenses. For FY 2017, approximately $278,000 in budgeted costs for the implementation of revised 10 CFR part 35, ''Medical Use of Byproduct Material'' (unique costs), has been allocated to holders of NRC human-use licenses.

The annual fee to be assessed to each licensee also includes a share of the fee-relief assessment of approximately -$209,000 allocated to the materials users fee class (see Table IV, ''Allocation of Fee-Relief Adjustment and LLW Surcharge, FY 2017,'' in Section III, ''Discussion,'' of this document), and for certain categories of these licensees, a share of the approximately $465,000 LLW surcharge costs allocated to the fee class. The annual fee for each fee category is shown in § 171.16(d).

h. Transportation

The NRC proposes to collect $5.9 million in annual fees to recover generic transportation budgeted resources. The FY 2016 values are shown for comparison.

TABLE XVII—ANNUAL FEE SUMMARY CALCULATIONS FOR TRANSPORTATION

[Dollars in millions]

Summary fee calculations	FY 2016 final	FY 2017 proposed	Percentage change
Total Budgeted Resources	$11.3	$9.1	−19.5
Less Estimated 10 CFR part 170 Receipts	3.5	3.2	−8.6
Net 10 CFR part 171 Resources	7.8	5.9	−24.4
Fee-relief adjustment/LLW surcharge	0.0	0.0	0.0
Billing adjustments	0.0	0.0	0.0
Total required annual fee recovery	7.8	5.9	−24.4

In comparison to FY 2016, the total budgetary resources for generic transportation activities decreased due to a reduction in rulemaking activities involving revisions to transportation safety requirements and compatibility with International Atomic Energy Agency Transportation Standards, hence reducing all fee class generic transportation annual fees. The 10 CFR part 170 estimated billings are expected to decrease slightly due in part to a reduction in activities for Areva Federal Services. In addition, NAC International work is expected to be completed by FY 2017, quarter 2. The decrease in 10 CFR part 170 estimated billings is expected to be offset by incoming applications for Holtec International.

Consistent with the policy established in the NRC's FY 2006 final fee rule (71 FR 30721; May 30, 2006), the NRC recovers generic transportation costs unrelated to DOE as part of existing annual fees for license fee classes. The NRC continues to assess a separate annual fee under § 171.16, fee category 18.A. for DOE transportation activities. The amount of the allocated generic resources is calculated by multiplying the percentage of total Certificates of Compliance (CoCs) used by each fee class (and DOE) by the total generic transportation resources to be recovered. The DOE annual fee increase is mainly due to the elimination of a prior year credit totaling approximately $220,000 from FY 2016, as well as a rise in CoCs by 4, or 22 percent.

This resource distribution to the licensee fee classes and DOE is shown in Table XVIII. Specifically, for the research and test reactors fee class, the NRC allocates the distribution to only the licensees that are subject to annual fees. Four CoCs benefit the entire research and test reactor class, but only 4 out of 31 research and test reactors are subject to annual fees. The number of CoCs used to determine the proportion of generic transportation resources allocated to research and test reactors annual fees is adjusted to 0.6 so that the licensees subject to annual fees are charged a fair and equitable portion of the total. For more information see the work papers.

TABLE XVIII—DISTRIBUTION OF GENERIC TRANSPORTATION RESOURCES, FY 2017

[Dollars in millions]

License fee class/DOE	Number of CoCs benefiting fee class or DOE	Percentage of total CoCs	Allocated generic transportation resources
DOE	22.00	24.6	$1.461
Operating Power Reactors	5.00	5.6	0.332
Spent Fuel Storage/Reactor Decommissioning	13.00	14.5	0.863
Research and Test Reactors	0.52	0.6	0.034
Fuel Facilities	24.00	26.8	1.594
Materials Users	25.00	27.9	1.660
Total	89.52	100.0	5.944

The NRC assesses an annual fee to DOE based on the 10 CFR part 71 CoCs it holds. The NRC, therefore, does not allocate these DOE-related resources to other licensees' annual fees because these resources specifically support DOE.

FY 2017—Administrative Changes

The NRC proposes three administrative changes:

1. Increase Direct Hours per Full-Time Equivalent in the Hourly Rate Calculation

The hourly rate in 10 CFR part 170 is calculated by dividing the cost per direct FTE by the number of direct hours per direct FTE in a year. ''Direct hours'' are hours charged to mission-direct activities in the Nuclear Reactor Safety Program and Nuclear Materials and Waste Safety Program. The FY 2016 final fee rule used 1,440 hours per direct FTE in the hourly rate calculations. During the FY 2017 budget formulation process, the NRC staff reviewed and analyzed time and labor data from FY 2016 to determine whether it should revise the direct hours per FTE. In FY 2016, the total direct hours charged by direct employees increased due to increased accuracy in coding time to direct work in the time and labor system, as well as decreased time coded for training. The increase in direct hours was apparent in all mission business lines. To reflect this increase in productivity as demonstrated by the time and labor data, the NRC staff determined that the number of direct hours per FTE should increase to 1,500 hours for FY 2017.

2. Change Small Entity Fees

In accordance with NRC policy, the NRC staff conducted a biennial review in 2015 of small entity fees to determine whether the NRC should change those fees. The NRC staff used the fee methodology, developed in FY 2009, which applies a fixed percentage of 39 percent to the prior 2-year weighted average of materials users' fees when performing its biennial review. The NRC staff determined the new small entity fees for FY 2015 should be $3,400 for upper-tier small entities and $700 for lower-tier small entities. Because of a technical oversight, the change was not included in the FY 2015 final fee rule. It was, however, included in the FY 2016 final fee rule. As a result of the NRC staff's FY 2017 biennial review using the same methodology, the upper tier small entity fee would increase from $3,400 to $4,500 and the lower-tier fee would increase from $700 to $900. This would constitute a 43-percent and 50-percent increase, respectively. The NRC staff determined that implementing this increase would have a disproportionate impact upon the NRC's small licensees compared to other licensees, and so the NRC staff lowered the increase to 21 percent for the upper-tier and lower-tier fees. The NRC staff chose 21 percent based on the average percentage increase for the prior two biennial reviews of small entity fees. As a result of applying the 21-percent increase to the FY 2015 small entity fees, the NRC staff is now proposing to amend the upper-tier small entity fee to $4,100 and amend the lower-tier small entity fee to $850 for FY 2017. The NRC staff believes these fees are reasonable and provide relief to small entities while at the same time recovering from those licensees some of the NRC's costs for activities that benefit them.

3. Fees Transformation

In a January 30, 2015, paper to the Commission, SECY–15–0015, ''Project Aim 2020 Report and Recommendations'' (ADAMS Accession No. ML15012A594), the NRC staff recommended that the Office of the Chief Financial Officer (OCFO) undertake an effort to: (1) simplify how the NRC calculates its fees, (2) improve transparency, and (3) improve the timeliness of the NRC's communications about fee changes. These recommendations were similar to stakeholder comments the staff received during outreach on the NRC's fees and fee development process. In addition, an interoffice steering committee of NRC staffers evaluated the current fee process to identify solutions for concerns raised by NRC stakeholders. Based on comments received from the public and input from steering committee members, the staff developed over 40 process and policy improvements to be implemented over the next 4 years that addressed concerns with the current fee process. On August 15, 2016, the Chief Financial Officer (CFO) submitted a Notation Vote, SECY–16–0097 (ADAMS Accession No. ML16194A365) to the Commission. This memorandum identified 14 process improvements in six categories that the staff would implement in FY 2017 and requested Commission approval to further analyze four improvements as policy issues. The Commission disapproved the policy issues with the exception of a voluntary pilot initiative to explore whether a flat fee structure could be established for routine licensing matters in the area of uranium recovery policy issues. The Commission also directed staff to accelerate the process improvements for future consideration including transition to an electronic billing system.

IV. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[9] the NRC has prepared a Regulatory Flexibility Analysis (RFA) relating to this proposed rule. The RFA is available as indicated in Section XIII, Availability of Documents, of this document.

[9] 5 U.S.C. 603. The RFA, 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 847 (1996).

V. Regulatory Analysis

Under OBRA–90, the NRC is required to recover approximately 90 percent of its budget authority in FY 2017. The NRC established fee methodology guidelines for 10 CFR part 170 in 1978, and established additional fee methodology guidelines for 10 CFR part 171 in 1986. In subsequent rulemakings, the NRC has adjusted its fees without changing the underlying principles of its fee policy to ensure that the NRC continues to comply with the statutory requirements for cost recovery in OBRA–90 and the AEA.

In this rulemaking, the NRC continues this long-standing approach. Therefore, the NRC did not identify any alternatives to the current fee structure guidelines and did not prepare a regulatory analysis for this rulemaking.

VI. Backfitting and Issue Finality

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule and that a backfit analysis is not required. A backfit analysis is not required because these amendments do not require the modification of, or addition to, systems, structures, components, or the design of a facility, or the design approval or manufacturing license for a facility, or the procedures or organization required to design, construct, or operate a facility.

VII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883). The NRC requests comment on this proposed rule with respect to the clarity and effectiveness of the language used.

VIII. National Environmental Policy Act

The NRC has determined that this rule will amend NRC's administrative requirements in 10 CFR part 170 and 10 CFR part 171. Therefore, this action is categorically excluded from needing environmental review as described in 10 CFR 51.22(c)(1). Consequently, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

IX. Paperwork Reduction Act

This proposed rule does not contain new or amended information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

X. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this proposed rule, the NRC proposes to amend the licensing, inspection, and annual fees charged to its licensees and applicants, as necessary, to recover approximately 90 percent of its budget authority in FY 2017, as required by OBRA–90, as amended. This action does not constitute the establishment of a standard that contains generally applicable requirements.

XI. Availability of Guidance

The Small Business Regulatory Enforcement Fairness Act requires all Federal agencies to prepare a written compliance guide for each rule for which the agency is required by 5 U.S.C. 604 to prepare a regulatory flexibility analysis. The NRC, in compliance with the law, prepared the ''Small Entity Compliance Guide'' for the FY 2017 proposed fee rule. The compliance guide was developed when the NRC completed the small entity biennial review for FY 2017. This document is available as indicated in Section XIII, Availability of Documents, of this document.

XII. Public Meeting

The NRC will conduct a public meeting on this proposed rule for the purpose of describing the proposed rule and answering questions from the public on the proposed rule. The NRC will publish a notice of the location, time, and agenda of the meeting on the NRC's public meeting Web site within at least 10 calendar days before the meeting. In addition, the agenda for the meeting will be posted on *www.regulations.gov* under Docket ID NRC–2016–0081. For instructions to receive alerts when changes or additions occur in a docket folder, see Section XIII, Availability of Documents, of this document. Stakeholders should monitor the NRC's public meeting Web site for information about the public meeting at: *http://www.nrc.gov/public-involve/public-meetings/index.cfm.*

XIII. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No./web link
SECY–16–0009, ''Recommendations Resulting from the Integrated Prioritization and Re-baselining of Agency Activities,'' dated February 9, 2016.	ML16104A158.
SECY–16–0097, ''Fee Setting Improvements and Fiscal Year 2017 Proposed Fee Rule,'' dated August 15, 2016.	ML16194A365.
SRM–SECY–16–0097: Fee Setting Improvements and Fiscal Year 2017 Proposed Fee Rule.	ML16293A902.
FY 2017 Proposed Rule Work Papers	ML16358A648.
FY 2017 Regulatory Flexibility Analysis	ML16340A151
FY 2017 U.S. Nuclear Regulatory Commission Small Entity Compliance Guide.	ML16340A149.
NUREG–1100, Volume 32, ''Congressional Budget Justification: Fiscal Year 2017'' (February 2016).	*https://www.nrc.gov/docs/ML1603/ML16036A086.pdf.*
NRC Form 526, Certification of Small Entity Status for the Purposes of Annual Fees Imposed under 10 CFR Part 171.	*http://www.nrc.gov/reading-rm/doc-collections/forms/nrc526.pdf.*
SECY–05–0164, ''Annual Fee Calculation Method,'' dated September 15, 2005.	ML052580332.
OMB's Circular A–25, ''User Charges''	*https://www.whitehouse.gov/omb/circulars_default.*

Throughout the development of this rule, the NRC may post documents related to this rule, including public comments, on the Federal rulemaking Web site at *http://www.regulations.gov* under Docket ID NRC–2016–0081. The Federal rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder NRC–2016–0081; (2) click the ''Sign up for Email Alerts'' link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

List of Subjects

10 CFR Part 170

Byproduct material, Import and export licenses, Intergovernmental relations, Non-payment penalties, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

10 CFR Part 171

Annual charges, Byproduct material, Holders of certificates, registrations, approvals, Intergovernmental relations, Nonpayment penalties, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is proposing to adopt the following amendments to 10 CFR parts 170 and 171.

PART 170—FEES FOR FACILITIES, MATERIALS, IMPORT AND EXPORT LICENSES, AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

■ 1. The authority citation for part 170 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w) (42 U.S.C. 2014, 2201(w)); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2214; 31 U.S.C. 901, 902, 9701; 44 U.S.C. 3504 note.

■ 2. Revise § 170.20 to read as follows:

§ 170.20 Average cost per professional staff-hour.

Fees for permits, licenses, amendments, renewals, special projects, 10 CFR part 55 re-qualification and replacement examinations and tests, other required reviews, approvals, and inspections under §§ 170.21 and 170.31 will be calculated using the professional staff-hour rate of $267 per hour.

■ 3. In § 170.21, in the table, revise fee category K. to read as follows:

§ 170.21 Schedule of fees for production or utilization facilities, review of standard referenced design approvals, special projects, inspections, and import and export licenses.

* * * * *

SCHEDULE OF FACILITY FEES

[See footnotes at end of table]

Facility categories and type of fees	Fees [1] [2]
* * * * * * *	
K. Import and export licenses:	
Licenses for the import and export only of production or utilization facilities or the export only of components for production or utilization facilities issued under 10 CFR part 110.	
1. Application for import or export of production or utilization facilities[4] (including reactors and other facilities) and exports of components requiring Commission and Executive Branch review, for example, actions under 10 CFR 110.40(b).	
Application—new license, or amendment; or license exemption request	$18,700
2. Application for export of reactor and other components requiring Executive Branch review, for example, those actions under 10 CFR 110.41(a).	
Application—new license, or amendment; or license exemption request	9,300
3. Application for export of components requiring the assistance of the Executive Branch to obtain foreign government assurances.	
Application—new license, or amendment; or license exemption request	4,500
4. Application for export of facility components and equipment not requiring Commission or Executive Branch review, or obtaining foreign government assurances.	
Application—new license, or amendment; or license exemption request	4,500
5. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms or conditions or to the type of facility or component authorized for export and, therefore, do not require in-depth analysis or review or consultation with the Executive Branch, U.S. host state, or foreign government authorities.	
Minor amendment to license	2,700

[1] Fees will not be charged for orders related to civil penalties or other civil sanctions issued by the Commission under § 2.202 of this chapter or for amendments resulting specifically from the requirements of these orders. For orders unrelated to civil penalties or other civil sanctions, fees will be charged for any resulting licensee-specific activities not otherwise exempted from fees under this chapter. Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under Title 10 of the *Code of Federal Regulations* (*e.g.,* 10 CFR 50.12, 10 CFR 73.5) and any other sections in effect now or in the future, regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form.

[2] Full cost fees will be determined based on the professional staff time and appropriate contractual support services expended. For applications currently on file and for which fees are determined based on the full cost expended for the review, the professional staff hours expended for the review of the application up to the effective date of the final rule will be determined at the professional rates in effect when the service was provided.

[3] * * * * * * *

[4] Imports only of major components for end-use at NRC-licensed reactors are authorized under NRC general import license in 10 CFR 110.27.

* * * * *

■ 4. In § 170.31, revise the table to read as follows:

§ 170.31 Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses.

* * * * *

SCHEDULE OF MATERIALS FEES

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2 3]
1. Special nuclear material:	
A. (1) Licenses for possession and use of U–235 or plutonium for fuel fabrication activities.	
(a) Strategic Special Nuclear Material (High Enriched Uranium) [Program Code(s): 21130]	Full Cost.
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel [Program Code(s): 21210]	Full Cost.
(2) All other special nuclear materials licenses not included in Category 1.A.(1) which are licensed for fuel cycle activities.	
(a) Facilities with limited operations [Program Code(s): 21310, 21320]	Full Cost.
(b) Gas centrifuge enrichment demonstration facilities	Full Cost.
(c) Others, including hot cell facilities	Full Cost.
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI) [Program Code(s): 23200].	Full Cost.
C. Licenses for possession and use of special nuclear material of less than a critical mass as defined in § 70.4 in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers.[4]	
Application [Program Code(s): 22140]	$1,200.
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in sealed or unsealed form in combination that would constitute a critical mass, as defined in § 70.4 of this chapter, for which the licensee shall pay the same fees as those under Category 1.A.[4]	
Application [Program Code(s): 22110, 22111, 22120, 22131, 22136, 22150, 22151, 22161, 22170, 23100, 23300, 23310].	$2,500.
E. Licenses or certificates for construction and operation of a uranium enrichment facility [Program Code(s): 21200]	Full Cost.
F. Licenses for possession and use of special nuclear material greater than critical mass, as defined in § 70.4 of this chapter, for development and testing of commercial products, and other non-fuel-cycle activities.[4] [Program Code(s): 22155].	Full Cost.
2. Source material:	
A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride or for deconverting uranium hexafluoride in the production of uranium oxides for disposal. [Program Code(s): 11400].	Full Cost.
(2) Licenses for possession and use of source material in recovery operations such as milling, *in-situ* recovery, heap-leaching, ore buying stations, ion-exchange facilities, and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.	
(a) Conventional and Heap Leach facilities [Program Code(s): 11100]	Full Cost.
(b) Basic *In Situ* Recovery facilities [Program Code(s): 11500]	Full Cost.
(c) Expanded *In Situ* Recovery facilities [Program Code(s): 11510]	Full Cost.
(d) *In Situ* Recovery Resin facilities [Program Code(s): 11550]	Full Cost.
(e) Resin Toll Milling facilities [Program Code(s): 11555]	Full Cost.
(f) Other facilities [Program Code(s): 11700]	Full Cost.
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4) [Program Code(s): 11600, 12000].	Full Cost.
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2) [Program Code(s): 12010].	Full Cost.
(5) Licenses that authorize the possession of source material related to removal of contaminants (source material) from drinking water [Program Code(s): 11820].	Full Cost.
B. Licenses which authorize the possession, use, and/or installation of source material for shielding.[6 7 8]	
Application [Program Code(s): 11210]	$1,170.
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter.	
Application [Program Code(s): 11240]	$2,200.
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter.	
Application [Program Codes(s): 11230, 11231]	$2,600.
E. Licenses for possession and use of source material for processing or manufacturing of products or materials containing source material for commercial distribution.	
Application [Program Code(s): 11710]	$2,500.
F. All other source material licenses.	
Application [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810]	$2,500.
3. Byproduct material:	
A. Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution.	
Application [Program Code(s): 03211, 03212, 03213]	$12,500.
B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution.	
Application [Program Code(s): 03214, 03215, 22135, 22162]	$3,400.

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2 3]
C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4).	
Application [Program Code(s): 02500, 02511, 02513]	$5,000.
D. [Reserved]	N/A.
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units).	
Application [Program Code(s): 03510, 03520]	$3,100.
F. Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes.	
Application [Program Code(s): 03511]	$6,200.
G. Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes.	
Application [Program Code(s): 03521]	$59,500.
H. Licenses issued under Subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of part 30 of this chapter. The category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter.	
Application [Program Code(s): 03254, 03255, 03257]	$6,400.
I. Licenses issued under Subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter.	
Application [Program Code(s): 03250, 03251, 03252, 03253, 03256]	$9,500.
J. Licenses issued under Subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter.	
Application [Program Code(s): 03240, 03241, 03243]	$1,900.
K. Licenses issued under Subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter.	
Application [Program Code(s): 03242, 03244]	$1,100.
L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 1–5.	
(1) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 6–19.	
(2) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 20 or more.	
Application [Program Code(s): 01100, 01110, 01120, 03610, 03611, 03612, 03613, 04610, 04611, 04612, 04613, 04614, 04615, 04616, 04617, 04618, 04619, 04620, 04621, 04622, 04623].	$5,300.
M. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution.	
Application [Program Code(s): 03620]	$6,800.
N. Licenses that authorize services for other licensees, except:	
(1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3.P.; and	
(2) Licenses that authorize waste disposal services are subject to the fees specified in fee Categories 4.A., 4.B., and 4.C.	
Application [Program Code(s): 03219, 03225, 03226]	$7,000.
O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations.	
Application [Program Code(s): 03310, 03320]	$3,000.
P. All other specific byproduct material licenses, except those in Categories 4.A. through 9.D. [9]	
Application [Program Code(s): 02400, 02410, 03120, 03121, 03122, 03123, 03124, 03130, 03140, 03220, 03221, 03222, 03800, 03810, 22130].	$3,300.
Q. Registration of a device(s) generally licensed under part 31 of this chapter.	
Registration	$500.
R. Possession of items or products containing radium-226 identified in 10 CFR 31.12 which exceed the number of items or limits specified in that section.[5]	
1. Possession of quantities exceeding the number of items or limits in 10 CFR 31.12(a)(4), or (5) but less than or equal to 10 times the number of items or limits specified.	
Application [Program Code(s): 02700]	$2,500.
2. Possession of quantities exceeding 10 times the number of items or limits specified in 10 CFR 31.12(a)(4), or (5).	
Application [Program Code(s): 02710]	$2,400.
S. Licenses for production of accelerator-produced radionuclides.	
Application [Program Code(s): 03210]	$13,600.

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2 3]
4. Waste disposal and processing:	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material.	
Application [Program Code(s): 03231, 03233, 03235, 03236, 06100, 06101]	Full Cost.
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	
Application [Program Code(s): 03234]	$6,600.
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	
Application [Program Code(s): 03232]	$4,800.
5. Well logging:	
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies.	
Application [Program Code(s): 03110, 03111, 03112]	$4,400.
B. Licenses for possession and use of byproduct material for field flooding tracer studies.	
Licensing [Program Code(s): 03113]	Full Cost.
6. Nuclear laundries:	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.	
Application [Program Code(s): 03218]	$21,300.
7. Medical licenses:	
A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices.	
Application [Program Code(s): 02300, 02310]	$10,700.
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license [10]	
Application [Program Code(s): 02110]	$8,300.
C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	
Application [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]	$5,300.
8. Civil defense:	
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	
Application [Program Code(s): 03710]	$2,500.
9. Device, product, or sealed source safety evaluation:	
A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution.	
Application—each device	$5,200.
B. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices.	
Application—each device	$8,600.
C. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution.	
Application—each source	$5,100.
D. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel.	
Application—each source	$1,010.
10. Transportation of radioactive material:	
A. Evaluation of casks, packages, and shipping containers:	
1. Spent Fuel, High-Level Waste, and plutonium air packages	Full Cost.
2. Other Casks	Full Cost.
B. Quality assurance program approvals issued under part 71 of this chapter.	
1. Users and Fabricators:	
Application	$4,000.
Inspections	Full Cost.
2. Users:	
Application	$4,000.
Inspections	Full Cost.
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices).	Full Cost.
11. Review of standardized spent fuel facilities	Full Cost.
12. Special projects:	

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2 3]
Including approvals, pre-application/licensing activities, and inspections.	
Application [Program Code: 25110]	Full Cost.
13. A. Spent fuel storage cask Certificate of Compliance	Full Cost.
B. Inspections related to storage of spent fuel under § 72.210 of this chapter	Full Cost.
14. A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter, including MMLs. Application [Program Code(s): 3900, 11900, 21135, 21215, 21325, 22200].	Full Cost.
B. Site-specific decommissioning activities associated with unlicensed sites, including MMLs, regardless of whether or not the sites have been previously licensed.	Full Cost.
15. Import and Export licenses:	
Licenses issued under part 110 of this chapter for the import and export only of special nuclear material, source material, tritium and other byproduct material, and the export only of heavy water, or nuclear grade graphite (fee categories 15.A. through 15.E.).	
A. Application for export or import of nuclear materials, including radioactive waste requiring Commission and Executive Branch review, for example, those actions under 10 CFR 110.40(b).	
Application—new license, or amendment; or license exemption request	$18,700.
B. Application for export or import of nuclear material, including radioactive waste, requiring Executive Branch review, but not Commission review. This category includes applications for the export and import of radioactive waste and requires NRC to consult with domestic host state authorities (i.e., Low-Level Radioactive Waste Compact Commission, the U.S. Environmental Protection Agency, etc.).	
Application—new license, or amendment; or license exemption request	$9,300.
C. Application for export of nuclear material, for example, routine reloads of low enriched uranium reactor fuel and/or natural uranium source material requiring the assistance of the Executive Branch to obtain foreign government assurances.	
Application—new license, or amendment; or license exemption request	$4,500.
D. Application for export or import of nuclear material not requiring Commission or Executive Branch review, or obtaining foreign government assurances.	
Application—new license, or amendment; or license exemption request	$4,500.
E. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and, therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign government authorities.	
Minor amendment	$2,700.
Licenses issued under part 110 of this chapter for the import and export only of Category 1 and Category 2 quantities of radioactive material listed in Appendix P to part 110 of this chapter (fee categories 15.F. through 15.R.).	
Category 1 (Appendix P, 10 CFR Part 110) Exports:	
F. Application for export of Appendix P Category 1 materials requiring Commission review (*e.g.,* exceptional circumstance review under 10 CFR 110.42(e)(4)) and to obtain government-to-government consent for this process. For additional consent see 15.I.).	
Application—new license, or amendment; or license exemption request	$14,700.
G. Application for export of Appendix P Category 1 materials requiring Executive Branch review and to obtain government-to-government consent for this process. For additional consents see 15.I. Application—new license, or amendment; or license exemption request.	$8,000.
H. Application for export of Appendix P Category 1 materials and to obtain one government-to-government consent for this process. For additional consents see 15.I.	
Application—new license, or amendment; or license exemption request	$4,000.
I. Requests for each additional government-to-government consent in support of an export license application or active export license.	
Application—new license, or amendment; or license exemption request	$270.
Category 2 (Appendix P, 10 CFR Part 110) Exports:	
J. Application for export of Appendix P Category 2 materials requiring Commission review (e.g. exceptional circumstance review under 10 CFR 110.42(e)(4)).	
Application—new license, or amendment; or license exemption request	$14,700.
K. Applications for export of Appendix P Category 2 materials requiring Executive Branch review.	
Application—new license, or amendment; or license exemption request	$8,000.
L. Application for the export of Category 2 materials.	
Application—new license, or amendment; or license exemption request	$3,200.
M. [Reserved]	N/A.
N. [Reserved]	N/A.
O. [Reserved]	N/A.
P. [Reserved]	N/A.
Q. [Reserved]	N/A.
Minor Amendments (Category 1 and 2, Appendix P, 10 CFR Part 110, Export):	
R. Minor amendment of any active export license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and, therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign authorities.	
Minor amendment	$1,300.
16. Reciprocity:	
Agreement State licensees who conduct activities under the reciprocity provisions of 10 CFR 150.20.	
Application	$1,800.
17. Master materials licenses of broad scope issued to Government agencies	

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2 3]
Application [Program Code(s): 03614]	Full Cost.
18. Department of Energy:	
A. Certificates of Compliance. Evaluation of casks, packages, and shipping containers (including spent fuel, high-level waste, and other casks, and plutonium air packages).	Full Cost.
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities	Full Cost.

[1] *Types of fees*—Separate charges, as shown in the schedule, will be assessed for pre-application consultations and reviews; applications for new licenses, approvals, or license terminations; possession-only licenses; issuances of new licenses and approvals; certain amendments and renewals to existing licenses and approvals; safety evaluations of sealed sources and devices; generally licensed device registrations; and certain inspections. The following guidelines apply to these charges:

(a) *Application and registration fees.* Applications for new materials licenses and export and import licenses; applications to reinstate expired, terminated, or inactive licenses, except those subject to fees assessed at full costs; applications filed by Agreement State licensees to register under the general license provisions of 10 CFR 150.20; and applications for amendments to materials licenses that would place the license in a higher fee category or add a new fee category must be accompanied by the prescribed application fee for each category.

(1) Applications for licenses covering more than one fee category of special nuclear material or source material must be accompanied by the prescribed application fee for the highest fee category.

(2) Applications for new licenses that cover both byproduct material and special nuclear material in sealed sources for use in gauging devices will pay the appropriate application fee for fee category 1.C. only.

(b) *Licensing fees.* Fees for reviews of applications for new licenses, renewals, and amendments to existing licenses, pre-application consultations and other documents submitted to the NRC for review, and project manager time for fee categories subject to full cost fees are due upon notification by the Commission in accordance with § 170.12(b).

(c) *Amendment fees.* Applications for amendments to export and import licenses must be accompanied by the prescribed amendment fee for each license affected. An application for an amendment to an export or import license or approval classified in more than one fee category must be accompanied by the prescribed amendment fee for the category affected by the amendment, unless the amendment is applicable to two or more fee categories, in which case the amendment fee for the highest fee category would apply.

(d) *Inspection fees.* Inspections resulting from investigations conducted by the Office of Investigations and nonroutine inspections that result from third-party allegations are not subject to fees. Inspection fees are due upon notification by the Commission in accordance with § 170.12(c).

(e) *Generally licensed device registrations under 10 CFR 31.5.* Submittals of registration information must be accompanied by the prescribed fee.

[2] Fees will not be charged for orders related to civil penalties or other civil sanctions issued by the Commission under 10 CFR 2.202 or for amendments resulting specifically from the requirements of these orders. For orders unrelated to civil penalties or other civil sanctions, fees will be charged for any resulting licensee-specific activities not otherwise exempted from fees under this chapter. Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under title 10 of the *Code of Federal Regulations* (*e.g.,* 10 CFR 30.11, 40.14, 70.14, 73.5, and any other sections in effect now or in the future), regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form. In addition to the fee shown, an applicant may be assessed an additional fee for sealed source and device evaluations as shown in fee categories 9.A. through 9.D.

[3] Full cost fees will be determined based on the professional staff time multiplied by the appropriate professional hourly rate established in § 170.20 in effect when the service is provided, and the appropriate contractual support services expended.

[4] Licensees paying fees under categories 1.A., 1.B., and 1.E. are not subject to fees under categories 1.C., 1.D. and 1.F. for sealed sources authorized in the same license, except for an application that deals only with the sealed sources authorized by the license.

[5] Persons who possess radium sources that are used for operational purposes in another fee category are not also subject to the fees in this category. (This exception does not apply if the radium sources are possessed for storage only.)

[6] Licensees subject to fees under fee categories 1.A., 1.B., 1.E., or 2.A. must pay the largest applicable fee and are not subject to additional fees listed in this table.

[7] Licensees paying fees under 3.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.

[8] Licensees paying fees under 7.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.

[9] Licensees paying fees under 3.N. are not subject to paying fees under 3.P. for calibration or leak testing services authorized on the same license.

[10] Licensees paying fees under 7.B. are not subject to paying fees under 7.C. for broad scope license licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices authorized on the same license.

PART 171—ANNUAL FEES FOR REACTOR LICENSES AND FUEL CYCLE LICENSES AND MATERIALS LICENSES, INCLUDING HOLDERS OF CERTIFICATES OF COMPLIANCE, REGISTRATIONS, AND QUALITY ASSURANCE PROGRAM APPROVALS AND GOVERNMENT AGENCIES LICENSED BY THE NRC

■ 5. The authority citation for part 171 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w), 223, 234 (42 U.S.C. 2014, 2201(w), 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2214; 44 U.S.C. 3504 note.

■ 6. In § 171.15, revise paragraph (b)(1), the introductory text of paragraph (b)(2), paragraph (c)(1), the introductory text of paragraphs (c)(2) and (d)(1), and paragraphs (d)(2), (d)(3), and (f) to read as follows:

§ 171.15 Annual fees: Reactor licenses and independent spent fuel storage licenses.

* * * * *

(b)(1) The FY 2017 annual fee for each operating power reactor which must be collected by September 30, 2017, is $4,318,000.

(2) The FY 2017 annual fees are comprised of a base annual fee for power reactors licensed to operate, a base spent fuel storage/reactor decommissioning annual fee, and associated additional charges (fee-relief adjustment). The activities comprising the spent storage/reactor decommissioning base annual fee are shown in paragraphs (c)(2)(i) and (ii) of this section. The activities comprising the FY 2017 fee-relief adjustment are shown in paragraph (d)(1) of this section. The activities comprising the FY 2017 base annual fee for operating power reactors are as follows:

* * * * *

(c)(1) The FY 2017 annual fee for each power reactor holding a 10 CFR part 50 license that is in a decommissioning or possession-only status and has spent fuel onsite, and for each independent spent fuel storage 10 CFR part 72 licensee who does not hold a 10 CFR part 50 license, is $194,000.

(2) The FY 2017 annual fee is comprised of a base spent fuel storage/reactor decommissioning annual fee (which is also included in the operating

power reactor annual fee shown in paragraph (b) of this section) and a fee-relief adjustment. The activities comprising the FY 2017 fee-relief adjustment are shown in paragraph (d)(1) of this section. The activities comprising the FY 2017 spent fuel storage/reactor decommissioning re-baselined annual fee are:

* * * * *

(d)(1) The fee-relief adjustment allocated to annual fees includes a surcharge for the activities listed in paragraph (d)(1)(i) of this section, plus the amount remaining after total budgeted resources for the activities included in paragraphs (d)(1)(ii) and (d)(1)(iii) of this section are reduced by the appropriations the NRC receives for these types of activities. If the NRC's appropriations for these types of activities are greater than the budgeted resources for the activities included in paragraphs (d)(1)(ii) and (d)(1)(iii) of this section for a given fiscal year, annual fees will be reduced. The activities comprising the FY 2017 fee-relief adjustment are as follows:

* * * * *

(2) The total FY 2017 fee-relief adjustment allocated to the operating power reactor class of licenses is a −$4,401,300 fee-relief surplus, not including the amount allocated to the spent fuel storage/reactor decommissioning class. The FY 2017 operating power reactor fee-relief adjustment to be assessed to each operating power reactor is approximately a −44,458 fee-relief surplus. This amount is calculated by dividing the total operating power reactor fee-relief surplus adjustment, −$4,401,300, by the number of operating power reactors (99).

(3) The FY 2017 fee-relief adjustment allocated to the spent fuel storage/reactor decommissioning class of licenses is a −$230,700 fee-relief assessment. The FY 2017 spent fuel storage/reactor decommissioning fee-relief adjustment to be assessed to each operating power reactor, each power reactor in decommissioning or possession-only status that has spent fuel onsite, and to each independent spent fuel storage 10 CFR part 72 licensee who does not hold a 10 CFR part 50 license, is a −$1,891 fee-relief assessment. This amount is calculated by dividing the total fee-relief adjustment costs allocated to this class by the total number of power reactor licenses, except those that permanently ceased operations and have no fuel onsite, and 10 CFR part 72 licensees who do not hold a 10 CFR part 50 license.

* * * * *

(f) The FY 2017 annual fees for licensees authorized to operate a research or test (non-power) reactor licensed under 10 CFR part 50, unless the reactor is exempted from fees under § 171.11(a), are as follows:

Research reactor	$83,500
Test reactor	$83,500

■ 7. In § 171.16, revise paragraphs (c) and (d) and the introductory text of paragraph (e) to read as follows:

§ 171.16 Annual fees: Materials licensees, holders of certificates of compliance, holders of sealed source and device registrations, holders of quality assurance program approvals, and government agencies licensed by the NRC.

