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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 AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

9 CFR Part 201

RIN 0580–AB25

Scope of Sections 202(a) and (b) of the Packers and Stockyards Act

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Interim final rule; notice of delay of effective date and extension of comment period.

SUMMARY: Consistent with the memorandum of January 20, 2017, to the heads of executive departments and agencies from the Assistant to the President and Chief of Staff entitled ''Regulatory Freeze Pending Review,'' the Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) is extending the public comment period and delaying the effective date of the rule published on December 20, 2016. This interim final rule adds a paragraph to § 201.3 addressing the scope of sections 202(a) and (b) of the Packers and Stockyards Act, 1921, as amended and supplemented (P&S Act) in order to clarify that conduct or action may violate sections 202(a) and (b) of the P&S Act without adversely affecting, or having a likelihood of adversely affecting, competition. This rule was originally set to take effect on February 21, 2017.

DATES: Effective February 7, 2017, the effective date of the interim final rule amending 9 CFR part 201, published at 81 FR 92566, December 20, 2016 is delayed until April 22, 2017. Interested persons are invited to submit written comments on this interim final rule on or before March 24, 2017.

ADDRESSES: We invite you to submit comments on this interim final rule by any of the following methods:

- *Mail:* M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2542A–S, Washington, DC 20250–3613.
- *Hand Delivery or Courier:* M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2530–S, Washington, DC 20250–3613.
- *Internet: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Instructions: All comments should make reference to the date and page number of this issue of the **Federal Register**. All comments received will be included in the public docket without change, including any personal information provided. Regulatory analyses and other documents relating to this rulemaking will be available for public inspection in Room 2542A–S, 1400 Independence Avenue SW., Washington, DC 20250–3613 during regular business hours. All comments will be available for public inspection in the above office during regular business hours (7 CFR 1.27(b)). Please call the Management and Budget Services staff of GIPSA at (202) 720–8479 to arrange a public inspection of comments or other documents related to this rulemaking.

FOR FURTHER INFORMATION CONTACT: S. Brett Offutt, Director, Litigation and Economic Analysis Division, P&SP, GIPSA, 1400 Independence Ave. SW., Washington, DC 20250, (202) 720–7051, *s.brett.offutt@usda.gov.*

SUPPLEMENTARY INFORMATION: Consistent with the memorandum of January 20, 2017, to the heads of executive departments and agencies from the Assistant to the President and Chief of Staff entitled ''Regulatory Freeze Pending Review,'' GIPSA is extending the public comment period and delaying the effective date of the interim final rule entitled ''Scope of Sections 202(a) and (b) of the Packers and Stockyards Act'' that was published in the **Federal Register** on December 20, 2016, 81 FR 92566.

This interim final rule states the interpretation that not all violations of the P&S Act require a showing of harm or likely harm to competition. Section 201.3(a) specifically provides that the scope of section 202(a) and (b) encompasses conduct or action that, depending on their nature and the circumstances, can be found to violate the P&S Act without a finding of harm or likely harm to competition. This interim final rule finalizes a proposed § 201.3(c) that GIPSA published on June 22, 2010, 75 FR 35338, with slight modifications in order to allow additional public comment on these provisions.

To the extent that 5 U.S.C. 553(b)(A) applies to this action, it is exempt from notice and comment rulemaking for good cause and for reasons cited above, GIPSA finds that notice and solicitation of comment regarding the brief extension of the effective date of the interim finalrule are impracticable, unnecessary, or contrary to the public interest pursuant to 5 U.S.C. 553(b)(B). GIPSA believes that affected parties need to be informed as soon as possible of the extension and its length.

Marianne Plaus,
Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–02496 Filed 2–6–17; 8:45 am]
BILLING CODE 3410–KD–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–7261; Directorate Identifier 2016–NM–004–AD; Amendment 39–18783; AD 2017–02–04]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 747–200B, 747–300, 747–400, 747–400D, and 747–400F series airplanes. This AD was prompted by a report of cracking in both the aluminum strut side skin, and corrosion resistant steel (CRES) outer spring beam support fitting. This AD requires inspections, related investigative and corrective actions, and a fastener installation modification. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 14, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 14, 2017.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–7261.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–7261; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Bill Ashforth, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6432; fax: 425–917–6590; email: *bill.ashforth@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 747–200B, 747–300, 747–400, 747–400D, and 747–400F series airplanes. The NPRM published in the **Federal Register** on June 21, 2016 (81 FR 40205). The NPRM was prompted by a report of cracking in both the aluminum strut side skin, and corrosion resistant steel (CRES) outer spring beam support fitting. The NPRM proposed to require repetitive high frequency eddy current (HFEC) inspections for cracking in the strut side skin, an open-hole HFEC inspection for cracking, applicable related investigative and corrective actions, and a fastener installation modification. We are issuing this AD to detect and correct cracking of the strut side skin and spring beam support fitting; such cracking could result in the failure of the outer spring beam support fitting, which could cause separation of a strut and engine from the airplane during flight.

Comments

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

Requests To Include Additional Clarification of Service Information

Boeing, Delta Airlines (DAL), and KLM Royal Dutch Airlines (KLM) requested that we revise paragraphs (g), (h), and (i) of the proposed AD to include Boeing Service Bulletin Information Notice 747–54A2245 IN 02, dated February 11, 2016; and Boeing Service Bulletin Information Notice 747–54A2245 IN 03, dated May 13, 2016. The commenters all mentioned that without the information contained in the requested information notices, the requirements of the proposed AD cannot be fully accomplished.

We partially agree with the request to revise paragraphs (g), (h), and (i) of this AD to include new information that clarifies how to accomplish the required tasks specified in this AD. However, there is new service information that includes the same additional information. We have revised this AD to refer to Boeing Alert Service Bulletin 747–54A2245, Revision 1, dated September 20, 2016, as the appropriate source of service information to use for the actions required by this AD. Boeing Alert Service Bulletin 747–54A2245, Revision 1, dated September 20, 2016, includes additional information discovered during validation of Boeing Alert Service Bulletin 747–54A2245, dated December 18, 2015. Boeing Alert Service Bulletin 747–54A2245, Revision 1, dated September 20, 2016, clarifies the procedures for the fastener removal, drill ream, and spot facing steps, and provides additional access instructions, but does not include any new actions. Additionally, we have added a new paragraph (j) to this AD to give credit for actions performed before the effective date of this AD, using Boeing Alert Service Bulletin 747–54A2245, dated December 18, 2015. We have redesignated subsequent paragraphs accordingly.

Request To Clarify the Unsafe Condition Statement

Boeing requested that we revise the unsafe condition statement by clarifying the location of the cracking. Boeing reported that cracking has been found not only in the strut side skin, but also in the spring beam support fitting.

We agree with the request to clarify the unsafe condition statement. We have revised the Discussion section of this final rule, and paragraph (e) of this AD accordingly. The unsafe condition statement has been removed from the **SUMMARY** section of this final rule.

Request To Revise the Costs of Compliance

Boeing requested that we revise the Costs of Compliance to reflect updated work-hours to do the inspection. Boeing specified that the hours necessary to do the inspection were re-evaluated to be 4 work-hours, and the new information was disclosed in Boeing Service Bulletin Information Notice 747–54A2245 IN 01, dated December 23, 2015.

We agree with the request, and have revised the Costs of Compliance section of this final rule to reflect the updated work-hours.

Request To Revise Compliance Time for Repetitive Inspections

KLM requested that we revise the compliance time for the repetitive inspections from 500 flight cycles to 1,250 flight cycles. KLM pointed out that during the 747 Structures Task Group meetings organized to support strut modification, Boeing had established a design goal to tolerate one major load path failure and still meet regulatory requirements with a longer inspection interval. KLM also indicated that the time required for the repetitive inspections is a large burden.

We disagree with the request to revise the compliance time for the repetitive inspections. In 1993, the Model 747 Structures Task Group did not foresee this level of damage occurring. Through damage tolerance analysis, the original equipment manufacturer (OEM) has determined that 500 flight cycles is the maximum number of flight cycles that provides an acceptable level of safety, and the FAA agrees with that analysis. Additionally, as discussed previously, the OEM has revised the time required to do the repetitive inspections from 291 work-hours to 4 work-hours in the new service information referenced previously, reducing the burden to operators. We have not revised the

compliance time for the repetitive inspections; however, we have revised this AD to refer to the new service information referenced previously.

Request To Clarify How Certain Parts May Be Used for Terminating Action

DAL requested clarification of the use of certain parts (fillers) for the terminating action required for all airplanes. DAL pointed out that certain parts are specifically named to include the airplane engine model (CF6–80C2), and that this could preclude the terminating action or lead to a non-compliant installation for airplanes with Pratt & Whitney (PW) 4000 engines installed.

We agree with the request for clarification because it should make this AD easier to interpret. We have revised paragraph (h) of this AD to specify that part numbers 321U2400–5600, 321U2400–5601, and 321U2400–5602 may be used for airplanes with General Electric CF6–80 engines and PW4000 engines.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 747–54A2245, Revision 1, dated September 20, 2016. The service information describes procedures for repetitive HFEC inspections for cracking in the strut side skin, an open-hole HFEC inspection for cracking, applicable related investigative and corrective actions, and a fastener installation modification. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 320 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	4 work-hours × $85 per hour = $340 per inspection cycle.	$0	$340 per inspection cycle	$108,800 per inspection cycle.
Modification	Up to 490 work-hours × $85 per hour = $41,650.	56,414	Up to $98,064	Up to $31,380,480.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–02–04 The Boeing Company: Amendment 39–18783; Docket No. FAA–2016–7261; Directorate Identifier 2016–NM–004–AD.

(a) Effective Date

This AD is effective March 14, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 747–200B, 747–300, 747–400, 747–400D, and 747–400F series airplanes, certificated in any category, equipped with General Electric (GE) CF6–80 series engines or Pratt & Whitney PW4000 series engines; as identified in Boeing Alert Service Bulletin 747–54A2245, Revision 1, dated September 20, 2016.

(d) Subject

Air Transport Association (ATA) of America Code 54; Nacelles/pylons.

(e) Unsafe Condition

This AD was prompted by a report of cracking in both the aluminum strut side skin, and corrosion resistant steel (CRES) outer spring beam support fitting. We are issuing this AD to detect and correct cracking of the strut side skin and spring beam support fitting; such cracking could result in

the failure of the outer spring beam support fitting, which could cause separation of a strut and engine from the airplane during flight.

(f) Compliance

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

(g) Repetitive Inspections

Except as provided by paragraphs (i)(1) and (i)(2) of this AD, at the applicable compliance time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–54A2245, Revision 1, dated September 20, 2016, do a surface high frequency eddy current (HFEC) inspection for cracking of the strut side skin, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–54A2245, Revision 1, dated September 20, 2016, except as required by paragraph (i)(3) of this AD. Repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–54A2245, Revision 1, dated September 20, 2016, until the actions required by paragraph (h) of this AD are done. If any cracking is found, do the actions specified in paragraph (h) of this AD before further flight.

(h) Terminating Actions

Within the applicable compliance time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–54A2245, Revision 1, dated September 20, 2016, except as provided by paragraphs (i)(1) and (i)(2) of this AD: Do a fastener hole open-hole HFEC inspection for cracking, applicable related investigative and corrective actions, and a fastener installation modification, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–54A2245, Revision 1, dated September 20, 2016, except as required by paragraph (i)(3) of this AD. Do all applicable related investigative and corrective actions before further flight. Part numbers 321U2400–5600, 321U2400–5601, and 321U2400–5602 may be used for modification of airplanes with GE CF6–80 engines and PW4000 engines. Doing the actions required by this paragraph terminates the repetitive inspections required by paragraph (g) of this AD.

(i) Exceptions to Service Information

(1) Where Boeing Alert Service Bulletin 747–54A2245, Revision 1, dated September 20, 2016, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) The Condition column in table 1 and table 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–54A2245, Revision 1, dated September 20, 2016, refers to total flight cycles ''at the original issue date of this service bulletin.'' This AD, however, applies to the airplanes with the specified total flight cycles as of the effective date of this AD.

(3) Although Boeing Alert Service Bulletin 747–54A2245, Revision 1, dated September 20, 2016, specifies to contact Boeing for repair instructions, and specifies that action as ''RC'' (Required for Compliance), this AD requires repair before further flight using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(j) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD, using Boeing Alert Service Bulletin 747–54A2245, dated December 18, 2015.

(k) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) Except as required by paragraph (i)(3) of this AD, for service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (k)(4)(i) and (k)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

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

(l) Related Information

(1) For more information about this AD, contact Bill Ashforth, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6432; fax: 425–917–6590; email: *bill.ashforth@faa.gov.*

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

(m) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 747–54A2245, Revision 1, dated September 20, 2016.

(ii) Reserved.

(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.*

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

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

Issued in Renton, Washington, on January 12, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–01341 Filed 2–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–8186; Directorate Identifier 2016–NM–074–AD; Amendment 39–18784; AD 2017–02–05]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This AD was prompted by reports of skin cracking found at the corners of the aft entry and aft galley doorways. This AD requires repetitive inspections for cracking of the fuselage

skin assembly and the bear strap at the corners of the aft entry and aft galley doorways, and repair if necessary, which terminates the repetitive inspections of the repaired areas. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 14, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 14, 2017.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–8186.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–8186; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Galib Abumeri, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5324; fax: 562–627–5210; email: *galib.abumeri@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on August 22, 2016 (81 FR 56538). The NPRM was prompted by reports of skin cracking found at the corners of the aft entry and aft galley doorways. The NPRM proposed to require repetitive inspections for cracking of the corners of the aft entry and aft galley doorways; and repair if necessary, which terminates the repetitive inspections of the repaired areas. We are issuing this AD to detect and correct cracking of the corners of the aft entry and aft galley doorways, which could result in rapid decompression and consequent reduced structural integrity of the airplane.

Comments

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

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing supplemental type certificate (STC) ST01219SE does not affect compliance with the actions specified in the NPRM.

We agree with the commenter. We have redesignated paragraph (c) of the proposed AD as (c)(1) and added paragraph (c)(2) to this AD to state that installation of STC ST01219SE does not affect the ability to accomplish the actions required by this final rule. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' AMOC approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Request To Clarify the Description of the Inspection

Boeing asked that we clarify the description of the inspection in the ''Related Service Information under 1 CFR part 51'' section of the NPRM. Boeing requested that we change the inspection type from ''external detailed inspections'' to ''external low frequency eddy current and detailed inspections.'' Boeing also requested that we change the inspection location from ''the skin assembly of the corners of the aft entry'' to ''the skin assembly and the bear strap of the corners of the aft entry.'' Boeing indicated that the revised wording reflects the actions specified in the service information.

We agree with the commenter that clarification is necessary. We have added the specified language to the ''Related Service Information under 1 CFR part 51'' section in this final rule accordingly.

Request To Clarify the Description of the Unsafe Condition

Boeing asked that we revise the unsafe condition specified in paragraph (e) and the inspection requirement specified in paragraph (h) of the proposed AD to clarify the location of the cracking from ''the corners of the aft entry and aft galley doorways'' to ''the fuselage skin assembly and the bear strap at the corners of the aft entry and aft galley doorways.'' Boeing stated the unsafe condition is related to the fuselage skin assembly and the bear strap, and added that the word ''doorways'' is generic and could include other structure.

We agree with the commenter that clarification is necessary. We have revised the **SUMMARY** section and paragraphs (e) and (h) of this AD accordingly.

Request To Change the Inspection Paragraph Heading

Southwest Airlines (SWA) asked that the heading of paragraph (h) of the proposed AD be changed from ''Repetitive Inspections'' to ''Initial and Repetitive Inspections'' (for Groups 2 through 8 airplanes) or that we remove the word ''Repetitive'' to be consistent with the heading of paragraph (g) of the proposed AD.

We find that clarification is necessary. Using the term ''repetitive inspections'' is intended to cover both the initial and repetitive inspections identified within the paragraph. In addition, the heading of paragraph (g) of this AD does not specify repetitive inspections because the inspection program for Group 1 airplanes is undefined in the service information, and the need to repeat any inspection would be determined on a case-by-case basis as approved by the FAA. Therefore, we have made no change to this AD in this regard.

Request To Clarify Service Bulletin Provisions

SWA also asked for clarification that the notes and provisions identified in the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1350, dated May 6, 2016, apply to paragraph (h) of the proposed AD. SWA stated that those notes specify that it is not necessary to inspect the skin and bear strap at a cutout corner location with an existing external repair or modification if certain conditions are met.

We acknowledge the commenter's concern, and agree that the notes and provisions identified in the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1350,

dated May 6, 2016, apply in this AD. No change to this AD is necessary in this regard.

Request To Revise Repair Method

SWA asked that we revise paragraph (i) of the proposed AD, which specifies repair for cracking in accordance with Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1350, dated May 6, 2016. SWA requested that we also allow repair using a method approved by the FAA, in accordance with paragraph (k) of the proposed AD. SWA did not provide a reason for this request.

We do not agree with the commenter's request. It is not necessary to specifically refer to paragraph (k) in this AD, as the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1350, dated May 6, 2016, do not include an instruction to contact Boeing for instructions. We will always consider a request for approval of an alternative method of compliance for the repair, if the request is accompanied by appropriate data to show that the alternative method would provide an acceptable level of safety. Therefore, we have made no change to paragraph (i) of this AD.

Additional Change From the Proposed AD

We have changed the paragraph designation for paragraph (k)(3)(i) of the proposed AD to paragraph (k)(4) of this AD.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–53A1350, dated May 6, 2016. The service information describes procedures for, among other things, external low frequency eddy current and detailed inspections for cracking of the skin assembly and the bear strap, as applicable, of the corners of the aft entry and aft galley doorways, and repair of any cracking. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 326 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	22 work-hours × $85 per hour = $1,870 per inspection cycle.	$0	$1,870 per inspection cycle	$609,620 per inspection cycle.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–02–05 The Boeing Company: Amendment 39–18784; Docket No. FAA–2016–8186; Directorate Identifier 2016–NM–074–AD.

(a) Effective Date

This AD is effective March 14, 2017.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes; certificated in any category; as identified in Boeing Alert Service Bulletin 737–53A1350, dated May 6, 2016.

(2) Installation of Supplemental Type Certificate (STC) ST01219SE *(http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/BE866B732F6CF31086257B9700692796?OpenDocument&Highlight=st01219se)* does not affect the ability to

accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of skin cracking found at the corners of the aft entry and aft galley doorways. We are issuing this AD to detect and correct cracking of the fuselage skin assembly and the bear strap at the corners of the aft entry and aft galley doorways, which could result in rapid decompression and consequent reduced structural integrity of the airplane.

(f) Compliance

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

(g) Inspections for Group 1 Airplanes

For airplanes identified as Group 1 in Boeing Alert Service Bulletin 737–53A1350, dated May 6, 2016: Within 120 days after the effective date of this AD, inspect the airplane using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(h) Repetitive Inspections for Groups 2 Through 8 Airplanes

For airplanes identified as Groups 2 through 8 in Boeing Alert Service Bulletin 737–53A1350, dated May 6, 2016: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1350, dated May 6, 2016, except as required by paragraph (j) of this AD, do low frequency eddy current and detailed inspections for cracking of the fuselage skin assembly and the bear strap at the aft entry and aft galley doorway corners, as applicable, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1350, dated May 6, 2016. Repeat the inspections thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1350, dated May 6, 2016.

(i) Repair

If any crack is found during any inspection required by paragraph (h) of this AD, repair before further flight, in accordance with Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1350, dated May 6, 2016. Accomplishment of this repair terminates the repetitive inspections required by paragraph (h) of this AD for the repaired doorway corner location only.

(j) Exception to Service Information Specifications

Where paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1350, dated May 6, 2016, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(k) Alternative Methods of Compliance (AMOCs)

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

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

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

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

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

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

(l) Related Information

For more information about this AD, contact Galib Abumeri, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5324; fax: 562–627–5210; email: *galib.abumeri@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 737–53A1350, dated May 6, 2016.

(ii) Reserved.

(3) For service information identified in this AD, Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.*

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

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

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

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–01533 Filed 2–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–6427; Directorate Identifier 2015–NM–200–AD; Amendment 39–18770; AD 2017–01–03]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2007–11–13 for all The Boeing Company Model 717–200 airplanes. AD 2007–11–13 required revising the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness to incorporate new removal limits for certain components of the flap system and to reduce the inspection intervals for fatigue cracking of principal structural elements (PSE). This new AD requires revising the maintenance or inspection program, as applicable, to incorporate reduced intervals for the inspections for three PSEs and add nondestructive inspections (NDIs). This AD was prompted by a new Airworthiness Limitations Instruction (ALI) revision that incorporates NDI techniques and reduced repetitive inspection intervals for three PSEs. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 14, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 14, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain other publications listed in this AD as of June 29, 2007 (72 FR 29237, May 25, 2007).

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–6427.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–6427; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Eric Schrieber, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5348; fax: 562–627–5210; email: *eric.schrieber@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2007–11–13, Amendment 39–15070 (72 FR 29237, May 25, 2007) (''AD 2007–11–13''). AD 2007–11–13 applied to all The Boeing Company Model 717–200 airplanes. The NPRM published in the **Federal Register** on Wednesday, May 11, 2016 (81 FR 29196) (''the NPRM''). The NPRM was prompted by an ALI revision that incorporates NDI techniques and reduces repetitive inspection intervals for three PSEs. The NPRM proposed to require revising the maintenance or inspection program, as applicable, to incorporate reduced intervals for the inspections for three PSEs and add NDI techniques to the inspection process. We are issuing this AD to detect and correct fatigue cracking of certain PSEs, which could adversely affect the structural integrity of the airplane.

Comments

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

Support for the NPRM

Boeing stated that it supports the NPRM.

Request To Change the Number of Airplanes Affected by This AD

Delta Airlines (DAL) requested that we correct the number of airplanes listed in the Costs of Compliance section of the NPRM because there are not 572 The Boeing Company Model 717–200 airplanes in service.

We agree. The number of The Boeing Company Model 717–200 airplanes was incorrect in the NPRM. We have changed the Costs of Compliance section of this final rule to state that this AD affects 110 airplanes of U.S. registry, and adjusted the cost information accordingly.

Request To Change Compliance Time for Reporting Requirement

DAL requested that we change the compliance time for reporting PSE cracks to Boeing from immediately to within 10 days after the airplane is returned to service.

We agree to clarify the reporting specified in the ALI document. The wording in the ALI under ''Reporting of Inspection Results'' states, ''Crack findings should be reported immediately to Boeing.'' This AD does not require reporting. However, reporting is recommended for research and tracking. We have not changed this AD in this regard.

Request To Delay Rule Until Updated ALI is Released

DAL requested we delay issuance of the final rule until Boeing releases Revision 15 of the ALI. DAL stated that Revision 15 will include an increased threshold for certain wing PSEs. DAL asserts that the increased threshold will benefit operators and prevent applications for alternative methods of compliance (AMOCs).

We agree. Since the NPRM was issued, we have reviewed Boeing 717–200 ALI, Report MDC–96K9063, Revision 15, dated June 2016, which includes increased thresholds for 15 wing PSEs. We have revised paragraph (i) of this AD to refer to the revised service information. We have also added a new paragraph (k) to this AD to give credit for accomplishing the revision of the maintenance or inspection program before the effective date of this AD by incorporating Boeing 717–200 ALI, Report MDC–96K9063, Revision 14, dated July 2015. We have redesignated subsequent paragraphs accordingly.

Request To Allow Specific AMOC

DAL requested that we allow specific AMOCs approved for AD 2007–11–13 for compliance with this AD. DAL stated that it is tracking more than 60 AMOCs for AD 2007–11–13 that involve repairs in certain PSE areas (PSE 53.30.02.07, 53.30.02.11, 53.30.02.13, 53.30.02.23, and 55.53.02.03) or reduced life of landing gear parts. Without the allowance to use these AMOCs for this AD, DAL pointed out that it will need to work with Boeing on revised AMOC requests once this AD is issued.

We agree with the commenter's request to allow certain AMOCs approved for AD 2007–11–13 for compliance with this AD. The intent of disallowing previously approved AMOCs to apply to this AD was because of the reduction of repetitive intervals for PSE 53.30.02.11, 57.11.02.03, or 57.32.01.07. We will allow AMOCs approved for AD 2007–11–13 as AMOCs for the corresponding requirements of this AD, provided they do not apply to PSE 53.30.02.11, 57.11.02.03, or 57.32.01.07. We have changed paragraph (l) of this AD accordingly.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing 717–200 ALI, Report MDC–96K9063, Revision 15, dated June 2016. The service information describes procedures for inspecting PSEs, and includes a change to reduce the interval inspections for three PSEs and adds NDI techniques to the inspection process. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 110 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Cost per product	Cost on U.S. operators
Maintenance or inspection program revision	1 work-hour × $85 per hour = $85	$85	$9,350

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2007–11–13, Amendment 39–15070 (72 FR 29237, May 25, 2007), and adding the following new AD:

2017–01–03 The Boeing Company: Amendment 39–18770; Docket No. FAA–2016–6427; Directorate Identifier 2015–NM–200–AD.

(a) Effective Date

This AD is effective March 14, 2017.

(b) Affected ADs

This AD replaces AD 2007–11–13, Amendment 39–15070 (72 FR 29237, May 25, 2007) (''AD 2007–11–13'').

(c) Applicability

This AD applies to all The Boeing Company Model 717–200 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 51, Standard practices/structures.

(e) Unsafe Condition

This AD was prompted by a new Airworthiness Limitations Instruction (ALI) revision that incorporates nondestructive inspection (NDI) techniques and reduced repetitive inspection intervals for three principal structural elements (PSEs). We are issuing this AD to detect and correct fatigue cracking of certain PSEs, which could adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Retained Revision of the Airworthiness Limitations Section (ALS), With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2007–11–13, with no changes. Within 180 days after June 29, 2007 (the effective date of AD 2007–11–13): Revise the ALS of the Instructions for Continued Airworthiness, ALI in accordance with Boeing 717–200 ALI, Report MDC–96K9063, Revision 5, dated February 2006.

(h) Retained Provision Regarding Alternative Actions and Intervals, With Revised Language

This paragraph restates the requirements of paragraph (i) of AD 2007–11–13, with revised language. Except as required by paragraph (i) of this AD: After the ALS has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l) of this AD.

(i) New Maintenance or Inspection Program Revision

Within 180 days after the effective date of this AD: Revise the maintenance or inspection program, as applicable, to incorporate the information specified in Boeing 717–200 ALI, Report MDC–96K9063, Revision 15, dated June 2016. The initial compliance times for doing the actions specified in Boeing 717–200 ALI, Report MDC–96K9063, Revision 15, dated June 2016, are at the later of the times specified in paragraphs (i)(1) and (i)(2) of this AD. Compliance with this paragraph terminates the requirements of paragraph (g) of this AD.

(1) Within the applicable compliance times specified in Boeing 717–200 ALI, Report MDC–96K9063, Revision 15, dated June 2016.

(2) Within 180 days after the effective date of this AD.

(j) New Provision Regarding No Alternative Actions or Intervals

After the maintenance or inspection program has been revised as required by paragraph (i) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an AMOC in accordance with the procedures specified in paragraph (l) of this AD.

(k) Credit for Previous Actions

This paragraph provides credit for the revision required by paragraph (i) of this AD, if that action was performed before the effective date of this AD using Boeing 717–200 ALI, Report MDC–96K9063, Revision 14, dated July 2015.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (m)(1) of this AD.

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

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

(4) AMOCs approved previously for AD 2007–11–13 are approved as AMOCs with this AD, provided the AMOCs do not apply to PSE 53.30.02.11, 57.11.02.03, or 57.32.01.07.

(m) Related Information

(1) For more information about this AD, contact Eric Schrieber, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5348; fax: 562–627–5210; email: *eric.schrieber@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (n)(5) and (n)(6) of this AD.

(n) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on March 14, 2017.

(i) Boeing 717–200 Airworthiness Limitations Instructions (ALI), Report MDC–96K9063, Revision 15, dated June 2016.

(ii) Reserved.

(4) The following service information was approved for IBR on June 29, 2007 (72 FR 29237, May 25, 2007).