* * * * *

(c) A licensee who is required to pay an annual fee under this section, in addition to 10 CFR part 72 licenses, may qualify as a small entity. If a licensee qualifies as a small entity and provides the Commission with the proper certification along with its annual fee payment, the licensee may pay reduced annual fees as shown in the following table. Failure to file a small entity certification in a timely manner could result in the receipt of a delinquent invoice requesting the outstanding balance due and/or denial of any refund that might otherwise be due. The small entity fees are as follows:

	Maximum annual fee per licensed category
Small Businesses Not Engaged in Manufacturing (Average gross receipts over last 3 completed fiscal years):	
$485,000 to $7 million	$4,100
Less than $485,000	850
Small Not-For-Profit Organizations (Annual Gross Receipts):	
$485,000 to $7 million	4,100
Less than $485,000	850
Manufacturing Entities that Have An Average of 500 Employees or Fewer:	
35 to 500 employees	4,100
Fewer than 35 employees	850
Small Governmental Jurisdictions (Including publicly supported educational institutions) (Population):	
20,000 to 49,999	4,100
Fewer than 20,000	850
Educational Institutions that are not State or Publicly Supported, and have 500 Employees or Fewer:	
35 to 500 employees	4,100
Fewer than 35 employees	850

(d) The FY 2017 annual fees are comprised of a base annual fee and an allocation for fee-relief adjustment. The activities comprising the FY 2017 fee-relief adjustment are shown for convenience in paragraph (e) of this section. The FY 2017 annual fees for materials licensees and holders of certificates, registrations, or approvals subject to fees under this section are shown in the following table:

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC

[See footnotes at end of table]

Category of materials licenses	Annual fees [1 2 3]
1. Special nuclear material:	

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1 2 3]
A. (1) Licenses for possession and use of U–235 or plutonium for fuel fabrication activities	
(a) Strategic Special Nuclear Material (High Enriched Uranium) [Program Code(s): 21130]	$6,599,000
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel [Program Code(s): 21210]	2,391,000
(2) All other special nuclear materials licenses not included in Category 1.A.(1) which are licensed for fuel cycle activities	
(a) Facilities with limited operations [Program Code(s): 21310, 21320]	0
(b) Gas centrifuge enrichment demonstration facilities	1,291,000
(c) Others, including hot cell facilities	646,000
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI) [Program Code(s): 23200]	[11] N/A
C. Licenses for possession and use of special nuclear material of less than a critical mass, as defined in § 70.4 of this chapter, in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers.[15] [Program Code(s): 22140]	3,100
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in sealed or unsealed form in combination that would constitute a critical mass, as defined in § 70.4 of this chapter, for which the licensee shall pay the same fees as those under Category 1.A.[15] [Program Code(s): 22110, 22111, 22120, 22131, 22136, 22150, 22151, 22161, 22170, 23100, 23300, 23310]	8,800
E. Licenses or certificates for the operation of a uranium enrichment facility [Program Code(s): 21200]	3,156,000
F. Licenses for possession and use of special nuclear material greater than critical mass, as defined in 70.4 of this chapter, for development and testing of commercial products, and other non-fuel-cycle activities.[15] [Program Code: 22155]	6,500
2. Source material:	
A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride or for deconverting uranium hexafluoride in the production of uranium oxides for disposal. [Program Code: 11400]	1,363,000
(2) Licenses for possession and use of source material in recovery operations such as milling, in-situ recovery, heap-leaching, ore buying stations, ion-exchange facilities and in-processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode	
(a) Conventional and Heap Leach facilities [Program Code(s): 11100]	42,300
(b) Basic *In Situ* Recovery facilities [Program Code(s): 11500]	53,600
(c) Expanded *In Situ* Recovery facilities [Program Code(s): 11510]	60,700
(d) *In Situ* Recovery Resin facilities [Program Code(s): 11550]	0
(e) Resin Toll Milling facilities [Program Code(s): 11555]	[5] N/A
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4) [Program Code(s): 11600, 12000]	[5] N/A
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2) [Program Code(s): 12010]	24,000
(5) Licenses that authorize the possession of source material related to removal of contaminants (source material) from drinking water [Program Code(s): 11820]	7,100
B. Licenses that authorize possession, use, and/or installation of source material for shielding.[16] [17] [18] [Program Code: 11210]	3,400
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter. [Program Code: 11240]	5,600
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter [Program Code(s): 11230 and 11231]	6,400
E. Licenses for possession and use of source material for processing or manufacturing of products or materials containing source material for commercial distribution. [Program Code: 11710]	8,000
F. All other source material licenses [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810]	9,500
3. Byproduct material:	
A. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution [Program Code(s): 03211, 03212, 03213]	30,800
B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution [Program Code(s): 03214, 03215, 22135, 22162]	11,700
C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter authorizing the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when included on the same license. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 171.11(a)(1). [Program Code(s): 02500, 02511, 02513]	13,100
D. [Reserved]	[5] N/A
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units) [Program Code(s): 03510, 03520]	10,900
F. Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes [Program Code(s): 03511]	11,700

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1 2 3]
G. Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes [Program Code(s): 03521]	95,800
H. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of part 30 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter [Program Code(s): 03254, 03255]	11,800
I. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter [Program Code(s): 03250, 03251, 03252, 03253, 03256]	16,300
J. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter [Program Code(s): 03240, 03241, 03243]	4,500
K. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter [Program Code(s): 03242, 03244]	3,400
L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 1–5. [Program Code(s): 01100, 01110, 01120, 03610, 03611, 03612, 03613]	16,500
(1) Licenses of broad scope for possession and use of product material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 6–19. [Program Code(s): 04610, 04612, 04614, 04616, 04618, 04620, 04622]	26,200
(2) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 20 or more. [Program Code(s): 04611, 04613, 04615, 04617, 04619, 04621, 04623]	33,100
M. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution [Program Code(s): 03620]	14,900
N. Licenses that authorize services for other licensees, except: (1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3.P.; and (2) Licenses that authorize waste disposal services are subject to the fees specified in fee categories 4.A., 4.B., and 4.C. [Program Code(s): 03219, 03225, 03226]	22,200
O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license [Program Code(s): 03310, 03320]	27,100
P. All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[19] [Program Code(s): 02400, 02410, 03120, 03121, 03122, 03123, 03124, 03140, 03130, 03220, 03221, 03222, 03800, 03810, 22130]	9,200
Q. Registration of devices generally licensed under part 31 of this chapter	[13] N/A
R. Possession of items or products containing radium–226 identified in 10 CFR 31.12 which exceed the number of items or limits specified in that section:[14]	
1. Possession of quantities exceeding the number of items or limits in 10 CFR 31.12(a)(4), or (5) but less than or equal to 10 times the number of items or limits specified [Program Code(s): 02700]	7,700
2. Possession of quantities exceeding 10 times the number of items or limits specified in 10 CFR 31.12(a)(4) or (5) [Program Code(s): 02710]	8,000
S. Licenses for production of accelerator-produced radionuclides [Program Code(s): 03210]	32,200
4. Waste disposal and processing:	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material [Program Code(s): 03231, 03233, 03235, 03236, 06100, 06101]	[5] N/A
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material [Program Code(s): 03234]	21,000
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material [Program Code(s): 03232]	14,200
5. Well logging:	
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies [Program Code(s): 03110, 03111, 03112]	16,100
B. Licenses for possession and use of byproduct material for field flooding tracer studies. [Program Code(s): 03113]	[5] N/A
6. Nuclear laundries:	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material [Program Code(s): 03218]	38,500
7. Medical licenses:	

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1 2 3]
A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. [Program Code(s): 02300, 02310]	23,900
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [Program Code(s): 02110]	33,900
C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9 20] [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]	14,800
8. Civil defense:	
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities [Program Code(s): 03710]	7,700
9. Device, product, or sealed source safety evaluation:	
A. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution	7,600
B. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices	12,600
C. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution	7,500
D. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel	1,500
10. Transportation of radioactive material:	
A. Certificates of Compliance or other package approvals issued for design of casks, packages, and shipping containers.	
1. Spent Fuel, High-Level Waste, and plutonium air packages	[6] N/A
2. Other Casks	[6] N/A
B. Quality assurance program approvals issued under part 71 of this chapter	
1. Users and Fabricators	[6] N/A
2. Users	[6] N/A
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices)	[6] N/A
11. Standardized spent fuel facilities	[6] N/A
12. Special Projects [Program Code(s): 25110]	[6] N/A
13. A. Spent fuel storage cask Certificate of Compliance	[6] N/A
B. General licenses for storage of spent fuel under 10 CFR 72.210	[12] N/A
14. Decommissioning/Reclamation:	
A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter, including master materials licenses (MMLs) [Program Code(s): 3900, 11900, 21135, 21215, 21325, 22200]	[7] N/A
B. Site-specific decommissioning activities associated with unlicensed sites, including MMLs, whether or not the sites have been previously licensed	[7] N/A
15. Import and Export licenses	[8] N/A
16. Reciprocity	[8] N/A
17. Master materials licenses of broad scope issued to Government agencies [Program Code(s): 03614]	342,000
18. Department of Energy.	
A. Certificates of Compliance	[10] 1,423,000
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities	627,000

[1] Annual fees will be assessed based on whether a licensee held a valid license with the NRC authorizing possession and use of radioactive material during the current FY. The annual fee is waived for those materials licenses and holders of certificates, registrations, and approvals who either filed for termination of their licenses or approvals or filed for possession only/storage licenses before October 1, 2015, and permanently ceased licensed activities entirely before this date. Annual fees for licensees who filed for termination of a license, downgrade of a license, or for a possession-only license during the FY and for new licenses issued during the FY will be prorated in accordance with the provisions of § 171.17. If a person holds more than one license, certificate, registration, or approval, the annual fee(s) will be assessed for each license, certificate, registration, or approval held by that person. For licenses that authorize more than one activity on a single license (*e.g.,* human use and irradiator activities), annual fees will be assessed for each category applicable to the license.

[2] Payment of the prescribed annual fee does not automatically renew the license, certificate, registration, or approval for which the fee is paid. Renewal applications must be filed in accordance with the requirements of parts 30, 40, 70, 71, 72, or 76 of this chapter.

[3] Each FY, fees for these materials licenses will be calculated and assessed in accordance with § 171.13 and will be published in the **Federal Register** for notice and comment.

[4] Other facilities include licenses for extraction of metals, heavy metals, and rare earths.

[5] There are no existing NRC licenses in these fee categories. If NRC issues a license for these categories, the Commission will consider establishing an annual fee for this type of license.

[6] Standardized spent fuel facilities, 10 CFR parts 71 and 72 Certificates of Compliance and related Quality Assurance program approvals, and special reviews, such as topical reports, are not assessed an annual fee because the generic costs of regulating these activities are primarily attributable to users of the designs, certificates, and topical reports.

[7] Licensees in this category are not assessed an annual fee because they are charged an annual fee in other categories while they are licensed to operate.

[8] No annual fee is charged because it is not practical to administer due to the relatively short life or temporary nature of the license.

[9] Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions that also hold nuclear medicine licenses under fee categories 7.B. or 7.C.

[10] This includes Certificates of Compliance issued to the U.S. Department of Energy that are not funded from the Nuclear Waste Fund.

[11] See § 171.15(c).

[12] See § 171.15(c).

[13] No annual fee is charged for this category because the cost of the general license registration program applicable to licenses in this category will be recovered through 10 CFR part 170 fees.

[14] Persons who possess radium sources that are used for operational purposes in another fee category are not also subject to the fees in this category. (This exception does not apply if the radium sources are possessed for storage only.)

[15] Licensees paying annual fees under category 1.A., 1.B., and 1.E. are not subject to the annual fees for categories 1.C., 1.D., and 1.F. for sealed sources authorized in the license.

[16] Licensees subject to fees under categories 1.A., 1.B., 1.E., or 2.A. must pay the largest applicable fee and are not subject to additional fees listed in this table.

[17] Licensees paying fees under 3.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.

[18] Licensees paying fees under 7.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.

[19] Licensees paying fees under 3.N. are not subject to paying fees under 3.P. for calibration or leak testing services authorized on the same license.

[20] Licensees paying fees under 7.B. are not subject to paying fees under 7.C. for broad scope license licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices authorized on the same license.

(e) The fee-relief adjustment allocated to annual fees includes the budgeted resources for the activities listed in paragraph (e)(1) of this section, plus the total budgeted resources for the activities included in paragraphs (e)(2) and (3) of this section, as reduced by the appropriations the NRC receives for these types of activities. If the NRC's appropriations for these types of activities are greater than the budgeted resources for the activities included in paragraphs (e)(2) and (e)(3) of this section for a given fiscal year, a negative fee-relief adjustment (or annual fee reduction) will be allocated to annual fees. The activities comprising the FY 2017 fee-relief adjustment are as follows:

* * * * *

Dated at Rockville, Maryland, this 12 day of January 2017.

For the Nuclear Regulatory Commission.

Maureen E. Wylie,

Chief Financial Officer.

[FR Doc. 2017–01886 Filed 1–27–17; 8:45 am]

BILLING CODE 7590–01–P

Notices

Federal Register

Vol. 82, No. 18

Monday, January 30, 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.

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Indiana Advisory Committee for New Committee Orientation and a Discussion of Civil Rights Concerns in the State

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice; 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 Indiana Advisory Committee (Committee) will hold a meeting on Tuesday, February 21, 2017, at 3:00 p.m. EST for the purposes of completing new committee orientation and discussing civil rights concerns in the State for future Committee study.

DATES: The meeting will be held on Tuesday, February 21, 2017, at 3 p.m. EST

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

SUPPLEMENTARY INFORMATION:

Public Call Information: Dial 888–417–8531, Conference ID: 6689234.

Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–417–8531, conference ID: 6689234. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

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

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Indiana Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=247*). Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit Office at the above email or street address.

Agenda

Welcome and Introductions

Committee Orientation

Discussion: Civil Rights in Indiana

Public Comment

Future Plans and Actions

Adjournment

Dated: January 24, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–01925 Filed 1–27–17; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nevada State Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Nevada Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Pacific Time) Tuesday, February 7, 2017, for the purpose of discussing the logistics and agenda for the Committee's upcoming public meeting to hear testimony on the civil rights issues regarding municipal fees and policing practices in Nevada.

DATES: The meeting will be held on Tuesday, February 7, 2017, at 1:00 p.m. PST.

ADDRESSES: Public call information: Dial: 800–967–7185 Conference ID: 9376506.

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

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800–967–7185, conference ID number: 9376506. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S.

Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (312) 353–8311, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

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

Agenda:

I. Introductions—Wendell Blaylock, Chair of the Nevada Advisory Committee
II. Discussion of Potential Panelists for Hearing on Municipal Fees and Fines in Nevada—Member of the Nevada Advisory Committee
III. Public Comment
IV. Adjournment

Exceptional Circumstance: Pursuant to the Federal Advisory Committee Management Regulations (41 CFR 102–3.150), the notice for this meeting is given less than 15 calendar days prior to the meeting due to exceptional circumstance of the Committee project supporting the Commission's 2017 statutory enforcement report.

Dated: January 25, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–01961 Filed 1–27–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Office of the Secretary

Estimates of the Voting Age Population for 2016

AGENCY: Office of the Secretary, Commerce.

ACTION: General notice announcing population estimates.

SUMMARY: This notice announces the voting age population estimates as of July 1, 2016, for each state and the District of Columbia. We are providing this notice in accordance with the 1976 amendment to the Federal Election Campaign Act, Title 52, United States Code, Section 30116(e).

FOR FURTHER INFORMATION CONTACT: Karen Battle, Chief, Population Division, U.S. Census Bureau, Room HQ–6H174, Washington, DC 20233, at 301–763–2071.

SUPPLEMENTARY INFORMATION: Under the requirements of the 1976 amendment to the Federal Election Campaign Act, Title 52, United States Code, Section 30116(e), I hereby give notice that the estimates of the voting age population for July 1, 2016, for each state and the District of Columbia are as shown in the following table.

ESTIMATES OF THE POPULATION OF VOTING AGE FOR EACH STATE AND THE DISTRICT OF COLUMBIA: JULY 1, 2016

Area	Population 18 and over
United States:	249,485,228
Alabama	3,766,477
Alaska	554,567
Arizona	5,299,579
Arkansas	2,283,195
California	30,157,154
Colorado	4,279,173
Connecticut	2,823,158
Delaware	747,791
District of Columbia	560,277
Florida	16,465,727
Georgia	7,798,827
Hawaii	1,120,541
Idaho	1,245,967
Illinois	9,875,430
Indiana	5,057,601
Iowa	2,403,962
Kansas	2,192,338
Kentucky	3,426,345
Louisiana	3,567,717
Maine	1,076,765
Maryland	4,667,719
Massachusetts	5,433,677
Michigan	7,737,243
Minnesota	4,231,619
Mississippi	2,267,438
Missouri	4,706,137
Montana	814,909
Nebraska	1,433,791
Nevada	2,262,631
New Hampshire	1,074,207
New Jersey	6,959,717
New Mexico	1,590,352
New York	15,564,730
North Carolina	7,848,068
North Dakota	581,641
Ohio	9,002,201
Oklahoma	2,961,933
Oregon	3,224,738
Pennsylvania	10,109,422
Rhode Island	848,045
South Carolina	3,863,498
South Dakota	652,167
Tennessee	5,149,399
Texas	20,568,009
Utah	2,129,444

ESTIMATES OF THE POPULATION OF VOTING AGE FOR EACH STATE AND THE DISTRICT OF COLUMBIA: JULY 1, 2016—Continued

Area	Population 18 and over
Vermont	506,066
Virginia	6,541,685
Washington	5,658,502
West Virginia	1,456,034
Wisconsin	4,491,015
Wyoming	446,600

Source: U.S. Census Bureau, Population Division, Vintage 2016 Population Estimates.

I have certified these estimates for the Federal Election Commission.

Dated: January 18, 2017.

Penny Pritzker,

Secretary, U.S. Department of Commerce.

[FR Doc. 2017–01890 Filed 1–27–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–832]

Pure Magnesium From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016

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

SUMMARY: The Department of Commerce (''Department'') is conducting an administrative review of the antidumping duty order on pure magnesium from the People's Republic of China (''PRC''), covering the period May 1, 2015, through April 30, 2016. The Department preliminarily determines that Tianjin Magnesium International, Co., Ltd. (''TMI'') and Tianjin Magnesium Metal, Co., Ltd. (''TMM'') (collectively ''TMI/TMM'') [1] did not have reviewable entries during the period of review (''POR''). We invite interested parties to comment on these preliminary results.

DATES: Effective January 30, 2017.

FOR FURTHER INFORMATION CONTACT: James Terpstra or Brendan Quinn, AD/

[1] In the 2011–2012 administrative review of the order, the Department determined TMM and TMI to be collapsed and treated as a single company for purposes of the proceeding and, because there were no changes to the facts which supported that decision since that determination was made, we continue to find that these companies are part of a single entity for this administrative review. *See Pure Magnesium From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011–2012,* 79 FR 94 (January 2, 2014) and accompanying Issues and Decision Memorandum at Comment 5.

CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington DC 20230; telephone: (202) 482–3965 or (202) 482–5848, respectively.

Background

On May 2, 2016, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on pure magnesium from the PRC for the POR.[2] On May 31, 2016, in response to a timely request from Petitioner,[3] and in accordance with section 751(a) of the Tariff Act of 1930, as amended (the ''Act''), and 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on pure magnesium from the PRC with respect to TMI and TMM.[4]

Scope of the Order

Merchandise covered by the order is pure magnesium regardless of chemistry, form or size, unless expressly excluded from the scope of the order. Pure magnesium is a metal or alloy containing by weight primarily the element magnesium and produced by decomposing raw materials into magnesium metal. Pure primary magnesium is used primarily as a chemical in the aluminum alloying, desulfurization, and chemical reduction industries. In addition, pure magnesium is used as an input in producing magnesium alloy. Pure magnesium encompasses products (including, but not limited to, butt ends, stubs, crowns and crystals) with the following primary magnesium contents:

(1) Products that contain at least 99.95% primary magnesium, by weight (generally referred to as ''ultra pure'' magnesium);

(2) Products that contain less than 99.95% but not less than 99.8% primary magnesium, by weight (generally referred to as ''pure'' magnesium); and

(3) Products that contain 50% or greater, but less than 99.8% primary magnesium, by weight, and that do not conform to ASTM specifications for alloy magnesium (generally referred to as ''off-specification pure'' magnesium).

''Off-specification pure'' magnesium is pure primary magnesium containing magnesium scrap, secondary magnesium, oxidized magnesium or impurities (whether or not intentionally added) that cause the primary magnesium content to fall below 99.8% by weight. It generally does not contain, individually or in combination, 1.5% or more, by weight, of the following alloying elements: Aluminum, manganese, zinc, silicon, thorium, zirconium and rare earths.

Excluded from the scope of the order are alloy primary magnesium (that meets specifications for alloy magnesium), primary magnesium anodes, granular primary magnesium (including turnings, chips and powder) having a maximum physical dimension (*i.e.,* length or diameter) of one inch or less, secondary magnesium (which has pure primary magnesium content of less than 50% by weight), and remelted magnesium whose pure primary magnesium content is less than 50% by weight.

Pure magnesium products covered by the order are currently classifiable under Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings 8104.11.00, 8104.19.00, 8104.20.00, 8104.30.00, 8104.90.00, 3824.90.11, 3824.90.19 and 9817.00.90. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

Preliminary Determination of No Shipments

We received timely submissions from TMM and TMI certifying that they did not have sales, shipments, or exports of subject merchandise to the United States during the POR.[5] In order to examine TMM's and TMI's claim, we sent an inquiry to CBP requesting that it provide any information contrary to these no-shipments claims.[6] We received none. On August 15, 2016, Petitioner submitted public information it alleged contradicts TMM's and TMI's certifications of no shipments of subject merchandise during the POR.[7]

Because we have not received information to the contrary from CBP, consistent with our practice, we preliminarily determine that TMI/TMM had no shipments and, therefore, no reviewable entries during the POR. Further, consistent with our practice in non-market economy (''NME'') cases, the Department is not rescinding this review, but intends to complete the review with respect to TMI/TMM and issue appropriate instructions to CBP based on the final results of the review.[8]

Public Comment

Interested parties may submit case briefs no later than 30 days after the date of publication of this notice in the **Federal Register.**[9] Rebuttals to case briefs, which must be limited to issues raised in the case briefs, must be filed within five days after the date for filing case briefs.[10] Parties who submit arguments in this proceeding are requested to submit with each argument: (a) A statement of the issue, (b) a brief summary of the argument, and (c) a table of authorities.[11] Parties submitting briefs should do so pursuant to the Department's electronic filing system: Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS'').[12] ACCESS is available to registered users at *https://access.trade.gov,* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days of the date of publication of this notice. Hearing requests should contain the following information: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 81 FR 26206 (May 2, 2016).

[3] *See* letter from U.S. Magnesium, ''Pure Magnesium from the People's Republic of China: Request for Administrative Review,'' dated May 31, 2016.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 44260 (July 7, 2016) (''*Initiation Notice*'').

[5] *See* Letter from TMM, ''Pure Magnesium from the People's Republic of China; A–570–832; Certification of No Sales by Tianjin Magnesium Metal Co., Ltd.,'' dated July 25, 2016, at 1. *See* letter from TMI, ''Pure Magnesium from the People's Republic of China; A–570–832; Certification of No Sales by Tianjin Magnesium International, Co., Ltd.,'' dated August 1, 2016.

[6] *See* No Shipments Memo at Attachment 2. *See also* CBP message 6273308, dated September 29, 2016.

[7] *See* letter from Petitioner, ''Pure Magnesium from the People's Republic of China: Response to TMM/TMI's No Shipment Certifications,'' dated August 15, 2016, at Exhibits 1, 2, and 3. We provided the information submitted by Petitioner to CBP on November 4, 2016. *See* the Department's letter to Alexander Amdur, Director, AD/CVD Policy & Programs Division, Office of International Trade U.S. Customs & Border Protection, from Wendy J. Frankel Director, Customs Liaison Unit, ''Pure Magnesium from the People's Republic of China and Magnesium Metal from the People's Republic of China,'' dated November 4, 2016, at Attachment II.

[8] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011) and the ''Assessment Rates'' section, below.

[9] *See* 19 CFR 351.309(c)(1)(ii).

[10] *See* 19 CFR 351.309(d)(1)(2).

[11] *See* 19 CFR 351.309(c)(2), (d)(2).

[12] *See* 19 CFR 351.303 (for general filing requirements).

raised in the respective case briefs. If a request for a hearing is made, parties will be notified of the time and date of the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

Unless extended, we intend to issue the final results of this administrative review, including our analysis of all issues raised in any written brief, not later than 120 days of publication of this notice in the **Federal Register,** pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[13] We intend to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. Pursuant to the Department's practice in NME cases, if the Department continues to determine in the final results that that TMI/TMM had no shipments of subject merchandise, any suspended entries during the POR from TMI/TMM will be liquidated at the PRC-wide rate.[14]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For TMI/TMM, which claimed no shipments, the cash deposit rate will remain unchanged from the rate assigned to TMI/TMM in the most recently completed review of the company; (2) for previously investigated or reviewed PRC and non-PRC exporters who are not under review in this segment of the proceeding but who have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 111.73 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

This notice is issued in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: January 24, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–01955 Filed 1–27–17; 8:45 am]

BILLING CODE 3510–DS–P

[13] *See* 19 CFR 351.212(b)(1).

[14] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–853]

Citric Acid and Certain Citrate Salts From Canada: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on citric acid and certain citrate salts (citric acid) from Canada. The period of review (POR) is May 1, 2015, through April 30, 2016. The review covers one producer/exporter of the subject merchandise, Jungbunzlauer Canada Inc. (JBL Canada). We preliminarily determine that sales of subject merchandise by JBL Canada were not made at prices below normal value (NV). Interested parties are invited to comment on these preliminary results.

DATES: Effective January 30, 2017.

FOR FURTHER INFORMATION CONTACT: Katherine Johnson or George Ayache, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–4929 or (202) 482–2623, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise covered by the *Order*[1] is citric acid and certain citrate salts from Canada. The product is currently classified under subheadings 2918.14.0000, 2918.15.1000, 2918.15.5000, and 3824.90.9290 of the Harmonized Tariff System of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of merchandise subject to the scope is dispositive.[2]

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum, dated concurrently with these results and hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Results of the Review

As a result of this review, the Department preliminarily determines

[1] *See Citric Acid and Certain Citrate Salts from Canada and the People's Republic of China: Antidumping Duty Orders,* 74 FR 25703 (May 29, 2009) (the *Order*).

[2] A full description of the scope of the *Order* is contained in the memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Citric Acid and Certain Citrate Salts from Canada; 2015–2016'' (Preliminary Decision Memorandum), dated concurrently with these results and hereby adopted by this notice.

that a weighted-average dumping margin of 0.00 percent exists for JBL Canada for the period May 1, 2015, through April 30, 2016.

Disclosure and Public Comment

The Department intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs to the Department no later than 30 days after the date of publication of this notice.[3] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[4] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Case and rebuttal briefs should be filed using ACCESS.[5]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Standard Time within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues parties intend to be discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined.[6] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

The Department intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless the deadline is extended.[7]

[3] *See* 19 CFR 351.309(c)(1)(ii).

[4] *See* 19 CFR 351.309(d).

[5] *See* 19 CFR 351.303.

[6] *See* 19 CFR 351.310(c).

[7] *See* section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

Assessment Rates

Upon completion of the administrative review, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess upon issuance of the final results, antidumping duties on all appropriate entries covered by this review.[8]

We calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer. If JBL Canada's calculated weighted-average dumping margin is above *de minimis* in the final results of this review, we will instruct CBP to assess antidumping duties on all appropriate entries covered by this review. If JBL Canada's weighted-average dumping margin continues to be zero or *de minimis,* or the importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[9]

We intend to issue instructions to CBP 41 days after the date of publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for JBL Canada will be the rate established in the final results of this review, except if the rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1) (*i.e.,* less than 0.50 percent), in which case the cash deposit rate will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently-completed segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 23.21 percent, the all-others rate established in the less-than-fair-value investigation.[10] These cash deposit requirements, when imposed, shall remain in effect until further notice.

[8] *See* 19 CFR 351.212(b)(1).

[9] *See* 19 CFR 351.106(c)(2).

Notification to Importers

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

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: January 24, 2017.

Ronald K. Lorentzen,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
  A. Normal Value Comparisons
  1. Determination of Comparison Method
  2. Results of the Differential Pricing Analysis
  B. Product Comparisons
  C. Constructed Export Price
  D. Normal Value
  1. Home Market Viability as Comparison Market
  2. Level of Trade (LOT)
  E. Cost of Production (COP) Analysis
  1. Calculation of COP
  2. Test of Comparison Market Sales Prices
  3. Results of the COP Test
  F. Calculation of NV Based on Comparison Market Prices
  G. Currency Conversion
V. Recommendation

[FR Doc. 2017–01977 Filed 1–27–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–899]

Certain Artist Canvas From the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order

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

[10] *See* the *Order.*

SUMMARY: As a result of this sunset review, the Department of Commerce (''Department'') finds that revocation of the antidumping duty (''AD'') order on certain artist canvas from the People's Republic of China would be likely to lead to the continuation or recurrence of dumping at the dumping margins identified in the ''Final Results of Review'' section of this notice.

DATES: Effective March 1, 2017.

FOR FURTHER INFORMATION CONTACT: Paul Stolz; AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–4474.

SUPPLEMENTARY INFORMATION:

Background

On October 3, 2016, the Department published the notice of initiation of the second sunset review of the AD *Order*[1] on certain artist canvas from the People's Republic of China (''PRC'') pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On October 17, 2016, Tara Materials, Inc., (''Tara Materials''),[2] BF Inkjet Digital Inc., IJ Technologies, Inc. and Permalite Inc. (''Domestic Interested Parties''), notified the Department that they intended to participate in the sunset review. On November 2, 2016, the Domestic Interested Parties submitted a substantive response. The Department did not receive a substantive response from any respondent party. Based on the notice of intent to participate and adequate response filed by the Domestic Interested Parties, and the lack of response from any respondent interested party, the Department conducted an expedited sunset review of the *Order* pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

Scope of the Order

The products covered by the order are artist canvases regardless of dimension and/or size, whether assembled or unassembled, that have been primed/coated, whether or not made from cotton, whether or not archival, whether bleached or unbleached, and whether or not containing an ink receptive top coat. Priming/coating includes the application of a solution, designed to promote the adherence of artist materials, such as paint or ink, to the fabric. Artist canvases (*i.e.,* pre-stretched canvases, canvas panels, canvas pads, canvas rolls (including bulk rolls that have been primed), printable canvases, floor cloths, and placemats) are tightly woven prepared painting and/or printing surfaces. Artist canvas and stretcher strips (whether or not made of wood and whether or not assembled) included within a kit or set are covered by the order.

Artist canvases subject to the order are currently classifiable under subheadings 5901.90.20.00, 5901.90.40.00, 5903.90.2500, 5903.90.2000, 5903.90.1000, 5907.00.8090, 5907.00.8010, and 5907.00.6000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Specifically excluded from the scope of the order are tracing cloths, ''paint-by-number'' or ''paint-it-yourself'' artist canvases with a copyrighted preprinted outline, pattern, or design, whether or not included in a painting set or kit.[3] Also excluded are stretcher strips, whether or not made from wood, so long as they are not incorporated into artist canvases or sold as part of an artist canvas kit or set. While the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review is addressed in the accompanying Issues and Decision Memorandum, which is hereby adopted by this notice.[4] The issues discussed in the accompanying I&D Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the dumping margin likely to prevail if the *Order* is revoked. The I&D Memo 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 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 section 751(c) of the Act, the Department determines that revocation of the *Order* on certain artist canvas would likely lead to continuation or recurrence of dumping and that the magnitude of the margins of dumping likely to prevail is up to 264.09 percent.

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely 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, and 777(i)(1) of the Act.

Dated: January 24, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–01951 Filed 1–27–17; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Initiation of Five-Year (''Sunset'') Review,* 81 FR 67967 (October 3, 2016) (''*Sunset Initiation*''); *see also Notice of Antidumping Duty Order: Certain Artist Canvas from the People's Republic of China,* 71 FR 31154 (June 1, 2006) (''*Order*'').

[2] Tara Materials was the Petitioner in the underlying investigation.

[3] Artist canvases with a non-copyrighted preprinted outline, pattern, or design are included in the scope, whether or not included in a painting set or kit.

[4] *See* the Department's memorandum entitled, ''Issues and Decision Memorandum for the Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order on Certain Artist Canvas from the People's Republic of China,'' dated concurrently with this notice (''I&D Memo'').

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–802]

Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results of the Second Five-Year Sunset Review of the Antidumping Duty Order

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

SUMMARY: On September 15, 2016, the Department of Commerce (Department) issued the preliminary results of the second full five-year (sunset) review of the antidumping duty (AD) order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam (Vietnam). As a result of our analysis, the Department finds that revocation of the AD order would be likely to lead to

continuation or recurrence of dumping at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Effective January 30, 2017.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC, 20230; telephone: 202–482–6905.

SUPPLEMENTARY INFORMATION:

Background

On September 15, 2016, the Department published the *Preliminary Results,*[1] finding that dumping was likely to continue or recur if the *AD Order*[2] were revoked, and determined to the report to the International Trade Commission (ITC) rates up to 25.76 percent as the margins of dumping likely to prevail.[3] We invited interested parties to comment on the *Preliminary Results.* We received a case brief from the Vietnamese Association of Seafood Exporters and Producers (VASEP), representing the respondent interested parties on October 17, 2016, and rebuttal briefs from the domestic interested parties, Ad Hoc Shrimp Trade Action Committee (petitioner) and the American Shrimp Processors Association (ASPA), on October 24, 2016.

Scope of the Order

The merchandise subject to the order is certain frozen warmwater shrimp. The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description, available in the Issues and Decision Memorandum, remains dispositive.[4]

Analysis of Comments Received

All issues raised for the final results of this sunset review are addressed in the Issues and Decision Memorandum, dated concurrently with this final notice, which is hereby adopted by this notice. The issues discussed in the Issues and Decision Memorandum include the likelihood of the continuation or recurrence of dumping and the magnitude of the margins of dumping likely to prevail. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and 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 and electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

We determine that revocation of the *AD Order* on certain frozen warmwater shrimp from Vietnam would be likely to lead to continuation or recurrence of dumping at weighted average margins up to 25.76 percent.

Notification to Interested Parties

This notice also serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely 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 the final results of this full sunset review in accordance with sections 751(c)(5)(A), 752(c), and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.218(f)(3).

Dated: January 24, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Issues and Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Discussion of the Issues

Comment 1: Whether the Department Properly Considered Import Volumes and Dumping Margins in Its ''Likelihood'' Determination

Comment 2: Magnitude of the Margins Likely to Prevail

5. Recommendation

[FR Doc. 2017–01952 Filed 1–27–17; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Preliminary Results of the Second Five-Year Sunset Review of the Antidumping Duty Order,* 81 FR 63469 (September 15, 2016) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum.

[2] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam,* 70 FR 5152 (February 1, 2005) (*AD Order*).

[3] *See Sunset Prelim,* 81 FR at 63470.

[4] For a complete description of the Scope of the Order, *see* Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, re: ''Issues and Decision Memorandum for the Final Results of the Second Sunset Review of the Antidumping Duty Order on Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam,'' dated concurrently with this notice (Issues and Decision Memorandum).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Renewal of the Marine Protected Areas Federal Advisory Committee

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of renewal of the Marine Protected Areas Federal Advisory Committee.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App 2, and the Federal Advisory Committee Management Final Rule, 41 CFR part 102–3, and after consultation with the General Services Administration (GSA), the Secretary of Commerce has determined that the renewal of the Marine Protected Areas Federal Advisory Committee (MPAFAC) is in the public interest in connection with the performance of duties imposed on the Department by law. The Committee's revised charter is available at *http://marineprotectedareas.noaa.gov/fac/.*

SUPPLEMENTARY INFORMATION: The Committee was first established in 2003 to advise the Secretary of Commerce, through the Under Secretary of Commerce for Oceans and Atmosphere, and the Secretary of the Interior on matters relating to the national system of marine protected areas as set forth in Executive Order 13158, Section 4(c) (May 2000).