(i) Boeing 717–200 Airworthiness Limitations Instructions, Report MDC–96K9063, Revision 5, dated February 2006.

(ii) Reserved.

(5) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.*

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

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

Issued in Renton, Washington, on December 27, 2016.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–31962 Filed 2–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0045; Directorate Identifier 2017–CE–002–AD; Amendment 39–18785; AD 2017–02–06]

RIN 2120–AA64

Airworthiness Directives; Piper Aircraft, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Piper Aircraft, Inc. Models PA–31T, PA–31T1, PA–31T2, PA–31T3, and PA–31P–350 airplanes. This AD requires repetitive detailed visual inspections of the wiring below the main circuit breaker panel for proper clearance and evidence of damage and rerouting or replacing wires and/or parts as necessary. This AD was prompted by a fatal accident where evidence of thermal damage in this area was found. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective February 22, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 22, 2017.

We must receive comments on this AD by March 24, 2017.

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

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

For service information identified in this final rule, contact Piper Aircraft, Inc., Customer Service, 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (877) 879–0275; fax: none; email: *customer.service@piper.com;* Internet: *www.piper.com.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0045.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0045; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Bryan Long, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5578; fax: (404) 474–5606; email: *bryan.long@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We received reports of a fatal accident on a Piper Aircraft, Inc. Model PA–31T airplane. Although the investigation is not complete, the National Transportation Safety Board (NTSB) found evidence of thermal damage near the main electrical bus circuit breaker panel. The enclosed space also includes hydraulic lines that run directly beneath the panel. The wiring in this area showed evidence of electrical arcing, and the hydraulic lines showed evidence of fire.

During the accident investigation, we and the NTSB examined the area below the circuit breaker panel in 6 different Model PA–31T series airplanes. All 6 airplanes had instances of wiring and hydraulic lines making direct contact and some of the airplanes showed signs of wiring rubbing or chafing adjacent structure or flammable fluid lines.

This condition, if not corrected, could lead to electrical arcing and a possible inflight fire in an area that is not accessible by the crew. We are issuing this AD to correct the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

We reviewed Piper Aircraft, Inc. Service Bulletin No. 1301, dated January 6, 2017. The service information describes procedures for visually inspecting the area below the main circuit breaker panel and rerouting and replacing wires and/or parts as necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES**.

FAA's Determination

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

AD Requirements

This AD requires accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between the AD and the Service Information.''

Differences Between the AD and the Service Information

This AD requires the initial inspection within 30 days after the effective date and repetitive inspections at intervals not to exceed 12 calendar months, which differs from the compliance time specified in the service bulletin. Also, the service bulletin specifies the use of a 10X magnifying glass; however, the inspection space is very confined, and it is difficult to use a magnifying glass in the area. This AD requires the use of mirrors, a suitable light source, and other equipment (small cameras, borescopes, and magnification, etc.,) as needed to do the visual inspection of the area.

The **SUMMARY** section of the service bulletin states for you to contact your Factory Authorized Service Facility to make arrangements for compliance with the service bulletin. Any appropriately licensed mechanic may do the work of this AD. Please note that to receive any warranty credit from Piper, the work may need to be done at the Factory Authorized Service Facility.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because rubbing or chafing of the electrical wires to adjacent structure or flammable fluid lines could lead to electrical arcing and possible inflight fire in an area that is not accessible by the crew. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2017–0045 and Directorate Identifier 2017–CE–002–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Costs of Compliance

We estimate that this AD affects 335 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Visual inspection	1 work-hour × $85 per hour = $85	Not applicable	$85	$28,475

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of wires, fluid lines, and/or terminals	2 work-hours × $85 per hour = $170	$100	$270

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–02–06 Piper Aircraft, Inc.: Amendment 39–18785; Docket No. FAA–2017–0045; Directorate Identifier 2017–CE–002–AD.

(a) Effective Date

This AD is effective February 22, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Piper Aircraft, Inc. Models PA–31T, serial numbers (SN) 31T–7400002 through 31T–8120104; PA–31T1, SNs 31T–7804001 through 31T–8304003 and SNs 31T–1104004 through 31T–1104017; PA–31T2, SNs 31T–8166001 through 31T–8166076 and 31T–1166001 through 31T–1166008; PA–31T3, SNs 31T–8275001 through 31T–8475001 and 31T–5575001; and PA–31P–350, SNs 31P–8414001 through 31P–8414050; certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 2497, Electrical Power/Electrical Power System Wiring.

(e) Unsafe Condition

This AD was prompted by a fatal accident where evidence of thermal damage in the area below the main circuit breaker panel was found. We are issuing this AD to detect and correct rubbing/chafing of wiring with other wires, adjacent structure, and/or flammable fuel lines, which could lead to electrical arcing and possible inflight fire in an area that is not accessible by the crew.

(f) Compliance

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

(g) Inspection

(1) Within 30 days after February 22, 2017 (the effective date of this AD) and repetitively thereafter at intervals not to exceed 12 calendar months, do a detailed visual inspection of the wiring in the area below the main circuit breaker panel using mirrors, a suitable light source, and other equipment (small cameras, borescopes, and magnification, etc.,) as needed to do the visual inspection of the area. Follow paragraphs 1, 2, and 3 of the Instructions section of Piper Aircraft, Inc. Service Bulletin No. 1301, dated January 6, 2017.

Note 1 to paragraph (g)(1) of this AD: You may begin the repetitive inspections before 12 calendar months after the initial inspection to coincide the repetitive inspection with the annual inspection.

(2) If any damage and/or rubbing or chafing is found during any of the inspections required in paragraph (g)(1) of this AD, before further flight, reroute, rework, or replace any wires as specified in paragraphs 2 and 3 of the Instructions section of Piper Aircraft, Inc. Service Bulletin No. 1301, dated January 6, 2017.

(3) Perform a functional test after any inspection required by this AD as specified in paragraph 4 of the Instructions section of Piper Aircraft, Inc. Service Bulletin No. 1301, dated January 6, 2017.

(4) The Summary section of Piper Aircraft, Inc. Service Bulletin No. 1301, dated January 6, 2017, states to contact the Factory Authorized Piper Service Facility to make arrangements for compliance with the service bulletin. Any appropriately licensed mechanic may do the work of this AD. Please note that to receive any warranty credit from Piper, the work may need to be done at the Factory Authorized Service Facility.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (i) of this AD.

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

(i) Related Information

For more information about this AD, contact Bryan Long, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5578; fax: (404) 474–5606; email: *bryan.long@faa.gov.*

(j) Material Incorporated by Reference

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

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

(i) Piper Aircraft, Inc. Service Bulletin No. 1301, dated January 6, 2017.

(ii) Reserved.

(3) For service information identified in this AD, contact Piper Aircraft, Inc., Customer Service, 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (877) 879–0275; fax: none; email: *customer.service@piper.com;* Internet: *www.piper.com.*

(4) You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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

Issued in Kansas City, Missouri, on January 18, 2017.

Melvin Johnson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–01689 Filed 2–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Parts 300 and 679

[Docket No. 151001910–6999–02]

RIN 0648–BF42

Fisheries of the Exclusive Economic Zone Off Alaska; Allow the Use of Longline Pot Gear in the Gulf of Alaska Sablefish Individual Fishing Quota Fishery; Amendment 101; Correction

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

ACTION: Stay of final rule; correction.

SUMMARY: NMFS published a ''Stay of final rule'' on January 31, 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,'' published in the **Federal Register** on January 24, 2017 (the Memorandum)—to delay the effective date of the final rule NMFS published on December 28, 2016. This notification corrects the effectiveness date from ''March 12, 2017'' to ''March 11, 2017.'' For consistency and clarity, the complete new **DATES** section has been set out below in its entirety.

DATES: Effective February 7, 2017, the final rule amending 15 CFR part 902, and 50 CFR parts 300 and 679, that published on December 28, 2016, at 81 FR 95435, is stayed to March 11, 2017.

FOR FURTHER INFORMATION CONTACT: Rachel Baker, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

On December 28, 2016, NMFS published this final rule to implement Amendment 101 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP) for the sablefish individual fishing quota (IFQ) fisheries in the Gulf of Alaska (GOA). This final rule authorizes the use of longline pot gear in the GOA sablefish IFQ fishery. In addition, this final rule establishes management measures to minimize potential conflicts between hook-and-line and longline pot gear used in the sablefish IFQ fisheries in the GOA. This final rule also includes regulations developed under the Northern Pacific Halibut Act of 1982 (Halibut Act) to authorize harvest of halibut IFQ caught incidentally in longline pot gear used in the GOA sablefish IFQ fishery. This final rule is necessary to improve efficiency and provide economic benefits for the sablefish IFQ fleet and minimize potential fishery interactions with whales and seabirds. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the Halibut Act, the GOA FMP, and other applicable laws.

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 enacted a stay of the rule published on December 28, 2016, at 81 FR 95435 (see **DATES** above) until March 12, 2017, in a ''Stay of final rule'' document published on January 31, 2017 (82 FR 8810).

Need for Correction

After the ''Stay of final rule'' published on January 31, 2017, NMFS is correcting the effective date of ''March 12, 2017'' to ''March 11, 2017'' to better align with current fisheries management goals. NMFS publishes this notification to correct the stay of effective date.

Corrections

In the **Federal Register** of January 31, 2017, in FR Doc. 2017–02055, ''March 12, 2017'' is corrected to read ''March 11, 2017'' in the following places:

1. In the **DATES** section on page 8810 in the second column, which is also set out in its entirety above for clarity and consistency;

2. On page 8810, third column, second paragraph, last sentence; and

3. On page 8811, in the following amendatory instructions: 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

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

Dated: February 2, 2017.

Alan D. Risenhoover,

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

[FR Doc. 2017–02463 Filed 2–6–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 201, 801, and 1100

[Docket No. FDA–2015–N–2002]

RIN 0910–AH19

Clarification of When Products Made or Derived From Tobacco Are Regulated as Drugs, Devices, or Combination Products; Amendments to Regulations Regarding ''Intended Uses''; Delayed Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' this action delays the effective date of the final rule (''Clarification of When Products Made or Derived From Tobacco Are Regulated as Drugs, Devices, or Combination Products; Amendments to Regulations Regarding 'Intended Uses' ''), which published on January 9, 2017, from February 8, 2017, until March 21, 2017.

DATES: The effective date of the rule amending 21 CFR Chapter I published at 82 FR 2193 on January 9, 2017 is delayed until March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Center for Tobacco Products, Food and Drug Administration, 10903 New Hampshire Ave., Document Control Center, Bldg. 71, Rm. G335, Silver

Spring, MD 20993–0002, email: *AskCTP@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On January 9, 2017, the Food and Drug Administration (FDA or Agency) issued a final rule describing the circumstances in which products made or derived from tobacco are regulated as drugs, devices, or combination products. The rule also amended the ''intended use'' regulations found at 21 CFR 201.128 and 801.4. The rule was published with an effective date of February 8, 2017.

FDA bases this action on the memorandum of January 20, 2017 (82 FR 8346), from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review.'' That memorandum directed the heads of Executive Departments and Agencies to temporarily postpone for 60 days from the date of the memorandum the effective dates of all regulations that had been published in the **Federal Register** but had not yet taken effect, for the purpose of ''reviewing questions of fact, law, and policy they raise.'' FDA, therefore, is delaying the effective date of the rule that published on January 9, 2017 (82 FR 2193), to March 21, 2017.

To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, the Agency's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and (d)(3). Seeking public comment is impracticable, unnecessary, and contrary to the public interest. The delay in the effective date until March 21, 2017, is necessary to give Agency officials the opportunity for further review and consideration of the new regulation, consistent with the memorandum described previously. Given the imminence of the effective date and the brief length of the extension of the effective date, seeking prior public comment on this delay would have been impracticable, as well as contrary to the public interest in the orderly issue and implementation of regulations.

Dated: February 2, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–02485 Filed 2–6–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–1021]

Drawbridge Operation Regulation; St. Johns River, Jacksonville, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Florida East Coast Railway Bridge, St. Johns River, mile 24.9, at Jacksonville, FL. The deviation is necessary to perform major bridge repairs. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 7 a.m. on January 11, 2017 to 6 p.m. on February 10, 2017.

ADDRESSES: The docket for this deviation, [USCG–2016–1021] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Rod Elkins, Seventh Coast Guard District, Bridge Branch; telephone 305–415–6989, email *Rodney.j.elkins@uscg.mil.*

SUPPLEMENTARY INFORMATION: Florida East Coast Railway requested a temporary deviation from the operating schedule that governs the Florida East Coast Railway Bridge, St. Johns River, mile 24.9, Jacksonville, FL. The bridge is a single leaf bascule railway bridge with a five foot vertical clearance in the closed position. The deviation is necessary to perform major bridge repairs. The normal operating schedule for the bridge is found in 33 CFR 117.325 which indicates that the draw is normally in the fully open position, displaying flashing green lights to indicate that vessels may pass.

The deviation period is from 7 a.m. on January 11, 2017 to 6 p.m. on February 10, 2017. During this period, the bridge is allowed to remain closed to navigation from 7 a.m. to 11 a.m., and from 1 p.m. to 5 p.m. on January 11, 2017 from 7 a.m. to noon and from 2 p.m. to 5 p.m. on January 12, 2017 from 8 a.m. to noon, and from 2:30 p.m. to 6:30 p.m. on January 13, 2017 from 7 a.m. to 11 a.m., and from 1 p.m. to 5 p.m. on January 18, 2017 and January 19, 2017 and from 8 a.m. to noon, and from 2:30 p.m. to 6:30 p.m. on January 20, 2017. Additionally, the bridge will be allowed to remain closed to navigation from 7 a.m. January 30, 2017 through 6 p.m. on February 10, 2017.

The Coast Guard coordinated this closure period with the bridge owner and the waterway users. The bridge will be unable to open for emergencies; the small boat span can be used as an alternate route for vessels unable to pass through the bridge while in the closed-to-navigation position. The Coast Guard will also inform the users of the waterways through Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge to ensure vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: 18 January 2017.

Barry Dragon,

Director, Bridge Branch, Seventh Coast Guard District.