The Committee will have a balanced membership consisting of 20 non-Federal members serving in a

representative capacity. All members should have expertise in marine protected areas; membership may include scientists; resource managers; and representatives of conservation organizations, other non-governmental organizations, and affected interest groups such as fishing, ocean industry, and tourism. Each candidate member shall be appointed by the Under Secretary of Commerce for Oceans and Atmosphere, in consultation with the Secretary of the Interior, for a non-renewable term of four years.

The Committee will function solely as an advisory body, and in compliance with provisions of the Federal Advisory Committee Act. Copies of the Committee's revised Charter have been filed with the appropriate committees of the Congress and with the Library of Congress. The Committee's revised charter is available at *http://www.marineprotectedareas.noaa.gov/fac/*.

FOR FURTHER INFORMATION CONTACT: Lauren Wenzel, Designated Federal Officer, MPA FAC, National Marine Protected Areas Center, 1305 East West Highway, Silver Spring, Maryland 20910. (Phone: 240–533–0652); email: *lauren.wenzel@noaa.gov;* or visit the National MPA Center Web site at *http://marineprotectedareas.noaa.gov/fac/*).

Dated: January 17, 2017.

John Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2017–01934 Filed 1–27–17; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; NOAA Space-Based Data Collection System (DCS) Agreements

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before March 31, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instruments and instructions should be directed to Scott Rogerson, 301–817–4543 or *Scott.Rogerson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of an existing information collection. The National Oceanic and Atmospheric Administration (NOAA) operates two space-based data collection systems (DCS), the Geostationary Operational Environmental Satellite (GOES) DCS and the Polar-Orbiting Operational Environmental Satellite (POES) DCS, also known as the Argos system. NOAA allows users access to the DCS if they meet certain criteria. The applicants must submit information to ensure that they meet these criteria. NOAA does not approve agreements where there is a commercial service available to fulfill the user's requirements.

II. Method of Collection

Methods of submittal include Internet, facsimile transmission, postal mailing of paper forms, and email transmission of electronic forms.

III. Data

OMB Control Number: 0648–0157.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Not-for-profit institutions; Federal government; state, local, or tribal government; business or other for-profit organizations.

Estimated Number of Respondents: 415.

Estimated Time per Response: One hour and eight minutes per response.

Estimated Total Annual Burden Hours: 470.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 25, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–01993 Filed 1–27–17; 8:45 am]

BILLING CODE 3510–HR–P

COURT SERVICES AND OFFENDER SUPERVISION AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Court Services and Offender Supervision Agency (CSOSA)

ACTION: Notice and request for comments.

SUMMARY: As part of a federal government-wide effort to streamline the process to seek feedback from the public on service delivery, CSOSA on behalf of its sister agency, Pretrial Services Agency for the District of Columbia (PSA,) is seeking comment on the development of the following proposed Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery '' for approval under the Paperwork Reduction Act (PRA). This notice announces our intent to submit this collection to OMB for approval and solicit comments on specific aspects for the proposed information collection.

DATES: Consideration will be given to all comments received by March 31, 2017.

ADDRESSES: You may submit written comments, identified by ''Collection of Qualitative Feedback on Agency Service Delivery'' to: Rochelle Durant, Program Analyst, Office of General Counsel, Court Services and Offender Supervision Agency, 633 Indiana Avenue NW., Washington, DC 20004 or

to *Rochelle.Durant@csosa.gov* Fax: (202) 220–5315.

Comments submitted in response to this notice may be made available to the public. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and may be made available on the Internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT:

Rochelle Durant, Program Analyst, Office of General Counsel, Court Services and Offender Supervision Agency, 633 Indiana Avenue NW., Room 1378, Washington, DC 20004, (202) 220–5364 or to *Diane.Bradley@csosa.gov.*

For content support: Sharon Banks, Program A, Program Analyst, Office of Strategic Planning, Pretrial Services Agency for the District of Columbia, 1025 F Street NW., Room 706–G, Washington, DC 20004, (202) 442–1086 or to *Sharon.Banks@psa.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

Abstract: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they collect or sponsor. Section 3506(c)(2)(A) of the PRA (944 U.S.C. 3506(c)(2)(A) requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection of information to OMB for approval. To comply with this requirement, CSOSA on behalf of its sister agency, PSA, is publishing notice of the proposed collection of information set forth in this document. The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

1. The collections are voluntary;
2. The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the federal government;
3. The collections are non-controversial and do not raise issues of concern to other federal agencies;
4. Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
5. Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
6. Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
7. Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
8. Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Current Actions: New collection of information.

Type of Review: New Collection.

(1) Affected Public: Individuals currently under PSA supervision. PSA stakeholders including criminal justice system (*e.g.,* judges).

Estimated Number of Respondents: 450.

Below we provide projected average estimates for the next three years:

Average Expected Annual Number of activities: 2.

Average number of Respondents per Activity: 225.

Annual responses: 450.

Frequency of Response: Once per request.

Average minutes per response: 13.

Burden hours: 146.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to

enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Dated: January 24, 2017.

Rochelle Durant,

Program Analyst, Court Services and Offender Supervision Agency and Pretrial Services Agency for the District of Columbia.

[FR Doc. 2017–01927 Filed 1–27–17; 8:45 am]

BILLING CODE 3129–07–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–63]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Pamela Young, DSCA/SA&E–RAN, (703) 697–9107.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–63 with attached Policy Justification.

Dated: January 25, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JAN 2 2 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-63, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense articles and services estimated to cost $400 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Regional Balance (Classified document provided under separate cover)

BILLING CODE 5001–06–C

Transmittal No. 16–63

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Kuwait

(ii) *Total Estimated Value:*

Major Defense Equipment*	$ 0 million
Other	$400 million
TOTAL	$400 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Non-MDE:

Non-MDE items include support equipment and services for AH–64D Apache helicopters, to include: Apache Maintainer unit support, Depot Level support, training devices, helmets, simulators, generators, transportation, wheeled vehicles and organization equipment, spare and repair parts, support equipment, tools and test equipment, technical data and publications, personnel training and training equipment, U.S. Government and contractor engineering, technical, and logistics support services, and other related elements of logistics support.

(iv) *Military Department:* U.S. Army (UMN and UMP)

(v) *Prior Related Cases, if any:*

KU–B–UKS (31 Aug 02, $827,515,435)
KU–B–ULM (17 Dec 09, $21,102,796)
KU–B–ULK (17 Dec 09, $21,700,694)
KU–B–ULJ (2 Nov 09, $183,209,259)

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* January 23, 2017

*as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Government of Kuwait—Sustainment and Contractor Logistics Support for AH–64D Apache Helicopters

The Government of Kuwait has requested the sale of support equipment and services for its AH–64D Apache helicopters, to include: Apache Maintainer unit support, Depot Level support, training devices, helmets, simulators, generators, transportation, wheeled vehicles and organization equipment, spare and repair parts, support equipment, tools and test equipment, technical data and publications, personnel training and training equipment, United States Government and contractor engineering, technical, and logistics support services, and other related elements of logistics support. The total overall estimated value is $400 million.

The proposed sale will contribute to the foreign policy and national security of the U.S by helping to improve the security of a Major Non-NATO Ally that has been and continues to be an important force for political stability and economic progress in the Middle East region. Kuwait plays a large role in U.S. efforts to advance stability in the Middle East, providing basing, access, and transit for U.S. forces in the region.

Kuwait requires continued support for equipment already procured to ensure national security interests and objectives are met. The defense articles maintained are used solely by the Ministry of Defense to protect the sovereign border and to conduct operations and training to include joint exercises with the U.S. military. Kuwait will be able to absorb this additional equipment and support into its armed forces.

The proposed sale of equipment and support will not alter the basic military balance in the region.

The U.S. companies potentially involved in the sale are Boeing, Mesa, AZ; Longbow Limited, Orlando, FL/Owego, NY (Joint Venture between Lockheed Martin and Northrop Grumman); Lockheed Martin, Orlando, FL; and DynCorp International, Fort Worth, TX. There are no known offset agreements for the sale.

Implementation of this proposed sale will require the assignment of four (4) U.S. Government representatives and sixty-five (65) contractor representatives in country for up to five year.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2017–01978 Filed 1–27–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2013–OS–0179]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by March 1, 2017.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Application for Identification Card/DEERS Enrollment; DD Form 1172–2; OMB Control Number 0704–0415.

Type of Request: Extension.

Number of Respondents: 3,700,000.

Responses per Respondent: 1.

Annual Responses: 3,700,000.

Average Burden per Response: 3 minutes.

Annual Burden Hours: 185,000.

Needs and Uses: This information collected is used to determine an individual's eligibility for benefits and privileges, to provide a proper identification card reflecting those benefits and privileges, and to maintain a centralized database of the eligible population.

Affected Public: Individuals or Households.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Jasmeet Seehra.

Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *Oira_submission@omb.eop.gov*. Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 03F09, Alexandria, VA 22350–3100.

Dated: January 25, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–01979 Filed 1–27–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–82]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Pamela Young, DSCA/SA&E–RAN, (703) 697–9107.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–82 with attached Policy Justification and Sensitivity of Technology.

Dated: January 25, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JAN 13 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-82, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of the United Kingdom for defense articles and services estimated to cost $400 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 16–82

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of the United Kingdom

(ii) *Total Estimated Value:*

Major Defense Equipment (MDE) *	$ 0 million
Other	$400 million
TOTAL	$400 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

MDE: None

Non-MDE includes:

Follow-on support for eight (8) C–17 aircraft, including contract labor for sustainment engineering, on-site COMSEC support, Quality Assurance, support equipment repair, supply chain management, spares replenishment, maintenance, back shop support, and centralized maintenance support/associated services. Required upgrades will include fixed installation satellite antenna, Mode 5+ installation and sustainment, Automatic Dependent Surveillance-Broadcast Out, Communications Modernization (CNS/ATM) Phase II, Replacement Heads-Up Display and three special operations loading ramps.

(iv) *Military Department:* Air Force (X7–D–QDD)

(v) *Prior Related Cases, if any:* UK–D–QBK, UK–D–QBL, UK–D–QCX, UK–D–QCY

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* January 23, 2017

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Kingdom—Continuation of C–17 Logistics Support Services and Equipment

The Government of the United Kingdom has requested a possible sale of continued logistics support for eight (8) C–17 aircraft which will include: contract labor for sustainment engineering, on-site COMSEC support, Quality Assurance, support equipment repair, supply chain management, spares replenishment, maintenance, back shop support, centralized maintenance support/associated services, and additional spare and repair parts, publications and technical documentation. Required upgrades will include fixed installation satellite antenna, Mode 5+ installation and sustainment, Automatic Dependent Surveillance-Broadcast Out, Communications Modernization (CNS/ATM) Phase II, Replacement Heads-Up Display and three special operations loading ramps. The estimated total cost is $400 million.

The United Kingdom is a close ally and an important partner on critical foreign policy and defense issues. The proposed sale will enhance U.S. foreign policy and national security objectives by enhancing the United Kingdom's capabilities to provide national defense and contribute to NATO and coalition operations.

The proposed sale of defense articles and services are required to maintain the operational readiness of the Royal Air Force. The United Kingdom's current contract supporting its C–17 aircraft will expire in September 2017. The United Kingdom will have no difficulty absorbing this support into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be the Boeing Corporation of Chicago, Illinois. The U.S. Government is not aware of any known offsets associated with this sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this sale will require the assignment of approximately three additional U.S. Government and approximately 55 contractor representatives to the United Kingdom.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 16–82

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) Of the Arms Export Control Act

Annex A

Item No. vii

(vii) *Sensitivity of Technology:*

1. This sale will involve the release of sensitive technology to the United Kingdom in the performance of services to sustain eight (8) United Kingdom C–17 aircraft. While much of the below equipment supporting the C–17 is not new to the country, there will be replenishment spares of the below sensitive technologies purchased to support the fleet.

2. The Force 524D is a 24-channel SAASM based Global Positioning System (GPS) receiver, with precise positioning service (PPS) capability built upon Trimble's next generation OPS technology. The Force 524D retains backward compatibility with the proven Force 5GS, while adding new functionality to interface with digital antenna electronics, to significantly improve anti-jam (AJ) performance. The host platform can select the radio frequency (RF) or digital antenna electronics (DAE) interface. In the digital mode, the Force 524D is capable of controlling up to 16 independent beams. The hardware and software associated with the 524D receiver card is UNCLASSIFIED.

3. The C–17 aircraft will be equipped with the GAS–1, which is comprised of the Controlled Reception Pattern Antennas (CRPA), with the associated wiring harness and the Antenna Electronics (AE)-1, to provide AJ capability. The hardware is UNCLASSIFIED.

4. The KIV–77 is the crypto applique for Mode V Identification Friend of Foe (IFF). The hardware is UNCLASSIFIED and COMSEC controlled.

5. Software, hardware, and other data/information, which is classified or sensitive, is reviewed prior to release to protect system vulnerabilities, design data, and performance parameters. Some end-item hardware, software, and other data identified above are classified at the CONFIDENTIAL and SECRET level. Potential compromise of these systems is controlled through management of the basic software programs, of highly sensitive systems and software-controlled weapon systems, on a case-by-case basis.

6. The United Kingdom is both willing and able to protect United States classified military information. The United Kingdom's physical and document security standards are equivalent to U.S. standards. The United Kingdom has demonstrated its willingness and capability to protect sensitive military technology and information released to its military in the past. The United Kingdom is firmly committed to its relationship with the United States and to its promise to protect classified information and prevent its transfer to a third party.

7. If a technologically advanced adversary were to obtain knowledge of the specific hardware or software source code in this proposed sale, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of systems with similar or advanced capabilities. The benefits to be derived from this sale in the furtherance of the U.S. foreign policy and national security objectives, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology, where revealed to unauthorized persons.

8. All defense articles and services listed in this transmittal are authorized for release and export to the Government of the United Kingdom.

[FR Doc. 2017–01965 Filed 1–27–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–56]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Pamela Young, DSCA/SA&E–RAN, (703) 697–9107.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–56 with attached Policy Justification and Sensitivity of Technology.

Dated: January 25, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JAN 23 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-56, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense articles and services estimated to cost $110 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 5001–06–C

Transmittal No. 16–56

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Kuwait

(ii) *Total Estimated Value:*

Major Defense Equipment *	$105 million
Other	$ 5 million
TOTAL	$110 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Sixty (60) AIM–120C–7 Advanced Medium Range Air-to-Air Missiles (AMRAAMs)

Non-MDE:

This request also includes the containers and other related services.

(iv) *Military Department:* Air Force (X5–D–YAD)

(v) *Prior Related Cases, if any:* KU–D–YAB (M3)

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Annex Attached.

(viii) *Date Report Delivered to Congress:* January 23, 2017

*as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kuwait—AIM–120C–7 Advanced Medium Range Air-to-Air Missile (AMRAAM)

The Government of Kuwait has requested a possible sale of sixty (60) AIM–120C–7 AMRAAM Missiles including containers and other related services. The total overall estimated value is $110 million.

This proposed sale contributes to the foreign policy and national security of the United States by improving the security of a Major Non-NATO Ally that continues to be an important force for political stability and economic progress in the Middle East. Kuwait is a strategic partner in maintaining stability in the region. This sale will increase Kuwait's interoperability with the United States. It also ensures a sustained air-to-air capability for Kuwait's F/A–18 aircraft.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

Implementation of the sale does not require the assignment of any additional U.S. Government or contractor representatives to Kuwait.

The principal contractor will be Raytheon Corporation, Tucson, Arizona. There are no known offset agreements proposed in connection with this potential sale.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 16–56

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AIM–120C Advanced Medium Range Air-to-Air (AMRAAM) is a radar guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic counter measures, and interception of high flying and low flying and maneuvering targets. The AMRAAM All Up Round is classified Confidential, major components and subsystems range from Unclassified to Confidential, and technology data and other documentation are classified up to Secret.

2. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits to be derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Kuwait.

[FR Doc. 2017–01971 Filed 1–27–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2016–HQ–0003]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by March 1, 2017.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Enterprise Military Housing II; OMB Control Number 0703–XXXX.

Type of Request: New.

Number of Respondents: 10,328.

Responses per Respondent: 5.

Annual Responses: 51,640.

Average Burden per Response: 20 minutes.

Annual Burden Hours: 17,213 hours.

Needs and Uses: 10 United States Code, Section 1056 requires the provision of relocation assistance to military members and their families. Requirements include provision of information on housing costs/availability and home finding services. The Enterprise Military Housing System (eMH) includes a public Web site (*HOMES.mil*) which collects information needed to facilitate military personnel searching for suitable community rental housing within close proximity to military installations.

Affected Public: Individuals or households; Business or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 03F09, Alexandria, VA 22350–3100.

Dated: January 24, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–01900 Filed 1–27–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC17–3–000]

Commission Information Collection Activities (Ferc–603); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–603, Critical Energy/Electric Infrastructure Information (CEII) Request.

DATES: Comments on the collection of information are due March 31, 2017.

ADDRESSES: You may submit comments (identified by Docket No. IC17–3–000) by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–603, Critical Energy/Electric Infrastructure Information (CEII) Request.

OMB Control No.: 1902–0197.

Type of Request: Three-year extension of the FERC–603 information collection requirements with no changes to the current reporting requirements.

Abstract: This collection is used by the Commission to implement procedures for individuals with a valid or legitimate need for access to Critical Energy/Electric Infrastructure Information (CEII), which is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552), subject to a non-disclosure agreement.

On February, 21, 2003, the Commission issued Order No. 630 (66 FR 52917) to address the appropriate treatment of CEII in the aftermath of the September 11, 2001 terrorist attacks and to restrict access due to the ongoing terrorism threat. Given that such information would typically be exempt from mandatory disclosure pursuant to FOIA, the Commission determined that it was important to have a process for individuals with a valid or legitimate need to access certain sensitive energy infrastructure information. As such, the Commission's CEII process is designed to limit the distribution of sensitive infrastructure information to those individuals with a need to know in order to avoid having sensitive information fall into the hands of those who may use it to attack the Nation's infrastructure.[1] This collection was prepared as part of the implementation of the CEII request process.

On December 4, 2015, the President signed the Fixing America's Surface Transportation Act (FAST Act) into law, which directed the Commission to issue regulations aimed at securing and sharing sensitive infrastructure information.[2] On November 17, 2016, in Order No. 833 (in Docket No. RM16–15), the Commission adopted a Final Rule implementing the FAST Act by amending its regulations that pertain to the designation, protection, and sharing of Critical Energy/Electric Infrastructure Information (CEII). The Final Rule will be effective on February 19, 2017.[3]

FERC–603, Critical Energy/Electric Infrastructure Information (CEII) request form is largely unchanged from the previously approved version. As in the previous version, a person seeking access to CEII must file a request for that information by providing information about their identity and the reason the individual needs the information. With that information, the Commission is able to assess the requester's need for the information against the sensitivity of the information. When Order No. 833 becomes effective, the form will be updated to refer to CEII as Critical Energy/Electric Infrastructure Information (CEII) as opposed to Critical Energy Infrastructure Information (CEII).[4] The form will also be updated to provide clarification about the statement of need that CEII requesters must provide by referring individuals to the regulations.[5] Compliance with these requirements is mandatory. A sample updated CEII request form is attached to this notice.

Type of Respondents: Persons seeking access to CEII.

Estimate of Annual Burden:[6] The Commission estimates the total annual

[1] The Commission defined CEII to include information about ''existing or proposed critical infrastructure that: (i) Relates to the production, generation, transportation, transmission, or distribution of energy; (ii) could be useful to a person planning an attack on critical infrastructure; (iii) is exempt from mandatory disclosure under the Freedom of Information Act, and (iv) does not simply give the location of the critical infrastructure. Critical infrastructure means existing and proposed systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of those matters.

[2] Fixing America's Surface Transportation Act, Public Law 114–94, 61,003, 129 Stat. 1312, 1773–1779 (2015) (to be codified at 16 U.S.C. 824 *et seq.*) (FAST Act).

[3] Because the Final Rule is not yet effective, the sample CEII Request Form attached to this notice does not appear on the FERC Web site and will not be published in the **Federal Register**. The sample CEII Request Form will be posted with this Notice in Docket No. IC17–3 in eLibrary.

[4] Section 215A(a)(3) of the FAST Act defined Critical Electric Infrastructure Information to include information that qualifies as critical energy infrastructure information under the Commission's regulations. The Commission therefore defined the term ''Critical Electric Infrastructure Information'' to include ''Critical Energy Infrastructure Information'' as defined under the Commission's existing regulations and determined to refer to both types of information, collectively, as CEII.

[5] Specifically, 18 CFR 388.113(g)(5)(i)(b) states that a Statement of Need must include: The extent to which a particular function is dependent upon access to the information; why the function cannot be achieved or performed without access to the information; an explanation of whether other information is available to the requester that could facilitate the same objective; how long the information will be needed; whether or not the information is needed to participate in a specific proceeding (with that proceeding identified); and an explanation of whether the information is needed expeditiously.

[6] ''Burden'' is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation

Continued

burden and cost [7] for this information collection as follows.

FERC–603—CRITICAL ENERGY/ELECTRIC INFRASTRUCTURE INFORMATION REQUEST

Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1)*(2)=(3)	Average burden and cost per response (4)	Total annual burden hours and total annual cost (3)*(4)=(5)	Cost per respondent ($) (5)÷(1)
200	1	200	0.3 hrs.; $22.35.	60 hrs.; $4,470	$22.35

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

Dated: January 23, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–01909 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP17–283–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: DPEs—WGL to be effective 1/21/2017.

Filed Date: 12/21/16.

Accession Number: 20161221–5248.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–284–000.

Applicants: Dauphin Island Gathering Partners.

Description: Dauphin Island Gathering Partners submits tariff filing per 154.204: Negotiated Rate Filing 12–21–2016 to be effective 1/1/2017.

Filed Date: 12/21/16.

Accession Number: 20161221–5267.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–285–000.

Applicants: Rockies Express Pipeline LLC.

Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: 2016–12–21 Electric to PCT to be effective 1/22/2017.

Filed Date: 12/21/16.

Accession Number: 20161221–5337.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–286–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: AIM Non-Conforming Agreements and Negotiated Rates to be effective 1/4/2017.

Filed Date: 12/21/16.

Accession Number: 20161221–5372.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP13–316–000.

Applicants: Tallgrass Interstate Gas Transmission, LLC.

Description: Tallgrass Interstate Gas Transmission, LLC submits tariff filing per 154.501: TIGT 2016 Reconcilation Filing to be effective N/A.

Filed Date: 12/22/16.

Accession Number: 20161222–5143.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–287–000.

Applicants: Natural Gas Pipeline Company of America.

Description: Natural Gas Pipeline Company of America LLC submits tariff filing per 154.204: Tenaska Marketing Ventures Negotiated Rate to be effective 1/1/2017.

Filed Date: 12/22/16.

Accession Number: 20161222–5074.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–288–000.

Applicants: USG Pipeline Company, LLC.

Description: USG Pipeline Company, LLC submits tariff filing per 154.204: Housekeeping Tariff Revisions to be effective 1/22/2017.

Filed Date: 12/22/16.

Accession Number: 20161222–5350.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–289–000.

Applicants: Texas Eastern Transmission, LP.

Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: Chevron k911109 Releases to ConocoPhillips for 1–1–2017 to be effective 1/1/2017.

Filed Date: 12/23/16.

Accession Number: 20161223–5048.

Comments Due: 5 p.m. ET 1/4/17.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

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: December 23, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–01919 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

of what is included in the information collection burden, refer to Title 5 Code of Federal Regulations 1320.3.

[7] The Commission staff thinks that the average respondent for this collection is similarly situated to the Commission, in terms of salary plus benefits. Based upon FERC's 2016 annual average of $154,647 (for salary plus benefits), the average hourly cost is $74.50/hour.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filing Instituting Proceedings

Docket Numbers: RP17–289–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: Chevron k911109 Releases to ConocoPhillips for 1–1–2017 to be effective 1/1/2017.
Filed Date: 12/23/16.
Accession Number: 20161223–5048.
Comments Due: 5 p.m. ET 1/4/17.

Docket Number: PR17–14–000.
Applicants: EnLink North Texas Pipeline, LP.
Description: Tariff filing per 284.123(e) + (g): Cancellation of EnLink North Texas Pipeline, LP—311 SOC to be effective 12/21/2016.
Filed Date: 12/21/16.
Accession Number: 201612215198.
Comments Due: 5 p.m. ET 1/11/17.

284.123(g) Protests Due: 5 p.m. ET 2/21/17.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

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: December 27, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–01920 Filed 1–27–17; 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: EC17–65–000.
Applicants: Homer City Generation, L.P.
Description: Application for Authorization Under Section 203 of the Federal Power Act for Disposition of Jurisdictional Facilities and Request for Expedited Consideration of Homer City Generation, L.P.
Filed Date: 1/23/17.
Accession Number: 20170123–5253.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: EC17–66–000.
Applicants: Lease Plan North America, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act, Requests for Confidential Treatment and Waivers, and Request for Expedited Consideration of Lease Plan North America, LLC.
Filed Date: 1/23/17.
Accession Number: 20170123–5255.
Comments Due: 5 p.m. ET 2/13/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–4453–001.
Applicants: Santanna Natural Gas Corporation.
Description: Notice of Material Change in Status of Santanna Natural Gas Corporation.
Filed Date: 1/23/17.
Accession Number: 20170123–5153.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER16–2071–001.
Applicants: Innovative Solar 43, LLC.
Description: Compliance filing: Innovative Solar 43, LLC MBR Tariff to be effective 6/30/2016.
Filed Date: 1/23/17.
Accession Number: 20170123–5263.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER16–2241–003; ER16–2275–003; ER16–2276–003.
Applicants: Ninnescah Wind Energy, LLC, Kingman Wind Energy I, LLC, Kingman Wind Energy II, LLC.
Description: Notice of Non-Material Change in Status of Ninnescah Wind Energy, LLC, et al.
Filed Date: 1/19/17.
Accession Number: 20170119–5213.
Comments Due: 5 p.m. ET 2/9/17.

Docket Numbers: ER16–2412–003.
Applicants: Luning Energy LLC.
Description: Notice of Material Change in Status of Luning Energy LLC.
Filed Date: 1/23/17.
Accession Number: 20170123–5220.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–74–001.
Applicants: Western Interconnect LLC.
Description: Tariff Amendment: Response to Deficiency Letter to be effective 12/1/2016.
Filed Date: 1/23/17.
Accession Number: 20170123–5232.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–155–001.
Applicants: Lazarus Energy Holdings, LLC.
Description: Compliance filing: Name Revision for Lazarus Energy MBR Tariff to be effective 1/23/2017.
Filed Date: 1/23/17.
Accession Number: 20170123–5233.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–246–002.
Applicants: Dynegy Oakland, LLC.
Description: Tariff Amendment: Amended Filing—Request for Commission Action to be effective 1/1/2017.
Filed Date: 1/23/17.
Accession Number: 20170123–5202.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–827–000.
Applicants: Midcontinent Independent System Operator, Inc., Entergy Services, Inc.
Description: Compliance filing: 2017–01–23_Entergy Operating Companies Attachment O Compliance Filing to be effective 6/1/2015.
Filed Date: 1/23/17.
Accession Number: 20170123–5208.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–828–000.
Applicants: HL Power Company, A California Limited Partnership.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authority to be effective 1/24/2017.
Filed Date: 1/23/17.
Accession Number: 20170123–5209.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–829–000.
Applicants: Public Service Company of Oklahoma.
Description: Updated Depreciation Rates for Public Service Company of Oklahoma.
Filed Date: 1/23/17.
Accession Number: 20170123–5226.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–830–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 205 revisions to interconnection procedures in OATT Atts S and X to be effective 2/22/2017.
Filed Date: 1/23/17.
Accession Number: 20170123–5236.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–831–000.
Applicants: Black Hills Power, Inc.
Description: § 205(d) Rate Filing: Amended GDEMA with Black Hills/Colorado Electric Utility Company, L.P. to be effective 3/25/2017.
Filed Date: 1/23/17.

Accession Number: 20170123–5242.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–832–000.
Applicants: Black Hills Power, Inc.
Description: § 205(d) Rate Filing: Amended GDEMA with Black Hills Wyoming to be effective 3/25/2017.
Filed Date: 1/23/17.
Accession Number: 20170123–5245.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–833–000.
Applicants: Black Hills Power, Inc.
Description: § 205(d) Rate Filing: Amended GDEMA with Cheyenne Light, Fuel and Power Company to be effective 3/25/2017.
Filed Date: 1/23/17.
Accession Number: 20170123–5249.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–834–000.
Applicants: NRG Energy, Inc., NRG Curtailment Solutions, Inc.
Description: Request for Limited Tariff Waiver of NRG Curtailment Solutions, Inc.
Filed Date: 1/23/17.
Accession Number: 20170123–5250.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–835–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Schedule 2 Clarifications to be effective 3/24/2017.
Filed Date: 1/23/17.
Accession Number: 20170123–5262.
Comments Due: 5 p.m. ET 2/13/17.

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: January 23, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–01915 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13734–003]

Lock + Hydro Friends Fund V; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On January 13, 2017, Lock + Hydro Friends Fund V filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Hildebrand Lock & Dam Project (Hildebrand Project or project) to be located at the U.S. Army Corps of Engineers' (Corps) Hildebrand Lock and Dam on the Monongahela River in Monongalia County, West Virginia. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new 55-foot-long by 40-foot-high Large Frame Module (LFM); (2) two pre-fabricated concrete walls if needed; (3) a new 50-foot-wide by 100-foot-long tailrace; (4) five low-head modular bulb hydroelectric turbine-generators each rated at 1.5 megawatts; (5) a low-voltage, 36.7-kilovolt (kV) distribution line from the generator to the new switchyard; (6) a new 25-foot-wide by 50-foot-long switchyard; and (7) a new 69-kV transmission line approximately 1,000 feet long from the new switchyard to an existing substation. The estimated annual generation of the Hildebrand Project would be 66,974 megawatt-hours.

Applicant Contact: Mr. Wayne Krouse, Lock + Hydro Friends Fund V, P.O. Box 43796, Birmingham, AL 35243; phone: (877) 556–6566.

FERC Contact: Woohee Choi; *phone:*(202) 502–6336.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13734–003.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13734) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: January 23, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–01911 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filing Instituting Proceedings

Docket Numbers: RP17–290–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Cap Rel Neg Rate Agmt (EOG 34687 to NJR 47507) to be effective 1/1/2017.
Filed Date: 12/28/16.
Accession Number: 20161228–5003.
Comments Due: 5 p.m. ET 1/9/17.

Docket Numbers: RP17–291–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Negotiated Rate Agreement (Shell 46810) to be effective 1/1/2017.
Filed Date: 12/28/16.
Accession Number: 20161228–5004.
Comments Due: 5 p.m. ET 1/9/17.

Docket Numbers: RP17–292–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: Florida Gas Transmission Company, LLC submits tariff filing per 154.203: Annual Accounting Report filing on 12/28/16 to be effective N/A.

Filed Date: 12/28/16.

Accession Number: 20161228–5005.

Comments Due: 5 p.m. ET 1/9/17.

Docket Numbers: RP17–293–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/28/16 Negotiated Rates—Mieco, Inc. (HUB) 7080–89 to be effective 1/1/2017.

Filed Date: 12/28/16.

Accession Number: 20161228–5030.

Comments Due: 5 p.m. ET 1/9/17.

Docket Numbers: RP17–294–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/28/16 Negotiated Rates—Twin Eagle Resource Management, LLC (RTS) 7300–01 to be effective 1/1/2017.

Filed Date: 12/28/16.

Accession Number: 20161228–5046.

Comments Due: 5 p.m. ET 1/9/17.

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 date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP17–49–001.

Applicants: Destin Pipeline Company, L.L.C.

Description: Destin Pipeline Company, L.L.C. submits tariff filing per 154.203: Compliance Filing in Response to Tariff Changes to Audit to be effective 12/1/2016.

Filed Date: 12/27/16.

Accession Number: 20161227–5036.

Comments Due: 5 p.m. ET 1/9/17.

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: December 28, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary

[FR Doc. 2017–01921 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–558–000]

PennEast Pipeline Company, LLC; Notice of Revised Schedule for Environmental Review of the Penneast Pipeline Project

This notice identifies the Federal Energy Regulatory Commission (FERC or Commission) staff's revised schedule for the completion of the final environmental impact statement (EIS) for PennEast Pipeline Company, LLC's (PennEast) PennEast Pipeline Project. The previous revised notice of schedule, issued on November 8, 2016, identified February 17, 2017 as the EIS issuance date. Due to additional environmental information filed by PennEast and certain state agencies since issuance of the November 8, 2016, Scheduling Notice, the Commission staff requires more time to analyze all the environmental data and prepare the final EIS. Commission staff has therefore revised the schedule for issuance of the final EIS.

Schedule for Environmental Review

Issuance of Notice of Availability of the final EIS: April 7, 2017

90-day Federal Authorization Decision Deadline: July 6, 2017

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the project's progress.

Additional Information

In order to receive notification of the issuance of the EIS and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription (*https://www.ferc.gov/docs-filing/esubscription.asp*).

Dated: January 23, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–01910 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Order on Simultaneous Transmission Import Limit Values for the Southwest Region and Providing Direction on Submitting Studies

Before Commissioners: Norman C. Bay, Chairman; Cheryl A. LaFleur, and Colette D. Honorable.

	Docket Nos.
Public Service Company of New Mexico	ER10–2302–006
Tucson Electric Power Company	ER10–2564–006
UNS Electric, Inc	ER10–2600–006
UniSource Energy Development Company	ER10–2289–006
El Paso Electric Company	ER10–2721–006
Arizona Public Service Company	ER10–2437–003
Public Service Company of Colorado	ER10–1818–012
Northern States Power Company, a Minnesota corporation	ER10–1819–014
Northern States Power Company, a Wisconsin corporation	ER10–1820–017
Southwestern Public Service Company	ER10–1817–013

1. In December 2015 and January 2016, Public Service Company of New Mexico; Tucson Electric Power Company (Tucson Electric), UNS Electric, Inc., and UniSource Energy Development Company; El Paso Electric

Company; Arizona Public Service Company (Arizona Public Service); Public Service Company of Colorado, Northern States Power Company, a Minnesota corporation, Northern States Power Company, a Wisconsin corporation and Southwestern Public Service Company (collectively, Transmission Owners) submitted updated market power analyses for the Southwest region in accordance with the regional reporting schedule.[1] The Transmission Owners included Simultaneous Transmission Import Limit (SIL) values for the December 2013–November 2014 study period for balancing authority areas in the Southwest region.[2]

2. In this order, the Commission accepts the SIL values identified in Appendix A (Commission-accepted SIL values).[3] SIL studies are used as a basis for calculating import capability to serve balancing authority area load when performing market power analyses. SIL values quantify the simultaneous transmission import capability into a market or balancing authority area from its aggregated first-tier area. The SIL values accepted herein are based on SIL studies submitted by the Transmission Owners with their updated market power analyses. As discussed below, the Commission-accepted SIL values identified in Appendix A will be used by the Commission to analyze updated market power analyses for the Southwest region. The updated market power analyses for the Transmission Owners, including any responsive pleadings, will be addressed in separate orders in the relevant dockets.[4]

3. Additionally in this order, the Commission provides further direction and clarification on the performance and reporting of SIL studies.

I. Background

4. In Order No. 697, the Commission adopted a staggered filing approach for filing updated market power analyses. The Commission recognized that the transmission-owning utilities have the information necessary to perform SIL studies and therefore determined that transmission-owning utilities would be required to file their updated market power analyses in advance of other entities in each region.[5]

5. The Transmission Owners provided SIL studies for their respective balancing authority areas and, in most cases, their respective first-tier balancing authority areas, including balancing authority areas that are not operated by public utilities as defined under Part II of the Federal Power Act.[6] Specifically, SIL studies were submitted for the following first-tier balancing authority areas: Salt River Project; Los Angeles Department of Water and Power; Western Area Power Administration-Lower Colorado (WALC); Western Area Power Administration-Colorado Missouri (WACM); and the Imperial Irrigation District (IID). The Transmission Owners coordinated on the preparation of their SIL studies and shared with each other SIL values for their respective balancing authority areas.

II. Discussion

6. We begin by commending the Transmission Owners for coordinating on the preparation of their SIL studies and sharing the SIL values for their respective home balancing authority areas with each other. Such a coordinated approach leads to more accurate and consistent SIL study results. We have selected, from among the SIL values submitted, the Commission-accepted SIL values that we will use in assessing transmission import capability for purposes of measuring market power within the Southwest region.

7. The SIL studies prepared by the Transmission Owners generally were done correctly and in a manner consistent with prior Commission direction.[7] However, our review of the SIL studies and acceptance of the SIL values was hindered and delayed because of various modeling issues and incomplete or ambiguous reporting of results. Therefore, we take this opportunity to address some of these issues and offer guidance so that future filers have a better understanding of how the Commission expects such studies to be performed and reported.

8. The contingencies used in SIL studies are vital to determining the limiting element(s) and, subsequently, the final SIL values. Filers should study contingencies that are ''historically used and identified in the seller's [available transfer capability (ATC)] methodology and [Open Access Same-Time Information System (OASIS)] practices documentation.''[8] This requirement applies for both the study area and the first-tier areas. As balancing authorities are already expected to communicate with each other on system conditions, the Commission believes that this is a reasonable and comprehensive approach.

9. Each filer should provide documentation to support that the contingency lists provided are consistent with the balancing authority area's OASIS practices. The contingency lists used by each filer must be valid, representative of the study area and first-tier OASIS practices, and must solve in powerflow simulations. Valid contingencies take into account the realistic conditions and operating procedures for the filer's system and the first-tier areas. For example, parallel lines are typically designed and operated such that the loss of one line would not overload the other line(s). If a contingency appears to overload other parallel line(s), the filer must explain this in its contingency results report. Additionally, methods for modeling the transmission system may include breaking elements up into segments. The contingency of such an element should be represented by these segments.

10. Every contingency checked must solve in each powerflow case in which it is used. If a contingency does not solve when run in the powerflow simulation, confirming that it would not cause an overload somewhere within

[1] *See Refinements to Policies and Procedures for Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities,* Order No. 816, FERC Stats. & Regs. ¶ 31,374, at P 353 (2015), *order on reh'g,* Order No. 816–A, FERC Stats. & Regs. ¶ 31,382 (2016). *See also Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities,* Order No. 697, FERC Stats. & Regs. ¶ 31,252, at PP 882–893, *clarified,* 121 FERC ¶ 61,260 (2007), *order on reh'g,* Order No. 697–A, FERC Stats. & Regs. ¶ 31,268, *clarified,* 124 FERC ¶ 61,055, *order on reh'g,* Order No. 697–B, FERC Stats. & Regs. ¶ 31,285 (2008), *order on reh'g,* Order No. 697–C, FERC Stats. & Regs. ¶ 31,291 (2009), *order on reh'g,* Order No. 697–D, FERC Stats. & Regs. ¶ 31,305 (2010), *aff'd sub nom. Montana Consumer Counsel* v. *FERC,* 659 F.3d 910 (9th Cir. 2011), *cert. denied,* 133 S. Ct. 26 (2012).

[2] We note that Public Service Company of Colorado, Northern States Power Company, a Minnesota corporation, Northern States Power Company, a Wisconsin corporation, and Southwestern Public Service Company are not in the Southwest region and therefore their market power analyses were not due in December 2015, when transmission owners in the Southwest region must file their analyses. However, these utilities submitted an updated market power analysis in January 2016 to help coordinate review of the SILs. Additionally, we note that subsequent to December 2015 and January 2016, some of the Transmission Owners amended their filings to reflect updated and corrected information with respect to the SIL studies and values.

[3] The Commission issued an order accepting SIL values for the Tucson Electric Power Company balancing authority area in *Tucson Electric Power Co.,* 156 FERC ¶ 61,228 (2016).

[4] We note that other transmission owners in the Southwest region also submitted updated market power analyses. The updated market power analyses for those transmission owners have been or will be addressed in separate orders in the relevant dockets.

[5] Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 889.

[6] 16 U.S.C. 824 (2012).

[7] *See, e.g., Puget Sound Energy, Inc.,* 135 FERC ¶ 61,254, Appendix B (2011).

[8] *Id.,* Appendix B.

the system is difficult. This potential overload could be a limiting element that would affect the final SIL values.

11. The Commission notes that inaccurate normal and emergency line ratings in the powerflow models can result in erroneous calculated SIL values. As such, filers should review the line ratings of their study area and the first-tier areas to ensure that they are accurate. In order to aid in verifying line overloads, filers must submit facility rating documents for themselves and any study area for which they are performing a SIL analysis. Historically accurate line ratings should aid in confirming the validity of line overloads identified in the SIL study.

12. Generating units that are fully committed under long-term power purchase agreements (PPAs) should not be scaled up or down, regardless of where they are operating in the model. Partially committed units should only be scaled above the amount of their commitment. Solar and wind units should not be scaled either up or down. This generation generally is not dispatchable and typically is fully committed under long-term PPAs. If the study assumes that certain solar or wind generation units are dispatchable, historical evidence must be provided. Filers should provide a list of all partially and fully committed generation units in the study area and first-tier areas.

13. As stated in Order No. 697, filers may use historical capacity factors for certain energy-limited resources, such as hydroelectric and wind capacity.[9] The historical data used to perform the sensitivities and determine the capacity factors should be consistent in both the SIL and economic studies submitted by the filer.

14. Changes in SIL values from the previous study period should be explained in the filing. Significant changes that affect the study area should be identified, for example, major generation capacity additions or retirements, the addition of a new high-voltage transmission line or other topology changes, modified line ratings, and changes in operating procedures or study methodology. Clearly explaining and identifying significant changes in the SIL study results that occur between filings will prevent delays in the analysis of filings and reduce the need for Commission staff to request filers to provide additional information. Documentation of any changes should extend back approximately five years from the study period utilized in the filing to show how the study area's topology has evolved over time.

15. The Commission will use the Commission-accepted SIL values identified in Appendix A when reviewing the currently pending updated market power analyses submitted by the Transmission Owners as well as the updated market power analyses filed by the non-transmission owning filers in the Southwest region for this study period. Future filers submitting screens for the areas and study period identified in Appendix A are encouraged to use these Commission-accepted SIL values. In the alternative, such filers may propose different SIL values provided that their SIL studies comply with Commission directives and they explain why the Commission should consider a different SIL value for a particular balancing authority area rather than the Commission-accepted SIL values provided in Appendix A. In the event that the results [10] for one or more of a particular seller's screens differ if the seller-supplied SIL value is used instead of the Commission-accepted SIL value, the order on that particular filing will examine the seller-supplied SIL study and address whether the seller-supplied SIL value is acceptable. However, when the overall results of the screens would be unchanged, *i.e.,* the seller would pass using either set of SIL values or fail using either set of SIL values, the order would be based on the Commission-accepted SIL values found in Appendix A and would not address the seller-supplied SIL values.

The Commission Orders

(A) The specific Commission-accepted SIL values identified in Appendix A to this order are hereby adopted for purposes of analyzing updated market power analyses for the Southwest region, as discussed in the body of this order.

(B) The Secretary is hereby directed to publish a copy of this order in the **Federal Register.**

By the Commission.

Issued: January 24, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–01939 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

[9] Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 344.

[10] Results refer to the results of the market share and/or pivotal supplier screens. For example, if a seller fails the market share screen for a particular season in a particular market using either SIL value, we would consider the result unchanged. Similarly, if the seller passes the screen using either value, the result is also unchanged.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–64–000.
Applicants: Orange and Rockland Utilities, Inc.
Description: Application of Orange and Rockland Utilities, Inc. for order pursuant to Section 203 of the Federal Power Act authorizing the purchase or acquisition by the company of short-term debt of its affiliate.
Filed Date: 1/19/17.
Accession Number: 20170119–5212.
Comments Due: 5 p.m. ET 2/9/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2835–006.
Applicants: Google Energy LLC.
Description: Notice of Change in Status by Google Energy LLC.
Filed Date: 1/19/17.
Accession Number: 20170119–5199.
Comments Due: 5 p.m. ET 2/9/17.

Docket Numbers: ER10–2961–010; *ER10–2950–009; ER10–3193–010; ER11–2042–011; ER11–2041–011; ER10–2924–010; ER10–2480–009; ER10–2718–026; ER10–2719–025; ER10–2959–010; ER10–2934–009; ER13–821–011; ER14–2500–005; ER14–2498–005; ER16–2462–003.*
Applicants: Edgecombe Genco, LLC, Spruance Genco, LLC, Brooklyn Navy Yard Cogeneration Partners, L.P., Seneca Energy II, LLC, Innovative Energy Systems, LLC, Kleen Energy Systems, LLC, Berkshire Power Company, LLC, Cogen Technologies Linden Venture, L.P., East Coast Power Linden Holding, L.L.C., Chambers Cogeneration Limited Partnership, Logan Generating Company, LP, Scrubgrass Generating Company, L.P., Newark Energy Center LLC, EIF Newark, LLC, Oregon Clean Energy, LLC.
Description: Notice of Non-Material Change in Status of Edgecombe Genco, LLC., et al.
Filed Date: 1/19/17.
Accession Number: 20170119–5208.
Comments Due: 5 p.m. ET 2/9/17.

Docket Numbers: ER17–820–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3114R2 Resale Power Group of Iowa to be effective 1/1/2017.
Filed Date: 1/19/17.
Accession Number: 20170119–5156.
Comments Due: 5 p.m. ET 2/9/17.

Docket Numbers: ER17–821–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–01–23_Cleco 2017 IOA—LGIA Succession Filing to be effective 12/19/2013.
Filed Date: 1/19/17.
Accession Number: 20170119–5167.
Comments Due: 5 p.m. ET 2/9/17.

Docket Numbers: ER17–822–000.
Applicants: Luz Solar Partners Ltd., III.
Description: Baseline eTariff Filing: Luz Solar Partners Ltd., III Application for Market-Based Rates to be effective 1/26/2017.
Filed Date: 1/19/17.
Accession Number: 20170119–5168.
Comments Due: 5 p.m. ET 2/9/17.

Docket Numbers: ER17–823–000.
Applicants: Luz Solar Partners Ltd., IV.
Description: Baseline eTariff Filing: Luz Solar Partners Ltd., IV Application for Market-Based Rates to be effective 1/31/2017.
Filed Date: 1/19/17.
Accession Number: 20170119–5169.
Comments Due: 5 p.m. ET 2/9/17.

Docket Numbers: ER17–824–000.
Applicants: Ironwood Windpower, LLC.
Description: § 205(d) Rate Filing: Change in Status—MBR Tariff to be effective 3/25/2017.
Filed Date: 1/23/17.
Accession Number: 20170123–5124.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–825–000.
Applicants: Cimarron Windpower II, LLC.
Description: § 205(d) Rate Filing: Change in Status—MBR Tariff to be effective 3/25/2017.
Filed Date: 1/23/17.
Accession Number: 20170123–5125.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–826–000.
Applicants: Caprock Solar I LLC.
Description: § 205(d) Rate Filing: Change in Status—MBR Tariff to be effective 3/25/2017.
Filed Date: 1/23/17.
Accession Number: 20170123–5131.
Comments Due: 5 p.m. ET 2/13/17.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES17–11–000.
Applicants: Rockland Electric Company.
Description: Application of Rockland Electric Company under New Docket for an order pursuant to Section 204 of the Federal Power Act authorizing the issue and sale of short-term debt.
Filed Date: 1/23/17.
Accession Number: 20170123–5141.
Comments Due: 5 p.m. ET 2/13/17.

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: January 23, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–01914 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filing Instituting Proceedings

Docket Numbers: RP17–306–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Columbia Gas Transmission, LLC submits tariff filing per 154.204: CCRM 2017 to be effective 2/1/2017.
Filed Date: 12/30/16.
Accession Number: 20161230–5026.
Comments Due: 5 p.m. ET 1/11/17.

Docket Numbers: RP17–307–000.
Applicants: Enable Gas Transmission, LLC.
Description: Enable Gas Transmission, LLC submits tariff filing per 154.204: Negotiated Rate Filing— January 2017 Entergy Arkansas 1008791 to be effective 1/1/2017.
Filed Date: 12/30/16.
Accession Number: 20161230–5029.
Comments Due: 5 p.m. ET 1/11/17.

Docket Numbers: RP17–313–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: Non-Conforming Agreement—EQT Energy—Contract 910900 to be effective 1/1/2017.
Filed Date: 12/30/16.
Accession Number: 20161230–5067.
Comments Due: 5 p.m. ET 1/11/17.

Docket Numbers: RP17–314–000.
Applicants: Dominion Cove Point LNG, LP.
Description: Dominion Cove Point LNG, LP submits tariff filing per 154.204: DCP—December 30, 2016 Negotiated Rate Agreement and Administrative Change to be effective 1/1/2017.
Filed Date: 12/30/16.
Accession Number: 20161230–5117.
Docket Numbers: RP17–315–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.204: Negotiated Capacity Release—1/1/2017 to be effective 1/1/2017.
Filed Date: 1/3/17.
Accession Number: 20170103–5031.
Comments Due: 5 p.m. ET 1/17/17.

Docket Numbers: RP17–316–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Cap Rel Neg Rate Agmt (Atlanta 8438 to various eff 1–1–17) to be effective 1/1/2017.
Filed Date: 1/3/17.
Accession Number: 20170103–5049.
Comments Due: 5 p.m. ET 1/17/17.

Docket Numbers: RP17–317–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Cap Rel Neg Rate Agmt (PH 41455 to Texla 47548) to be effective 1/1/2017.
Filed Date: 1/3/17.
Accession Number: 20170103–5050.
Comments Due: 5 p.m. ET 1/17/17.

Docket Numbers: RP17–318–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Cap Rel Neg Rate Agmt (Encana 37663 to Texla 47549) to be effective 1/1/2017.
Filed Date: 1/3/17.
Accession Number: 20170103–5051.
Comments Due: 5 p.m. ET 1/17/17.

Docket Numbers: RP17–319–000.
Applicants: Rockies Express Pipeline LLC.
Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: Neg Rates 2017–1–3 BP, CP, Encana to be effective 1/1/2017.

Filed Date: 1/3/17.
Accession Number: 20170103–5184.
Comments Due: 5 p.m. ET 1/17/17.

Docket Numbers: RP17–320–000.
Applicants: Texas Gas Transmission, LLC.
Description: Texas Gas Transmission, LLC submits tariff filing per 154.204: Negotiated Rate Agmt (Castleton Comm 35873) to be effective 1/1/2017.
Filed Date: 1/4/17.
Accession Number: 20170104–5018.
Comments Due: 5 p.m. ET 1/17/17.

Docket Numbers: RP17–321–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: Tennessee Gas Pipeline Company, L.L.C. submits tariff filing per 154.204: Volume No. 2—Neg Rate Agmt—Sequent Energy SP311522 & Noble SP316649 to be effective 11/1/2016.
Filed Date: 1/4/17.
Accession Number: 20170104–5091.
Comments Due: 5 p.m. ET 1/17/17.

Docket Numbers: RP17–322–000.
Applicants: Golden Triangle Storage, Inc.
Description: Golden Triangle Storage, Inc. submits tariff filing per 154.204: Non-Conforming Firm Wheeling Service Agreement—January 2017 to be effective 3/1/2017.
Filed Date: 1/4/17.
Accession Number: 20170104–5092.
Comments Due: 5 p.m. ET 1/17/17.

Docket Numbers: RP17–323–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: El Paso Natural Gas Company, L.L.C. submits tariff filing per 154.601: Non Conforming Negotiated Rate Agreement Update (Pioneer Jan 2017) to be effective 1/6/2017.
Filed Date: 1/5/17.
Accession Number: 20170105–5003.
Comments Due: 5 p.m. ET 1/17/17.

Docket Numbers: RP17–324–000.
Applicants: Anadarko Energy Services Company, Alta Marcellus Development, LLC.
Description: Joint Petition of Anadarko Energy Services Company and Alta Marcellus Development, LLC for Temporary Waivers of Capacity Release Regulations, Request for Shortened Comment Period and Expedited Treatment under RP17–324.
Filed Date: 1/4/17.
Accession Number: 20170104–5157.
Comments Due: 5 p.m. ET 1/11/17.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

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: January 5, 2017.

Nathaniel J. Davis, Jr.,

Deputy Secretary

[FR Doc. 2017–01916 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP17–21–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Algonquin Gas Transmission, LLC submits tariff filing per: AIM West Roxbury Lateral Notice of Commencement of Service to be effective N/A.
Filed Date: 12/16/16.
Accession Number: 20161216–5056.
Comments Due: 5 p.m. ET 12/28/16.

Docket Numbers: RP17–265–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/16/16 Negotiated Rates—Consolidated Edison Energy Inc. (HUB) 2275–89 to be effective 12/15/2016.
Filed Date: 12/16/16.
Accession Number: 20161216–5061.
Comments Due: 5 p.m. ET 12/28/16.

Docket Numbers: RP17–266–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/16/16 Negotiated Rates—Hartree Partners, LP (HUB) 7090–89 to be effective 12/15/2016
Filed Date: 12/16/16.
Accession Number: 20161216–5064.
Comments Due: 5 p.m. ET 12/28/16.

Docket Numbers: RP17–267–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/16/16 Negotiated Rates—Mercuria Energy America, Inc. (HUB)—7540–89 to be effective 12/15/2016.
Filed Date: 12/16/16.
Accession Number: 20161216–5066.
Comments Due: 5 p.m. ET 12/28/16.

Docket Numbers: RP17–268–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/16/16—Multi Shipper Contracts to be effective 2/14/2017.
Filed Date: 12/16/16.
Accession Number: 20161216–5126.
Comments Due: 5 p.m. ET 12/28/16.

Docket Numbers: RP17–269–000.
Applicants: NGO Transmission, Inc.
Description: NGO Transmission, Inc. submits tariff filing per 154.204: Negotiated Rate Filing to be effective 1/1/2017.
Filed Date: 12/19/16.
Accession Number: 20161219–5092.
Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–270–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/19/16 Negotiated Rates—Consolidated Edison Energy Inc. (HUB) 2275–89 to be effective 12/16/2016.
Filed Date: 12/19/16.
Accession Number: 20161219–5159.
Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–271–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/19/16 Negotiated Rates—Hartree Partners, LP (HUB) 7090–89 to be effective 12/16/2016.
Filed Date: 12/19/16.
Accession Number: 20161219–5161.
Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–272–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/19/16 Negotiated Rates—Mercuria Energy America, Inc. (HUB) 7540–89 to be effective 12/16/2016.
Filed Date: 12/19/16.
Accession Number: 20161219–5163.
Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–273–000.
Applicants: Alliance Pipeline L.P.
Description: Alliance Pipeline L.P. submits tariff filing per 154.204: J. Aron

Temporary Negotiated Rate Contracts to be effective 12/1/2016.

Filed Date: 12/19/16.

Accession Number: 20161219–5222.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–274–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: El Paso Natural Gas Company, L.L.C. submits tariff filing per 154.204: Housekeeping Matters to be effective 1/18/2017.

Filed Date: 12/19/16.

Accession Number: 20161219–5359.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–275–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/20/16 Negotiated Rates—Consolidated Edison Energy Inc. (HUB) 2275–89 to be effective 12/19/2016.

Filed Date: 12/20/16.

Accession Number: 20161220–5115.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–276–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/20/16 Negotiated Rates—Hartree Partners, LP (HUB) 7090–89 to be effective 12/19/2016.

Filed Date: 12/20/16.

Accession Number: 20161220–5116.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–277–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/20/16 Negotiated Rates—Mercuria Energy America, Inc. (HUB) 7590–89 to be effective 12/19/2016.

Filed Date: 12/20/16.

Accession Number: 20161220–5119.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–278–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/20/16 Negotiated Rates—Cargill Incorporated (RTS) 3085–28 to be effective 1/1/2017.

Filed Date: 12/20/16.

Accession Number: 20161220–5298.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–279–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/20/16 Negotiated Rates—Mercuria Energy America, Inc. (RTS) 7540–09 to be effective 1/1/2017.

Filed Date: 12/20/16.

Accession Number: 20161220–5318.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–280–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/20/16 Negotiated Rates—Vitol Inc. (RTS) 7495–02 to be effective 1/1/2017.

Filed Date: 12/20/16.

Accession Number: 20161220–5319.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP16–1179–002.

Applicants: Equitrans, L.P.

Description: Equitrans, L.P. submits tariff filing per 154.203: Negotiated Rate Service Agreement—Revised EQT Energy OVC Agreement to be effective 10/1/2016.

Filed Date: 12/21/16.

Accession Number: 20161221–5081.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–281–000.

Applicants: Equitrans, L.P.

Description: Equitrans, L.P. submits tariff filing per 154.204: Negotiated Rate Service Agreement—K Petroleum to be effective 1/1/2017.

Filed Date: 12/21/16.

Accession Number: 20161221–5109.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: RP17–282–000.

Applicants: Portland Natural Gas Transmission System.

Description: Portland Natural Gas Transmission System submits tariff filing per 154.204: Housekeeping Updates to be effective 1/21/2017.

Filed Date: 12/21/16.

Accession Number: 20161221–5112.

Comments Due: 5 p.m. ET 1/3/17.

Docket Numbers: CP17–25–000.

Applicants: ANR Pipeline Company.

Description: Abbreviated Application for 7(b) Authorization to Abandon Rate Schedule X–132.

Filed Date: 12/26/16.

Accession Number: 20161216–5120.

Comments Due: 5 p.m. ET 12/27/17.

Docket Numbers: CP06–5–013.

Applicants: Empire Pipeline, Inc.

Description: Petition to further Amend its Certificate of Public Convenience and Necessity and Related authorizations.

Filed Date: 12/13/16.

Accession Number: 20161213–5311.

Comments Due: 5 p.m. ET 12/28/16.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

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: December 21, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–01918 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–32–000]

National Fuel Gas Supply Corporation; Notice of Request Under Blanket Authorization

Take notice that on January 13, 2017, National Fuel Gas Supply Corporation (National Fuel) 6363 Main Street, Williamsville, New York 14221, filed in Docket No. CP17–32–000 and pursuant to Sections 157.205 and 157.216 of the Commission's regulations, a prior notice under its blanket certificate issued in Docket No. CP83–4–000 that it intends to abandon certain minor underground natural gas storage facilities, in its Summit Storage Field, located in Erie County, Pennsylvania, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

National Fuel proposes to plug and abandon Wells 1509, 1523, 1548, 1558, 1564, 1576, and 1578, all injection/withdrawal storage wells, and abandon in place associated well lines S–W1509, S–W1523, S–W1548, SW1558, S–W1564, S–W1576, and S–W1578. As stated in the appliation, based on risk factors and the excessive cost to rehabilitate these wells, the most prudent course of action is to plug and abandon them. The proposed abandonment will not result in a

material decrease in service to customers.

Any questions regarding this application should be directed to Alice A. Curtiss, Deputy General Counsel for National Fuel, 6363 Main Street, Williamsville, New York 14221, or call at (716) 857–7075.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: January 23, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–01908 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–823–000]

Luz Solar Partners Ltd., IV; Supplemental Notice That Initial Market-Based Rate Filing Includes Request For Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Luz Solar Partners Ltd., IV's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 13, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 24, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–01942 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–822–000]

Luz Solar Partners Ltd., III; Supplemental Notice That Initial Market-Based Rate Filing Includes Request For Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Luz Solar Partners Ltd., III's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to

intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 13, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 24, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–01941 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filing Instituting Proceedings

Docket Numbers: RP17–301–000.
Applicants: Alliance Pipeline L.P.
Description: Alliance Pipeline L.P. submits tariff filing per 154.204: J. Aron Permanent Relocation Jan 2017 to be effective 1/1/2017.
Filed Date: 12/29/16.
Accession Number: 20161229–5138.
Comments Due: 5 p.m. ET 1/10/17.

Docket Numbers: RP17–304–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/29/16 Negotiated Rates—Mercuria Energy America, Inc. (RTS) 7540–02 to be effective 1/1/2017.
Filed Date: 12/29/16.
Accession Number: 20161229–5160.
Comments Due: 5 p.m. ET 1/10/17.

Docket Numbers: RP17–305–000.
Applicants: Kern River Gas Transmission Company.
Description: Kern River Gas Transmission Company submits tariff filing per 154.204: 2017 January Negotiated Rate Agreements to be effective 1/1/2017.
Filed Date: 12/30/16.
Accession Number: 20161230–5000.
Comments Due: 5 p.m. ET 1/11/17.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

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: December 30, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–01923 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–577–000.
Applicants: Rock River I, LLC.
Description: Amendment to December 19, 2016 Rock River I, LLC tariff filing (Category 1 Seller Status in the Northwest Region).
Filed Date: 1/17/17.
Accession Number: 20170117–5321.
Comments Due: 5 p.m. ET 2/7/17.

Docket Numbers: ER17–843–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: GIA & DSA Green Beanworks C Project SA Nos. 933 & 934 to be effective 1/25/2017.
Filed Date: 1/24/17.
Accession Number: 20170124–5068.
Comments Due: 5 p.m. ET 2/14/17.

Docket Numbers: ER17–844–000.
Applicants: Indiana Michigan Power Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: AEP submits Original CIAC, SA No. 4613 between NIPSCO and Indiana Michigan Power to be effective 1/25/2017.
Filed Date: 1/24/17.
Accession Number: 20170124–5072.
Comments Due: 5 p.m. ET 2/14/17.

Docket Numbers: ER17–845–000.
Applicants: Indiana Michigan Power Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: AEP submits Original CIAC, SA No. 4614 between NIPSCO and AEP I–M Transmission to be effective 1/25/2017.
Filed Date: 1/24/17.
Accession Number: 20170124–5075.
Comments Due: 5 p.m. ET 2/14/17.

Docket Numbers: ER17–846–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: GIA & DSA Green Beanworks D Project SA Nos. 935 & 936 to be effective 1/25/2017.
Filed Date: 1/24/17.
Accession Number: 20170124–5088.
Comments Due: 5 p.m. ET 2/14/17.

Docket Numbers: ER17–847–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2017–01–24 Transition From T+35M to T+33M Amendment to be effective 5/3/2017.
Filed Date: 1/24/17.
Accession Number: 20170124–5126.
Comments Due: 5 p.m. ET 2/14/17.

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: January 24, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–01940 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2984–033.
Applicants: Merrill Lynch Commodities, Inc.
Description: Notice of Non-Material Change in Status of Merrill Lynch Commodities, Inc.
Filed Date: 1/23/17.
Accession Number: 20170123–5346.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER10–2984–034.
Applicants: Merrill Lynch Commodities, Inc.
Description: Notice of Non-Material Change in Status of Merrill Lynch Commodities, Inc.
Filed Date: 1/23/17.
Accession Number: 20170123–5351.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER13–2266–004.
Applicants: ISO New England Inc.
Description: Compliance Report for Reasonableness of 2013–2014 Winter Reliability Program Bid Result of ISO New England Inc.
Filed Date: 1/23/17.
Accession Number: 20170123–5336.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER16–2360–002.
Applicants: Great Western Wind Energy, LLC.
Description: Notice of Non-Material Change in Status of Great Western Wind Energy, LLC.
Filed Date: 1/23/17.
Accession Number: 20170123–5348.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER16–2363–002.
Applicants: Bluestem Wind Energy, LLC.
Description: Notice of Change in Status of Bluestem Wind Energy, LLC.
Filed Date: 1/23/17.
Accession Number: 20170123–5360.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–367–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Response to Deficiency Letter in ER17–367–000 to be effective 1/19/2017.
Filed Date: 1/23/17.
Accession Number: 20170123–5301.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–539–000; ER17–540–000.
Applicants: Wildwood Solar I, LLC, Wildwood Solar II, LLC.
Description: Supplement to December 14, 2106 Wildwood Solar I, LLC and Wildwood Solar II, LLC tariff filings.
Filed Date: 1/19/17.
Accession Number: 20170119–5069.
Comments Due: 5 p.m. ET 2/2/17.

Docket Numbers: ER17–836–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Queue Position AB2–029, Original Service Agreement No. 4612 to be effective 12/22/2016.
Filed Date: 1/23/17.
Accession Number: 20170123–5296.
Comments Due: 5 p.m. ET 2/13/17.
Docket Numbers: ER17–837–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–01–23_SA 2930 ITC-Sugar Creek Amended GIA (J419) to be effective 1/24/2017.
Filed Date: 1/23/17.
Accession Number: 20170123–5299.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–838–000.
Applicants: NextEra Energy Power Marketing, LLC.
Description: § 205(d) Rate Filing: NextEra Energy Marketing, LLC Notice of Succession and Revisions to MBR Tariff to be effective 1/9/2017.
Filed Date: 1/23/17.
Accession Number: 20170123–5302.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–839–000.
Applicants: NorthWestern Corporation.
Description: Tariff Cancellation: Notice of Cancellation: SA 788, Agreement with Montana DOT (Lewistown Sidewalks) to be effective 1/25/2017.
Filed Date: 1/24/17.
Accession Number: 20170124–5025.
Comments Due: 5 p.m. ET 2/14/17.

Docket Numbers: ER17–840–000.
Applicants: NorthWestern Corporation.
Description: Tariff Cancellation: Notice of Cancellation: SA 789, Agreement with Jackson Contractor Group to be effective 1/25/2017.
Filed Date: 1/24/17.
Accession Number: 20170124–5026.
Comments Due: 5 p.m. ET 2/14/17.

Docket Numbers: ER17–841–000.
Applicants: Broadview Energy JN, LLC, Broadview Energy KW, LLC, Grady Wind Energy Center, LLC.
Description: Petition for Limited Waiver of Tariff Provision and Expedited Consideration of Broadview Energy JN, LLC, et al.
Filed Date: 1/23/17.
Accession Number: 20170123–5350.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: ER17–842–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Request for Waiver of Midcontinent Independent System Operator, Inc.
Filed Date: 1/23/17.
Accession Number: 20170123–5354.
Comments Due: 5 p.m. ET 2/13/17.

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: January 24, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–01938 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–14–000]

UGI LNG, Inc.: Notice of Intent To Prepare an Environmental Assessment for the Proposed Temple Truck Rack Expansion Project, and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Temple Truck Rack Expansion

Project involving construction and operation of facilities by UGI LNG, Inc. (UGI LNG) in Berks County, Pennsylvania. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before March 25, 2017.

If you sent comments on this project to the Commission before the opening of this docket on November, 14, 2016, you will need to file those comments in Docket No. CP17–14–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP17–14–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Summary of the Proposed Project

UGI LNG proposes to construct and operate two new trailer loading and unloading racks at UGI LNG's existing Temple liquefied natural gas (LNG) storage facility (Temple Facility) in Berks County, Pennsylvania. Because the existing facility contains only one truck loading rack, the Temple Truck Rack Expansion Project (Project) would allow maintenance on one rack without interrupting operations on the other racks. The Project would consist of two racks with scales, a trailer loading skid, transfer piping, and a new driveway connecting the Temple Facility to a nearby road.

The general location of the project facilities are shown in appendix 1.[1]

Land Requirements for Construction

Construction of the proposed facilities would disturb about 9.4 acres of land for the aboveground facilities, all within land owned by UGI LNG. Following construction, UGI LNG would maintain about 5.6 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- water resources, fisheries, and wetlands;
- endangered and threatened species;
- vegetation and wildlife;
- cultural resources;
- land use;
- air quality and noise;
- public safety; and
- cumulative impacts.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies of the EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the ''Document-less Intervention Guide'' under the ''e-filing'' link on the Commission's Web site. Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.*

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP17–14). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public sessions or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: January 23, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–01907 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR17–18–000.
Applicants: Acacia Natural Gas, L.L.C.
Description: Tariff filing per 284.123(b)(2)+(g): Amended SOC 1–18–2017 to be effective 1/18/2017; Filing Type: 1310.
Filed Date: 1/18/17.
Accession Number: 201701185120.
Comments Due: 5 p.m. ET 2/8/17.
284.123(g) Protests Due: 5 p.m. ET 3/20/17.

Docket Number: PR17–19–000.
Applicants: American Midstream (Bamagas Intrastate), LLC.
Description: Tariff filing per 284.224/.123: Application for Blanket Certificate of Public Convenience and Necessity to be effective 4/1/2017; Filing Type: 1340.
Filed Date: 1/18/17.
Accession Number: 201701185167.
Comments/Protests Due: 5 p.m. ET 2/8/17.

Docket Numbers: RP17–339–000.
Applicants: Millennium Pipeline Company, LLC.
Description: Penalty Revenue Crediting Report of Millennium Pipeline Company, L.L.C.
Filed Date: 1/17/17.
Accession Number: 20170117–5324.
Comments Due: 5 p.m. ET 1/30/17.

Docket Numbers: RP17–340–000.
Applicants: Guardian Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Expiration of Negotiated Rate Agreement—MIECO INC. to be effective 1/18/2017.
Filed Date: 1/18/17.
Accession Number: 20170118–5115.
Comments Due: 5 p.m. ET 1/30/17.

Docket Numbers: RP17–341–000.
Applicants: Big Sandy Pipeline, LLC.
Description: § 4(d) Rate Filing: Jan2017 Big Sandy Cleanup Filing to be effective 2/19/2017.
Filed Date: 1/19/17.
Accession Number: 20170119–5035.
Comments Due: 5 p.m. ET 1/31/17.

Docket Numbers: RP17–342–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Jan2017 Removal of Terminated Non-conforming Agreements to be effective 2/19/2017.
Filed Date: 1/19/17.
Accession Number: 20170119–5055.
Comments Due: 5 p.m. ET 1/31/17.

Docket Numbers: RP17–343–000.
Applicants: Dominion Carolina Gas Transmission, LLC.
Description: Compliance filing DCGT—2016 Interruptible Revenue Sharing Report.
Filed Date: 1/23/17.
Accession Number: 20170123–5000.
Comments Due: 5 p.m. ET 2/6/17.

Docket Numbers: RP17–344–000.
Applicants: Guardian Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Update Statement of Negotiated Rates—January 2017 to be effective 2/10/2017.
Filed Date: 1/23/17.
Accession Number: 20170123–5001.
Comments Due: 5 p.m. ET 2/6/17.

Docket Numbers: RP17–345–000.
Applicants: Destin Pipeline Company, L.L.C.
Description: Request for Temporary Waiver to Implement Certain NAESB Standards required by Order Nos. 587–W (NAESB Version 3.0) and 809 of Destin Pipeline Company, L.L.C.
Filed Date: 1/19/17.
Accession Number: 20170119–5207.
Comments Due: 5 p.m. ET 1/31/17.

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 date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP15–1022–011.
Applicants: Alliance Pipeline L.P.
Description: Revised Stipulation and Agreement [including Pro Forma sheets] of Alliance Pipeline L.P.
Filed Date: 1/17/17.
Accession Number: 20170117–5339.
Comments Due: 5 p.m. ET 2/6/17.
Reply *Comments Due:* 5 p.m. ET 2/16/17.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

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 January 23, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–01917 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Prohibited:

Docket No.	File date	Presenter or requester
1. CP15–93–000	1–17–2017	Wade Pilgreen.
2. CP15–93–000	1–23–2017	Michael Crawford.

Exempt:

Docket No.	File date	Presenter or requester
1. CP16–10–000	1–10–2017	U.S. House Representative Bob Goodlatte.
2. P–2413–000	1–19–2017	U.S. Department of the Interior Fish and Wildlife Service.

Dated: January 24, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–01944 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP17–346–000.