[FR Doc. 2017–02456 Filed 2–6–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–1026]

Drawbridge Operation Regulation; Perquimans River, Hertford, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the US17 (Perquimans) Bridge across the Perquimans River, mile 12.0, at Hertford, NC. This deviation is necessary to perform a bridge deck replacement project. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective without actual notice from February 7, 2017 through 6 p.m. on March 17, 2017. For the purposes of enforcement, actual notice will be used from January 25, 2017 at 3:25 p.m., until February 7, 2017.

ADDRESSES: The docket for this deviation, [USCG–2016–1026] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Hal R. Pitts, Bridge Administration Branch Fifth District, Coast Guard, telephone 757–398–6222, email *Hal.R.Pitts@uscg.mil.*

SUPPLEMENTARY INFORMATION: The North Carolina Department of Transportation, that owns and operates the US17 (Perquimans) Bridge across the Perquimans River, mile 12.0, at Herford, NC, has requested a temporary deviation from the current operating regulations to perform a bridge deck replacement project. The bridge will be unable to balance during the bridge deck replacement project. As balance is required for safe operation of the moveable span, the bridge will not be capable of safe operation for the duration of the bridge deck replacement project. The bridge is a bascule draw bridge and has a vertical clearance in the closed position of 7 feet above mean high water.

The current operating schedule is set out in 33 CFR 117.835. Under this temporary deviation, the bridge will remain in the closed-to-navigation position from 8 a.m. on January 25, 2017, to 6 p.m. on March 17, 2017.

The Perquimans River is used by a variety of vessels including small public vessels, small commercial vessels, and recreational vessels. The Coast Guard has carefully coordinated the restrictions with waterway users.

Vessels able to safely pass through the bridge in the closed position may do so, after receiving confirmation from the bridge tender that it is safe to transit through the bridge. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transit to minimize any impact caused by the temporary deviation.

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

Dated: January 25, 2017.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2017–02457 Filed 2–6–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2016–0986]

RIN 1625–AA00

Safety Zone; Ordnance Locations, Near Sugarloaf Key, FL

AGENCY: Coast Guard, DHS.

ACTION: Interim temporary final rule and request for comments.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the waters of the Florida Keys, near Sugarloaf Key, Florida. The safety zone is needed to protect safety of life, vessels, and the marine environment from potential hazards from recently discovered ordnance in two locations within the vicinity of American Shoal Light. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Key West or a designated representative.

DATES: This rule is effective without actual notice from February 7, 2017 until July 1, 2017. For the purposes of enforcement, actual notice will be used from January 17, 2017 until February 7, 2017.

Comments and related material must be received by the Coast Guard on or before March 9, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2016–0986 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Scott Ledee, Waterways Management Division Chief, Sector Key West, FL. Coast Guard; telephone 305–292–8768, email *Scott.G.Ledee@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

On October 24, 2016, the Coast Guard received a report of discovered ordnance at two locations in the vicinity of American Shoal Light, near Sugarloaf Key, Florida. The United States Navy is now engaged in operations to survey and remove any hazards associated with the recently discovered ordnance.

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Coast Guard did not receive notice of the unexploded ordnance operations until October 24, 2016. Publishing a NPRM and delaying its effective date would be impracticable and contrary to public interest because immediate actions is needed to protect the United States Navy divers, other vessels, and mariners from the hazards associated with the recovery of unexploded ordnance from the navigable waters of the Florida Keys, near Sugarloaf Key, Florida.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** for the same reasons discussed above.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP Key West, FL, has determined that potential hazards associated with detonating ordnance will be a safety concern for anyone within a 200-yard radius of positions 24°32.511′ N., 081°29.051′ W. and 24°32.501′ N., 081°32.781′ W. This rule is needed to protect safety of life, vessels, and the marine environment in the navigable waters within the safety zone.

IV. Discussion of the Interim Temporary Final Rule

This rule establishes a safety zone immediately until the earlier of July 1,

2017, or when all ordnance recovery dive operations are complete. The safety zone will cover all navigable waters within a 200-yard radius of positions 24°32.511′ N., 081°29.051′ W. and 24°32.501′ N., 081°32.781′ W. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters from exploding ordnances. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zone. Vessel traffic will be able to safely transit around this safety zone, which will impact a small designated area of the Straits of Florida for a limited period during emergency operations.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves an emergency safety zone implemented to protect persons and vessels in the vicinity of American Shoal Light. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

VI. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking,

indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

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

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

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add temporary § 165.T07–0986 to read as follows:

§ 165.T07–0986 Safety Zone; Ordnance Locations, near Sugarloaf Key, FL.

(a) *Regulated area.* The following area is a safety zone: All waters of the Atlantic Ocean, from surface to bottom, encompassed within a 200-yard radius of positions 24°32.511′ N., 081°29.051′ W. and 24°32.501′ N., 081°32.781′ W. All coordinates are North American Datum 1983.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Key West in the enforcement of the regulated area.

(c) *Regulations.* (1) The general regulations contained in §§ 165.20 and 165.23 apply.

(2) In accordance with the general regulations, anchoring and all underwater activities within the safety zone is prohibited unless authorized by the COTP or the COTP's designated representative.

(3) Persons and vessels may request authorization to enter, transit through, or anchor in the regulated area by contacting the COTP Key West or a designated representative via VHF channel 16 or call the Sector Key West Command Center by telephone at (305) 292–8808. If authorization is granted by the COTP Key West or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP Key West or a designated representative.

(4) Notwithstanding anything contained in this section, the Rules of the Road (33 CFR Chapter I, Subchapter E, part 83–90 inland navigation rules) are still in effect and must be strictly adhered to at all times.

(d) *Effective period.* This rule is effective until the earlier of July 1, 2017, or when all ordnance recovery dive operations are complete. This rule is effective with actual notice for purposes of enforcement on January 17, 2017.

(e) *Informational broadcasts.* The COTP Key West or a designated representative will inform the public through local broadcast to mariners, broadcast notices to mariners, and the Homeport Web site of the enforcement period for the safety zone as well as any changes in the dates and times of enforcement.

Dated: January 17, 2017.

J.A. Janszen,

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

[FR Doc. 2017–02454 Filed 2–6–17; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 203

[Docket No. 2017–1]

Freedom of Information Act Regulations

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Interim rule with request for comments.

SUMMARY: The U.S. Copyright Office is issuing an interim rule that amends its regulations governing its practices and procedures under the Freedom of Information Act (FOIA), to implement the FOIA Improvement Act of 2016. The regulations are issued on an interim basis without opportunity to comment to ensure that updated regulations are in place as soon as practicable to implement the Act. These amendments are intended to incorporate changes in the law, and provide clear guidance to members of the public in filing a FOIA request with the Office.

DATES: This interim rule is effective on March 9, 2017. Written comments must be received no later than 11:59 p.m. Eastern Time on April 24, 2017.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov*. Specific instructions for submitting comments are available on the Copyright Office Web site at *http://copyright.gov/rulemaking/foia2016*. If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: Sarang V. Damle, General Counsel and Associate Register of Copyrights, by email at *sdam@loc.gov,* or by telephone at 202–707–8350; or William J. Roberts, Jr., Associate Register of Copyrights and Director of Public Information and Education, by email at *wroberts@loc.gov,* or by telephone at 202–707–8391.

SUPPLEMENTARY INFORMATION: The Freedom of Information Act (FOIA), section 552 of title 5 of the United States Code, provides a statutory right of access to federal agency records. In part, FOIA establishes procedures by which a member of the public may request

records from a federal agency and the parameters by which an agency must operate when responding to a request from the public. On June 30, 2016, the President signed into law the FOIA Improvement Act of 2016, Public Law 114–185 (2016). Section 2 of the Act amended FOIA to address a range of procedural issues. The Act amended FOIA to, *inter alia,* require agencies to make its records that have been requested three or more times available for public inspection in electronic format, to establish a 90 day period to file an administrative appeal, to notify requesters of the availability of dispute resolution services from the Office of Government Information Services (OGIS), and to prohibit the charging of fees when an agency fails to adhere to the requirements of FOIA.

Section 3 of the Act requires ''the head of each agency . . . as defined in section 551 of title 5, United States Code'' to review and issue new regulations in light of the amendments not later than 180 days after the date of enactment. Because the Library of Congress (and by extension, the Copyright Office) is not an ''agency'' under 5 U.S.C. 551,[1] this deadline does not, strictly speaking apply to the Office. Nonetheless, in the interest of ensuring the Office's FOIA practices reflect the requirements of the Act, the Office is promulgating these regulations immediately, on an interim basis to allow for notice and comment.

FOIA requires agencies to promulgate regulations addressing the requirements for making initial requests and appeals, the fees an agency may charge, and the standards and procedures for regular and expedited processing of requests, 5 U.S.C. 552(a)(4)(A)(i) and (a)(6)(E)(i), while providing areas of discretionary authority. In general, agency fee structures for FOIA services must be in compliance with the Office of Management and Budget's *Uniform Freedom of Information Act Fee Schedule and Guidelines.* 59 FR 10012. Accordingly, the Office releases this interim rule to address the amendments made to FOIA and improvements to the Office's administration of FOIA. The Office finds, for good cause, that allowing for notice and public procedure prior to the issuance of these interim regulations would be impracticable. To ensure that the Office's FOIA regulations implement the FOIA Improvements Act as soon as practicable, these interim regulations will be effective March 9, 2017. However, the Office will accept public comment for 45 days, and will then develop a final rule in light of comments received.

Guidelines for Adoption of Interim Rule

In its amended regulations, the Office has adopted, where appropriate, the template for agency FOIA regulations released by the Office of Information Policy (OIP) at the Department of Justice. In 2013, as part of the Second United States Open Government National Action Plan, the Administration initiated an interagency process to determine the feasibility and content of a FOIA regulation that could be adopted by all federal agencies. The OIP convened an inter-agency working group to study this issue. Over two years, the group engaged with federal agencies and reviewed regulatory language to determine that the most feasible approach was to provide a template with suggested language for agencies' use. OIP released this template on March 23, 2016, and subsequently updated the template to incorporate the changes of the Act.

First, the new regulation provides a clear structure for the required regulatory provisions of FOIA. It provides individual sections stating the time, place, fees, and procedures for making requests, as well as clear authority for the disposition of FOIA requests. *See* 5 U.S.C. 552(a)(3)(A)(ii). Providing discrete sections based on procedural subject matter improves readability and accessibility for the public. The regulation also establishes the availability of dispute resolution following the denial of an initial request or an administrative appeal.

Second, the regulation formalizes Office practices of multi-track processing and aggregation for administrative convenience. FOIA allows agencies to engage in multitrack processing ''based on the amount of work or time (or both) involved in processing requests.'' *Id.* 552(a)(6)(D)(i). The interim regulation establishes that the Office will establish processing tracks for expedited, simple, and complex requests based on the estimated amount of work or time needed to process the request. The Office will notify a requester of the track into which their request falls, and will provide an opportunity to narrow or modify a request so that it may be processed in a different track. The interim regulation also expands the Office's ability to aggregate multiple requests that reasonably appear to be a single request, which would otherwise satisfy unusual circumstances. *See id.* 552(a)(6)(B)(iv).

Finally, the regulation provides areas where additional regulatory language can enhance customer service. In general, this language emphasizes the availability of the FOIA Public Liaison to assist requesters and members of the public, provides for communication by email, and establishes guidelines for agency communication through the initial request and appeals processes. With regards to fees, the regulation describes the overall construct for assessing fees in the most efficient and least expensive manner, notifying requesters if a new computer program will be required to fulfill a request, and breaking down fees when an estimated fee is over twenty-five dollars ($25.00). The Office has adopted these recommendations in an effort to advance the open government purposes of FOIA. *See NLRB* v. *Robbins Tire & Rubber Co.,* 437 U.S. 214, 242 (1978) (stating that the ''basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.'').

List of Subjects in 37 CFR Part 203

Freedom of information.

Proposed Regulations

For the reasons set forth in the preamble, the U.S. Copyright Office amends 37 CFR part 203 as follows:

PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES

■ 1. The authority citation for part 203 is revised to read as follows:

Authority: 5 U.S.C. 552.

■ 2. Revise § 203.1 to read as follows:

§ 203.1 General.

This information is furnished for the guidance of the public and in compliance with the requirements of the Freedom of Information Act (''FOIA''), 5 U.S.C. 552. The rules contained in this part should be read in conjunction with the text of FOIA and the Uniform Freedom of Information Fee Schedule and Guidelines published by the Office of Management and Budget (''OMB Guidelines''). Requests made by individuals for records pertaining to themselves under the Privacy Act of 1974, 5 U.S.C. 552a, are processed under part 204 of this chapter. Requests for services for which the Copyright Act of 1976, title 17 of the United States

[1] *See Ethnic Employees of the Library of Congress* v. *Boorstin,* 751 F.2d 1405, 1416 n.15 (D.C. Cir. 1985). The Administrative Procedure Act, and the Freedom of Information Act, apply to the U.S. Copyright Office by operation of the Copyright Act, *see* 17 U.S.C. 701(e), rather than via the definition of ''agency'' in 5 U.S.C. 551.

Code, requires a fee are not processed under this part, but will be processed under the applicable regulations governing that service (including § 201.2 of this chapter). If the Copyright Office receives a request for services for which the Copyright Act requires a fee to be charged, the Office will notify the requester of the procedure established to obtain such services, and the applicable fees under § 201.3 of this chapter. Section 706(b) of the Copyright Act and the regulations issued under section 706(b) are not subject to FOIA.

§ 203.3 [Amended]

■ 3. Amend § 203.3 by removing paragraph (m).

■ 4. Revise § 203.4 to read as follows:

§ 203.4 Proactive disclosure of Office records.

Records that are required by FOIA to be made available for public inspection in electronic format may be accessed through the Office's Web site at *www.copyright.gov.* The Office is responsible for determining which of its records must be made publicly available, for identifying additional records of interest to the public that are appropriate for public disclosure, and for posting and indexing such records. The Office must ensure that its Web site of posted records and indices is reviewed and updated on an ongoing basis. The Office has a FOIA Public Liaison who can assist individuals in locating records particular to the Office. The Office's FOIA Public Liaison contact information may be found at *www.copyright.gov/foia.*

■ 5. Remove the undesignated center heading ''Availability of Information''.

■ 6. Revise § 203.5 to read as follows:

§ 203.5 Requirements for making requests.

(a) *General information.* To be proper, a request must be made in accordance with the rules established under this part.

(1) To make a request for records, a requester should write directly by email to *copfoia@loc.gov,* by postal mail to the FOIA Requester Service Center, Copyright Office, PIE, P.O. Box 70400, Washington, DC 20024, or submit the request in person between the hours of 8:30 a.m. and 5 p.m. on any working day except legal holidays at Room LM–401, The James Madison Memorial Building, 101 Independence Avenue SE., Washington, DC. If a request is made by mail, both the request and the envelope containing it should include ''Freedom of Information Act Request''. A request will receive the quickest possible response if it is clearly marked and addressed to the FOIA Requester Service Center. Guidelines for submitting a request can be found at *www.copyright.gov/foia.*

(2) A requester who is making a request for records about himself or herself must comply with part 204 of this chapter.

(3) Where a request for records pertains to a third party, a requester may receive greater access by submitting either a notarized authorization signed by that individual or a declaration made in compliance with the requirements set forth in 28 U.S.C. 1746 by that individual authorizing disclosure of the records to the requestor, or by submitting proof that the individual is deceased (*e.g.,* a copy of a death certificate or obituary). As an exercise of administrative discretion, the Office can require a requester to supply additional information if necessary in order to verify that a particular individual has consented to disclosure.

(b) *Description of records sought.* The request must reasonably describe the records sought. A request reasonably describes records if it enables the Office to identify the records requested in such a way that is not unreasonably burdensome or disruptive to Office operations. To the extent possible, requesters should include specific information that may help the agency identify the requested records, such as the date, title or name, author, recipient, subject matter of the record, registration, recordation, or reference number. Before submitting their requests, requesters may contact the FOIA Public Liaison to discuss the records they seek and to receive assistance in describing the records. If after receiving a request the Office determines that it does not reasonably describe the records sought, the Office will inform the requester what additional information is needed or why the request is insufficient. The requester may discuss with the FOIA Public Liaison how to reformulate or modify a request. If a request does not reasonably describe the records sought, the agency's response to the request may be delayed.

(c) *Formats.* Requests may specify the preferred form or format (including electronic formats) for the records identified. The Office will accommodate the request if the record is readily reproducible in that form or format.

(d) *Contact information.* Requesters must provide contact information, such as a phone number, email address, and/or mailing address, to assist the Office in communicating with a requester and providing released records.

■ 7. Remove the undesignated center heading ''Charges for Search for Reproduction''.

■ 8. Revise § 203.6 to read as follows:

§ 203.6 Responsibility for responding to requests.

(a) *In general.* The Office is responsible for responding to a request. In determining which records are responsive to a request, the Office ordinarily will include only records in its possession as of the date that it begins its search. If any other date is used, the Office will inform the requester of that date.

(b) *Authority to grant or deny requests.* The Register of Copyrights, and the Associate Register of Copyrights and Director of Public Information and Education are authorized to grant or to deny any requests for records.

(c) *Consultation, referral, and coordination.* When reviewing records located by the Office in response to a request, the Office will determine whether another agency of the Federal Government is better able to determine whether the record is exempt from disclosure under FOIA. As to any such record, the Office will proceed in one of the following ways:

(1) *Consultation.* When records originated with the Office, but contain within them information of interest to another agency or Federal Government office, the Office may consult with the other entity prior to making a release determination.

(2) *Referral.* (i) When the Office believes that a different agency is best able to determine whether to disclose the record, the Office will refer the responsibility for responding to the request regarding that record to that agency. Ordinarily, the Office that originated the record is presumed to be the best agency to make the disclosure determination. If, however, the Office and the originating agency jointly agree that the Office is in the best position to respond, then the record may be handled as a consultation.

(ii) Whenever the Office refers any responsibility for responding to a request to another agency, it will document the referral, maintain a copy of the record that it refers, and notify the requester of the referral. The notification will include the name(s) of the agency to which the record was referred and that agency's FOIA contact information.

(3) *Coordination.* When the Office believes that a different agency is best able to determine whether to disclose the record, but disclosure of the identity of the different agency could harm an interest protected by an applicable exemption, the Office will coordinate with the originating agency to seek its views of disclosability of the record. The release determination for the record

that is the subject of the coordination will then be conveyed to the requester by the Office.

(d) *Timing of responses to consultations and referrals.* All consultations and referrals received by the Office will be handled according to the date that the first agency received the perfected FOIA request.

(e) *Agreements regarding consultations and referrals.* The Office may establish agreements with other agencies to eliminate the need for consultations or referrals with respect to particular types of records.

■ 9. Add §§ 203.7 through 203.10, an undesignated center heading, and § 203.11 to read as follows:

Sec.
203.7 Timing of responses to requests.
203.8 Responses to requests.
203.9 Administrative appeals.
203.10 Preservation of records.
Charges for Responding to FOIA Requests
203.11 Fees.

§ 203.7 Timing of responses to requests.

(a) *In general.* The Office will respond to all properly addressed emailed and mailed requests and all personally delivered written requests for records within 20 working days of receipt. The Office ordinarily will respond to requests according to their order of receipt. In instances involving a misdirected request rerouted to the Office, the response time will commence on the date that the request is received by the Office, but in any event not later than 10 working days after the request is first received by the Library of Congress.

(b) *Multitrack processing.* The Office will designate a specific track for requests that are granted expedited processing, in accordance with the standards set forth in paragraph (e) of this section. The Office may also designate additional processing tracks that distinguish between simple and more complex requests based on the estimated amount of work or time needed to process the request. Among the factors the Office may consider are the number of records requested, the number of pages involved in processing the request, and the need for consultations or referrals. The Office will advise a requester of the track into which their request falls and, when appropriate, will offer the requester an opportunity to narrow or modify their request so that it can be placed in a different processing track.

(c) *Unusual circumstances.* (1)(i) Whenever the Office cannot meet the statutory time limit for processing a request because of ''unusual circumstances,'' as defined in paragraph (c)(2) of this section, the Office will notify the requester in writing of the unusual circumstances and the estimated date of determination. Where an extension of time greater than 10 days is required, the Office will give the requester the opportunity to:

(A) Limit the scope of the request so that it may be processed within 20 working days; or

(B) Arrange with the Office an alternative time frame for processing the request or a modified request.

(ii) The Office will make available the FOIA Public Liaison to assist the requester in modifying the request.

(2) As used in this paragraph (c), ''unusual circumstances'' means, only to the extent reasonably necessary to the proper processing of the particular request:

(i) The need to search for and collect the requested records from establishments that are physically separate from the Office;

(ii) The need to search for, collect, and examine a voluminous amount of separate and distinct records which are demanded in a single request; or,

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Copyright Office which have a substantial subject matter interest therein.

(d) *Aggregating requests.* To satisfy unusual circumstances under the FOIA, the Office may aggregate requests in cases where it reasonably appears that multiple requests, submitted either by a requester or by a group of requesters acting in concert, constitute a single request that would otherwise involve unusual circumstances. The Office will not aggregate multiple requests that involve unrelated matters.

(e) *Expedited processing.* (1) The Office will process requests and appeals on an expedited basis whenever it is determined that the request or appeal involves:

(i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or,

(ii) An urgency to inform the public about an actual or alleged Federal Government activity, if the request or appeal is made by a person who is primarily engaged in disseminating information.

(2) A request for expedited processing may be made at any time. Requests for expedited processing of initial requests should be made to the FOIA Requester Service Center. Requests for expedited processing of an administrative appeal should be submitted to the Office of the Register of Copyrights.

(3) A requester who seeks expedited processing must submit a statement, certified to be true and correct, setting forth the basis for the claim that a ''compelling need'' exists for the requested information.

(4) The Office will notify the requester within 10 calendar days of the receipt of a request for expedited processing of its decision whether to grant or deny expedited processing. If expedited processing is granted, the request will be given priority and processed as soon as is practicable. If a request for expedited processing is denied, the requester may submit an appeal to the Office of the Register of Copyrights. The Office will act expeditiously on any appeal of a denial of expedited processing.

§ 203.8 Responses to requests.

(a) *In general.* The Office, to the extent practicable, will communicate with requesters having access to the Internet electronically, such as email or web portal.

(b) *Acknowledgement of requests.* The Office will acknowledge a request in writing and assign it an individualized tracking number if it will take longer than 10 working days to process. The Office will include in the acknowledgement a brief description of the records sought.

(c) *Estimated dates of completion and interim responses.* Upon request, the Office will provide an estimated date by which the Office expects to provide a response to the requester. If a request involves a voluminous amount of material, or searches in multiple locations, the agency may provide interim responses, releasing the records on a rolling basis.

(d) *Grants of requests.* Once the Office determines it will grant a request in full or in part, it will notify the requester in writing. The Office will also inform the requester of any fees charged under § 203.11 and will disclose the requested records to the requester promptly upon payment of any applicable fees. The Office will inform the requester of the availability of the FOIA Public Liaison to offer assistance.

(e) *Adverse determinations.* If the Office makes an adverse determination denying a request in any respect, it will notify the requester of that determination in writing. Adverse determinations, or denials of requests, include decisions that: The requested record is exempt, in whole or in part; the requested record does not exist, cannot be located, or has been

destroyed; or the requested record is not readily reproducible in the form or format sought by the requester. Adverse determinations also include denials involving fees or fee waiver matters or denials of requests for expedited processing.

(f) *Content of denial.* The denial shall be signed by the Associate Register of Copyrights and Director of Public Information and Education or a designee and shall include:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reasons for the denial, including any FOIA exemption applied by the agency in denying the request;

(3) When applicable, an estimate of the volume of any records or information withheld, such as the number of pages or some other reasonable form of estimation, although such an estimate is not required if the volume is otherwise indicated by deletions marked on records that are disclosed in part or if providing an estimate would harm an interest protected by an applicable exemption;

(4) A statement that the denial may be appealed under § 203.9, and a description of the appeal requirements; and,

(5) A statement notifying the requester of the assistance available from the Office's FOIA Public Liaison and the dispute resolution services offered by the Office of Government Information Services.

(g) *Markings on released documents.* Records disclosed in part shall be marked clearly to show the amount of information deleted and the exemption under which the deletion was made unless doing so would harm an interest protected by an applicable exemption. The location of the information deleted must also be indicated on the record, if technically feasible.

§ 203.9 Administrative appeals.

(a) *Requirements for making an appeal.* A requester may appeal any adverse determination to the Register of Copyrights. Examples of adverse determinations are provided in § 203.8(e). Requesters can submit appeals by mail to the Register of Copyrights, Copyright Office, P.O. Box 70400, Washington, DC 20024. The requester must make the appeal in writing and to be considered timely it must be postmarked within 90 calendar days after the date of the Office's response. The appeal should clearly identify the agency determination that is being appealed, include the assigned docket number, and include a statement explaining the basis for the appeal. To facilitate handling, the requester should include on both the appeal letter and envelope ''Freedom of Information Act Appeal.''

(b) *Adjudication of appeals.* (1) The Register of Copyrights or a designee will adjudicate all appeals under this section.

(2) An appeal ordinarily will not be adjudicated if the request becomes a matter of FOIA litigation.

(c) *Decisions on appeals.* The Office shall provide its decision on an appeal in writing. A decision that upholds the Office's determination in whole or in part will contain a statement that identifies the reasons for the affirmance, including any FOIA exemptions applied. The decision will provide the requester with notification of the statutory right to file a lawsuit and will inform the requester of the mediation services offered by the Office of Government Information Services (OGIS) of the National Archives and Records Administration as a non-exclusive alternative to litigation. If the Office's decision is remanded or modified on appeal, the Agency will notify the requester of that determination in writing. The Office will then further process the request in accordance with the appeal determination and will respond directly to the requester.

(d) *Engaging in dispute resolution.* Mediation is a voluntary process. If the Office agrees to participate in the mediation services provided by OGIS, it will actively engage as a partner to the process in an attempt to resolve the dispute.

(e) *When an appeal is required.* Before seeking review by a court of an agency's adverse determination, a requester must first submit a timely administrative appeal.

§ 203.10 Preservation of records.

The Office must preserve all correspondence pertaining to the requests that it receives under this part, as well as copies of all requested records, until disposition or destruction is authorized pursuant to title 44 of the United States Code or the General Records Schedule 14 of the National Archives and Records Administration. The Office shall not dispose of or destroy records while they are the subject of a pending request, appeal, or lawsuit under FOIA.

Charges for Responding to FOIA Requests

§ 203.11 Fees.

(a) *In general.* (1) The fee schedule of this section does not apply with respect to the charging of fees for those records for which the Copyright Act requires a fee to be charged. The fees required to be charged are contained in § 201.3 of this chapter, or have been established by the Register of Copyrights or Library of Congress pursuant to the requirements of that section. The Copyright Office will charge for processing requests under FOIA in accordance with the provisions of this section and with the OMB Guidelines. For purposes of assessing fees for processing requests, FOIA establishes three categories of requesters:

(i) Commercial use requesters;

(ii) Non-commercial scientific or educational institutions or news media requesters; and

(iii) All other requesters.

(2) Different fees are assessed depending on the category. Requesters may seek a fee waiver, which the Office will consider in accordance with paragraph (k) of this section. To resolve any fee issues that arise under this section, an agency may contact a requester for additional information. The Office shall ensure that searches, review, and duplication are conducted in the most efficient and the least expensive manner. The Office will ordinarily collect all applicable fees before sending copies of records to a requester. Requesters must pay fees by check or money order made payable to the United States Copyright Office.

(b) *Definitions.* For the purpose of this section:

(1) *Commercial use request* is a request that asks for information for a use or purpose that furthers a commercial, trade, or profit interest, which can include furthering those interests through litigation. The Office's decision to place a requester in the commercial use category will be made on a case-by-case basis based on the requester's intended use of the information. The Office will notify requesters of their placement in this category.

(2) *Direct costs* are those expenses that the Office incurs in searching for, duplicating, and/or reviewing records in order to respond to a FOIA request. Direct costs do not include overhead expenses such as the costs of space, and of heating or lighting a facility.

(3) *Duplication* is reproducing a copy of a record, or of the information contained in it, necessary to respond to a FOIA request. Copies can take the form of paper, audiovisual materials, or electronic records, among others.