Applicants: Northwest Pipeline LLC.

Description: Compliance filing NWP 2017 Rate Case Stipulation and Settlement Filing.

Filed Date: 1/23/17.

Accession Number: 20170123–5151.

Comments Due: 5 p.m. ET 2/6/17.

Docket Numbers: RP17–347–000.

Applicants: Vitruvian II Woodford, LLC, Gulfport Energy Corporation.

Description: Joint Petition of Vitruvian II Woodford, LLC and Gulfport Energy Corporation for Temporary Waivers of Capacity Release Regulations and Policies and Request for Expedited Action and a Shortened Notice Period.

Filed Date: 1/23/17.

Accession Number: 20170123–5341.

Comments Due: 5 p.m. ET 1/30/17.

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: January 24, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–01937 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filing Instituting Proceedings

Docket Numbers: RP17–295–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Transcontinental Gas Pipe Line Company, LLC, submits tariff filing per 154.204: Negotiated Rates—Cherokee AGL—Replacement Shippers—Jan 2017 to be effective 1/1/2017.
Filed Date: 12/28/16.
Accession Number: 20161228–5090.
Comments Due: 5 p.m. ET 1/9/17.

Docket Numbers: RP17–296–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Transcontinental Gas Pipe Line Company, LLC, submits tariff filing per 154.204: Non-Conforming Agreement—Gulf Trace to be effective 2/1/2017.
Filed Date: 12/29/16.
Accession Number: 20161229–5000.
Comments Due: 5 p.m. ET 1/10/17.

Docket Numbers: RP17–297–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Transcontinental Gas Pipe Line Company, LLC, submits tariff filing per 154.204: Gulf Trace Expansion Initial Rates to be effective 2/1/2017.
Filed Date: 12/29/16.
Accession Number: 20161229–5017.
Comments Due: 5 p.m. ET 1/10/17.

Docket Numbers: RP17–298–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP, submits tariff filing per 154.403: EPC FEB 2017 FILING to be effective 2/1/2017.
Filed Date: 12/29/16.
Accession Number: 20161229–5018.
Comments Due: 5 p.m. ET 1/10/17.

Docket Numbers: RP17–299–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Transcontinental Gas Pipe Line Company, LLC, submits tariff filing per 154.204: Update List of Non-Conforming Service Agreements (Gulf Trace) to be effective 2/1/2017.
Filed Date: 12/29/16.
Accession Number: 20161229–5020.
Comments Due: 5 p.m. ET 1/10/17.

Docket Numbers: RP17–300–000.
Applicants: Trailblazer Pipeline Company, LLC.
Description: Trailblazer Pipeline Company LLC submits tariff filing per 154.204: Neg Rate 2016–12–29 Tenaska, 2 Ks to be effective 1/1/2017.
Filed Date: 12/29/16.
Accession Number: 20161229–5055.
Comments Due: 5 p.m. ET 1/10/17.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

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: December 29, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–01922 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–828–000]

HL Power Company, A California Limited Partnership; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of HL Power Company, A California Limited Partnership's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of

future issuances of securities and assumptions of liability, is February 13, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 24, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–01943 Filed 1–27–17; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, January 24, 2017 at 10:00 a.m. and its continuation at the conclusion of the open meeting on January 25, 2017.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting was closed to the public.

FEDERAL REGISTER NOTICE OF PREVIOUS ANNOUNCEMENT: 82 FR 6550.

ITEMS ALSO DISCUSSED: Matters relating to internal personnel decisions, or internal rules and practices. Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Dayna C. Brown,

Acting Secretary and Clerk of the Commission.

[FR Doc. 2017–02008 Filed 1–26–17; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission

DATE AND TIME: Wednesday, January 25, 2017 at 11:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting was open to the public.

FEDERAL REGISTER NOTICE OF PREVIOUS ANNOUNCEMENT: 82 FR 7831.

THE FOLLOWING ITEM WAS ALSO DISCUSSED: Approval of Payment for Travel Expenses.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Dayna C. Brown,

Acting Secretary and Clerk of the Commission.

[FR Doc. 2017–02009 Filed 1–26–17; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS17–02]

Appraisal Subcommittee; Notice of Meeting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of meeting.

Description: In accordance with Section 1104 (b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in open session for its regular meeting:

Location: Federal Reserve Board—International Square location 1850 K Street NW., Washington, DC 20006.

Date: February 10, 2017.

Time: 10:00 a.m.

Status: Open.

Reports:

Chairman

Executive Director

Delegated State Compliance Reviews

Financial Report

Action and Discussion Items:

November 9, 2016 Open Session Minutes

FY16 Foundation Grant Reprogramming Request

How To Attend and Observe an ASC Meeting: If you plan to attend the ASC Meeting in person, we ask that you send an email to *meetings@asc.gov.* You may register until close of business four business days before the meeting date. You will be contacted by the Federal Reserve Law Enforcement Unit on security requirements. You will also be asked to provide a valid government-issued ID before being admitted to the Meeting. The meeting space is intended to accommodate public attendees. However, if the space will not accommodate all requests, the ASC may refuse attendance on that reasonable basis. The use of any video or audio tape recording device, photographing device, or any other electronic or mechanical device designed for similar purposes is prohibited at ASC meetings.

Dated: January 25, 2017.

James R. Park,

Executive Director.

[FR Doc. 2017–01980 Filed 1–27–17; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

[File No. 141 0194]

Cooperativa de Médicos Oftalmólogos de Puerto Rico (OftaCoop); Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before February 21, 2017.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/oftacoopconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''In the Matter of Cooperativa de Medicos Oftalmologos de Puerto Rico, File No. 1410194—Consent Agreement'' on your comment and file your comment online at *https://*

ftcpublic.commentworks.com/ftc/oftacoopconsent by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''In the Matter of Cooperativa de Medicos Oftalmologos de Puerto Rico, File No. 1410194—Consent Agreement'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Synda Mark (202–326–2353), Bureau of Competition, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 19, 2017), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 21, 2017. Write ''In the Matter of Cooperativa de Medicos Oftalmologos de Puerto Rico, File No. 1410194—Consent Agreement'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/oftacoopconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''In the Matter of Cooperativa de Medicos Oftalmologos de Puerto Rico, File No. 1410194—Consent Agreement'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 21, 2017. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

I. Overview

The Federal Trade Commission (Commission), has accepted, subject to final approval, an agreement containing a proposed consent order with the Cooperativa de Médicos Oftalmólogos de Puerto Rico (Respondent or OftaCoop). The agreement settles charges that OftaCoop violated Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by orchestrating a concerted refusal to deal by ophthalmologists in Puerto Rico to preclude a third-party payor and its network administrator from implementing a cost-savings program to manage ophthalmology services and reduce reimbursement rates.

The proposed consent order has been placed on the public record for 30 days to solicit comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the proposed consent order along with the comments received, and decide whether it should withdraw from the consent agreement, modify it, or make final the proposed consent order.

The purpose of this analysis is to facilitate public comment on the proposed consent order. The analysis is not intended to constitute an official interpretation of the proposed consent order or to modify its terms in any way. Further, the proposed consent order has been entered into for settlement purposes only and does not constitute an admission by Respondent that it violated the law or that the facts alleged in the Complaint (other than jurisdictional facts) are true.

II. The Complaint

OftaCoop is a healthcare cooperative with about 100 ophthalmologists organized under the laws of the

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

Commonwealth of Puerto Rico. The proposed complaint charges that OftaCoop facilitated an agreement among competing ophthalmologists to refuse to deal with MCS Advantage, Inc. (MCS), a payor, and Eye Management of Puerto Rico (Eye Management), MCS's network administrator. The allegations of the proposed complaint are summarized below.

MCS provides healthcare coverage to enrollees of its Medicare Advantage plans pursuant to a contract with Medicare. Medicare pays MCS a premium; in exchange, MCS arranges and pays for healthcare services for its enrollees. To participate in the Medicare Advantage program, MCS must offer a provider network with a sufficient number of physicians to comply with the program's network adequacy requirement designed to ensure enrollees have adequate access to healthcare services. MCS sought to lower its costs after Medicare reduced the premiums it was paying to MCS.

In April 2014, MCS asked Eye Management to create and manage a network of ophthalmologists in Puerto Rico to help lower costs and better manage ophthalmology services provided to its Medicare Advantage enrollees. Eye Management would administer ophthalmology services and benefits provided to MCS enrollees, including credentialing, utilization review, claims processing, and other management services. Under the arrangement, Eye Management would enter into contracts directly with each ophthalmologist to replace MCS's existing contracts with each ophthalmologist. In early June 2014, Eye Management sent a proposed contract to every ophthalmologist contracted with MCS at the time. These contracts offered payments at rates that were about 10% lower, on average, than the rates under the existing contracts between MCS and each ophthalmologist.

OftaCoop convened a meeting on June 14, 2014 with OftaCoop members and non-member ophthalmologists to discuss their dissatisfaction with Eye Management. The attendees agreed not to sign a new contract with Eye Management in order to prevent Eye Management from creating a network on behalf of MCS. After the meeting, OftaCoop's former Secretary of the Board of Directors, with help from OftaCoop's president, sent an email to OftaCoop member and non-member ophthalmologists with the subject line ''DO NOT SIGN THE MCS/EYE MANAGEMENT AGREEMENT.'' The email was signed ''Board of Directors OFTACOOP'' and sent from OftaCoop's official email account. The email urged the ophthalmologists not to sign the contract with Eye Management so they could collectively negotiate with payors through OftaCoop.

Eye Management's medical director was one of the recipients of the email. In response to the email, Eye Management's counsel sent OftaCoop a cease-and-desist letter on June 19, 2014, asking OftaCoop to stop interfering with negotiations between Eye Management and individual ophthalmologists. The letter also notified OftaCoop that any agreement among competing ophthalmologists to jointly refuse to contract with Eye Management was illegal under the antitrust laws.

OftaCoop next met on June 22, 2014. The stated purpose of that meeting, according to the June 14, 2014 email, was ''to turn this around and for us to trample over MCS.'' At the meeting, OftaCoop's president told the attendees they should make their own decision about payor contracting. Notwithstanding Eye Management's cease-and-desist letter, the former Secretary of the Board told the meeting attendees that they had to be united against Eye Management.

The collective refusal to deal among the ophthalmologists prevented Eye Management from creating a lower-cost network. Few ophthalmologists joined the Eye Management network. In early August 2014, Eye Management informed MCS of its inability to form a viable network of ophthalmologists. MCS directed Eye Management to suspend further efforts to develop a network.

MCS next tried to lower costs through its direct contracts with the ophthalmologists. In early August 2014, MCS offered to continue contracting directly with the ophthalmologists at rates about 10% below rates under its existing contracts with the ophthalmologists. Just as they had rejected Eye Management's proposed contracts, many ophthalmologists refused to accept MCS's offer and cancelled, or threatened to cancel, their existing contracts with MCS. The contract cancellations jeopardized MCS's ability to meet network adequacy requirements for its Medicare Advantage enrollees. It also threatened to imperil patient care: MCS received hundreds of phone calls from its enrollees complaining that ophthalmologists were not offering appointments or cancelling previously scheduled surgeries. MCS had no choice but to abandon its plan to lower rates and instead continued paying ophthalmologists the higher rates to retain its network.

Finally, the complaint alleges that OftaCoop has not undertaken any activities to create any integration among OftaCoop members in their delivery of ophthalmology services and thus cannot justify the alleged conduct.

III. The Proposed Consent Order

The proposed consent order is designed to prevent recurrence of the illegal conduct alleged in the complaint. The key provisions are aimed at preventing OftaCoop from using concerted refusals to deal or other coercive tactics to extract favorable contract terms from payors. The proposed consent order also takes into account a change in Puerto Rico law that authorizes healthcare cooperatives to jointly negotiate with payors. Therefore, the proposed consent order does not prohibit OftaCoop from jointly contracting with payors.

A. Proposed Consent Order Provisions

Paragraph II.A bars OftaCoop from organizing or implementing agreements to refuse to deal, or to threaten to refuse to deal, with a payor over contract terms, as well as agreements not to deal individually with payors, or to deal only through OftaCoop. Paragraph II.B prohibits OftaCoop from submitting for state approval any payor contract that it negotiated using acts of coercion, intimidation, boycott, or concerted refusal to deal.

The remaining portions of Paragraph II prohibit conduct that would facilitate a violation of Paragraph II.A. Paragraph II.C bars information exchanges to further conduct that violates the core prohibitions of Paragraph II. Paragraphs II.D and II.E. ban attempts and encouragement of such violations.

Paragraph III.A requires OftaCoop to send a copy of the complaint and consent order to its members, officers, directors, managers, and employees. Paragraph III.B contains notification provisions relating to future contact with its members, officers, directors, managers and employees. For five years after the date on which the consent order is issued, OftaCoop is required to distribute a copy of the consent order and complaint to each member who begins participating in OftaCoop and each person who becomes an officer director, manager, or employee. Paragraph III.B also requires OftaCoop to publish a copy of the consent order and complaint, annually for five years, on its Web site, if any, or any official publication it sends to its members.

Paragraphs IV, V, and VI impose various obligations on OftaCoop to report or provide access to information to the Commission to facilitate monitoring of compliance with the consent order.

Finally, paragraph VII provides that the consent order will expire in 20 years.

B. Impact of New Puerto Rico Law on the Proposed Consent Order and Inclusion of a Proviso

During the investigation, Puerto Rico passed a new law (Act 228 of December 15, 2015) permitting healthcare cooperatives such as OftaCoop to jointly negotiate contracts with payors. Under this new law, healthcare cooperatives must file their payor agreements with the Puerto Rico Public Corporation for the Supervision and Insurance of Cooperatives (COSSEC). A committee whose members are not competitors in the market will oversee the negotiations, and must approve or disapprove each agreement.

Puerto Rico has neither issued any regulations nor do we have any record to evaluate how Puerto Rico will supervise negotiations. Therefore, the Commission is unable to assess to whether Act 228 complies with state action requirements.[2] Although it is too early to assess Puerto Rico's implementation of the new law, the Commission believes the circumstances here make it appropriate to defer to Puerto Rico's expressed intention to actively supervise joint negotiations between healthcare cooperatives and payors. Puerto Rico officials have only been recently granted that authority, and it is appropriate to allow them an opportunity to utilize that authority. As a result, the proposed consent order does not bar collective price negotiations. This is consistent with the consent order in another matter involving healthcare providers where state officials had authority to actively supervise private conduct but had not exercised it.[3]

In light of Act 228, the order also includes a proviso designed to clarify the scope of the prohibitions in Paragraph II. First, it provides that the provisions of Paragraph II do not prohibit OftaCoop, in exercising its business judgment, from rejecting a contract on behalf of its members, so long as there is no agreement between OftaCoop and any of its members that the member will refuse to deal individually (or will deal only through OftaCoop). Second, the proposed consent order does not prevent OftaCoop from exchanging information when necessary to conduct joint payor contract negotiations on behalf of its members. Such information would not, however, ordinarily include whether an individual member is participating in a particular contract or the terms on which it is negotiating with a payor independently of OftaCoop.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–01899 Filed 1–27–17; 8:45 am]

BILLING CODE 6750–01–P

[2] The state action doctrine shields certain anticompetitive conduct by the states from federal antitrust scrutiny. *See Parker* v. *Brown,* 317 U.S. 341 (1943).

[3] *See Minnesota Rural Health Cooperative,* C–4311 (Jan. 4, 2011) (consent order, in settling charges that a group of doctors and hospitals used coercive tactics in negotiations with payors, prohibited using coercion in negotiations, but did not bar joint negotiations), available at *https://www.ftc.gov/news-events/press-releases/2010/06/minnesota-health-care-provider-group-settles-ftc-price-fixing.*

FEDERAL TRADE COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Division of Consumer and Business Education, Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (''OMB'') for review, as required by the Paperwork Reduction Act (''PRA''). The FTC is seeking public comments on its proposal to renew its PRA clearance to participate in the OMB program ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.'' This program was created to facilitate federal agencies' efforts to streamline the process to seek public feedback on service delivery. Current FTC clearance under this program expires April 30, 2017.

DATES: Comments must be submitted by March 31, 2017.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''FTC Generic Clearance ICR, Project No. P035201'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/genericclearance* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Bridget Small at 202–326–3266.

SUPPLEMENTARY INFORMATION:

Executive Order 12862 (1993) (''Setting Customer Service Standards'') directs all Federal executive departments and agencies and requests independent Federal agencies to provide service to ''customers'' that matches or exceeds the best service available in the private sector. *See* also Executive Order 13571 (2011) (''Streamlining Service Delivery and Improving Customer Service''). For purposes of these orders, ''customer'' means an individual who or entity that is directly served by a department or agency.

To the above ends, and to work continuously to ensure that the FTC's programs are effective and meet our customers' needs, we seek renewed OMB approval of a generic clearance to collect qualitative feedback on our service delivery (*i.e.,* the products and services that the FTC creates to help consumers and businesses understand their rights and responsibilities, including Web sites, blogs, videos, print publications, and other content). ''Qualitative feedback'' denotes information that provides useful insights on public perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. The solicitation of feedback on service delivery will target areas such as timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery.

The FTC will collect, analyze, and interpret information it gathers through this generic clearance program to identify strengths and weaknesses of current services and make improvements in service delivery based on feedback.

The types of collections that the proposed generic clearance covers include, but are not limited to:

- Customer comment cards/complaint forms;
- Small discussion groups;
- Focus Groups of customers, potential customers, delivery partners, or other stakeholders;
- Cognitive laboratory studies, such as those used to refine questions or assess usability of a Web site;

• Qualitative customer satisfaction surveys (*e.g.,* post-transaction surveys; opt-out web surveys);

• In-person observation testing (*e.g.,* Web site or software usability tests).

The FTC's use of this program contemplates a range of information collections that focus on the awareness, understanding, attitudes, preferences, or experiences of customers or other stakeholders (*e.g.,* visitors to FTC Web sites) relating to existing or future agency services or communication materials. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with agency service, or focus attention on areas where communication, training or changes in operations might improve delivery of services or communication materials. These collections will allow for ongoing, collaborative and actionable communications between the FTC and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Through these various types of information collections, the FTC's Division of Consumer and Business Education (''DCBE'') has, for example, created and tested *www.consumer.gov,* an easy-to-use Web site to better reach underserved populations with simple and direct consumer information, written for people who have trouble reading. ''Stakeholders'' or ''customers'' included legal services attorneys, English for Speakers of Other Languages teachers, and community leaders. In another instance, DCBE conducted usability tests of *www.ftc.gov* to assess the organization of that site's content by asking respondents to complete an online card sort. Respondents included, among others, a mix of professions and professional interests, such as economists, attorneys, and consumer advocates. Other past examples include requesting feedback on the design of the FTC's Bulk Order Web site (*www.bulkorder.ftc.gov*), the FTC's Business Center Web site (*www.business.ftc.gov*), and OnGuardOnline.gov (*www.onguardonline.gov*), the federal government's Web site to help people be safe, secure, and responsible online. The DCBE has also conducted in-depth interviews of respondents (*e.g.,* active institutional decision-makers in assisted living facilities, senior residence communities, local community centers, public libraries, among others) to inform the design of a consumer education program to reach older consumers with messages about fraud.

Consistent with OMB requirements, the FTC will only submit a collection for approval under this generic clearance if it meets the following conditions:

• The collections are voluntary;

• The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;

• The collections are non-controversial and do not raise issues of concern to other Federal agencies;

• Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;

• Personally identifiable information (PII) is collected only to the extent necessary [1] and is not retained;

• Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency.[2]

• Information gathered will not be used for the purpose of substantially informing influential policy decisions; [3] and

• Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Under this generic clearance program, agency submissions of information collection requests to OMB obtain automatic approval, unless OMB identifies issues within 5 business days of receipt.

Generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study.

Below is a description of the affected public and the FTC's projected average annual estimates for the next three years:

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Average Expected Annual Number of Activities: 3.

Respondents: 2,200.[4]

Frequency of Response: Once per request.

Annual Responses: 2,200.

Average Minutes per Response: 21 (rounded to nearest whole minute).

Burden Hours: 780.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number assigned to the FTC to conduct past activities under this program is 3084–0159.

Request for Comment

Under the PRA, 44 U.S.C. 3501–3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public

[1] For example, collections that collect PII in order to provide remuneration for participants of focus groups and cognitive laboratory studies will be submitted under this request. All privacy act requirements will be met.

[2] Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. Findings will be used for general service improvement, but are not for publication or other public release. Although the FTC does not intend to publish its findings, it may receive requests to release the information (*e.g.,* congressional inquiry, Freedom of Information Act requests). The FTC will disseminate the findings when appropriate, strictly following the agency's ''Guidelines for Ensuring the Quality of Information Disseminated to the Public,'' and will include specific discussion of the limitation of the qualitative results discussed above.

[3] As defined in OMB and FTC Information Quality Guidelines, ''influential'' means that ''an agency can reasonably determine that dissemination of the information will have or does have a clear and substantial impact on important public policies or important private sector decisions.''

[4] Projected activities: (1) An average of four customer satisfaction surveys per year, 500 respondents each (surveys to get feedback about major campaigns, publications, Web sites, branding and other consumer and business education products to test their appeal and effectiveness), 15 minutes per response; (2) Eight focus groups per year, 10 respondents each (to test education products and Web sites), 2 hours per response; and (3) Ten usability sessions per year, 12 respondents per Web site (to test the usability of FTC Web sites by inviting people to complete common tasks on those sites), 1 hour per response.

comment before requesting that OMB extend the existing paperwork clearance for the regulations noted herein.

Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) Whether the proposed information collection is necessary, including whether the information will be practically useful; (2) the accuracy of our burden estimates, including whether the methodology and assumptions used are valid; (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. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before March 31, 2017.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before March 31, 2017. Write ''FTC Generic Clearance ICR, Project No. P035201'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment doesn't include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment doesn't include any sensitive health information, like medical records or other individually identifiable health information. In addition, don't include any ''[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential . . ., '' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[5] Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/genericclearance* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''FTC Generic Clearance ICR, Project No. P035201'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before March 31, 2017. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *http://www.ftc.gov/ftc/privacy.htm.*

David C. Shonka,

Acting General Counsel.

[FR Doc. 2017–01901 Filed 1–27–17; 8:45 am]

BILLING CODE 6750–01–P

[5] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c), 16 CFR 4.9(c).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; NIH Pathway to Independence Award (K99) Teleconference Review.

Date: February 20, 2017.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6710B Bethesda Drive, 2221A, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Helen Huang, Ph.D., Scientific Review Specialist, Division of Scientific Review, OD, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6710B Bethesda Drive, 2221A, Bethesda, MD 20892, 301–435–8207, *helen.huang@nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Health, Behavior, and Context Subcommittee.

Date: February 27, 2017.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Kimberly Houston, Ph.D., Scientific Review Officer, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6710B Bethesda Drive, 2221A, Bethesda, MD 20892, 301–827–4902, *kimberly.houston@nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: March 10, 2017.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Joanna Kubler-Kielb, Scientific Review Officer, Scientific Review

Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 6710B Bethesda Drive, 2221A, Bethesda, MD 20892, 301–435–6916, *kielbj@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: April 3, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6710 B Rockledge Drive, Bethesda, MD 20892.

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, 6710B Bethesda Drive, 2221A, Bethesda, MD 20892, (301) 435–6680, *skandasa@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Structural Birth Defects Special Emphasis Panel (SEP).

Date: April 6–7, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Sherry L. Dupere, Ph.D., Chief, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6710B, Bethesda Drive, 2221A, Bethesda, MD 20892, 301–451–3415, *duperes@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: January 24, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–01894 Filed 1–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Heart, Lung, and Blood Initial Review Group; NHLBI Mentored Clinical and Basic Science Review Committee.

Date: February 16–17, 2017.

Time: 10:30 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Crystal City, 1800 Jefferson Davis Highway Arlington, VA 22202.

Contact Person: Keith A. Mintzer, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA National Heart, Lung, and Blood Institute 6701 Rockledge Drive, Room 7186, Bethesda, MD 20892–7924, 301–594–7947, *mintzerk@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 24, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–01893 Filed 1–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, And Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Empowerment to Reduce Asthma Disparities (U01).

Date: February 16, 2017.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: YingYing Li-Smerin, MD, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7184, Bethesda, MD 20892–7924, 301–827–7942, *lismerin@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 24, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–01892 Filed 1–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, February 24, 2017, 11:00 a.m. to February 24, 2017, 05:00 p.m., National Cancer Institute-Shady Grove, 9606 Medical Center Drive, 3W030, Rockville, MD 20850 which was published in the **Federal Register** on December 13, 2016, 81 FR 89953.

The meeting notice is amended to change the name of the meeting to ''IT for Cancer Research'' and the contact person to Nadeem Khan, Ph.D., Scientific Review Officer, Office of Referral, Review, and Program Coordination, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W530, Rockville, MD 20892–9750, 240–276–6442, *ss537t@nih.gov.* The meeting is closed to the public.

Dated: January 24, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–01891 Filed 1–27–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration

(SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: ''Talk. They Hear You.'' Campaign Evaluation: Case Studies—NEW

The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Prevention (CSAP) is requesting approval from the Office of Management and Budget (OMB) for a new data collection, ''*Talk. They Hear You.*'' *Campaign Evaluation: Case Studies* (the ''case studies''). This collection includes three instruments:

1. Parent/Caregiver Pre-Test/Post-Test Survey
2. Youth Pre-Test and Post-Test Survey
3. Parent/Caregiver Interview Guide

The case studies collection is part of a larger effort to evaluate the impact of the ''*Talk. They Hear You.*'' *Campaign.* These evaluations will help determine the extent to which the campaign has been successful in educating parents and caregivers nationwide about effective methods for reducing underage drinking. The Campaign is designed to educate and empower parents and caregivers to talk with children about alcohol. To prevent initiation of underage drinking, the campaign targets parents and caregivers of children aged 9–15, with the specific aims of:

1. Increasing parents' awareness of the prevalence and risk of underage drinking
2. Equipping parents with the knowledge, skills, and confidence to prevent underage drinking
3. Increasing parents' actions to prevent underage drinking.

For this evaluation, SAMHSA intends to measure knowledge and attitudes before and after a focused campaign outreach effort in areas that have not previously had significant exposure to the campaign. Participants in the evaluation will be recruited from a middle school community, and will include parents/caregivers and students. School administrators and partnering organization(s), such as parent organizations and/or local prevention organizations will assist in the dissemination of campaign materials and data collection efforts. There will be two sites selected for the case studies—one site will serve as the experimental group and the other site will serve as the control group. The experimental group will be exposed to the ''Talk. They Hear You.'' messages using standard campaign materials and dissemination strategies, which will be coordinated through a local partner organization. The control group will not be intentionally exposed to the campaign materials. The case studies will include baseline surveys of parents/caregivers and children of middle-school age in both the experimental and control communities, followed by exposure to campaign materials in the experimental community, and post-exposure surveys of parents and children in both communities. Additionally, SAMHSA will conduct 30 interviews with parents and caregivers following the post-exposure surveys at the experimental site to obtain more detailed information about the specific impact of the campaign.

ANNUALIZED HOURLY BURDEN

Instrument	Total number of respondents	Total responses/ respondent	Total responses	Hours per response	Total hour burden
Pre-test survey for 9–15-year old youth	1,093	1	1,093	0.17	185.8
Post-test survey for 9–15-year old youth	1,093	1	1,093	0.17	185.8
Pre-test survey for parents and caregivers	690	1	690	0.17	117.3
Post-test survey for parents and caregivers	690	1	690	0.17	117.3
Individual interviews with parents and caregivers	30	1	30	1	30
Total	1,783		3,596		636.2

Written comments and recommendations concerning the proposed information collection should be sent by March 1, 2017 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2017–01931 Filed 1–27–17; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0105]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Request for ATF Background Investigation Information (ATF F 8620.65)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until March 31, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information,

please contact Renee Reid, Chief, Personnel Security Branch, either by mail at Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Washington, DC 20226, or by email at *Renee.Reid@atf.gov.* Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83):* Extension, without change, of a currently approved collection.

2. *The Title of the Form/Collection:* Request for ATF Background Investigation Information.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF F 8620.65.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State, Local, or Tribal Government.

Other (if applicable): Federal Government.

Abstract: This form is necessary to maintain a record of another agency's official request for an individual's background investigation record. The documented request will assist the ATF in ensuring that unauthorized disclosures of information do no occur.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 300 respondents will utilize the form, and it will take each respondent approximately 5 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 25 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–01945 Filed 1–27–17; 8:45 am]

BILLING CODE 4410–XX–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0105]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Request for ATF Background Investigation Information (ATF F 8620.65)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** 81 FR 81156, on November 17, 2016, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until March 1, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any other additional information, please contact Renee Reid, Chief, Personnel Security Division, either by mail at Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Washington, DC 20226, or by email at *Renee.Reid@atf.gov.* Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension, without change, of a currently approved collection.

(2) *The Title of the Form/Collection:* Request for ATF Background Investigation Information.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF F 8620.65.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State, Local, or Tribal Government.

Other: Federal Government.

Abstract: This form is necessary to maintain a record of another agency's official request for an individual's background investigation record. The documented request will assist the ATF in ensuring that unauthorized disclosures of information do not occur.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 300 respondents will utilize the form, and it will take each respondent 5 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 25 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: January 25, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–01954 Filed 1–27–17; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–New]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-day Notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** at 81 FR 78635 on November 8, 2016, 2016, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until March 1, 2017.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.* Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION:

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(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: New collection.

(2) Title of the Form/Collection: Domestic Violence and Housing Technical Assistance Consortium Safe Housing Needs Assessment.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number: 1122–XXXX. U.S. Department of Justice, Office on Violence Against Women.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: The affected public includes housing/homelessness providers and domestic violence/sexual assault service providers. Domestic violence is a major cause of homelessness, particularly for families with children. Among those families currently experiencing homelessness, more than 80 percent had previously experienced domestic violence. According to the U.S. Conference of Mayors, in 2008, 28% of families were homeless because of domestic violence and domestic violence is often cited as the primary cause of homelessness. There is a significant need for housing programs that offer supportive services and resources to victims of domestic violence and their children in ways that are trauma-informed and culturally relevant. The Administration for Children and Families (ACF), Family and Youth Services Bureau, Division of Family Violence Prevention and Services (DFVPS), the U.S. Department of Justice Office of Justice Programs Office for Victims of Crime (OJP/OVC), Office on Violence Against Women (OVW), and the Department of Housing and Urban Development (HUD) have established a federal technical assistance consortium that will provide national domestic violence and housing training, technical assistance, and resource development. The Domestic Violence and Housing Technical Assistance Consortium will implement a federally coordinated approach to providing resources, program guidance, training, and technical assistance to domestic violence, homeless, and housing service providers.

The Safe Housing Needs Assessment will be used to determine the training and technical assistance needs of organizations providing safe housing for domestic violence victims and their families. The Safe Housing Needs Assessment will gather input from community service providers, coalitions and continuums of care. This assessment is the first of its kind aimed at simultaneously reaching the domestic and sexual violence field, as well as the homeless and housing field. The assessment seeks to gather information on topics ranging from the extent to which both fields coordinate to provide safety and access to services for domestic and sexual violence survivors within the homeless system, to ways in which programs are implementing innovative models to promote long-term housing stability for survivors and their families. Additionally, this assessment seeks to identify specific barriers preventing collaboration across these fields, as well as promising practices. The results will help the Consortium provide organizations and communities with the tools, strategies and support necessary to improve coordination between domestic violence/sexual

assault service providers and homeless and housing service providers, so that survivors and their children can ultimately avoid homelessness and live free from abuse.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: It is estimated that it will take the approximately 78,660 respondents approximately fifteen minutes to complete an online assessment tool.

(6) An estimate of the total public burden (in hours) associated with the collection: The total annual hour burden to complete the data collection forms is 19,665 hours, that is 78,660 organizations completing an assessment tool one time with an estimated completion time being fifteen minutes.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E, 405B, Washington, DC 20530.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–01926 Filed 1–27–17; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0017]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** at 81 FR 64511 on September 20, 2016, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until March 1, 2017.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.* Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(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:* Semi-annual Progress Report for the Technical Assistance Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0017. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the 100 programs providing technical assistance as recipients under the Technical Assistance Program.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the 100 respondents (Technical Assistance providers) approximately one hour to complete a semi-annual progress report twice a year. The semi-annual progress report for the Technical Assistance Program is divided into sections that pertain to the different types of activities in which Technical Assistance Providers are engaged. The primary purpose of the OVW Technical Assistance Program is to provide direct assistance to grantees and their subgrantees to enhance the success of local projects they are implementing with VAWA grant funds. In addition, OVW is focused on building the capacity of criminal justice and victim services organizations to respond effectively to sexual assault, domestic violence, dating violence, and stalking and to foster partnerships between organizations that have not traditionally worked together to address violence against women, such as faith- and community-based organizations.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the semi-annual progress report form is 200 hours. It will take approximately one hour for the grantees to complete the form twice a year.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E, 405B, Washington, DC 20530.

Dated: January 25, 2017.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–01950 Filed 1–27–17; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–2220]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Bureau of Justice Assistance Application Form: Public Safety Officers Educational Assistance

AGENCY: Bureau of Justice Assistance, Department of Justice

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs (OJP) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection

was previously published in the **Federal Register** [Volume nn, Number nnn, page nnnnn on month, day, year,] allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional days until March 1, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact IWritten comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.* [This is in the new template, didn't know if we had to have it and, if so, if the same information would apply to PSOB/PSOEA.]

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Public Safety Officers Educational Assistance.

3. *The agency form number:* None.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Others: None.

Abstract: BJA's Public Safety Officers' Benefits (PSOB) Office will use the PSOEA Application information to confirm the eligibility of applicants to receive PSOEA benefits. Eligibility is dependent on several factors, including the applicant having received or being eligible to receive a portion of the PSOB Death Benefit, or having a spouse or parent who received the PSOB Disability Benefit. Also considered are the applicant's age and the schools being attended. In addition, information to help BJA identify an individual is collected, such as contact numbers and email addresses.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that no more than 200 new respondents will apply a year. Each application takes approximately 30 minutes to complete.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 100 hours. It is estimated that new respondents will take 30 minutes to complete an application. The burden hours for collecting respondent data sum to 100 hours (200 respondents × 0.5 hours = 100 hours).

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E, 405B, Washington, DC 20530.

Dated: January 25, 2017.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–01964 Filed 1–27–17; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0024]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** at 81 FR 64510 on September 20, 2016, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until March 1, 2017.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.* Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION:

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(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:* Semi-Annual Progress Report for Grantees

from the Tribal Sexual Assault Services Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0024. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 15 grantees of the Tribal Sexual Assault Services Program. The Sexual Assault Services Program (SASP) created by the Violence Against Women Act of 2005 (VAWA 2005), is the first federal funding stream solely dedicated to the provision of direct intervention and related assistance for victims of sexual assault. The SASP encompasses four different funding streams for States and Territories, Tribes, State Sexual Assault Coalitions, Tribal Coalitions, and culturally specific organizations. Overall, the purpose of SASP is to provide intervention, advocacy, accompaniment, support services, and related assistance for adult, youth, and child victims of sexual assault, family and household members of victims, and those collaterally affected by the sexual assault.

The Tribal SASP supports efforts to help survivors heal from sexual assault trauma through direct intervention and related assistance from social service organizations such as rape crisis centers through 24-hour sexual assault hotlines, crisis intervention, and medical and criminal justice accompaniment. The Tribal SASP will support such services through the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 15 respondents (grantees from the Tribal Sexual Assault Services Program) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Tribal SASP grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 30 hours, that is 15 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E, 405B, Washington, DC 20530.