(4) *Educational institution* is any school that operates a program of scholarly research. A requester in this fee category must show that the request is made in connection with his or her

role at the educational institution. The Office may seek verification from the requester that the request is in furtherance of scholarly research and the Office will advise requesters of their placement in this category.

(5) *Noncommercial scientific institution* is an institution that is not operated on a commercial basis and is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry. A requester in this category must show that the request is authorized by and is made under the auspices of a qualifying institution that the records are sought to further scientific research and are not for a commercial use. The Office will advise requesters of their placement in this category.

(6) *Representative of the news media* is any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term ''news'' means information that is about current events or that would be of current interest to the public. A request for records supporting the news-dissemination function of the requester will not be considered to be for a commercial use. ''Freelance'' journalists who demonstrate a solid basis for expecting publication through a news media entity will be considered as a representative of the news media. A publishing contract would provide the clearest evidence that publication is expected; however, the Office can also consider a requester's past publication record in making this determination. The Office will advise requesters of their placement in this category.

(7) *Review* is the examination of a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. Review includes taking all necessary steps to prepare a record for disclosure, including the process of redacting the record and marking the appropriate exemptions and time spent obtaining and considering any formal objection to disclosure made by a confidential commercial information submitter under § 203.9. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions. Review costs are properly charged even if a record ultimately is not disclosed.

(8) *Search* is the process of looking for and retrieving records or information responsive to a request. Search includes page-by-page or line-by-line identification of information within records and the reasonable efforts expended to locate and retrieve information from electronic records.

(c) *Charging fees.* In responding to FOIA requests, the Office will charge the following fees unless a waiver or reduction of fees has been granted under paragraph (k) of this section.

(1) *Search.* (i) Requests made by educational institutions, noncommercial scientific institutions, or representatives of the news media are not subject to search fees. The Office will charge search fees for all other requesters, subject to the restrictions of paragraph (d) of this section. Fees may be assessed for time spent searching even if the search fails to locate any responsive records or where the records located are subsequently determined to be entirely exempt from disclosure.

(ii) For each quarter hour spent by administrative staff in searching for a requested record, $7.50; for each quarter hour spent by professional staff in searching for a requested record, $17.50, with a half hour minimum in both cases.

(iii) For computer searches of records, which may be undertaken through the use of existing programming, the actual direct costs of conducting the search including the cost of operating a central processing unit for that portion of operating time that is directly attributable to searching for records responsive to a request, as well as the direct costs of operator/programmer salary apportionable to search (at no less than $65 per hour or fraction thereof).

(iv) For requests that require the retrieval of records stored by an agency at a Federal records center operated by the National Archives and Records Administration (NARA), agencies will charge additional costs in accordance with the Transactional Billing Rate Schedule established by NARA.

(2) *Duplication.* The Office will charge duplication fees to all requesters, subject to the restrictions of paragraph (d) of this section. The Office will honor a requester's preference for receiving a record in a particular form or format when the Office can readily reproduce it in the form or format requested. For copies of the public records, deposits, or indexes of the Office, the Office will charge fees according to § 201.3 of this chapter. For copies of all other Copyright Office records not otherwise provided for in this section, a minimum fee of $15.00 for up to 15 pages and $.50 per page over 15.

(3) *Review.* The Office will charge review fees to requesters who make commercial use requests. Review fees will be assessed in connection with the initial review of the record to determine whether an exemption applies to a particular record or portion of a record. No charge will be made for review at the administrative appeal stage of exemptions applied at the initial review stage. If a particular exemption is deemed to no longer apply on appeal, any costs associated with the Office's re-review of the records may be assessed as review fees. Review fees will be charged at the same rates as described in paragraph (c)(1)(ii) of this section.

(4) *Other direct costs.* Other costs incurred by the Copyright Office in fulfilling a request will be chargeable at the actual cost to the Office.

(d) *Restrictions on charging fees.* (1)(i) If the Copyright Office fails to comply with FOIA's time limits in which to respond to a request, it may not charge search fees or, in the instances of requests from educational institutions, non-commercial scientific institutions, or representatives of the news media, may not charge duplication fees, except as described in this paragraph (d).

(ii) If the Office has determined that unusual circumstances, as defined by FOIA, apply and the agency provides timely written notice to the requester, a failure to comply with the time limit shall be excused for an additional 10 days.

(iii) If the Office has determined that unusual circumstances, as defined by FOIA, apply and more than 5,000 pages are necessary to respond to the request, the Office may charge fees if the Office has provided timely written notice of the unusual circumstances to the requester in accordance with FOIA and the Office has discussed with the requester (or made not less than three good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with 5 U.S.C. 552(a)(6)(B)(ii).

(iv) If a court has determined that exceptional circumstances exist, as defined by the FOIA, a failure to comply with the time limits shall be excused for the length of time provided by the court order.

(2) No search or review fees will be charged for a quarter-hour period unless more than half of that period is required for search or review.

(3) Except for requesters seeking records for a commercial use, the Office will provide without charge:

(i) The first 100 pages of duplication (or the cost equivalent for other media); and

(ii) The first two hours of search.

(4) No fee will be charged when the total fee, after deducting the first 100 pages (or its cost equivalent) and the first two hours of search, is equal to or less than $25.00.

(5) No fees will be charged for ordinary packaging and mailing costs.

(e) *Notice of anticipated fees in excess of $25.00.* (1) When the Office determines or estimates that the fees to be assessed will exceed $25.00, the Office shall notify the requester of the actual or estimated amount of the fees, including a breakdown of the fees for search, review or duplication, unless the requester has indicated a willingness to pay fees as high as those anticipated. If only a portion of the fee can be estimated readily, the Office will advise the requester accordingly. If the request is a noncommercial use requester, the notice shall include the services provided without charge indicated in paragraph (d)(3) of this section, and shall advise the requester whether those entitlements have been provided.

(2) When a requester has been provided notice of anticipated fees in excess of $25.00, the request shall not be considered received and further work will not be completed until the requester commits in writing to pay the actual or estimated total fee, to designate which fees the requester is willing to pay, or, for noncommercial requests, to indicate that the requester seeks only the services that can be provided in paragraph (d)(3) of this section without charge. The Office is not required to accept payment in installments.

(3) When the requester has committed to pay some designated amount of fees, but the Office estimates that the total fee will exceed that amount, the Office shall toll processing of the request when it notifies the requester of the estimated fees in excess of the requester's commitment. The Office shall inquire whether the requester wishes to revise the amount of fees the requester is willing to pay or modify the request. Once the requester responds, the time to respond will resume from where it was at the date of the notification.

(4) The Office shall make available the FOIA Public Liaison to assist the requester in reformulating a request to meet the requester's needs at a lower cost.

(f) *Charges for other services.* Although not required to provide special services, if the Office chooses to do so as a matter of administrative discretion, the direct costs of providing the service shall be charged.

(g) *Charging interest.* The Office may charge interest on any unpaid bill starting on the 31st day following the date of billing the requester. Interest charges will be assessed at the rate provided in 31 U.S.C. 3717 and will accrue from the billing date until payment is received by the Office.

(h) *Aggregating requests.* When the Office reasonably believes that a requester or group of requesters acting in concert is attempting to divide a single request into a series of requests for the purpose of avoiding fees, the Office may aggregate those requests and charge accordingly. The Office may presume that multiple requests of this type made within a 30-day period have been made in order to avoid fees. For requests separated by a longer period, agencies will aggregate them only where there is a reasonable basis for determining that aggregation is warranted in view of all the circumstances involved. Multiple requests involving unrelated matters cannot be aggregated.

(i) *Advance payments.* (1) For requests other than those described in paragraph (i)(2) or (3) of this section, the Copyright Office cannot require the requester to make an advance payment before work is commenced or continued on a request. Payment owed for work already completed is not an advance payment.

(2) When the Office determines or estimates that a total fee to be charged under this section will exceed $250.00, it may require that the requester make an advance payment up to the amount of the entire anticipated fee before beginning to process the request. The Office may elect to process the request prior to collecting fees when it receives a satisfactory assurance of full payment from a requester with a history of prompt payment.

(3) Where a requester has previously failed to pay a properly charged FOIA fee to any agency within 30 calendar days of the billing date, the Office may require that the requester pay the full amount due, plus any applicable interest on that prior request, and the Office may require that the requester make an advance payment of the full amount of any anticipated fee before the Office begins to process a new request or continues to process a pending request or any pending appeal. Where the Office has a reasonable basis to believe that a requester has misrepresented the requester's identity in order to avoid paying outstanding fees, it may require that the requester provide proof of identity.

(4) In cases in which the Office requires advance payment, the request will not be considered received and further work will not be completed until the required payment is received. If the requester does not pay the advance payment within 30 calendar days after the date of the Office's fee determination, the request will be closed.

(j) *Other statutes specifically providing for fees.* The provisions of this section do not apply with respect to the charging of fees for which the copyright law requires a fee to be charged. Requesters asking for copies of records about themselves shall be processed under the Privacy Act fee schedule found in § 204.6 of this chapter. Fees for services by the Office in the administration of the copyright law are contained in § 201.3 of this chapter. In instances where records responsive to a request are subject to the statutorily-based fee schedule, the Office will inform the requester of the service and appropriate fee.

(k) *Requirements for waiver or reduction of fees.* (1) Records responsive to a request shall be furnished without charged or at a reduced rate where the Office determines, based on all available information, that the requester has demonstrated that:

(i) Disclosure of the requested information is in the public interested because it is likely to contribute significantly to the public understanding of the operations or activities of the government; and

(ii) Disclosure of the information is not primarily in the commercial interest of the requester.

(2) In deciding whether the requester has demonstrated the requirement of paragraph (k)(1)(i) of this section, the Office shall consider all four of the following factors:

(i) The subject of the request must concern identifiable operations or activities of the Federal Government, with a connection that is direct and clear, not remote or attenuated.

(ii) Disclosure of the requested records must be meaningfully informative about government operations or activities in order to be ''likely to contribute'' to an increased public understanding of those operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not contribute to such understanding where nothing new would be added to the public's understanding.

(iii) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as the requester's ability and intention to effectively convey information to the public shall be considered. It shall be presumed that a representative of the news media will satisfy this consideration.

(iv) The public's understanding of the subject in question must be enhanced by the disclosure to a significant extent. However, the Office shall not make value judgments about whether the information at issue is ''important'' enough to be made public.

(3) In deciding whether the requester has demonstrated the requirement of paragraph (k)(1)(ii) of this section, the Office shall consider the following two factors:

(i) The Office shall identify any commercial interest of the requester that would be furthered by the requested disclosure. Requesters shall be given an opportunity to provide explanatory information regarding this consideration.

(ii) A waiver or reduction of fees is justified where the public interest is greater than any identified commercial interest in disclosure. The Office ordinarily shall presume that where a news media requester has satisfied the public interest standard, the public interest will be the interest primarily served by disclosure to that requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return shall not be presumed to primarily serve the public interest.

(4) Where only some of the records to be released satisfy the requirements for a waiver of fees, a waiver shall be granted for those records.

(5) Requests for a waiver or reduction of fees should be made when the request is first submitted to the Office and should address the criteria referenced above. A requester may submit a fee waiver request at a later time so long as the underlying record request is pending or on administrative appeal. When a requester who has committed to pay fees subsequently asks for a waiver of those fees and that waiver is denied, the requester shall be required to pay any costs incurred up to the date the fee waiver request was received.

Dated: December 28, 2016.

Karyn Temple Claggett,

Acting Register of Copyrights and Director of the U.S. Copyright Office.

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2017–01770 Filed 2–6–17; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2012–0689; FRL–9958–42–Region 4]

Air Plan Disapproval; AL; Prong 4 Visibility for the 2008 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is disapproving the visibility transport (prong 4) portion of a revision to the Alabama State Implementation Plan (SIP), submitted by the Alabama Department of Environmental Management (ADEM), addressing the Clean Air Act (CAA or Act) infrastructure SIP requirements for the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA, commonly referred to as an ''infrastructure SIP.'' Here, EPA is specifically disapproving the prong 4 portion of Alabama's August 20, 2012, 2008 8-hour ozone infrastructure SIP submission. All other applicable infrastructure requirements for this SIP submission have been addressed in separate rulemakings.

DATES: This rule will be effective March 9, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2012–0689. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Sean Lakeman of the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Lakeman can be reached by telephone at (404) 562–9043 or via electronic mail at *lakeman.sean@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

By statute, states must submit SIPs meeting the requirements of sections 110(a)(1) and (2) of the CAA within three years after promulgation of a new or revised NAAQS to provide for the implementation, maintenance, and enforcement of that NAAQS. EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions. Sections 110(a)(1) and (2) require states to address basic SIP elements such as for monitoring, basic program requirements, and legal authority that are designed to assure attainment and maintenance of the newly established or revised NAAQS. More specifically, section 110(a)(1) provides the procedural and timing requirements for infrastructure SIPs, and section 110(a)(2) lists specific elements that states must meet for the infrastructure SIP requirements related to a newly established or revised NAAQS. The contents of an infrastructure SIP submission may vary depending upon the data and analytical tools available to the state, as well as the provisions already contained in the state's implementation plan at the time the state develops and submits the submission for a particular new or revised NAAQS.

Section 110(a)(2)(D) has two components: 110(a)(2)(D)(i) and 110(a)(2)(D)(ii). Section 110(a)(2)(D)(i) includes four distinct components, commonly referred to as ''prongs,'' that must be addressed in infrastructure SIP submissions. The first two prongs, which are codified in section 110(a)(2)(D)(i)(I), prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (prong 1) and from interfering with maintenance of the NAAQS in another state (prong 2). The third and fourth prongs, which are codified in section

110(a)(2)(D)(i)(II), prohibit any source or other type of emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality in another state (prong 3) or from interfering with measures to protect visibility in another state (prong 4). There are two ways in which a state's infrastructure SIP may satisfy prong 4. The first is through a confirmation in the infrastructure SIP submission that the state has an EPA-approved regional haze SIP that fully meets the requirements of 40 CFR 51.308 or 51.309. Alternatively, in the absence of a fully approved regional haze SIP, a state may meet the requirements of prong 4 through a demonstration in its infrastructure SIP submission that emissions within its jurisdiction do not interfere with other states' plans to protect visibility. Section 110(a)(2)(D)(ii) requires SIPs to include provisions ensuring compliance with sections 115 and 126 of the Act, relating to international and interstate pollution abatement, respectively.