Dated: January 25, 2017.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–01948 Filed 1–27–17; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0025]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** at 81 FR 64511 on September 20, 2016, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until March 1, 2017.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.* Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(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 Currently Approved Collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from the Services to Advocate for and Respond to Youth Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0025. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 45 grantees of the Consolidated Grant Program to Address Children and Youth Experiencing Domestic and Sexual Assault and Engage Men and Boys as Allies (which includes the previously authorized Services to Advocate for and Respond to Youth Program) which creates a unique opportunity for communities to increase collaboration among non-profit victim service providers, violence prevention programs, and child and youth organizations serving victims ages 0–24.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 45 respondents approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Consolidated Youth Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the*

collection: The total annual hour burden to complete the data collection forms is 90 hours, that is 45 grantees completing a form twice a year with an estimated one hour to complete the form.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E, 405B, Washington, DC 20530.

Dated: January 25, 2017.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–01949 Filed 1–27–17; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–New]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-day Notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** at 81 FR 78635 on November 8, 2016, 2016, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until March 1, 2017.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.* Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(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:* New collection.

(2) *Title of the Form/Collection:* Domestic Violence and Housing Technical Assistance Consortium Safe Housing Needs Assessment.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–XXXX. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes housing/homelessness providers and domestic violence/sexual assault service providers. Domestic violence is a major cause of homelessness, particularly for families with children. Among those families currently experiencing homelessness, more than 80 percent had previously experienced domestic violence. According to the U.S. Conference of Mayors, in 2008, 28% of families were homeless because of domestic violence and domestic violence is often cited as the primary cause of homelessness. There is a significant need for housing programs that offer supportive services and resources to victims of domestic violence and their children in ways that are trauma-informed and culturally relevant. The Administration for Children and Families (ACF), Family and Youth Services Bureau, Division of Family Violence Prevention and Services (DFVPS), the US Department of Justice Office of Justice Programs Office for Victims of Crime (OJP/OVC), Office on Violence Against Women (OVW), and the Department of Housing and Urban Development (HUD) have established a federal technical assistance consortium that will provide national domestic violence and housing training, technical assistance, and resource development. The Domestic Violence and Housing Technical Assistance Consortium will implement a federally coordinated approach to providing resources, program guidance, training, and technical assistance to domestic violence, homeless, and housing service providers.

The Safe Housing Needs Assessment will be used to determine the training and technical assistance needs of organizations providing safe housing for domestic violence victims and their families. The Safe Housing Needs Assessment will gather input from community service providers, coalitions and continuums of care. This assessment is the first of its kind aimed at simultaneously reaching the domestic and sexual violence field, as well as the homeless and housing field. The assessment seeks to gather information on topics ranging from the extent to which both fields coordinate to provide safety and access to services for domestic and sexual violence survivors within the homeless system, to ways in which programs are implementing innovative models to promote long-term housing stability for survivors and their families. Additionally, this assessment seeks to identify specific barriers preventing collaboration across these fields, as well as promising practices. The results will help the Consortium provide organizations and communities with the tools, strategies and support necessary to improve coordination between domestic violence/sexual assault service providers and homeless and housing service providers, so that survivors and their children can ultimately avoid homelessness and live free from abuse.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 78,660 respondents approximately fifteen minutes to complete an online assessment tool.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 19,665 hours, that is 78,660 organizations completing an assessment tool one time with an estimated completion time being fifteen minutes.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E, 405B, Washington, DC 20530.

Dated: January 25, 2017.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–01930 Filed 1–27–17; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

Record of Vote of Meeting Closure (Pub. L. 94–409) (5 U.S.C. Sec. 552b)

I, J. Patricia Wilson Smoot, of the United States Parole Commission, was present at a meeting of said Commission, which started at approximately 11:00 a.m., on Wednesday, January 25, 2017 at the U.S. Parole Commission, 90 K Street NE., Third Floor, Washington, DC 20530. The purpose of the meeting was to discuss original jurisdiction cases pursuant to 28 CFR 2.27. Three Commissioners were present, constituting a quorum when the vote to close the meeting was submitted.

Public announcement further describing the subject matter of the meeting and certifications of the General Counsel that this meeting may be closed by votes of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the meeting be closed: Patricia K. Cushwa, J. Patricia Wilson Smoot and Charles T. Massarone.

In witness whereof, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Dated: January 26, 2017.

J. Patricia Wilson Smoot,

Chairperson, U.S. Parole Commission.

[FR Doc. 2017–02037 Filed 1–26–17; 4:15 pm]

BILLING CODE 4410–31–P

DEPARTMENT OF LABOR

Office of Labor-Management Standards

Extension of Information Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA). The program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of the collection requirements on respondents can be properly assessed. Currently, the Office of Labor-Management Standards (OLMS) of the Department of Labor (Department) is soliciting comments concerning the proposed extension of the collection of information requirements for processing applications under the Federal Transit Law. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before March 31, 2017.

ADDRESSES: Andrew R. Davis, Chief of the Division of Interpretations and Standards, Office of Labor-Management Standards, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–5609, Washington, DC 20210, *olms-public@dol.gov,* (202) 693–0123 (this is not a toll-free number), (800) 877–8339 (TTY/TDD).

Please use only one method of transmission (mail or Email) to submit comments or to request a copy of this information collection and its supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden.

SUPPLEMENTARY INFORMATION:

I. *Background*: Under 49 U.S.C. 5333(b), when Federal funds are used to acquire, improve, or operate a transit system, the Department must ensure that the recipient of those funds establishes arrangements to protect the rights of affected transit employees. Federal law requires such arrangements to be ''fair and equitable,'' and the Department of Labor (DOL or ''the Department'') must certify the arrangements before the U.S. Department of Transportation's Federal Transit Administration (FTA) can award certain funds to grantees. These employee protective arrangements must include provisions that may be necessary for the preservation of rights, privileges, and benefits under existing collective bargaining agreements or otherwise; the continuation of collective bargaining rights; the protection of individual employees against a worsening of their positions related to employment; assurances of employment to employees of acquired transportation systems; assurances of priority of reemployment of employees whose employment is ended or who are laid off; and paid training or retraining programs. 49 U.S.C. 5333(b)(2). Pursuant to 29 CFR part 215, upon receipt of copies of applications for Federal assistance subject to 49 U.S.C. 5333(b) from the FTA, together with a request for the certification of employee protective arrangements from the Department of Labor, DOL will process those applications. The FTA will provide the Department with the information necessary to enable the Department to process employee protections for certification of the project.

II. *Review Focus:* The Department is particularly interested in comments which:

- 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.

III. *Current Actions:* The Department seeks extension of the current approval to collect this information. An extension is necessary because, if the information is not collected, DOL will be unable to determine that arrangements are ''fair

and equitable' concerning the rights of affected transit employees. The information collected by OLMS is used to certify projects and allow funds to reach the applying transit agencies, which would prevent a reduction in services for the public and work for employees.

DOL Procedural Guidelines (29 CFR part 215), encourage the development of employee protections through local negotiations, but establish time frames for certification to expedite the process and make it more predictable, while assuring that the required protections are in place.

Pursuant to the Guidelines, DOL refers for review the grant application and the proposed terms and conditions to unions representing transit employees in the service area of the project and to the applicant and/or sub-recipient. No referral is made if the application falls under one of the following exceptions: (1) Employees in the service area are not represented by a union; (2) the grant is for routine replacement items; (3) the grant is for a Job Access project serving populations less than 200,000. (29 CFR 215.3). Grants where employees in the service area are not represented by a union will be certified without referral based on protective terms and conditions set forth by DOL.

When a grant application is referred to the parties, DOL recommends the terms and conditions to serve as the basis for certification. The parties have 15 days to inform DOL of any objections to the recommended terms including reasons for such objections. If no objections are registered and no circumstances exist inconsistent with the statue, or if objections are found not sufficient, DOL certifies the project on the basis of the recommended terms.

If DOL determines that the objections are sufficient, the Department, as appropriate, will direct the parties to negotiate for up to 30 days, limited to issues defined by DOL.

If the parties are unable to reach agreement within 30 days, DOL will review the final proposals and where no circumstances exist inconsistent with the statute, issue an interim certification permitting FTA to release funds, provided that no action is taken relating to the issues in dispute that would irreparably harm employees.

Following the interim certification, the parties may continue negotiations. If they are unable to reach agreement, DOL sets the terms for Final Certification within 60 days. DOL may request briefs on the issues in dispute before issuing the final certification.

Notwithstanding the above, the Department retains the right to withhold certification where circumstances inconsistent with the statue so warrant until such circumstances have been resolved.

Type of Review: Extension.

Agency: Office of Labor-Management Standards.

Title of Collection: Protections for Transit Workers under Section 5333(b) Urban Program.

OMB Control Number: 1245–0006.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 1,873.

Total Estimated Number of Responses: 1,873.

Total Estimated Annual Burden Hours: 14,984.

Total Estimated Annual Other Costs Burden: $0.

Comments submitted in response to this notice will be summarized and/or included in the request for the Office of Management and Budget (OMB) approval of the information collection request; they will also become a matter of public record.

Dated: January 23, 2017.

Andrew R. Davis,

Chief of the Division of Interpretations and Standards, Office of Labor-Management Standards, U.S. Department of Labor.

[FR Doc. 2017–01960 Filed 1–27–17; 8:45 am]

BILLING CODE P

LEGAL SERVICES CORPORATION

Request for Letters of Intent To Apply for 2017 Pro Bono Innovation Fund Grants

AGENCY: Legal Services Corporation.

ACTION: Notice.

SUMMARY: The Legal Services Corporation (LSC) issues this Notice describing the conditions under which Letters of Intent to Apply for 2017 funding will be received for the Pro Bono Innovation Fund. This notice and application information are posted at *www.lsc.gov/pbifgrants.*

DATES: Letters of Intent must be submitted by 11:59 p.m. Eastern Time on Wednesday, March 29, 2017.

ADDRESSES: Letters of Intent must be submitted electronically at *http://lscgrants.lsc.gov.*

FOR FURTHER INFORMATION CONTACT: For more information about current Pro Bono Innovation Fund projects, please contact Mytrang Nguyen, Program Counsel, (202) 295–1564 or *nguyenm@lsc.gov.* For general questions about the Pro Bono Innovation Fund application process, please email *probonoinnovation@lsc.gov.* For technical questions or issues with the LSC Grants online application system, please email *techsupport@lsc.gov.*

SUPPLEMENTARY INFORMATION: The Legal Services Corporation (LSC) issues this Notice describing the conditions for submitting a Letter of Intent to Apply (LOI) for 2017 Pro Bono Innovation Fund grants. This notice and application information are posted at *www.lsc.gov/pbifgrants.*

I. Introduction

Congress annually appropriates funds to LSC ''for a Pro Bono Innovation Fund.'' *See, e.g.,* Consolidated Appropriations Act, 2016, Public Law 114–113, 129 Stat. 2242, 2321 (2015). LSC requested these funds for grants to ''develop, test, and replicate innovative pro bono efforts that can enable LSC grantees to expand clients' access to high quality legal assistance.'' LSC Budget Request, Fiscal Year 2014 at 26 (2013). The grants must involve innovations that are either ''new ideas'' or ''new applications of existing best practices.'' *Id.* Each grant would ''either serve as a model for other legal services providers to follow or effectively replicate a prior innovation. *Id.* The Senate Appropriations Committee explained that these funds ''will support innovative projects that promote and enhance pro initiatives throughout the Nation,'' and the House Appropriations Committee directed LSC ''to increase the involvement of private attorneys in the delivery of legal services to [LSC-eligible] clients.'' Senate Report 114–239 at 123 (2016), House Report 113–448 at 85 (2014). LSC sought these funds based on the 2012 recommendation of the LSC Pro Bono Task Force. In its first three years, the Pro Bono Innovation Fund advanced LSC's goal of increasing the quantity and quality of legal services by funding projects that more efficiently and effectively involve pro bono volunteers in serving the critical unmet legal needs of LSC-eligible clients. For 2017, LSC will build on these successes by dividing the grants into three categories to better focus on innovations serving unmet and well-defined client needs (Project Grants), on building comprehensive and effective pro bono projects through new applications of existing best practices (Transformation Grants), and on providing continued development support for the most promising innovations (Sustainability Grants).

II. New Pro Bono Innovation Fund Tracks for FY 2017

A. Background and Rationale for New Funding Tracks

Each year, LSC staff reviews Pro Bono Innovation Fund application data and engages with grantees to inform our grant making. In addition to analyzing successful and unsuccessful applications, LSC surveys our applicants and current Pro Bono Innovation Fund grantees to improve our program.

Since 2014, there has been significant interest in and competition for Pro Bono Innovation Fund grants. In 2015 and 2016, the total average amount requested for Pro Bono Innovation Fund grants was $12.1 million for the $3.8 million available in direct grants. From our three-year review of the Pro Bono Innovation Fund applications and data, LSC staff also noted that that a number of grantees have been repeatedly unsuccessful in obtaining a grant or have never applied for a Pro Bono Innovation Fund grant. At the same time, several 2014 Pro Bono Innovation Fund grantees submitted Letters of Intent to apply for a second Pro Bono Innovation Fund grant, even as their currently-funded projects were still underway.

For FY 2017, LSC will divide the grants into three categories to better implement the innovation, development, and replication goals of this program.

We believe that offering three types of different grant opportunities with our available FY 2017 Pro Bono Innovation Fund appropriation affords more options for LSC grantees to seek funding for what they most need to strengthen their pro bono program and increase the effective involvement of pro bono volunteers in their delivery of legal services to clients. It also allows LSC to continue to fund the highest-quality projects with the most potential for learning, replication, and impact.

III. Funding Opportunities Information

A. Pro Bono Innovation Fund Purpose and Key Goals

Pro Bono Innovation Fund grants develop, test, and replicate innovative pro bono efforts that can enable LSC grantees to use pro bono volunteers to serve larger numbers of low-income clients and improve the quality and effectiveness of the services provided. The key goals of the Pro Bono Innovation Fund are to:

1. Address gaps in the delivery of legal services to low-income people.
2. Engage more lawyers and other volunteers in pro bono service.
3. Develop, test, and replicate innovative pro bono efforts.

B. Project Grants

The goal of Pro Bono Innovation Fund *Project Grants* is to leverage volunteers to meet a critical, unmet and well-defined client needs. LSC welcomes applications for *Project Grants* in a wide variety of areas; there are no specific areas of interest. Consistent with the key goals of the Pro Bono Innovation Fund, however, applicants are encouraged to focus on engaging volunteers to increase free civil legal aid for low-income Americans by proposing new, replicable ideas. Past funded projects include efforts to integrate pro bono volunteers into medical-legal partnerships, to engage retired and transitioning attorneys in legal aid, to leverage transactional pro bono attorneys to serve low-income micro-entrepreneurs, and to use technology and web-based systems to allow metropolitan pro bono attorneys to serve rural clients in more remote parts of the state. *Project Grants* can be either 18 or 24-months.

C. Transformation Grants

The goal of Pro Bono Innovation Fund *Transformation Grants* is to support LSC grantees in comprehensive assessment and restructuring of pro bono programs through new applications of existing best practices in pro bono delivery. Each *Transformation Grant* will support a rigorous and extensive assessment of an LSC grantee's pro bono program, the identification of best practices in pro bono delivery that are best suited to that grantee's needs and circumstances, and the development and implementation of new applications of those best practices to restructuring its pro bono program through short- and long-term improvements to organizational policies, management, and operations.

Transformation Grants are 24 months and targeted towards LSC grantees whose leadership is committed to restructuring an entire pro bono program and incorporating pro bono best practices into core, high-priority client services with an urgency to create a high-impact pro bono program. This funding opportunity is open to all LSC grantees, but is primarily intended for LSC grantees who have been unsuccessful with *Project Grants* or who have never applied for a Pro Bono Innovation Fund grant in the past.

D. Sustainability Grants

Pro Bono Innovation Fund *Sustainability Grants* are available to current or former Pro Bono Innovation Fund grantees who were funded in either FY 2014 or FY 2015. The goal of *Sustainability Grants* is to support further development of the most promising and replicable Pro Bono Innovation Fund projects with an additional 24 months of funding so grantees can leverage new sources of revenue for the project, collect meaningful data to demonstrate the project's results and outcomes for clients and volunteers, and quantify the return on LSC's investment of Pro Bono Innovation Fund dollars. Applicants for *Sustainability Grants* will be required to propose an ambitious match requirement, tied to realistic goals that reduce the Pro Bono Innovation Fund contribution to the project over the grant term.

E. Available Funds for FY 2017

The availability of Pro Bono Innovation Fund grants for FY 2017 depends on LSC's receipt of a full fiscal year appropriation. LSC is currently operating under a Continuing Resolution for FY 2017 which funds the federal government through April 28, 2017. The Continuing Resolution maintains funding at FY 2016 levels, but with an across-the-board reduction of 0.19 percent. In FY 2016, LSC received an appropriation of $4 million, of which $3.8 million was available for direct grants to support Pro Bono Innovation Fund projects. A .19 percent rescission for all of FY17 would result in a $7,600 decrease in the Pro Bono Innovation Fund's appropriation. In 2016, eleven Pro Bono Innovation Fund Projects received funding with a median funding amount of $345,455. There is no maximum amount for Pro Bono Innovation Fund requests that are within the total funding available.

Pro Bono Innovation Fund grant decisions for FY 2017 will be made in late August 2017. LSC anticipates knowing the total amount available for Pro Bono Innovation Fund grants before August and will communicate this information to all applicants as soon as LSC receives our final appropriation for the full fiscal year.

LSC will not designate fixed or estimated amounts for the three different funding tracks and will make grant awards for the three funding tracks.

F. Project and Grant Term

Pro Bono Innovation Fund grant awards will cover an 18- to 24-month project period. Applicants for *Project Grants* can apply for either an 18- or a 24-month project. Applicants for *Transformation Grants* and *Sustainability Grants* apply for a 24-month grant only. Applicants' proposals

should cover the full term for which a grant award is requested. The grant term is expected to commence on October 1, 2017.

IV. Grant Application Process and Letter of Intent To Apply Instructions

A. Pro Bono Innovation Fund Grant Application Process

LSC is committed to reviewing all Pro Bono Innovation Fund grant applications in a timely and thorough manner. Applicants must first submit a Letter of Intent to Apply for Funding to LSC to be considered for a grant. LSC staff will review the LOIs and notify applicants *by early May 2017* if their LOI is selected to proceed to the next round of the application process. Applicants whose LOIs are selected will be asked to submit a detailed, full application due to LSC in late June or July depending on the funding track. Once LSC has received a full application from a selected applicant, the application will undergo a rigorous review by LSC staff and external subject matter experts. LSC's President makes the final decision on funding for the Pro Bono Innovation Fund.

B. Letters of Intent To Apply for Funding Requirements and Format

The LOI should succinctly summarize the information requested for the funding track(s) for which an applicant seeks funding. A complete LOI consists of (1) a narrative that responds to the questions for the funding track and (2) a budget form.

Applicants must submit the LOI electronically using the LSC Grants online system found at *http://lscgrants.lsc.gov.*

The system will be live for applicants in early March 2017.

The LOI narrative should be a Word or PDF document submitted in the LSC Grants system. *The narrative must not exceed 5 double-spaced pages or approximately 1,300 words in Times New Roman, 12-point font.* The budget form is an online form that is submitted in LSC Grants. Applicants may submit multiple LOIs under the same or different funding tracks. If applying for multiple grants, applicants should submit a separate LOI in LSC Grants for each funding request.

1. Project Grants

The LOI Narrative for *Project Grants* should respond to the following questions.

a. *Project Description.* Please provide a brief description of the proposed project that includes:

- The specific client need and challenge or opportunity in the pro bono delivery system that the project will address.
- The goals and objectives of the project, the activities that make up the project, and how those activities will link to and achieve the stated goals and objectives.
- Strong indication of volunteer interest in and support for the project.
- The expected impact of the project. This should include a brief explanation of the changes and outcomes that will be created as a result of the project.
- The proposed strategies that are innovative or the best practices being replicated, including a brief discussion of how these innovation and/or replicable strategies were identified.

b. *Project Staff, Organizational Capacity, and Project Partners.* Please briefly identify and describe the project team and project partners including:

- The qualifications and relevant experience of the proposed project team, any proposed partner organizations, and your organization.
- The role of your organization's executive management in the design and implementation of the project.

c. *Budget and Timeline.* Please state whether you are proposing an 18- or 24-month project and provide the following information about the estimated project costs:

- Estimated total project cost. This includes the estimate for the Pro Bono Innovation Fund requested amount and other in-kind or cash contributions to support the project. Your narrative should provide a breakdown of the major project expenses including, but not limited to, personnel, project expenses, contracts or sub-grants, etc., and how each expense supports the project design.
- For expenses related to personnel, please indicate how many and which positions will be fully or partially funded by the proposed grant.
- A list of any anticipated contributions, both in-kind and monetary, from all partners involved in the project.
- List of key partners who will receive Pro Bono Innovation Fund funding, including their roles and the estimated dollar amount or percent of budget assigned to each partner.

2. Transformation Grants

The LOI Narrative for *Transformation Grants* should respond to the following questions.

a. *Transformation Strategy:* Please explain why are you seeking a Transformation Grant for your pro bono program at this time. In your response, please include:

- An honest assessment of the challenges with your organization's current pro bono efforts that inhibit your ability to test, develop, and replicate innovations, and the reasons for them.
- At least three specific and ambitious improvements to your organization's pro bono program that you would like to achieve in the first 6–9 months of a two-year Transformation Grant.

b. *Guiding Coalition:* Please describe the core team who would be responsible for the pro bono transformation effort in your organization. In your response, please state:

- The qualifications and relevant experience of each proposed team member.
- Whether a majority your executive and senior managers agree that your organization's pro bono program needs significant improvements.
- The role your organization's executive director and/or senior managers would play in a pro bono transformation effort.

c. *Budget.* Please describe what you would like the *Transformation Grant* to fund over the 24-month grant period. In your response, please be sure to provide the following information about the anticipated costs associated with a transformation effort for your pro bono program:

- The estimated total cost and a clear description of what the grant will fund. Your narrative should provide a breakdown of the major expenses including, but not limited to, personnel, project expenses, contracts or sub-grants, etc., and how each expense supports the transformation effort to improve your pro bono program.
- For expenses related to personnel, please indicate how many and which positions will be fully or partially funded by the proposed grant.
- For contracts, please describe whether you intend to use consultants, implement new technology systems, conduct business process analysis, etc. and how this supports improvements to you pro bono program.

3. Sustainability Grants

The LOI Narrative for *Sustainability Grants* should respond to the following questions.

a. *Justification for Sustaining the Pro Bono Innovation Project.* Please describe why you are seeking Sustainability Grant. In your response, please discuss the following:

- The impact of the Pro Bono Innovation Fund project to date, supported by data and analysis as to whether the goals of the project were achieved.

• Evidence of ongoing client need and how you intend to make the project part of your core legal services.

• The level of engagement of pro bono volunteers/private bar and the best practices in pro bono delivery that can be replicated by others.

• How ongoing program evaluation and data collection will be incorporated into the project.

b. *Project Staff and Management Support.* Please briefly identify and describe the project team and project partners. In your response, please include the following:

• The project staff that will be responsible for the sustainability phase of the project. Please include any additional staff, descriptions of new responsibilities for existing project staff and/or organizational changes that will be made.

• The role of your organization's executive management in the decision to seek this Sustainability Grant and recent examples of your organization's track record turning ''new'' or special projects into core legal services.

c. *Budget and Match Requirement.* Please describe what you would like the *Sustainability Grant* to fund. In your response, please be sure to provide the following information:

• Estimated total project cost. This includes the estimate for the Pro Bono Innovation Fund requested amount and other in-kind or cash contributions to support the project. Your narrative should provide a breakdown of the major project expenses including, but not limited to, personnel, project expenses, etc., and how each expense supports the project design.

• A narrative proposing an ambitious match requirement that reduces the Pro Bono Innovation Fund contribution to the project for the grant term. LSC is not setting a specific percentage of required match for Sustainability grant applicants but will assess the two-year budget from the applicant's previously funded project with the grant amount proposed in the Sustainability LOI. LSC's expectation is that applicants will propose a meaningful shift from Pro Bono Innovation Fund support to other sources of support during the grant term.

• A narrative discussing the potential sources of funding that have been or will be cultivated. If the project has already received new financial support, please provide the source and amount committed and further describe the plans for ensuring continued financial support.

Dated: January 17, 2017.

Mark F. Freedman,

Senior Associate General Counsel.

[FR Doc. 2017–01906 Filed 1–27–17; 8:45 am]

BILLING CODE 7050–01–P

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

Sunshine Act Meetings

TIME AND DATE: 11:00 a.m. to 2:00 p.m., Thursday, February 9, 2017.

PLACE: The offices of the Morris K. Udall and Stewart L. Udall Foundation, 130 South Scott Avenue, Tucson, AZ 85701.

STATUS: This special meeting of the Board of Trustees will be open to the public.

MATTERS TO BE CONSIDERED: (1) Call to Order & Chair's Remarks and (2) a 2018–2022 Strategic Planning Session.

CONTACT PERSON FOR MORE INFORMATION: Philip J. Lemanski, Executive Director, 130 South Scott Avenue, Tucson, AZ 85701, (520) 901–8500.

Dated: January 26, 2017.

Elizabeth E. Monroe,

Executive Assistant, Morris K. Udall and Stewart L. Udall Foundation, and Federal Register Liaison Officer.

[FR Doc. 2017–02030 Filed 1–26–17; 4:15 pm]

BILLING CODE 6820–FN–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0001]

Sunshine Act Meeting

DATE: January 30, February 6, 13, 20, 27, March 6, 2017.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of January 30, 2017

There are no meetings scheduled for the week of January 30, 2017.

Week of February 6, 2017—Tentative

There are no meetings scheduled for the week of February 6, 2017.

February 13, 2017—Tentative

Thursday, February 16, 2017

9:00 a.m. Briefing on Lessons Learned from the Fukushima Dai-ichi Accident (Public Meeting) (Contact: Andrew Proffitt: 301–415–1418)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Friday, February 17, 2017

9:30 a.m. Briefing on Project Aim (Public Meeting) (Contact: Tammy Bloomer: 301–415–1785)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of February 20, 2017—Tentative

There are no meetings scheduled for the week of February 20, 2017.

Week of February 27, 2017—Tentative

Wednesday, March 1, 2017

10:00 a.m. Briefing on NRC International Activities (Closed Ex. 1 & 9)

Thursday, March 2, 2017

9:00 a.m. Strategic Programmatic Overview of the Fuel Facilities and the Nuclear Materials Users Business Lines (Public Meeting) (Contact: Soly Soto; 301–415–7528)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of March 6, 2017—Tentative

There are no meetings scheduled for the week of March 6, 2017.

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0981 or via email at *Denise.McGovern@nrc.gov.*

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The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email

Brenda.Akstulewicz@nrc.gov or *Patricia.Jimenez@nrc.gov.*

January 26, 2017.

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2017–02013 Filed 1–26–17; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–1050; NRC–2016–0231]

Waste Control Specialists LLC's Consolidated Interim Spent Fuel Storage Facility Project

AGENCY: Nuclear Regulatory Commission.

ACTION: Public scoping period end date; public meetings and request for comments.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received a license application from Waste Control Specialists LLC (WCS) by letter dated April 28, 2016, as supplemented on July 20, August 19, August 31, September 27, October 7, November 16, December 16, and December 22, 2016, respectively. By this application, WCS is requesting authorization to construct and operate a Consolidated Interim Storage Facility (CISF) for spent nuclear fuel at WCS's facility in Andrews County, Texas. The NRC is preparing an environmental impact statement (EIS) to document the potential environmental impacts from the proposed action. As part of the EIS development process, the NRC is seeking comments on the scope of its environmental review and is holding public meetings to aid in this effort.

DATES: The scoping period began on November 14, 2016, and ends on March 13, 2017. Comments received after these dates will be considered if it is practical to do so but assurance of consideration cannot be given to comments received after this date.

ADDRESSES: Please refer to Docket ID NRC–2016–0231 when providing scoping comments or contacting the NRC about the availability of information regarding this document. You may submit scoping comments by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0231. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Comments must be submitted by March 13, 2017, to ensure consideration. For additional direction on accessing information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: James Park, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC, 20555–0001; telephone: 301–415–6954; email: *James.Park@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0231 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0231.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to: *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in a table in the section of this notice entitled ''Availability of Documents.''
- *NRC'S PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike Rockville, Maryland 20852.
- *Project Web page:* Information related to the WCS CISF project can be accessed on the NRC's WCS CISF Web page at: *https://www.nrc.gov/waste/spent-fuel-storage/cis/waste-control-specialist.html.*

B. Submitting Comments

Please include Docket ID NRC–2016–0231 in your comment submission. Written comments may be submitted during the scoping period as described in the **ADDRESSES** section of the document.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

In a letter dated April 28, 2016, WCS submitted an application to the NRC for a specific license, pursuant to part 72 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste.'' The WCS is seeking to construct and operate a consolidated interim storage facility (CISF) for spent nuclear fuel at WCS' facility in Andrews County, Texas. If approved and licensed by NRC, the CISF would store up to 5,000 metric tons uranium (MTU) for a 40-year license period. In its application, WCS has expressed its intent eventually to store up to 40,000 MTU in the CISF. The WCS site is located on Texas Highway 176 West, approximately 32 miles west of Andrews, Texas and 5 miles east of Eunice, New Mexico.

In a letter dated July 21, 2016, WCS also requested that the NRC initiate its environmental impact atatement (EIS) process for the WCS application as soon as practicable. The NRC informed WCS, in a letter dated October 7, 2016, that the NRC would begin its EIS process in advance of an NRC decision regarding the acceptance of the WCS application and noted that doing so would help fulfill the purposes of the NRC's National Environmental Policy Act (NEPA) review of the application. On November 14, 2016, the NRC published a notice in the **Federal Register** (81 FR 79531) announcing its intent to prepare

an EIS and to open an EIS scoping period. A notice docketing the application and noticing an opportunity to request a hearing and petition to intervene is published in the Notices section of this issue of the **Federal Register**.

The purpose of this notice is to: (1) Identify March 13, 2017, as the closing date for the scoping period, and (2) provide the dates, times, and locations for public meetings wherein the NRC will accept oral comments as part of the scoping process for the EIS.

III. Environmental Review

The EIS prepared by the NRC will examine the potential environmental impacts of the proposed construction and operation of the CISF. The NRC will evaluate the potential impacts to various environmental resources, such as air quality, surface and ground water, transportation, geology and soils, and socioeconomics. The EIS will analyze potential impacts of WCS' proposed facility on historic and cultural resources and on threatened and endangered species. A cost benefit analysis also will be documented in the EIS.

In parallel with the environmental review, the NRC will be conducting a safety review to determine WCS' compliance with NRC's regulations, including 10 CFR part 20, ''Standards for Protection Against Radiation'' and 10 CFR part 72. NRC's findings will be published in a Safety Evaluation Report.

IV. CISF Construction and Operation

If the NRC approves WCS' request and issues a license, then WCS could proceed with the proposed project—the construction and operation of the CISF—as described in its Environmental Report and summarized in this document.

The NRC received an application from WCS proposing to construct a CISF on its approximately 60.3 square kilometer (14,900 acre) site in western Andrews County, Texas. On this site, WCS currently operates facilities that process and store certain types of radioactive material, mainly low-level waste and mixed waste (*i.e.,* waste that is both hazardous waste and low-level waste). The facility also disposes of hazardous and toxic waste.

In its application, WCS plans to construct the CISF in eight phases. Phase one of the CISF would be designed to provide storage for up to 5,000 MTU received from commercial nuclear power reactors across the United States. The WCS proposes that small amounts of mixed oxide spent fuels and greater than Class C wastes also be stored at the CISF. The WCS stated that it would design each subsequent phase of the CISF to store up to an additional 5,000 MTU for a total of up to 40,000 MTU being stored at the site by the completion of the final phases. Each phase would require the NRC's review and approval.

The WCS would receive canisters containing spent nuclear fuel from the reactor sites, and once accepted at its site, WCS would transfer them into onsite dry cask storage systems. The WCS application stated that it would employ the dry cask storage system technology that has been licensed by the NRC pursuant to 10 CFR part 72, at various commercial nuclear reactors across the country. The dry cask storage systems proposed by WCS for use at the CISF would be passive systems (*i.e.,* not relying on any moving parts) and would provide physical protection, containment, nuclear criticality controls and radiation shielding required for the safe storage of the spent nuclear fuel. The application also stated that the dry cask storage systems would be located on top of the concrete pads constructed at the CISF. The applicant is requesting a 40-year license term.

V. Alternatives To Be Evaluated

The EIS will analyze the environmental impacts of the proposed action, the no-action alternative, and reasonable alternatives. A brief description of each is provided below.

No-Action. The no-action alternative would be to deny the license application. Under this alternative, the NRC would not issue the license and WCS would not construct nor operate the CISF at its site in west Texas. Existing waste handling, storage, and disposal operations at the WCS site unrelated to storage of spent nuclear fuel would continue. This alternative serves as a baseline for the comparison of environmental impacts of the proposed action and the reasonable alternatives.

Proposed action. The proposed action is to issue a license to WCS authorizing the company to construct and operate the CISF. If the NRC approves the license application, it would issue WCS a specific license under the provisions of 10 CFR part 72, and WCS would proceed with the proposed activities as described in its license application and summarized in Section IV.

Alternatives. In its environmental report, WCS identified other potential alternatives involving an alternate CISF location and an alternate storage system design. Other alternatives not listed here may be identified during scoping or through the environmental review process.

VI. Scope of the Environmental Review

The NRC is conducting a scoping process for the WCS EIS. In accordance with 10 CFR 51.29, the NRC seeks public input to help the NRC determine the appropriate scope of the EIS, including the alternatives and significant environmental issues to be analyzed in depth, as well as those that should be eliminated from detailed study because they are peripheral or are not significant. In addition to accepting comments either electronically or by letter as described in the **ADDRESSES** section, the NRC has scheduled public scoping meetings to receive comments in person. The locations for these meetings are:

- *February 13, 2017,* at the Lea County Event Center, 5101 N. Lovington Highway, Hobbs, New Mexico 88240.
- *February 15, 2017,* at the James Roberts Center, 855 TX–176, Andrews, Texas 79714.

The two local public meetings will start at 7:00 p.m. local time and will continue until 10:00 p.m. Additionally, the NRC will host informal discussions during an open house 1 hour prior to the start of each meeting. Open houses will start at 6:00 p.m. local time for the local meetings.

Persons interested in attending or presenting oral comments at any of these public meetings are encouraged to pre-register. Persons may pre-register to attend or present oral comments by calling Antoinette Walker-Smith at 301–415–6957 no later than 3 days prior to the meeting. Members of the public may also register to provide oral comments in-person at each meeting. Individual oral comments may be limited by the time available, depending on the number of persons who register. If special equipment or accommodations are needed to attend or present information at a public meeting, the need should be brought to the NRC's attention no later than 10 days prior to the meeting to provide the NRC staff adequate notice to determine whether the request can be accommodated.

The NRC also is considering holding additional public scoping meetings at the NRC headquarters in Rockville, Maryland, in the week following the local meetings. Persons interested in attending the NRC's headquarters meetings should check the NRC's Public Meeting Schedule Web page at *https://www.nrc.gov/pmns/mtg* for the dates and times for these meetings.

After the close of the scoping period, the NRC will prepare a concise summary of its scoping process, the

comments received, as well as the NRC's responses. The Scoping Summary Report will be included in the NRC's draft EIS as an appendix and sent to each participant in the scoping process for whom the staff has an address.

The WCS EIS will address the potential impacts from the construction and operation of the CISF. The anticipated scope of the EIS will consider both radiological and non-radiological (including chemical) impacts associated with the proposed project and its alternatives. The EIS will also consider unavoidable adverse environmental impacts, the relationship between short-term uses of resources and long-term productivity, and irreversible and irretrievable commitments of resources. The following resource areas have been tentatively identified for analysis in the WCS EIS: Land use, transportation, geology and soils, water resources, ecological resources, air quality and climate change, noise, historical and cultural resources, visual and scenic resources, socioeconomics, public and occupational health, waste management, environmental justice, and cumulative impacts. This list is not intended to be exhaustive, nor is it a predetermination of potential environmental impacts. The EIS will describe the NRC's approach and methodology undertaken to determine the resource areas that will be studied in detail and the NRC's evaluation of potential impacts to those resource areas.