On March 12, 2008, EPA revised the 8-hour ozone NAAQS to 0.075 parts per million. *See* 73 FR 16436 (March 27, 2008). States were required to submit infrastructure SIP submissions for the 2008 8-hour ozone NAAQS to EPA no later than March 12, 2011. Alabama submitted its infrastructure SIP for the 2008 8-hour ozone NAAQS on August 20, 2012; this action only addresses the prong 4 element of the August 2012 submission.

Alabama's August 20, 2012, 2008 8-hour ozone infrastructure submission cites to the State's regional haze SIP alone to satisfy prong 4 requirements.[1] Alabama's regional haze SIP relies on the Clean Air Interstate Rule (CAIR)[2] as an alternative to the best available retrofit technology (BART) requirements for its CAIR-subject electric generating units (EGUs).[3] Although this reliance on CAIR was consistent with the CAA at the time the State submitted its regional haze SIP, CAIR has since been replaced by the Cross-State Air Pollution Rule (CSAPR)[4] and can no longer be relied upon as an alternative to BART or as part of a long-term strategy (LTS) for addressing regional haze. Therefore, EPA finalized a limited disapproval of Alabama's 2008 regional haze SIP submission to the extent that it relied on CAIR to satisfy the BART and LTS requirements.[5] *See* 77 FR 33642 (June 7, 2012).

In that limited disapproval action, EPA also amended the Regional Haze Rule to provide that CSAPR can serve as an alternative to BART, *i.e.,* that participation by a state's EGUs in a CSAPR trading program for a given pollutant achieves greater reasonable progress toward the national goal of achieving natural visibility conditions in Class I areas than source-specific BART for those EGUs for that pollutant.[6] *See* 40 CFR 51.308(e)(4); 77 FR 33642. A state can participate in the trading program through either a federal implementation plan (FIP) implementing CSAPR or an integrated CSAPR state trading program implemented through an approved SIP revision. In promulgating this amendment to the Regional Haze Rule, EPA relied on an analytic demonstration of visibility improvement from CSAPR implementation relative to BART based on an air quality modeling study.

At the time of the rule amendment, questions regarding the legality of CSAPR were pending before the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) and the court had stayed implementation of the rule. The D.C. Circuit subsequently vacated and remanded CSAPR in August 2012, leaving CAIR in place temporarily.[7] However, in April 2014, the Supreme Court reversed the vacatur and remanded to the D.C. Circuit for resolution of the remaining claims.[8] The D.C. Circuit then granted EPA's motion to lift the stay and to toll the rule's deadlines by three years.[9] Consequently, implementation of CSAPR Phase 1 began in January 2015 and implementation of Phase 2 is scheduled to begin in January 2017.

Following the Supreme Court remand, the D.C. Circuit conducted further proceedings to address the remaining claims. In July 2015, the court issued a decision denying most of the claims but remanding the Phase 2 sulfur dioxide (SO_2) emissions budgets for Alabama, Georgia, South Carolina, and Texas and the Phase 2 ozone-season nitrogen oxides (NO_X) budgets for 11 states to EPA for reconsideration.[10] Since receipt of the D.C. Circuit's 2015 decision, EPA has engaged the affected states to determine appropriate next steps to address the decision with regard to each state.[11] In a November 10, 2016, proposed rulemaking, EPA stated that it expects that potentially material changes to the scope of CSAPR coverage resulting from the remand will be limited to withdrawal of the CSAPR FIP requiring Texas to participate in the Phase 2 trading programs for annual emissions of SO_2 and NO_X and withdrawal of Florida's CSAPR FIP requirements for ozone-season NO_X, which EPA recently finalized in another action.[12]

Due to these expected changes to CSAPR's scope, EPA conducted a sensitivity analysis to the 2012 CSAPR ''alternative to BART'' demonstration showing that the analysis would have supported the same conclusion if the

[1] As mentioned above, a state may meet the requirements of prong 4 in the absence of a fully approved regional haze SIP by showing that its SIP contains adequate provisions to prevent emissions from within the state from interfering with other states' measures to protect visibility. Alabama did not, however, provide a demonstration in the infrastructure SIP submission subject to this proposed action that emissions within its jurisdiction do not interfere with other states' plans to protect visibility.

[2] CAIR created regional cap-and-trade programs to reduce sulfur dioxide (SO_2) and nitrogen oxides (NO_X) emissions in 28 eastern states, including Alabama, that contributed to downwind nonattainment and maintenance of the 1997 8-hour ozone NAAQS and the 1997 $PM_{2.5}$ NAAQS.

[3] Section 169A of the CAA and EPA's implementing regulations require states to establish long-term strategies for making reasonable progress towards the national goal of achieving natural visibility conditions in certain Class I areas. The 156 mandatory Class I federal areas in which visibility has been determined to be an important value are listed at subpart D of 40 CFR part 81. For brevity, these areas are referred to here, simply as ''Class I areas.''

Implementation plans must give specific attention to certain stationary sources. Specifically, section 169A(b)(2)(A) of the CAA requires states to revise their SIPs to contain such measures as may be necessary to make reasonable progress towards the natural visibility goal, including a requirement that certain categories of existing major stationary sources built between 1962 and 1977 procure, install, and operate BART as determined by the state. Under the Regional Haze Rule, states are directed to conduct BART determinations for such ''BART-eligible'' sources that may be anticipated to cause or contribute to any visibility impairment in a Class I area.

[4] CSAPR addresses the interstate transport of emissions contributing to nonattainment and interfering with maintenance of the two air quality standards covered by CAIR as well as the 2006 $PM_{2.5}$ NAAQS. CSAPR requires substantial reductions of SO_2 and (NO_X) emissions from EGUs in 28 states in the eastern United States.

[5] EPA finalized a limited approval of Alabama's regional haze SIP on June 28, 2012. *See* 77 FR 38515.

[6] Legal challenges to EPA's determination that CSAPR can be an alternative to BART are pending. *Utility Air Regulatory Group* v. *EPA,* No. 12–1342 (D.C. Cir. filed August 6, 2012).

[7] *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012).

[8] *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014), *reversing* 696 F.3d 7 (D.C. Cir. 2012).

[9] Order, *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. issued October 23, 2014).

[10] *EME Homer City Generation, L.P.* v. *EPA,* 795 F.3d 118, 138 (D.C. Cir. 2015). The D.C. Circuit did not remand the CSAPR ozone season NO_X budgets for Alabama.

[11] As discussed below, Alabama submitted a SIP revision to EPA on October 26, 2015, to incorporate the Phase 2 annual NO_X and annual SO_2 CSAPR budgets for the State into the SIP. EPA approved this SIP revision in a final action published on August 31, 2016. *See* 81 FR 59869.

[12] See 81 FR 78954 (November 10, 2016) for further discussion regarding EPA's expectations and the proposed withdrawal of the CSAPR FIP for Texas.

actions that EPA has proposed to take or has already taken in response to the D.C. Circuit's remand—specifically, the proposed withdrawal of $PM_{2.5}$-related CSAPR Phase 2 FIP requirements for Texas EGUs and the recently finalized withdrawal of ozone-related CSAPR Phase 2 FIP requirements for Florida EGUs—had been reflected in that analysis. EPA's November 10, 2016, notice of proposed rulemaking sought comment on this sensitivity analysis. *See* 81 FR 78954.

Alabama sought to convert the 2012 limited approval/limited disapproval of the State's CAIR-reliant regional haze SIP to a full approval through a SIP revision submitted on October 26, 2015. This SIP revision intended to adopt the CSAPR trading program into the SIP, including the State's Phase 2 annual NO_X and annual SO_2 CSAPR budgets, and then to replace reliance on CAIR with reliance on CSAPR to satisfy its regional haze BART and LTS requirements. Although EPA has approved the CSAPR trading program into the Alabama SIP,[13] EPA has not yet had an opportunity to evaluate comments received on its proposal that CSAPR should continue to be available as an alternative to BART.[14] EPA thus cannot approve the portion of Alabama's 2015 SIP submission seeking to replace reliance on CAIR with reliance on CSAPR to satisfy the BART and LTS requirements at this time. Because Alabama's prong 4 SIP submission relies solely on the State having a fully approved regional haze SIP, EPA proposed to disapprove the prong 4 element of Alabama's August 20, 2012, 2008 8-hour ozone infrastructure SIP submission in a notice of proposed rulemaking (NPRM) published on December 5, 2016 (81 FR 87503). Additional detail regarding the background and rationale for EPA's action is contained in the NPRM.

Comments on the proposed rulemaking were due on or before December 27, 2016. EPA received one adverse comment on the December 5, 2016, NPRM. The comment was submitted by the Utility Air Regulatory Group (hereinafter referred to as ''the Commenter'') and is available in the docket for this final rulemaking action. EPA's response and a summary of the comment are provided below.

II. Response to Comment

Comment: The Commenter asserts that EPA should approve Alabama's August 20, 2012, 2008 8-hour ozone infrastructure SIP revision in ''conjunction with Alabama's reliance in its October 2015 SIP on CSAPR to satisfy BART and other regional haze rule requirements.'' According to the Commenter, EPA has the authority and an obligation to approve Alabama's October 2015 regional haze SIP because EPA has approved the State's CSAPR annual SO_2 and NO_X emissions budgets into the Alabama SIP and because the ''CSAPR=BART rule . . . remains legally in effect.'' The Commenter believes that Alabama is ''plainly entitled to rely at this time on the CSAPR=BART rule'' and that EPA's reliance on the November 10, 2016 rulemaking that proposed to reaffirm that CSAPR can serve as an alternative to source-specific BART is a ''legally and factually invalid reason for EPA to refuse at this time to approve Alabama's 2015 regional haze SIP submission and, by extension, Alabama's 2012 prong 4 submission.''

Response: EPA disagrees with the Commenter. EPA is disapproving the prong 4 element of Alabama's August 20, 2012, 8-hour ozone infrastructure SIP revision because the State does not have a fully-approved regional haze SIP and has not otherwise shown that its SIP contains adequate provisions to prevent emissions from within the State from interfering with other states' measures to protect visibility. Although Alabama's 2015 regional haze SIP submission sought to convert the limited approval/limited disapproval of its regional haze SIP to a full approval by relying on CSAPR to satisfy BART and LTS requirements, intervening developments dictate that EPA cannot act on that revision until EPA completes action on the D.C. Circuit's remand of certain CSAPR budgets and determines the impact of the final remand response on CSAPR participation as an alternative to BART requirements.

As discussed above, CSAPR's scope has been impacted by the D.C. Circuit's remand of the Phase 2 SO_2 emissions budgets for Alabama, Georgia, South Carolina, and Texas and the Phase 2 ozone season NO_X budgets for 11 states. The magnitude of this impact and the resulting effect on the CSAPR ''alternative to BART'' rule depends, in part, on the actions of the states with remanded budgets. EPA expects that potentially material changes to CSAPR's scope will be limited to the withdrawal of Texas from the annual NO_X and SO_2 trading program and the withdrawal of Florida from the ozone-season NO_X trading program based on several considerations, including discussions with the affected states, the incorporation of the CSAPR Phase 2 annual NO_X and SO_2 budgets into the Alabama SIP, and commitment letters from Georgia and South Carolina to adopt the CSAPR Phase 2 budgets.[15] EPA's November 10, 2016, proposed determination that CSAPR would continue to be available as an alternative to BART is therefore based on the assumption that Georgia and South Carolina will remain in CSAPR with annual NO_X and SO_2 emissions budgets equal to or more stringent than those in their CSAPR FIPs. However, EPA has not yet received SIP revisions from Georgia or South Carolina adopting their respective CSAPR FIP budgets. Although EPA expects that Georgia and South Carolina will submit such SIP revisions in the near future, the continued validity of CSAPR as an alternative to BART will only be resolved under EPA's November 10, 2016, proposal if and when Georgia and South Carolina submit SIP revisions adopting their respective remanded CSAPR budgets; EPA addresses public comment on its November 10, 2016 proposed determination that CSAPR continues to be an alternative to BART given the expected changes to CSAPR's scope; and EPA finalizes its determination that CSAPR remains an alternative to BART. For these reasons, EPA cannot approve Alabama's 2015 regional haze SIP revision at this time. Because Alabama does not have a fully approved regional haze SIP and has not alternatively demonstrated that its emissions do not interfere with other states' required measures protecting visibility, EPA must disapprove the prong 4 element of Alabama's August 20, 2012, 8-hour ozone infrastructure SIP revision.

III. Final Action

As described above, EPA is disapproving the prong 4 portion of Alabama's August 20, 2012, 2008 8-hour ozone infrastructure SIP submission. All other applicable infrastructure requirements for this SIP submission have been addressed in separate rulemakings.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations.

[13] *See* 81 FR 59869 (August 31, 2016).

[14] The deadline for these comments is January 9, 2017. *See* 81 FR 88636 (December 8, 2016).

[15] *See* letters to Heather McTeer Toney, Regional Administrator, EPA Region 4, from Judson H. Turner, Director of the Environmental Protection Division, Georgia Department of Natural Resources (May 26, 2016) and from Myra C. Reece, Director of Environmental Affairs, South Carolina Department of Health and Environmental Control (April 19, 2016), available in the docket for this action.

See 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. EPA is determining that the prong 4 portion of the aforementioned SIP submission does not meet federal requirements. Therefore, this action does not impose additional requirements on the state beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 10, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: January 5, 2017.

Heather McTeer Toney,

Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart B—Alabama

■ 2. Section 52.53 is amended by adding a reserved paragraph (d) and paragraph (e) to read as follows:

§ 52.53 Approval status.

* * * * *

(e) *Disapproval.* Portion of the state implementation plan (SIP) revision submitted by the State of Alabama, through the Alabama Department of Environmental Management (ADEM) on August 20, 2012, that addresses the visibility protection (prong 4) element of Clean Air Act section 110(a)(2)(D)(i) for the 2008 8-hour Ozone National Ambient Air Quality Standards (NAAQS). EPA is disapproving the prong 4 portion of ADEM's SIP submittal because it relies solely on the State having a fully approved regional haze SIP to satisfy the prong 4 requirements for the 2008 8-hour Ozone NAAQS.