The NRC encourages members of the public, local, State, Tribal, and Federal government agencies to participate in the scoping process. Written comments may be submitted during the scoping period as described in the **ADDRESSES** and **SUPPLEMENTARY INFORMATION** section of this document. Participation in the scoping process for the WCS EIS does not entitle participants to become parties to any proceeding to which the EIS relates.

In addition to requesting scoping comments through this **Federal Register** notice, the NRC also intends to reach out to interested stakeholders, including other Federal and State agencies and Indian Tribes. The NRC seeks to identify, among other things, all review and consultation requirements related to the proposed action, and agencies with jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce relevant environmental standards. The NRC invites such agencies to participate in the scoping process and, as appropriate, cooperate in the preparation of the EIS.

The NRC will continue its environmental review of WCS' license application, and with its contractor, prepare a draft EIS and, as soon as practicable, publish it for public comment. The NRC plans to have a public comment period for the draft EIS. Availability of the draft EIS and the dates of the public comment period will be announced in a future **Federal Register** notice. The final EIS will include the NRC's responses to public comments received on the draft EIS.

VII. Availability of Documents

The documents identified in this **Federal Register** notice are accessible to interested persons by the means indicated in either the **SUPPLEMENTARY INFORMATION** section of this notice or in the table below.

Document	ADAMS accession No.
WCS's CISF license application, with Environmental Report	ML16133A070
NRC request for supplemental information	ML16175A277
WCS letter with schedule for response to NRC request for supplemental information	ML16193A314
WCS initial information submittal in response to NRC request for supplemental information	ML16229A537
WCS submittal of supplemental security information	ML16235A467
WCS request for NRC to begin EIS process as soon as practicable	ML16229A340
WCS second information submittal in response to NRC request for supplemental information	ML16265A454
WCS submittal of supplemental security information	ML16280A300
NRC response to WCS request to begin EIS process as soon as practicable	ML16285A317
WCS submittal of third information set to NRC request for supplemental information	ML16287A527
WCS fourth information submittal in response to NRC request for supplemental information	ML16330A116
WCS fifth information submittal in response to NRC request for supplemental information	ML16356A346
WCS sixth information submittal in response to NRC request for supplemental information	ML17018A292
NRC letter accepting application for review	ML17018A168

Dated at Rockville, Maryland, this 23rd day of January 2017.

For the U.S. Nuclear Regulatory Commission.

Brian W. Smith,

Deputy Director, Division of Fuel Cycle Safety, Safeguards, and Environmental Review, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2017–01966 Filed 1–27–17; 8:45 am]

BILLING CODE 7509–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–1050; NRC–2016–0231]

Waste Control Specialists LLC's Consolidated Interim Spent Fuel Storage Facility Project

AGENCY: Nuclear Regulatory Commission.

ACTION: License application; docketing and opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received a license application from Waste Control Specialists, LLC (WCS), by letter dated April 28, 2016, as supplemented on July 20, August 19, August 31, September 27, October 7, November 16, December 16, and December 22, 2016, respectively. By this application, WCS is requesting authorization to construct and operate a Consolidated Interim Storage Facility (CISF) for spent nuclear fuel at WCS's facility in Andrews County, Texas. If the application is approved and WCS is licensed by the NRC, they intend to store 5,000 metric tons uranium (MTU) in the CISF for a period of 40 years.

DATES: A request for a hearing or petition for leave to intervene must be filed by March 31, 2017.

ADDRESSES: Please refer to Docket ID NRC–2016–0231 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available

information related to this document using any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0231. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: John-Chau Nguyen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0262; email: *John-Chau.Nguyen@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC received an application from WCS for a specific license pursuant to part 72 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste.'' The WCS is proposing to construct a CISF on its approximately 60.3 square kilometer (14,900 acre) site in western Andrews County, Texas. On this site, WCS currently operates facilities that process and store Low-Level Waste and Mixed Waste (*i.e.,* waste that is considered both hazardous waste and Low-Level Waste). The facility also disposes of both hazardous waste and toxic waste.

According to its application WCS plans to construct the CISF in eight phases. Phase one of the CISF would be designed to provide storage for up to 5,000 MTU received from commercial nuclear power reactors across the United States. The WCS proposes that small amounts of mixed oxide spent fuels and greater than Class C wastes also be stored at the CISF. The WCS stated that it would design each subsequent phase of the CISF to store up to an additional 5,000 MTU for a total of up to 40,000 MTU being stored at the site by the completion of the final phases. Each phase would require NRC review and approval.

The WCS would receive canisters containing spent nuclear fuel from the reactor sites, and once accepted at its site, WCS would transfer them into onsite dry cask storage systems. The WCS application stated that it would employ dry cask storage system technology that has been licensed by the NRC pursuant to part 72 of title 10 of the *Code of Federal Regulations* (10 CFR) at various commercial nuclear reactors across the country. The application also stated that the dry cask storage systems proposed for use at the CISF would be passive systems (*i.e.,* not relying on any moving parts) which would provide physical protection, confinement, nuclear criticality control and radiation shielding for the safe storage of the spent nuclear fuel. The dry cask storage systems would be located on top of concrete pads constructed at the CISF. The applicant is requesting a 40-year license term.

In a letter dated July 21, 2016, WCS also requested that the NRC initiate its environmental impact statement (EIS) process for the WCS application as soon as practicable. The NRC informed WCS of its decision to start the EIS process in advance of making a decision either to docket or to reject the application, in a letter dated October 7, 2016. On November 14, 2016, the NRC published a notice in the **Federal Register** (81 FR 79531) announcing its intent to prepare an EIS and to open an EIS scoping period.

An NRC administrative completeness review found the application acceptable for a technical review. Prior to issuing the license, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (AEA), and the NRC's regulations. The NRC's findings will be documented in a safety evaluation report and an EIS.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d), the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity

to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by March 31, 2017. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://*

adams.nrc.gov/ehd, unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

IV. Availability of Documents

The documents identified in this **Federal Register** notice are accessible to interested persons by the means indicated in either the **SUPPLEMENTARY INFORMATION** section of this notice or in the table below.	Document Adams accession No.
WCS's CISF license application, with Environmental Report	ML16133A070
NRC request for supplemental information	ML16175A277
WCS letter with schedule for response to NRC request for supplemental information	ML16193A314
WCS initial information submittal in response to NRC request for supplemental information	ML16229A537
WCS submittal of supplemental security information	ML16235A467
WCS request for NRC to begin EIS process as soon as practicable	ML16229A340
WCS second information submittal in response to NRC request for supplemental information	ML16265A454
WCS submittal of supplemental security information	ML16280A300
NRC response to WCS request to begin EIS process as soon as practicable	ML16285A317
WCS submittal of third information set to NRC request for supplemental information	ML16287A527
WCS fourth information submittal in response to NRC request for supplemental information	ML16330A116
WCS fifth information submittal in response to NRC request for supplemental information	ML16356A346
WCS sixth information submittal in response to NRC request for supplemental information	ML17018A292
NRC letter accepting application for review	ML17018A168

Dated at Rockville, Maryland, this 23rd day of January 2017.

For the Nuclear Regulatory Commission.

John McKirgan,

Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2017–01973 Filed 1–27–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Meeting of the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on NuScale; Notice of Meeting

The ACRS Subcommittee on NuScale will hold a meeting on February 7, 2017, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Tuesday, February 7, 2017—1:00 p.m. until 5:00 p.m.

The Subcommittee will review NuScale Topical Report (TR) 1015–18653, ''Highly Integrated Protection System Platform,'' Rev 1. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christina Antonescu (Telephone 301–415–6792 or Email: *Christina.Antonescu@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016, (81 FR 71543).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland. After registering with Security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: January 18, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–01974 Filed 1–27–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Meeting of the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on

February 8, 2017, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, February 8, 2017—12:00 p.m. until 1:00 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Quynh Nguyen (Telephone 301–415–5844 or Email: *Quynh.Nguyen@nrc.gov*) five days prior to the meeting, if possible, so that arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016 (81 FR 71543).

Information regarding changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the DFO if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (240–888–9835) to be escorted to the meeting room.

Dated: January 19, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–01975 Filed 1–27–17; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

President's Commission on White House Fellowships Advisory Committee: Closed Meeting

AGENCY: President's Commission on White House Fellowships, U.S. Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The President's Commission on White House Fellowships (PCWHF) was established by an Executive Order in 1964. The PCWHF is an advisory committee composed of Special Government Employees appointed by the President.

The meeting is closed.

Name of Committee: President's Commission on White House Fellowships.

Date: January 9, 2017.

Time: 8:00 a.m.–5:30 p.m.

Place: Eisenhower Executive Office Building.

Agenda: The Commission holds a mid-year meeting to talk with current Fellows on how their placements are going and discuss preparations for future events.

Location: Washington, DC.

FOR FURTHER INFORMATION CONTACT: Cara LaPointe, Interim Director, President's Commission on White House Fellowships, 712 Jackson Place NW., Washington, DC 20503, Phone: 202–395–4522.

Cara LaPointe,

Interim Director.

[FR Doc. 2017–01935 Filed 1–27–17; 8:45 am]

BILLING CODE 6325–44–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79869; File No. SR–BOX–2017–02]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 7130 (Execution and Price/Time Priority) To Include a Participant ID, if Elected, To Be Included in BOX's Proprietary High Speed Vendor Feed ("HSVF") for Orders Exposed Pursuant to Rule 7130(b)(3)(ii)

January 24, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 17, 2017, BOX Options Exchange LLC (''BOX'' or the ''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 Rule 7130 (Execution and Price/Time Priority) to include a Participant ID, if elected, to be included in BOX's proprietary High Speed Vendor Feed (''HSVF'') for orders exposed pursuant to Rule 7130(b)(3)(ii). The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rules 7130 and 7110. Specifically, the Exchange proposes to adopt Rule 7130(b)(3)(iii), which states that a Participant may elect to include their Participant ID, including any supplemental clearing information, in the HSVF for any orders exposed pursuant to Rule 7130(b)(3)(ii).[3] Accordingly, the Exchange proposes to amend Rule 7130(a)(2) which details the information available to all market participants through the HSVF. Specifically, the Exchange proposes to amend Rule 7130(a)(2) to specify the addition of the Participant ID, including any supplemental clearing information, if elected, to be included in the HSVF pursuant to proposed Rule 7130(b)(b)(iii). The Exchange notes that similar functionality exists at another options exchange in the industry.[4]

The HSVF is a proprietary product that contains: (i) Trades and trade cancelation information; (ii) best-ranked price level to buy and the best-ranked price level to sell; (iii) instrument summaries (including information such as high, low, and last trade price and traded volume); (iv) the five best limit prices and the best-ranked Legging Order [5] (if any), for each option instrument, and the five best limit prices and the best-ranked Implied Order [6] (if any), for each Complex Order Strategy; (v) request for Quote messages; [7] (vi) PIP Order, COPIP Order, Improvement Order and Block Trade Order (Facilitation and Solicitation) information; [8] (vii) orders exposed at NBBO [9] and Complex Orders exposed; [10] (viii) instrument dictionary (*e.g.,* strike price, expiration date, underlying symbol, price threshold, and minimum trading increment for instruments traded on BOX); (ix) options class and instrument status change notices (*e.g.,* whether an instrument or class is in pre-opening, continuous trading, closed, halted, or prohibited from trading); (x) options class opening time and (xi) Public Customer bid/ask volume at the best limit.

The HSVF provides data to enhance the ability of subscribers to analyze market conditions and to create and test trading models and analytical strategies. The Exchange believes that the HSVF is a valuable tool that can be used to gain comprehensive insight into the trading activity in a particular option series. The addition of the voluntary Participant ID, including any supplemental clearing information, for orders exposed pursuant to Rule 7130(b)(b)(ii) will further increase the value of this tool by allowing market participants to better gauge exposed orders and partake in enhanced executions.

The Exchange also proposes to reflect the proposed changes discussed above in BOX Rule 7110(f). Currently, Rule 7110(f) states that the identity of Options Participants who submit orders to the Trading Host will remain anonymous to market participants at all times, except orders submitted through the Directed Order process, during error resolution or through the normal clearing process as set forth in Rule 7130. The Exchange proposes to include reference to certain exposed orders as set forth in proposed Rule 7130(b)(3)(iii) which will allow the Participant ID to be revealed in the HSVF, if elected by the Participant.

The Exchange intends to implement the proposed change no later than March 31, 2017. The Exchange will provide Participants with notice, via Information Circular, of the exact implementation date.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[11] in general, and Section 6(b)(5) of the Act,[12] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed rule change will allow the Exchange to reveal Participant IDs in the HSVF for orders exposed pursuant to Rule 7130(b)(3)(iii). The Exchange believes that the proposed change will enhance subscribers' ability to make more informed and timely trading decisions. Additionally, as set forth above, the Exchange believes this proposed change is reasonable and appropriate as another exchange has similar functionality.[13] Lastly, the Exchange believes that the proposed change is not unfairly discriminatory because it treats all market participants equally and will not have an adverse impact on any market participant.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change would allow the Exchange to disseminate additional information in its propriety market data product, the HSVF. This enhancement to the HSVF will give market participants greater information on which to base their trading strategies. As such, 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

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [14] and subparagraph (f)(6) of Rule 19b–4 thereunder.[15]

[3] If a Participant elects to turn on or off this functionality, the change will be effective the following business day.

[4] *See* EDGX Exchange, Inc. (''EDGX'') Rule 11.6(a). The Exchange notes that on EDGX, the ''Attributable'' instruction to designate an order for display on the EDGX Book Feed with the Member's market participant identifier (''MPID'') is voluntary and on an order-by-order basis or port-by-port basis; while BOX is proposing that the Participant ID be revealed in the HSVF for all orders exposed pursuant to the circumstances in Rule 7130(b)(3)(ii). The Exchange does not believe this difference is significant.

[5] As set forth in Exchange Rule 7240(c)(1).

[6] As set forth in Exchange Rule 7240(d)(1).

[7] *See* Exchange Rules 100(a)(57), 7070(h) and 8050.

[8] As set forth in Exchange Rules 7150, 7245, and 7270, respectively.

[9] As set forth in Exchange Rules 7130(b)(3) and 8040(d)(6), respectively.

[10] As set forth in Exchange Rule 7240(b)(3)(iii)(B).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *See supra* note 4.

[14] 15 U.S.C. 78s(b)(3)(a)(iii).

[15] 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.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–BOX–2017–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2017–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2017–02 and should be submitted on or before February 21, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–01896 Filed 1–27–17; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–10292; 34–79872; File No. 265–27]

SEC Advisory Committee on Small and Emerging Companies

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting.

SUMMARY: The Securities and Exchange Commission Advisory Committee on Small and Emerging Companies is providing notice that it will hold a public meeting on Wednesday, February 15, 2017, in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC. The meeting will begin at 9:30 a.m. (EDT) and will be open to the public. The meeting will be webcast on the Commission's Web site at *www.sec.gov.* Persons needing special accommodations to take part because of a disability should notify the contact person listed below. The public is invited to submit written statements to the Committee. The agenda for the meeting includes matters relating to rules and regulations affecting small and emerging companies under the federal securities laws.

DATES: The public meeting will be held on Wednesday, February 15, 2017. Written statements should be received on or before February 13, 2017.

ADDRESSES: The meeting will be held at the Commission's headquarters, 100 F Street NE., Washington, DC. Written statements may be submitted by any of the following methods:

Electronic Statements:

- Use the Commission's Internet submission form (*http://www.sec.gov/info/smallbus/acsec.shtml*); or
- Send an email message to *rule-comments@sec.gov.* Please include File Number 265–27 on the subject line; or

Paper Statements:

- Send paper statements to Brent J. Fields, Federal Advisory Committee Management Officer, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. 265–27. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method. The Commission will post all statements on the Advisory Committee's Web site (*https://www.sec.gov/info/smallbus/acsec.shtml*).

Statements also 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. All statements received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Julie Z. Davis, Senior Special Counsel, at (202) 551–3460, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–3628.

SUPPLEMENTARY INFORMATION: In accordance with Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C.–App. 1, and the regulations thereunder, Elizabeth M. Murphy, responsible as Designated Federal Officer of the Committee, has ordered publication of this notice.

Dated: January 25, 2017.

Brent J. Fields,

Committee Management Officer.

[FR Doc. 2017–01928 Filed 1–27–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32432; 812–14389]

Aspiration Funds and Aspiration Fund Adviser, LLC; Notice of Application

January 24, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act. The requested exemption would permit an investment adviser to hire and replace certain

subadvisers without shareholder approval.

APPLICANTS: Aspiration Funds (the ''Trust''), a Delaware statutory trust registered under the Act as an open-end management investment company with multiple series, and Aspiration Fund Adviser, LLC, a Delaware limited liability company registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Adviser,'' and, collectively with the Trust, the ''Applicants'').

FILING DATES: The application was filed November 25, 2014, and amended on March 7, 2016, August 30, 2016 and January 6, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving 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 February 21, 2017, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: 4640 Admiralty Way, Marina Del Rey, CA 90292.

FOR FURTHER INFORMATION CONTACT: Barbara T. Heussler, Senior Counsel, at (202) 551–6990, or Mary Kay Frech, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. The Adviser serves as the investment adviser to the Funds pursuant to an investment advisory agreement with the Trust (the ''Advisory Agreement'').[1] The Adviser is responsible for the overall management of the Funds' business affairs and selecting investments according to each Fund's respective investment objective, policies, and restrictions, subject to the oversight and authority of each Fund's board of trustees (''Board''). The Advisory Agreement permits the Adviser, subject to the approval of the Board, to delegate to one or more subadvisers (each, a ''Subadviser'' and collectively, the ''Subadvisers'') the responsibility to provide the day-to-day portfolio investment management of each Fund, subject to the supervision and direction of the Adviser. The primary responsibility for managing the Funds will remain vested in the Adviser. The Adviser will hire, evaluate, allocate assets to and oversee the Subadvisers, including determining whether a Subadviser should be terminated, at all times subject to the authority of the Board.

2. Applicants request an exemption to permit the Adviser, subject to Board approval, to hire certain Subadvisers pursuant to Subadvisory Agreements and materially amend existing Subadvisory Agreements without obtaining the shareholder approval required under section 15(a) of the Act and rule 18f–2 under the Act.[2]

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Such terms and conditions provide for, among other safeguards, appropriate disclosure to Fund shareholders and notification about sub-advisory changes and enhanced Board oversight to protect the interests of the Funds' shareholders.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or any rule thereunder, if such relief is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act. Applicants believe that the requested relief meets this standard because, as further explained in the application, the Advisory Agreements will remain subject to shareholder approval, while the role of the Subadvisers is substantially similar to that of individual portfolio managers, so that requiring shareholder approval of Subadvisory Agreements would impose unnecessary delays and expenses on the Funds.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–01897 Filed 1–27–17; 8:45 am]

BILLING CODE 8011–01–P

[1] Applicants request relief with respect to any existing or future series of the Trust and any other existing or future registered open-end management investment company or series thereof that: (a) Is advised by the Adviser, including any entity controlling, controlled by, or under common control with the Adviser or its successors (each, also an ''Adviser''); (b) uses the manager of managers structure described in the application; and (c) complies with the terms and conditions of the application (any such series, a ''Fund'' and collectively, the ''Funds''). For purposes of the requested order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] The requested relief will not extend to any subadviser that is an affiliated person, as defined in section 2(a)(3) of the Act, of the Trust, a Fund or the Adviser, other than by reason of serving as a subadviser to one or more of the Funds.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79868; File No. SR–FICC–2016–007]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Approving a Proposed Rule Change To Implement a Change to the Methodology Used in the MBSD VaR Model

January 24, 2017.

On November 23, 2016, the Fixed Income Clearing Corporation filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–FICC–2016–007 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 December 13, 2016.[3] The Commission did not receive any comments on the proposed rule change. This order approves the proposed rule change.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4. FICC also filed this proposal as an advance notice pursuant to Section 802(e)(1) of the Payment, Clearing, and Settlement Supervision Act of 2010 and Rule 19b–4(n)(1) under the Act. 15 U.S.C. 5465(e)(1) and 17 CFR 240.19b–4(n)(1). The advance notice was published for comment in the **Federal Register** on December 28, 2016. *See* Securities Exchange Act Release No. 79643 (December 21, 2016), 81 FR 95669 (December 28, 2016) (SR–FICC–2016–801). The Commission did not receive any comments on the advance notice.

[3] Securities Exchange Act Release No. 79491 (December 7, 2016), 81 FR 90001 (December 13, 2016) (SR–FICC–2016–007) (''Notice'').

I. Description

As described by FICC in the proposed rule change, FICC proposes to change the methodology that it currently uses in the Mortgage-Backed Securities Division's (''MBSD'') value-at-risk (''VaR'') model from one that employs a full revaluation approach to one that would employ a sensitivity approach.[4] In connection with this change, FICC also proposes to amend the MBSD Clearing Rules (''MBSD Rules'') to: (i) Amend the definition of VaR Charge[5] to reference an alternative volatility calculation (''Margin Proxy'') that FICC would use in the event that data used for the sensitivity approach is unavailable for an extended period of time;[6] (ii) revise the definition of VaR Charge to include a VaR floor that FICC would use as an alternative to the amount calculated by the proposed VaR model for portfolios where the VaR floor would be greater than the model-based charge amount (''VaR Floor''); (iii) eliminate two components from the Required Fund Deposit[7] calculation that would no longer be necessary following implementation of the proposed VaR Charge; and (iv) change the margining approach that FICC may use for certain securities with inadequate historical pricing data from one that calculates charges using a historic index volatility model to one that would use a haircut method.

A. Overview of the Required Fund Deposit and Clearing Fund Calculation

A key tool that FICC uses to manage market risk is the daily calculation and collection of Required Fund Deposits from MBSD clearing members (''Clearing Members'').[8] The Required Fund Deposit serves as each Clearing Member's margin. The aggregate of all Clearing Members' Required Fund Deposits constitutes the Clearing Fund[9] of MBSD, which FICC would access should a defaulting Clearing Member's own Required Fund Deposit be insufficient to satisfy losses to FICC caused by the liquidation of that Clearing Member's portfolio.

According to FICC, the objective of a Clearing Member's Required Fund Deposit is to mitigate potential losses to FICC associated with liquidation of such Clearing Member's portfolio in the event that FICC ceases to act for such Clearing Member (*i.e.,* a ''default'').[10] Pursuant to MBSD Rules, each Clearing Member's Required Fund Deposit amount consists of multiple components. Of all of the components, the VaR Charge comprises the largest portion of a Clearing Member's Required Fund Deposit amount.

Generally, the VaR Charge is calculated using a risk-based margin methodology that is intended to capture the market price risk associated with the securities in a Clearing Member's portfolio. More specifically, FICC calculates the VaR Charge using a methodology referred to as the full revaluation approach. The full revaluation approach uses a historical simulation method to fully re-price each security in a Clearing Member's portfolio. According to FICC, the methodology is designed to project the potential gains or losses that could occur in connection with the liquidation of a defaulting Clearing Member's portfolio, assuming that a portfolio would take three days to hedge or liquidate in normal market conditions.[11] The projected liquidation gains or losses are used to determine the amount of the VaR Charge, which is calculated to cover projected liquidation losses at a 99 percent confidence level.[12]

If FICC determines that a security's price history is incomplete and the market price risk cannot be calculated by the VaR model, then FICC applies the Margin Proxy until such security's trading history and pricing reflects market risk factors that can be appropriately calibrated from the security's historical data.[13]

B. Proposed Changes to the VaR Charge Calculation

According to FICC, during the volatile market period that occurred during the second and third quarters of 2013, FICC's full revaluation approach did not respond effectively to the levels of market volatility at that time, and the model did not achieve a 99 percent confidence level.[14] This prompted FICC to employ the Margin Proxy—a supplemental risk charge to ensure that each Clearing Member's VaR Charge would achieve a minimum 99 percent confidence level.[15]

FICC reviewed the existing model's deficiencies, examined the root causes of the deficiencies, and considered options that would remediate the model weaknesses. As a result of this review, FICC now proposes to change MBSD's methodology for calculating the VaR Charge by: (i) Replacing the full revaluation approach with the sensitivity approach; (ii) using the Margin Proxy as an alternative volatility calculation in the event that the data used for the sensitivity approach is unavailable for an extended period of time; and (iii) establishing a VaR Floor to address a circumstance where the proposed VaR model yields a VaR Charge amount that is lower than 5 basis points of the market value of a Clearing Member's gross unsettled positions.[16]

(i) Proposed Sensitivity Approach

FICC's current full revaluation method uses valuation algorithms to fully re-price each security in a Clearing Member's portfolio over a range of historically simulated scenarios. While there are benefits to this method, according to FICC, its deficiencies are that it requires significant historical market data inputs, calibration of various model parameters, and extensive quantitative support for price simulations.[17] FICC believes that the proposed sensitivity approach would address these deficiencies because it would leverage external vendor expertise in supplying the market risk

[4] The proposed sensitivity approach methodology would be reflected in the Methodology and Model Operations Document—MBSD Quantitative Risk Model (''QRM Methodology''). FICC requested confidential treatment of the QRM Methodology and filed it separately with the Secretary of the Commission, pursuant to Rule 24b–2 under the Act. *See* 17 CFR 240.24b–2.

[5] The term ''VaR Charge'' means, with respect to each margin portfolio, a calculation of the volatility of specified net unsettled positions of an MBSD clearing member, as of the time of such calculation. *See* MBSD Rule 1.

[6] Details of the Margin Proxy methodology would be reflected in the QRM Methodology.

[7] The term ''Required Fund Deposit'' means the amount an MBSD clearing member is required to deposit to the Clearing Fund pursuant to MBSD Rule 4. *See* MBSD Rule 1 and MBSD Rule 4 Section 2.

[8] The term ''Clearing Member'' means any entity admitted into membership pursuant to MBSD Rule 2A. *See* MBSD Rule 1.

[9] The term ''Clearing Fund'' means the Clearing Fund established by FICC pursuant to MBSD Rules, which shall be comprised of the aggregate of all Required Fund Deposits and all other deposits, including cross-guaranty repayment deposits. *See* MBSD Rule 1.

[10] *See* Notice, 81 FR at 90002.

[11] *Id.*

[12] The 99 percent confidence level does not apply to unregistered investment pool clearing members, which are subject to a VaR Charge with a higher minimum targeted confidence level assumption of 99.5 percent.

[13] *See* MBSD Rule 4 Section 2(c).

[14] *See* Notice, 81 FR at 90002–03.

[15] The Margin Proxy is currently used to provide supplemental coverage to the VaR Charge; however, under this proposed change, the Margin Proxy would only be used as an alternative volatility calculation in the event that the requisite data used for the sensitivity approach is unavailable for an extended period of time.

[16] Assuming the market value of gross unsettled positions of $500,000,000, the VaR Floor calculation would be .0005 multiplied by $500,000,000 = $250,000. If the VaR model charge is less than $250,000, then the VaR Floor calculation of $250,000 would be set as the VaR Charge.

[17] *See* Notice, 81 FR at 90003.

attributes,[18] which would then be incorporated by FICC into its model to calculate the VaR Charge.[19]

Because data quality is an important component of calculating the VaR Charge, FICC would conduct independent data checks to verify the accuracy and consistency of the data feed received from the vendor. According to FICC, it has reviewed a description of the vendor's calculation methodology and the manner in which the market data is used to calibrate the vendor's models, and it states that it understands and is comfortable with the vendor's controls, governance process, and data quality standards.[20] Additionally, FICC would conduct an independent review of the vendor's release of a new version of the model. To the extent that the vendor changes its model and methodologies that produce the risk factors and risk sensitivities, FICC would review the effects (if any) of these changes on FICC's proposed sensitivity approach. Moreover, according to FICC, it does not believe that engaging the vendor would present a conflict of interest to FICC because the vendor is not an existing Clearing Member nor are any of the vendor's affiliates existing Clearing Members.[21] To the extent that the vendor or any of its affiliates submit an application to become a Clearing Member, FICC states that it will negotiate an appropriate information barrier with the applicant in an effort to prevent a conflict of interest from arising.[22]

According to FICC, the sensitivity approach would provide three key benefits.[23] First, the sensitivity approach would incorporate both historical data and current risk factor sensitivities while the full revaluation approach is calibrated with only historical data. According to FICC, the integration of both observed risk factor changes and current market conditions would enable the model to more effectively respond to current market price moves that may not be reflected in the historical price moves.[24] FICC performed backtesting to validate the performance of the proposed model and determine the impact on the VaR Charge. According to FICC, the backtesting results and impact study show that the sensitivity approach provides better coverage on volatile days and a material improvement in margin coverage, while not significantly increasing the overall Clearing Fund.[25] FICC believes that the proposed sensitivity approach would be more responsive to changing market dynamics and would not negatively impact FICC or its Clearing Members.[26]

Second, FICC states that the proposed sensitivity approach would provide more transparency to Clearing Members. Since Clearing Members typically use risk factor analysis for their own risk and financial reporting, these Clearing Members would have comparable data and analysis to assess the variation in their VaR Charges based on changes in the market value of their portfolios. Therefore, Clearing Members would be able to simulate the VaR Charge to a closer degree than under the existing VaR model.

Third, FICC states that the proposed sensitivity approach would better provide FICC with the ability to increase the look-back period used to generate the risk scenarios from one year to 10 years plus an additional stressed period, as determined necessary by FICC.[27] The extended look-back period would be used to ensure that the historical simulation is inclusive of stressed market periods. While FICC could extend the one-year look-back period in the existing full revaluation approach to a 10-year look-back period, performance of the existing model could deteriorate if current market conditions are materially different than indicated in the historical data. Additionally, since the full revaluation method requires FICC to maintain in-house complex pricing models and mortgage prepayment models, enhancing these models to extend the look-back period to include 10-years of historical data would involve significant model development.

(ii) Proposed Margin Proxy

In connection with FICC's proposal to source data for the proposed sensitivity approach from an external vendor, FICC is also proposing procedures that would govern in the event that the vendor fails to provide sensitivity data and risk factor data. If the vendor fails to provide any data or a significant portion of the data timely, FICC would use the most recently available data on the first day that such data disruption occurs.[28] If it is determined that the vendor will resume providing data within five business days, management would determine whether the VaR Charge should continue to be calculated by using the most recently available data along with an extended look-back period or whether the Margin Proxy should be invoked, as described below. If it is determined that the data disruption will extend beyond five business days, the Margin Proxy would be applied.

FICC would calculate the Margin Proxy on a daily basis, and the Margin Proxy method would be subject to monthly performance review. FICC would monitor the performance of the calculation on a monthly basis to ensure that it could be used in the circumstance described above. Specifically, FICC would monitor each Clearing Member's Required Fund Deposit and the aggregate Clearing Fund requirements versus the requirements calculated by Margin Proxy. FICC would also backtest the Margin Proxy results versus the three-day profit and loss based on actual market price moves. If FICC observes material differences between the Margin Proxy calculations and the aggregate Clearing Fund requirement calculated using the proposed VaR model, or if the Margin Proxy's backtesting results do not meet FICC's 99 percent confidence level, management may recommend remedial actions, such as increasing the look-back

[18] The risk factors that would be incorporated into MBSD's proposed VaR methodology are key rate, convexity, spread, volatility, mortgage basis and time, as more fully described in the Notice. *See* Notice, 81 FR at 90003.

[19] FICC states that by leveraging external vendor expertise, FICC would not need to develop such expertise in-house to supply the market risk attributes that would then be incorporated by FICC into its model to calculate the VaR Charge. *See* Notice, 81 FR at 90004.

[20] *See* Notice, 81 FR at 90003.

[21] *See* Notice, 81 FR at 90004.

[22] The Commission understands that FICC will address any potential conflicts of interest.

[23] *See* Notice, 81 FR at 90004.

[24] *Id.*

[25] *Id.*

[26] *Id.*

[27] Under the proposed model, the 10-year look-back period would include the 2008/2009 financial crisis scenario. To the extent that an equally or more stressed market period does not occur when the 2008/2009 financial crisis period is phased out from the 10-year look-back period (*e.g.,* from September 2018 onward), FICC would continue to include the 2008/2009 financial crisis scenario in its historical scenarios. However, if an equally or more stressed market period emerges in the future, FICC may choose not to augment its 10-year historical scenarios with those from the 2008/2009 financial crisis. On an annual basis, FICC would assess whether an additional stressed period should be included. This assessment would include a review of: (i) The largest moves in the dominating market risk factor of the proposed VaR model; (ii) the impact analyses resulting from the removal and/or addition of a stressed period; and (iii) the backtesting results of the proposed look-back period.

[28] FICC states it has existing policies and procedures in accordance with Regulation Systems Compliance and Integrity (''SCI''), 17 CFR 242.1001(c)(1) (''Regulation SCI''), to determine whether a disruption to, or significant downgrade of, the normal operation of FICC's risk management system has occurred as defined under Regulation SCI. In the event that the vendor fails to provide the requisite sensitivity data and risk factor data, the responsible SCI personnel at FICC would determine whether an SCI event has occurred, and FICC would fulfill its obligations with respect to the SCI event.

period and/or applying an appropriate historical stressed period to the Margin Proxy calibration.

(iii) Proposed Change To Establish a VaR Floor

FICC proposes to amend the definition of VaR Charge to include a VaR Floor. The VaR Floor would be used as an alternative to the amount calculated by the proposed model for portfolios where the VaR Floor would be greater than the model-based charge amount. FICC's proposal to establish a VaR Floor seeks to address the risk that the proposed VaR model may calculate too low a VaR Charge for certain portfolios where the VaR model applies substantial risk offsets among long and short positions in different classes of mortgage-backed securities that have a high degree of historical price correlation. According to FICC, because this high degree of historical price correlation may not apply in future changing market conditions,[29] it is prudent to apply a VaR Floor that is based upon the market value of the gross unsettled positions in the Clearing Member's portfolio to protect FICC against such risk in the event that FICC is required to liquidate a large mortgage-backed securities portfolio in stressed market conditions.

C. Proposed Change To Eliminate the Coverage Charge and the Margin Requirement Differential

FICC proposes to eliminate two components of the Required Fund Deposit—the Coverage Charge [30] and the Margin Requirement Differential (''MRD'') [31]—that FICC believes would become unnecessary with the proposed changes to the VaR Charge. Both components are based on historical portfolio activity, which may not be indicative of a Clearing Member's current risk profile, but were determined by FICC to be appropriate to address potential shortfalls in margin charges under the existing VaR model.

According to FICC, as part of the development and assessment of the sensitivity approach for the proposed VaR model, FICC obtained an independent validation of the proposed model by an external party, backtested the model's performance and analyzed the impact of the margin changes. Results of the analysis indicated that the proposed sensitivity approach would be more responsive to changing market dynamics and a Clearing Member's portfolio composition coverage than the existing model. The model validation and backtesting analysis also demonstrated that the proposed sensitivity model would provide sufficient margin coverage on a standalone basis. Because testing and validation of MBSD's proposed VaR model show a material improvement in margin coverage, FICC believes that the Coverage Charge and MRD components are no longer necessary.

D. Proposed Change To Replace the Historic Index Volatility Model With a Haircut Method

According to FICC, occasionally, portfolios contain classes of securities that reflect market price changes not consistently related to historical risk factors. The value of these securities is often uncertain because the securities' market volume varies widely, which limits their price histories. Since the volume and price information for such securities is not robust, a historical simulation approach would not generate VaR Charge amounts that adequately reflect the risk profile of such securities. Currently, MBSD Rule 4 provides that FICC may use a historic index volatility model to calculate the VaR component of the Required Fund Deposit for these classes of securities.[32] FICC is proposing to amend MBSD Rule 4 to replace the historic index volatility model with a haircut method. FICC believes that the haircut method would better capture the risk profile of these securities because the lack of adequate historical data makes it difficult to map such securities to a historic index volatility model.

FICC proposes to calculate the component of the Required Fund Deposit applicable to these securities by applying a fixed haircut level to the gross market value of the positions. FICC has selected an initial haircut of one percent based on its analysis of a five-year historical study of three-day returns during a period that such securities were traded. This percentage would be reviewed annually or more frequently if market conditions warrant and updated, if necessary, to ensure sufficient coverage.

II. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [33] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change 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 described above is consistent with the Act, in particular Section 17A(b)(3)(F) of the Act,[34] and Rules 17Ad–22(b)(1) [35] and (b)(2) under the Act.[36]

Section 17A(b)(3)(F) of the Act [37] requires that the rules of a registered clearing agency must be designed to, among other things, assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. As discussed above, FICC is proposing a number of changes to the way it calculates its Required Fund Deposits—a key tool that FICC uses to mitigate potential losses to FICC associated with liquidating a Clearing Member's portfolio in the event of Clearing Member default. The Commission believes that the proposed changes are designed to assure the safeguarding of securities and funds which are in the custody or control of FICC or for which it is responsible because they are designed to enable FICC to better limit its exposure to Clearing Members in the event of Clearing Member default.

First, FICC proposes to implement the sensitivity approach to its VaR Charge calculation. The change would enable FICC to better limit its exposure to Clearing Members by correcting deficiencies in MBSD's existing VaR methodology by leveraging an external vendor's expertise in supplying market risk attributes used to calculate the VaR Charge in the proposed sensitivity approach. In turn, the sensitivity approach would enable FICC to view and respond more effectively to market volatility by allowing FICC to attribute market price moves to various risk factors such as key rates. Second, the proposal to implement the Margin Proxy as a back-up methodology to the

[29] According to FICC, for example, and without limitation, certain classes of mortgage-backed securities may have highly correlated historical price returns despite having different coupons. However, if future mortgage market conditions were to generate substantially greater prepayment activity for some but not all such classes, these historical correlations could break down, leading to model-generated offsets that would not adequately capture a portfolio's risk.

[30] The Coverage Charge is an additional charge to help bring a Clearing Member's margin coverage to a targeted confidence level by preemptively increasing the Required Fund Deposit by an amount calculated to forecast potential deficiencies in the margin coverage. *See* MBSD Rule 1.

[31] The MRD is designed to help mitigate the risks posed to FICC by day-over-day fluctuations in a Clearing Member's portfolio. It does this by forecasting future changes in a Clearing Member's portfolio based on a historical look-back of each portfolio over a given time period. *See* MBSD Rule 4 Section 2.

[32] *See* MBSD Rule 4 Section 2(c).

[33] 15 U.S.C. 78s(b)(2)(C).

[34] 15 U.S.C. 78q–1(b)(3)(F).

[35] 17 CFR 240.17Ad–22(b)(1).

[36] 17 CFR 240.17Ad–22(b)(2).

[37] 15 U.S.C. 78q–1(b)(3)(F).

sensitivity approach would enable FICC to better limit its exposure to Clearing Members by helping ensure that FICC could continue to calculate each Clearing Member's VaR Charge in the event that FICC experiences a data disruption with the vendor that supplies the sensitivity data. Third, FICC's proposal to implement the VaR Floor is designed to enable FICC to better limit its exposure to Clearing Members in the event that the proposed sensitivity VaR model calculates too low of a VaR Charge for portfolios where the model applies substantial offsets from certain offsetting long and short positions. Fourth, the proposed change to implement a haircut method for securities with inadequate historical pricing data would enable FICC to better limit its exposure to Clearing Members by better capturing the risk profile of the securities. Finally, FICC's proposal to remove the Coverage Charge and MRD components would enable FICC to remove unnecessary components from the Clearing Fund calculation that may not be indicative of a Clearing Member's current risk profile.

By better limiting exposure to Clearing Members, the proposed changes are designed to ensure that, in the event of Clearing Member default, MBSD's operations would not be disrupted and non-defaulting Clearing Members would not be exposed to losses that they cannot anticipate or control. In this way, the proposed rules are designed to assure the safeguarding of securities and funds which are in the custody or control of FICC or for which it is responsible and are therefore consistent with Section 17A(b)(3)(F) of the Act.[38]

Rule 17Ad–22(b)(1) under the Act[39] requires a registered clearing agency that performs central counterparty services 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. FICC's proposal would enable FICC to better limit its exposure to potential losses from defaults by its Clearing Members under normal market conditions. As discussed above, the sensitivity approach would enable FICC to view and respond more effectively to market volatility. The Margin Proxy would help manage data disruption. The VaR Floor would ensure FICC collects at least a minimum VaR Charge. The haircut method would better capture the risk profile of securities with inadequate historical pricing data. Finally, removing the Coverage Charge and MRD would help ensure the Clearing Fund calculation would not include unnecessary components that may not be indicative of a Clearing Member's current risk profile. By better limiting its exposures to potential losses from defaults by its participants under normal market conditions, the proposed changes are designed to ensure 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. Therefore, the Commission believes this proposal is consistent with Rule 17Ad–22(b)(1) under the Act.[40]

Rule 17Ad–22(b)(2) under the Act[41] requires a registered clearing agency that performs central counterparty services 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 margin requirements. The Required Fund Deposits are the margin requirements that FICC collects to limit its credit exposures to participants under normal market conditions. Additionally, FICC's proposed changes use a risk-based model (*i.e.,* the sensitivity approach) and parameters (*e.g.,* the VaR Floor and Margin Proxy) to set margin requirements. The proposed changes are designed to improve FICC's margin requirements to better limit FICC's credit exposures to Clearing Members, in the event of default, under normal market conditions. Therefore, the Commission believes this proposal is consistent with Rule 17Ad–22(b)(2) under the Act.[42]

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[43] that the proposed rule change (SR–FICC–2016–007) be, and it hereby is, approved as of the date of this order or the date of a notice by the Commission authorizing FICC to implement FICC's advance notice proposal (SR–FICC–2016–801) that is consistent with this proposed rule change, whichever is later.[44]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[45]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–01895 Filed 1–27–17; 8:45 am]

BILLING CODE 8011–01–P

[38] *Id.*

[39] 17 CFR 240.17Ad–22(b)(1).

[40] *Id.*

[41] 17 CFR 240.17Ad–22(b)(2).

[42] *Id.*

[43] 15 U.S.C. 78s(b)(2).

[44] 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).

[45] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 9869]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Age of Empires: Chinese Art of the Qin and Han Dynasties (221 B.C.–A.D. 200)'' Exhibition

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that the objects to be included in the exhibition ''Age of Empires: Chinese Art of the Qin and Han Dynasties (221 B.C.–A.D. 200),'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodians. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, New York, from on or about April 3, 2017, until on or about July 16, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S.

Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–01912 Filed 1–27–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9865]

Notice of Determinations; Culturally Significant Object Imported for Exhibition Determinations: ''Marc Chagall, Flowers and the French Riviera: The Color of Dreams'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that the object to be included in the exhibition ''Marc Chagall, Flowers and the French Riviera: The Color of Dreams,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at the Marie Selby Botanical Gardens, Sarasota, Florida, from on or about February 12, 2017, until on or about July 29, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including an object list, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–01953 Filed 1–27–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9868]

Notice of Determinations: Culturally Significant Objects Imported for Exhibition Determinations: ''Small Wonders: Gothic Boxwood Miniatures'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that the objects to be included in the exhibition ''Small Wonders: Gothic Boxwood Miniatures,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, New York, from on or about February 22, 2017, until on or about May 21, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–01905 Filed 1–27–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Twenty Eighth RTCA SC–217 Aeronautical Databases Joint Plenary with EUROCAE WG–44

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

ACTION: Twenty Eighth RTCA SC–217 Aeronautical Databases Joint Plenary with EUROCAE WG–44.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of Twenty Eighth RTCA SC–217 Aeronautical Databases Joint Plenary with EUROCAE WG–44.

DATES: The meeting will be held on February 27 to March 1, 2017, from 9:00 a.m.–5:00 p.m. and March 2, 2017, from 9:00 a.m.–3:00 p.m. Registration is required for attendance. Please contact Rebecca Morrison at *rmorrison@rtca.org* or 202–330–0654 to register and receive further information for the meeting.

ADDRESSES: The meeting will be held at: Airbus Facilities, 1 Avenue d'Aéroconstellation, 31700 Blagnac, France.

FOR FURTHER INFORMATION CONTACT: Rebecca Morrison at *rmorrison@rtca.org* or 202–330–0654, or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC, 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of the Twenty Eighth RTCA SC–217 Aeronautical Databases Joint Plenary with EUROCAE WG–44. The agenda will include the following:

Monday, February 27, 2017—9:00 a.m.–5:00 p.m.

1. Co-Chairmen's remarks and introductions
2. Housekeeping & meeting logistics
3. DFO statement and RTCA/EUROCAE IP and membership policies
4. Approve minutes from 27th meeting
5. Review and approve meeting agenda for 28th meeting
6. Action item list review
7. Presentations (TBD)
8. Adjourn to Working Group Sessions at 12:00 p.m.

Tuesday, February 28, 2017—9:00 a.m.–5:00 p.m.

Continue Working Group Sessions.

Wednesday March 1, 2017—9:00 a.m.–5:00 p.m.

Continue Working Group Sessions.

Thursday March 2, 2017—9:00 a.m.–3:00 p.m.

Continue Working Group Sessions until 12:00 p.m.
9. Reconvene Plenary at 1 p.m.
10. Meeting wrap-up: Main conclusions and way forward
11. Review of action items
12. Next meetings
13. Any other business
14. Adjourn

Attendance is open to the interested public but limited to space availability. Registration is required for attendance. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 24, 2017.

Mohannad Dawoud,

Management & Program Analyst, Partnership Contracts Branch, ANG–A17 NextGen, Procurement Services Division, Federal Aviation Administration.

[FR Doc. 2017–01889 Filed 1–27–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Announcement 2004–38

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 Announcement 2004–38 (as modified by Notice 2006–105), Election of Alternative Deficit Reduction Contribution.

DATES: Written comments should be received on or before March 31, 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 announcement should be directed to Kerry Dennis, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Election of Alternative Deficit Reduction Contribution.

OMB Number: 1545–1883.

Announcement Number: Announcement 2004–38.

Abstract: Announcement 2004–38 describes the election that must be made in order for certain employers to take advantage of the alternative deficit reduction contribution described in section 102 of H.R. 3108. Announcement 2004–38 was modified by Notice 2006–105 (2006–50 I.R.B. 1093), on December 11, 2006.

Current Actions: There are no changes being made to the announcement at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and Not-for-profit institutions.

Estimated Number of Respondents: 200.

Estimated Time per Respondent: 4 hours.

Estimated Total Annual Burden Hours: 800.

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: January 21, 2017.

Tuawana Pinkston,

IRS Reports Clearance Office.

[FR Doc. 2017–01991 Filed 1–27–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice.

DATES: Comments should be received on or before March 1, 2017 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collections, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–0934, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

Community Development Financial Institutions (CDIF) Fund

OMB Control Number: 1559–0037.

Type of Review: Revision of a currently approved collection.

Title: Certification of Material Events Form.

Form: 201701.

Abstract: A Material Event is defined as an occurrence that affects an organization's strategic direction, mission, or business operation and, thereby, its compliance with the terms and conditions of its allocation or assistance agreement or their status as an entity certified by the CDFI Fund. The CDFI Fund requires this information to prevent fraud, waste, and abuse of Federal funds.

The CDFI Fund implements programs that provide financial assistance in the form of grants, loans, and tax credits to increase the capacity of financial institutions to provide capital, credit, and financial services in underserved markets. Additionally, the CDFI Fund is responsible for confirming certification for Community Development Entities (CDEs) and Community Development Financial Institutions (CDFIs). Organizations that receive Federal financial assistance from the CDFI Fund are required to report Material Events in order to be in compliance with requirements of their award agreements. CDEs and CDFIs are required to report Material Events to maintain their certification status with the CDFI Fund.

Affected Public: Business or other for-profits.

Estimated Total Annual Burden Hours: 50.

Dated: January 25, 2017.

Spencer Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2017–01968 Filed 1–27–17; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice.

DATES: Comments should be received on or before March 1, 2017 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimates, or any other aspect of the information collections, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–0934, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

Internal Revenue Service (IRS)

OMB Control Number: 1545–2167.

Type of Review: Extension without change of a currently approved collection.

Title: Stripping Transactions for Qualified Tax Credit Bonds.

Abstract: The IRS requires the information to ensure compliance with the tax credit bond credit coupon stripping requirements, including ensuring that no excess tax credit is taken by holders of bonds and coupons strips. The information is required in order to inform holders of qualified tax credit bonds whether the credit coupons relating to those bonds may be stripped as provided under § 54A(i). The respondents are issuers of tax credit bonds, including states and local governments and other eligible issuers.

Affected Public: State, Local and Tribal Governments.

Estimated Total Annual Burden Hours: 1,000.

OMB Control Number: 1545–0028.

Type of Review: Revision of a currently approved collection.

Title: Employer's Annual Federal Unemployment (FUTA)/Planilla para la Declaración Federal Anual del Patrono de la Contribución Federal para el Desempleo.

Abstract: Information is required by the Internal Revenue Service in its compliance efforts to assist employers and their employees in understanding and complying with section 6053(a), which requires employees to report all their tips monthly to their employers.

Forms: 940, 940–V, Schedule A (Form 940), 940–PR, Schedule A (Form 940PR), Schedule R (940), 940–V (PR).

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 105,271,229.

Dated: January 25, 2017.

Spencer Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2017–01967 Filed 1–27–17; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES INSTITUTE OF PEACE

Notice of Meeting; United States Institute of Peace

AGENCY: United States Institute of Peace.

DATE/TIME: Friday, February 10, 2017 (10:00 a.m.–1:45 p.m.)

LOCATION: 2301 Constitution Avenue NW., Washington, DC 20037.

STATUS: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

AGENDA: February 10, 2017 Board Meeting; Approval of Minutes of the One Hundred Sixtieth Meeting (October 21, 2016) of the Board of Directors; Chairman's Report; Vice Chairman's Report; President's Report; Reports from USIP Board Committees; Stoplight Presentation; Overview of Africa Projects and Programs; PeaceTech Lab Bi-Annual Update.

CONTACT: Nick Rogacki, Special Assistant to the President, Email: *nrogacki@usip.org.*

Dated: January 24, 2017.

Nicholas Rogacki,

Special Assistant to the President.

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Part II

The President

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Presidential Documents

Title 3—

The President

Proclamation 9571 of January 25, 2017

National School Choice Week, 2017

By the President of the United States of America

A Proclamation

The foundation of a good life begins with a great education. Today, too many of our children are stuck in schools that do not provide this opportunity.

Because the education of our young people is so important, the parents of every student in America should have a right to a meaningful choice about where their child goes to school.

By expanding school choice and providing more educational opportunities for every American family, we can help make sure that every child has an equal shot at achieving the American Dream. More choices for our students will make our schools better for everybody.

Our country is home to many great schools and many extraordinary teachers—whether they serve in traditional public schools, public charter schools, magnet schools, private or religious schools, or in homeschooling environments.

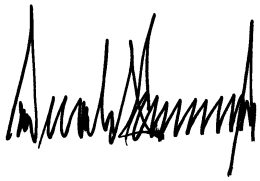
With a renewed commitment to expanding school choice for our children, we can truly make a great education possible for every child in America.

I commend our Nation's students, parents, teachers, and school leaders for their commitment to quality, effective education, and I call on States and communities to support effective education and school choice for every child in America.

As our country celebrates National School Choice Week, I encourage parents to evaluate the educational opportunities available for their children. I also encourage State lawmakers and Federal lawmakers to expand school choice for millions of additional students.

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 January 22 through January 28, 2017, as National School Choice Week.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of January, 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.



[FR Doc. 2017–02092
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Presidential Documents

Executive Order 13767 of January 25, 2017

Border Security and Immigration Enforcement Improvements

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 (8 U.S.C. 1101 *et seq.*) (INA), the Secure Fence Act of 2006 (Public Law 109–367) (Secure Fence Act), and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208 Div. C) (IIRIRA), and in order to ensure the safety and territorial integrity of the United States as well as to ensure that the Nation's immigration laws are faithfully executed, I hereby order as follows:

Section 1. *Purpose.* Border security is critically important to the national security of the United States. Aliens who illegally enter the United States without inspection or admission present a significant threat to national security and public safety. Such aliens have not been identified or inspected by Federal immigration officers to determine their admissibility to the United States. The recent surge of illegal immigration at the southern border with Mexico has placed a significant strain on Federal resources and overwhelmed agencies charged with border security and immigration enforcement, as well as the local communities into which many of the aliens are placed.

Transnational criminal organizations operate sophisticated drug- and human-trafficking networks and smuggling operations on both sides of the southern border, contributing to a significant increase in violent crime and United States deaths from dangerous drugs. Among those who illegally enter are those who seek to harm Americans through acts of terror or criminal conduct. Continued illegal immigration presents a clear and present danger to the interests of the United States.

Federal immigration law both imposes the responsibility and provides the means for the Federal Government, in cooperation with border States, to secure the Nation's southern border. Although Federal immigration law provides a robust framework for Federal-State partnership in enforcing our immigration laws—and the Congress has authorized and provided appropriations to secure our borders—the Federal Government has failed to discharge this basic sovereign responsibility. The purpose of this order is to direct executive departments and agencies (agencies) to deploy all lawful means to secure the Nation's southern border, to prevent further illegal immigration into the United States, and to repatriate illegal aliens swiftly, consistently, and humanely.

Sec. 2. *Policy.* It is the policy of the executive branch to:

(a) secure the southern border of the United States through the immediate construction of a physical wall on the southern border, monitored and supported by adequate personnel so as to prevent illegal immigration, drug and human trafficking, and acts of terrorism;

(b) detain individuals apprehended on suspicion of violating Federal or State law, including Federal immigration law, pending further proceedings regarding those violations;

(c) expedite determinations of apprehended individuals' claims of eligibility to remain in the United States;

(d) remove promptly those individuals whose legal claims to remain in the United States have been lawfully rejected, after any appropriate civil or criminal sanctions have been imposed; and

(e) cooperate fully with States and local law enforcement in enacting Federal-State partnerships to enforce Federal immigration priorities, as well as State monitoring and detention programs that are consistent with Federal law and do not undermine Federal immigration priorities.

Sec. 3. *Definitions.* (a) ''Asylum officer'' has the meaning given the term in section 235(b)(1)(E) of the INA (8 U.S.C. 1225(b)(1)).

(b) ''Southern border'' shall mean the contiguous land border between the United States and Mexico, including all points of entry.

(c) ''Border States'' shall mean the States of the United States immediately adjacent to the contiguous land border between the United States and Mexico.

(d) Except as otherwise noted, ''the Secretary'' shall refer to the Secretary of Homeland Security.

(e) ''Wall'' shall mean a contiguous, physical wall or other similarly secure, contiguous, and impassable physical barrier.

(f) ''Executive department'' shall have the meaning given in section 101 of title 5, United States Code.

(g) ''Regulations'' shall mean any and all Federal rules, regulations, and directives lawfully promulgated by agencies.

(h) ''Operational control'' shall mean the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

Sec. 4. *Physical Security of the Southern Border of the United States.* The Secretary shall immediately take the following steps to obtain complete operational control, as determined by the Secretary, of the southern border:

(a) In accordance with existing law, including the Secure Fence Act and IIRIRA, take all appropriate steps to immediately plan, design, and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border;

(b) Identify and, to the extent permitted by law, allocate all sources of Federal funds for the planning, designing, and constructing of a physical wall along the southern border;

(c) Project and develop long-term funding requirements for the wall, including preparing Congressional budget requests for the current and upcoming fiscal years; and

(d) Produce a comprehensive study of the security of the southern border, to be completed within 180 days of this order, that shall include the current state of southern border security, all geophysical and topographical aspects of the southern border, the availability of Federal and State resources necessary to achieve complete operational control of the southern border, and a strategy to obtain and maintain complete operational control of the southern border.

Sec. 5. *Detention Facilities.* (a) The Secretary shall take all appropriate action and allocate all legally available resources to immediately construct, operate, control, or establish contracts to construct, operate, or control facilities to detain aliens at or near the land border with Mexico.

(b) The Secretary shall take all appropriate action and allocate all legally available resources to immediately assign asylum officers to immigration detention facilities for the purpose of accepting asylum referrals and conducting credible fear determinations pursuant to section 235(b)(1) of the INA (8 U.S.C. 1225(b)(1)) and applicable regulations and reasonable fear determinations pursuant to applicable regulations.

(c) The Attorney General shall take all appropriate action and allocate all legally available resources to immediately assign immigration judges to immigration detention facilities operated or controlled by the Secretary, or operated or controlled pursuant to contract by the Secretary, for the

purpose of conducting proceedings authorized under title 8, chapter 12, subchapter II, United States Code.

Sec. 6. *Detention for Illegal Entry.* The Secretary shall immediately take all appropriate actions to ensure the detention of aliens apprehended for violations of immigration law pending the outcome of their removal proceedings or their removal from the country to the extent permitted by law. The Secretary shall issue new policy guidance to all Department of Homeland Security personnel regarding the appropriate and consistent use of lawful detention authority under the INA, including the termination of the practice commonly known as ''catch and release,'' whereby aliens are routinely released in the United States shortly after their apprehension for violations of immigration law.

Sec. 7. *Return to Territory.* The Secretary shall take appropriate action, consistent with the requirements of section 1232 of title 8, United States Code, to ensure that aliens described in section 235(b)(2)(C) of the INA (8 U.S.C. 1225(b)(2)(C)) are returned to the territory from which they came pending a formal removal proceeding.

Sec. 8. *Additional Border Patrol Agents.* Subject to available appropriations, the Secretary, through the Commissioner of U.S. Customs and Border Protection, shall take all appropriate action to hire 5,000 additional Border Patrol agents, and all appropriate action to ensure that such agents enter on duty and are assigned to duty stations as soon as is practicable.

Sec. 9. *Foreign Aid Reporting Requirements.* The head of each executive department and agency shall identify and quantify all sources of direct and indirect Federal aid or assistance to the Government of Mexico on an annual basis over the past five years, including all bilateral and multilateral development aid, economic assistance, humanitarian aid, and military aid. Within 30 days of the date of this order, the head of each executive department and agency shall submit this information to the Secretary of State. Within 60 days of the date of this order, the Secretary shall submit to the President a consolidated report reflecting the levels of such aid and assistance that has been provided annually, over each of the past five years.

Sec. 10. *Federal-State Agreements.* It is the policy of the executive branch to empower State and local law enforcement agencies across the country to perform the functions of an immigration officer in the interior of the United States to the maximum extent permitted by law.

(a) In furtherance of this policy, the Secretary shall immediately take appropriate action to engage with the Governors of the States, as well as local officials, for the purpose of preparing to enter into agreements under section 287(g) of the INA (8 U.S.C. 1357(g)).

(b) To the extent permitted by law, and with the consent of State or local officials, as appropriate, the Secretary shall take appropriate action, through agreements under section 287(g) of the INA, or otherwise, to authorize State and local law enforcement officials, as the Secretary determines are qualified and appropriate, to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the direction and the supervision of the Secretary. Such authorization shall be in addition to, rather than in place of, Federal performance of these duties.

(c) To the extent permitted by law, the Secretary may structure each agreement under section 287(g) of the INA in the manner that provides the most effective model for enforcing Federal immigration laws and obtaining operational control over the border for that jurisdiction.

Sec. 11. *Parole, Asylum, and Removal.* It is the policy of the executive branch to end the abuse of parole and asylum provisions currently used to prevent the lawful removal of removable aliens.

(a) The Secretary shall immediately take all appropriate action to ensure that the parole and asylum provisions of Federal immigration law are not illegally exploited to prevent the removal of otherwise removable aliens.

(b) The Secretary shall take all appropriate action, including by promulgating any appropriate regulations, to ensure that asylum referrals and credible fear determinations pursuant to section 235(b)(1) of the INA (8 U.S.C. 1125(b)(1)) and 8 CFR 208.30, and reasonable fear determinations pursuant to 8 CFR 208.31, are conducted in a manner consistent with the plain language of those provisions.

(c) Pursuant to section 235(b)(1)(A)(iii)(I) of the INA, the Secretary shall take appropriate action to apply, in his sole and unreviewable discretion, the provisions of section 235(b)(1)(A)(i) and (ii) of the INA to the aliens designated under section 235(b)(1)(A)(iii)(II).

(d) The Secretary shall take appropriate action to ensure that parole authority under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) is exercised only on a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole.

(e) The Secretary shall take appropriate action to require that all Department of Homeland Security personnel are properly trained on the proper application of section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) and section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)), to ensure that unaccompanied alien children are properly processed, receive appropriate care and placement while in the custody of the Department of Homeland Security, and, when appropriate, are safely repatriated in accordance with law.

Sec. 12. *Authorization to Enter Federal Lands.* The Secretary, in conjunction with the Secretary of the Interior and any other heads of agencies as necessary, shall take all appropriate action to:

(a) permit all officers and employees of the United States, as well as all State and local officers as authorized by the Secretary, to have access to all Federal lands as necessary and appropriate to implement this order; and

(b) enable those officers and employees of the United States, as well as all State and local officers as authorized by the Secretary, to perform such actions on Federal lands as the Secretary deems necessary and appropriate to implement this order.

Sec. 13. *Priority Enforcement.* The Attorney General shall take all appropriate steps to establish prosecution guidelines and allocate appropriate resources to ensure that Federal prosecutors accord a high priority to prosecutions of offenses having a nexus to the southern border.

Sec. 14. *Government Transparency.* The Secretary shall, on a monthly basis and in a publicly available way, report statistical data on aliens apprehended at or near the southern border using a uniform method of reporting by all Department of Homeland Security components, in a format that is easily understandable by the public.

Sec. 15. *Reporting.* Except as otherwise provided in this order, the Secretary, within 90 days of the date of this order, and the Attorney General, within 180 days, shall each submit to the President a report on the progress of the directives contained in this order.

Sec. 16. *Hiring.* The Office of Personnel Management shall take appropriate action as may be necessary to facilitate hiring personnel to implement this order.

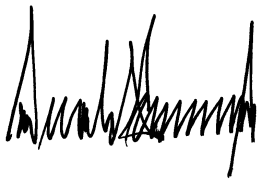
Sec. 17. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(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.



THE WHITE HOUSE,
January 25, 2017.

[FR Doc. 2017–02095
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Presidential Documents

Executive Order 13768 of January 25, 2017

Enhancing Public Safety in the Interior of 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 in order to ensure the public safety of the American people in communities across the United States as well as to ensure that our Nation's immigration laws are faithfully executed, I hereby declare the policy of the executive branch to be, and order, as follows:

Section 1. *Purpose.* Interior enforcement of our Nation's immigration laws is critically important to the national security and public safety of the United States. Many aliens who illegally enter the United States and those who overstay or otherwise violate the terms of their visas present a significant threat to national security and public safety. This is particularly so for aliens who engage in criminal conduct in the United States.

Sanctuary jurisdictions across the United States willfully violate Federal law in an attempt to shield aliens from removal from the United States. These jurisdictions have caused immeasurable harm to the American people and to the very fabric of our Republic.

Tens of thousands of removable aliens have been released into communities across the country, solely because their home countries refuse to accept their repatriation. Many of these aliens are criminals who have served time in our Federal, State, and local jails. The presence of such individuals in the United States, and the practices of foreign nations that refuse the repatriation of their nationals, are contrary to the national interest.

Although Federal immigration law provides a framework for Federal-State partnerships in enforcing our immigration laws to ensure the removal of aliens who have no right to be in the United States, the Federal Government has failed to discharge this basic sovereign responsibility. We cannot faithfully execute the immigration laws of the United States if we exempt classes or categories of removable aliens from potential enforcement. The purpose of this order is to direct executive departments and agencies (agencies) to employ all lawful means to enforce the immigration laws of the United States.

Sec. 2. *Policy.* It is the policy of the executive branch to:

(a) Ensure the faithful execution of the immigration laws of the United States, including the INA, against all removable aliens, consistent with Article II, Section 3 of the United States Constitution and section 3331 of title 5, United States Code;

(b) Make use of all available systems and resources to ensure the efficient and faithful execution of the immigration laws of the United States;

(c) Ensure that jurisdictions that fail to comply with applicable Federal law do not receive Federal funds, except as mandated by law;

(d) Ensure that aliens ordered removed from the United States are promptly removed; and

(e) Support victims, and the families of victims, of crimes committed by removable aliens.

Sec. 3. *Definitions.* The terms of this order, where applicable, shall have the meaning provided by section 1101 of title 8, United States Code.

Sec. 4. *Enforcement of the Immigration Laws in the Interior of the United States.* In furtherance of the policy described in section 2 of this order, I hereby direct agencies to employ all lawful means to ensure the faithful execution of the immigration laws of the United States against all removable aliens.

Sec. 5. *Enforcement Priorities.* In executing faithfully the immigration laws of the United States, the Secretary of Homeland Security (Secretary) shall prioritize for removal those aliens described by the Congress in sections 212(a)(2), (a)(3), and (a)(6)(C), 235, and 237(a)(2) and (4) of the INA (8 U.S.C. 1182(a)(2), (a)(3), and (a)(6)(C), 1225, and 1227(a)(2) and (4)), as well as removable aliens who:

(a) Have been convicted of any criminal offense;

(b) Have been charged with any criminal offense, where such charge has not been resolved;

(c) Have committed acts that constitute a chargeable criminal offense;

(d) Have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency;

(e) Have abused any program related to receipt of public benefits;

(f) Are subject to a final order of removal, but who have not complied with their legal obligation to depart the United States; or

(g) In the judgment of an immigration officer, otherwise pose a risk to public safety or national security.

Sec. 6. *Civil Fines and Penalties.* As soon as practicable, and by no later than one year after the date of this order, the Secretary shall issue guidance and promulgate regulations, where required by law, to ensure the assessment and collection of all fines and penalties that the Secretary is authorized under the law to assess and collect from aliens unlawfully present in the United States and from those who facilitate their presence in the United States.

Sec. 7. *Additional Enforcement and Removal Officers.* The Secretary, through the Director of U.S. Immigration and Customs Enforcement, shall, to the extent permitted by law and subject to the availability of appropriations, take all appropriate action to hire 10,000 additional immigration officers, who shall complete relevant training and be authorized to perform the law enforcement functions described in section 287 of the INA (8 U.S.C. 1357).

Sec. 8. *Federal-State Agreements.* It is the policy of the executive branch to empower State and local law enforcement agencies across the country to perform the functions of an immigration officer in the interior of the United States to the maximum extent permitted by law.

(a) In furtherance of this policy, the Secretary shall immediately take appropriate action to engage with the Governors of the States, as well as local officials, for the purpose of preparing to enter into agreements under section 287(g) of the INA (8 U.S.C. 1357(g)).

(b) To the extent permitted by law and with the consent of State or local officials, as appropriate, the Secretary shall take appropriate action, through agreements under section 287(g) of the INA, or otherwise, to authorize State and local law enforcement officials, as the Secretary determines are qualified and appropriate, to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the direction and the supervision of the Secretary. Such authorization shall be in addition to, rather than in place of, Federal performance of these duties.

(c) To the extent permitted by law, the Secretary may structure each agreement under section 287(g) of the INA in a manner that provides the most effective model for enforcing Federal immigration laws for that jurisdiction.

Sec. 9. *Sanctuary Jurisdictions.* It is the policy of the executive branch to ensure, to the fullest extent of the law, that a State, or a political subdivision of a State, shall comply with 8 U.S.C. 1373.

(a) In furtherance of this policy, the Attorney General and the Secretary, in their discretion and to the extent consistent with law, shall ensure that jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 (sanctuary jurisdictions) are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary. The Secretary has the authority to designate, in his discretion and to the extent consistent with law, a jurisdiction as a sanctuary jurisdiction. The Attorney General shall take appropriate enforcement action against any entity that violates 8 U.S.C. 1373, or which has in effect a statute, policy, or practice that prevents or hinders the enforcement of Federal law.

(b) To better inform the public regarding the public safety threats associated with sanctuary jurisdictions, the Secretary shall utilize the Declined Detainer Outcome Report or its equivalent and, on a weekly basis, make public a comprehensive list of criminal actions committed by aliens and any jurisdiction that ignored or otherwise failed to honor any detainers with respect to such aliens.

(c) The Director of the Office of Management and Budget is directed to obtain and provide relevant and responsive information on all Federal grant money that currently is received by any sanctuary jurisdiction.

Sec. 10. *Review of Previous Immigration Actions and Policies.* (a) The Secretary shall immediately take all appropriate action to terminate the Priority Enforcement Program (PEP) described in the memorandum issued by the Secretary on November 20, 2014, and to reinstitute the immigration program known as ''Secure Communities'' referenced in that memorandum.

(b) The Secretary shall review agency regulations, policies, and procedures for consistency with this order and, if required, publish for notice and comment proposed regulations rescinding or revising any regulations inconsistent with this order and shall consider whether to withdraw or modify any inconsistent policies and procedures, as appropriate and consistent with the law.

(c) To protect our communities and better facilitate the identification, detention, and removal of criminal aliens within constitutional and statutory parameters, the Secretary shall consolidate and revise any applicable forms to more effectively communicate with recipient law enforcement agencies.

Sec. 11. *Department of Justice Prosecutions of Immigration Violators.* The Attorney General and the Secretary shall work together to develop and implement a program that ensures that adequate resources are devoted to the prosecution of criminal immigration offenses in the United States, and to develop cooperative strategies to reduce violent crime and the reach of transnational criminal organizations into the United States.

Sec. 12. *Recalcitrant Countries.* The Secretary of Homeland Security and the Secretary of State shall cooperate to effectively implement the sanctions provided by section 243(d) of the INA (8 U.S.C. 1253(d)), as appropriate. The Secretary of State shall, to the maximum extent permitted by law, ensure that diplomatic efforts and negotiations with foreign states include as a condition precedent the acceptance by those foreign states of their nationals who are subject to removal from the United States.

Sec. 13. *Office for Victims of Crimes Committed by Removable Aliens.* The Secretary shall direct the Director of U.S. Immigration and Customs Enforcement to take all appropriate and lawful action to establish within U.S. Immigration and Customs Enforcement an office to provide proactive, timely, adequate, and professional services to victims of crimes committed by removable aliens and the family members of such victims. This office shall provide quarterly reports studying the effects of the victimization by criminal aliens present in the United States.

Sec. 14. *Privacy Act.* Agencies shall, to the extent consistent with applicable law, ensure that their privacy policies exclude persons who are not United States citizens or lawful permanent residents from the protections of the Privacy Act regarding personally identifiable information.

Sec. 15. *Reporting.* Except as otherwise provided in this order, the Secretary and the Attorney General shall each submit to the President a report on the progress of the directives contained in this order within 90 days of the date of this order and again within 180 days of the date of this order.

Sec. 16. *Transparency.* To promote the transparency and situational awareness of criminal aliens in the United States, the Secretary and the Attorney General are hereby directed to collect relevant data and provide quarterly reports on the following:

(a) the immigration status of all aliens incarcerated under the supervision of the Federal Bureau of Prisons;

(b) the immigration status of all aliens incarcerated as Federal pretrial detainees under the supervision of the United States Marshals Service; and

(c) the immigration status of all convicted aliens incarcerated in State prisons and local detention centers throughout the United States.

Sec. 17. *Personnel Actions.* The Office of Personnel Management shall take appropriate and lawful action to facilitate hiring personnel to implement this order.

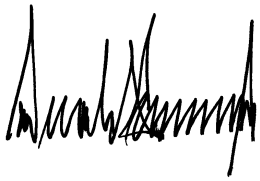
Sec. 18. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(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.



THE WHITE HOUSE,
January 25, 2017.

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