[FR Doc. 2017–02303 Filed 2–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2016–0134; FRL–9957–58–Region 5]

Air Plan Approval; Wisconsin; NO_X as a Precursor to Ozone, $PM_{2.5}$ Increment Rules and PSD Infrastructure SIP Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to Wisconsin's state implementation plan (SIP), revising portions of the State's Prevention of Significant Deterioration (PSD) and ambient air quality programs to address deficiencies identified in EPA's previous narrow infrastructure SIP disapprovals and Finding of Failure to Submit (FFS). This SIP revision request is consistent with the Federal PSD rules and addresses the required elements of the fine particulate matter ($PM_{2.5}$) PSD Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) Rule. EPA is also approving elements of SIP submissions from Wisconsin regarding PSD infrastructure requirements of section 110 of the Clean Air Act (CAA) for the 1997 $PM_{2.5}$, 1997 ozone, 2006 $PM_{2.5}$, 2008 lead, 2008 ozone, 2010 nitrogen dioxide (NO_2), 2010 sulfur dioxide (SO_2), and 2012 $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS). The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

DATES: This final rule is effective on March 9, 2017.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2016–0134. All documents in the docket are listed on

the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Andrea Morgan, Environmental Engineer, at (312) 353–6058, before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Andrea Morgan, Environmental Engineer, Air Permitting Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–6058, *morgan.andrea@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is the background of these SIP submissions?
II. What action did EPA propose on the SIP submissions?
III. What comments were received on the proposed rulemaking?
IV. What action is EPA taking?
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. What is the background of these SIP submissions?

On August 8, 2016, the Wisconsin Department of Natural Resources (WDNR) submitted a SIP revision request to EPA to revise portions of its PSD and ambient air quality programs to address deficiencies identified in EPA's previous narrow infrastructure SIP disapprovals and FFS. Final approval of this SIP revision request will be consistent with the Federal PSD requirements and will address the required elements of the $PM_{2.5}$ PSD Increments, SILs and SMC Rule. Wisconsin submitted revisions to its rules NR 404 and 405 of the Wisconsin Administrative Code. The submittal requests that EPA approve the following revisions to Wisconsin's SIP: (1) Amend NR 404.05(2)(intro); (2) create NR 404.05(2)(am); (3) amend NR 404.05(3)(intro); (4) create NR 404.05(3)(am); (5) amend NR 404.05(4)(intro); (6) create NR 404.05(4)(am); (7) amend NR 405.02(3), (21)(a), and (21m)(a); (8) create NR 405.02(21m)(c); (9) amend NR 405.02(22)(b) and (22m)(a)1. and (b)1.; (10) create NR 405.02(22m)(a)3.; (11) amend NR 405.02(27)(a)6.; (12) amend NR 405.07(8)(a)3m; (13) create NR 405.07(8)(a)3m (Note); and (14) amend NR 405.07(8)(a)5.(Note).

WDNR also requested that this SIP revision supplement the PSD portions of its previously submitted infrastructure submittals, including 1997 $PM_{2.5}$, 1997 ozone, 2006 $PM_{2.5}$, 2008 lead, 2008 ozone, 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$.

A. PSD Rule Revisions

1. $PM_{2.5}$ Increments

To implement the $PM_{2.5}$ NAAQS, EPA issued two separate final rules that establish the New Source Review (NSR) permitting requirements for $PM_{2.5}$: The NSR $PM_{2.5}$ Implementation Rule promulgated on May 16, 2008 (73 FR 28321), and the $PM_{2.5}$ PSD Increments, SILs and SMC Rule promulgated on October 20, 2010 (75 FR 64864). EPA's 2008 NSR $PM_{2.5}$ Implementation Rule required states to submit applicable SIP revisions to EPA no later than May 16, 2011, to address this rule's PSD and nonattainment NSR SIP requirements. This rule requires that the state submit revisions to its SIP, including the identification of precursors for $PM_{2.5}$, the significant emissions rates for $PM_{2.5}$ and the requirement to include emissions which may condense to form particulate matter at ambient temperatures, known as condensables, in permitting decisions. EPA published a final approval of a revision to Wisconsin's SIP on October 16, 2014, (79 FR 62008), which included all of the required elements of the 2008 NSR Implementation Rule.

The $PM_{2.5}$ PSD Increments, SILs and SMC Rule required states to submit SIP revisions to EPA by July 20, 2012, adopting provisions equivalent to or at least as stringent as the $PM_{2.5}$ PSD increments and associated implementing regulations. On August 11, 2014, EPA published a finding that Wisconsin had failed to submit the required elements of the $PM_{2.5}$ PSD Increments, SILs and SMC Rule (79 FR 46703).

The $PM_{2.5}$ PSD Increments, SILs and SMC Rule also allows states to discretionarily adopt and submit for EPA approval: (1) SILs, which are used as a screening tool to evaluate the impact a proposed new major source or major modification may have on the NAAQS or PSD increment; and (2) a SMC (also a screening tool), which is used to determine the subsequent level of data gathering required for a PSD permit application for emissions of $PM_{2.5}$. However, on January 22, 2013, the United States Court of Appeals for the District of Columbia (Court) granted a request from EPA to vacate and remand to EPA the portions of the $PM_{2.5}$ PSD Increments, SILs and SMC Rule $PM_{2.5}$ addressing the SILs for $PM_{2.5}$ so that EPA could voluntarily correct an error in these provisions. The Court also vacated parts of the $PM_{2.5}$ PSD Increments, SILs and SMC Rule establishing a $PM_{2.5}$ SMC, finding that EPA was precluded from using the $PM_{2.5}$ SMCs to exempt permit applicants from the statutory requirement to compile preconstruction monitoring data. *Sierra Club* v. *EPA,* 705 F.3d 458, 463–69. On December 9, 2013, EPA issued a good cause final rule formally removing the affected SILs and replacing the SMC with a numeric value of 0 micrograms per cubic meter ($\mu g/m^3$) and a note that no exemption is available with regard to $PM_{2.5}$. *See* 78 FR 73698. As a result, SIP submittals could no longer include the vacated $PM_{2.5}$ SILs at 40 CFR 51.166(k)(2) and 52.21(k)(2) and the $PM_{2.5}$ SMC must be revised to 0 $\mu g/m^3$, consistent with 40 CFR 51.166(i)(5)(i)(c) and 52.21(i)(5)(i)(c).

2. Ozone

On November 29, 2005, EPA published (70 FR 71612) in the **Federal Register** the ''Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 2''. Part of this rule established, among other requirements, oxides of nitrogen (NO_X) as a precursor to ozone. The final rule became effective on January 30, 2006.

On October 6, 2014, EPA finalized approval of revisions to Wisconsin's SIP that included the identification of NO_X as a precursor to ozone in the definition of regulated NSR pollutant. *See* 79 FR 60064.

B. Infrastructure SIP Submittals

The requirement for states to make a SIP submission of this type arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),'' and these SIP submissions are to provide for the ''implementation, maintenance, and enforcement'' of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions,

and the requirement to make the submissions is not conditioned upon EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that ''[e]ach such plan'' submission must address.

This specific rulemaking is only taking action on the PSD elements of the Wisconsin infrastructure submittals. Separate action has been or will be taken on the non-PSD infrastructure elements in separate rulemakings. The infrastructure elements for PSD are found in CAA 110(a)(2)(C), 110(a)(2)(D), and 110(a)(2)(J) and will be discussed in detail below. For further discussion on the background of infrastructure submittals, *see* 77 FR 45992, August 2, 2012.

II. What action did EPA propose on the SIP submissions?

On September 30, 2016 (81 FR 67261), EPA proposed approval of a SIP revision from WDNR requesting EPA to revise portions of its PSD and ambient air quality programs to address $PM_{2.5}$ increment requirements and incorporating NO_X as an ozone precursor. EPA proposed that these revisions were made to meet EPA's requirements for Wisconsin's PSD and NSR program and are consistent with Federal regulations.

EPA proposed that the revisions pertaining to $PM_{2.5}$ increments are consistent with Federal regulations and fully address the requirements of the $PM_{2.5}$ PSD Increments, SILs, and SMC Rule. EPA also proposed that revisions pertaining to NO_X as a precursor to ozone, in conjunction with EPA's October 6, 2014 approval (79 FR 60064), will address all of the PSD requirements of the ''Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 2''.

WDNR also requested that this SIP revision supplement the PSD portions of its previously submitted infrastructure submittals. EPA proposed that based on the approval of the PSD related SIP revisions mentioned above and previously approved SIP revisions (*see* 79 FR 62008, October 16, 2014), EPA is able to fully approve the PSD related infrastructure requirements found in CAA sections 110(a)(2)(C), (D)(i)(II), and (J) for Wisconsin's 1997 $PM_{2.5,}$ 1997 ozone, 2006 $PM_{2.5}$, 2008 lead, 2008 ozone, 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS submittals.

III. What comments were received on the proposed rulemaking?

The comment period for the proposed action associated with today's rulemaking (81 FR 67261) closed on October 31, 2016. EPA received two supportive comments.

IV. What action is EPA taking?

EPA is approving revisions to Wisconsin's SIP that implement the $PM_{2.5}$ increment requirements and also incorporate NO_X as an ozone precursor. These revisions were made to meet EPA's requirements for Wisconsin's PSD and NSR program and are consistent with Federal regulations. Specifically, EPA is approving the following:

(i) NR 404.05(2)(intro) and (am)
(ii) NR 404.05(3)(intro) and (am)
(iii) NR 404.05(4)(intro) and (am)
(iv) NR 405.02(3) and (21)(a)
(v) NR 405.02(21m)(a) and (c)
(vi) NR 405.02(22)(b)
(vii) NR 405.02(22m)(a)1. and 3., and (b)1.
(viii) NR 405.02(27)(a)6.
(ix) NR 405.07(8)(a)3m and 3m(Note)
(x) NR 405.07(8)(a)5.(Note)

The revisions pertaining to $PM_{2.5}$ increments will fully address the requirements of the $PM_{2.5}$ PSD Increments, SILs, and SMC Rule and the deficiencies identified in EPA's August 11, 2014, Finding of Failure to Submit. The revisions pertaining to NO_X as a precursor to ozone will, in conjunction with EPA's October 6, 2014 approval, address all of the PSD requirements of the ''Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 2'' and stops the Federal Implementation Plan (FIP) clock triggered by the FFS mentioned above (79 FR 46704, August 11, 2014).

EPA is also approving the PSD related infrastructure requirements found in CAA sections 110(a)(2)(C), (D)(i)(II), and (J) for Wisconsin's 1997 $PM_{2.5}$, 1997 ozone, 2006 $PM_{2.5}$, 2008 lead, 2008 ozone, 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS submittals. This action stops the FIP clock triggered by the disapproval of NO_X as a precursor to ozone for the PSD provisions for the 1997 ozone and $PM_{2.5}$ infrastructure SIPs (77 FR 35870, June 15, 2012). This action requires significant revisions to existing portions of 40 CFR 52.2591. Because there will already be substantial revisions, EPA will also be revising additional portions of 40 CFR 52.2591 that are not related to PSD for clarification or consolidation purposes only. These additional edits will not change the meaning or intent of the original language.

V. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Wisconsin Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and at the EPA Region 5 Office (please contact the person identified in the ''For Further Information Contact'' section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible

methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 10, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: December 13, 2016.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

■ 2. Section 52.2570 is amended by adding paragraph (c)(135) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(135) On August 8, 2016, WDNR submitted a request to revise portions of its Prevention of Significant Deterioration (PSD)and ambient air quality programs to address the required elements of the fine particulate matter ($PM_{2.5}$) PSD Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) Rule and the Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 2. Wisconsin submitted revisions to its rules NR 404 and 405 of the Wisconsin Administrative Code.

(i) Incorporation by reference.

(A) Wisconsin Administrative Code, NR 404.05 Ambient Air Increments. NR 404.05(2) introductory text; NR 404.05(2)(am); NR 404.05(3) introductory text; NR 404.05(3)(am); NR 404.05(4) introductory text; and NR 404.05(4)(am), as published in the Register, July 2016, No. 727, effective August 1, 2016.

(B) Wisconsin Administrative Code, NR 405.02 Definitions. NR 405.02(3); NR 405.02(21)(a); NR 405.02(21m), except (b); NR 405.02(22)(b); NR 405.02(22m)(a)1. and 3. and (b)1.; and NR 405.02(27)(a)6., as published in the Register, July 2016, No. 727, effective August 1, 2016.

(C) Wisconsin Administrative Code, NR 405.07 Review of major stationary sources and major modifications — source applicability and exemptions. NR 405.07(8)(a)3m; 405.07(8)(a)3m. Note; and NR 405.07(8)(a)5. Note, as published in the Register, July 2016, No. 727, effective August 1, 2016.

■ 3. Section 52.2591 is revised to read as follows:

§ 52.2591 Section 110(a)(2) infrastructure requirements.

(a) *Approval.* In a December 12, 2007 submittal, supplemented on January 24, 2011, March 28, 2011, July 2, 2015, and August 8, 2016, Wisconsin certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (C), (D)(ii), (E) through (H), and (J) through (M) for the 1997 8-hour ozone NAAQS.

(b) *Approval.* In a December 12, 2007 submittal, supplemented on January 24, 2011, March 28, 2011, July 2, 2015, and August 8, 2016, Wisconsin certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (C), (D)(ii), (E) through (H), and (J) through (M) for the 1997 $PM_{2.5}$ NAAQS.

(c) *Approval.* In a January 24, 2011, submittal, supplemented on March 28, 2011, June 29, 2012, July 2, 2015, and August 8, 2016, Wisconsin certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2006 24-hour $PM_{2.5}$ NAAQS. We are not finalizing action on (D)(i)(I) and will address these requirements in a separate action.

(d) *Approval.* In a July 26, 2012, submittal, supplemented July 2, 2015, and August 8, 2016, Wisconsin certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2008 lead (Pb) NAAQS.

(e) *Approval and Disapproval.* In a June 20, 2013, submittal with a January 28, 2015, clarification, supplemented July 2, 2015, and August 8, 2016, Wisconsin certified that the state has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2008 ozone NAAQS. For 110(a)(2)(D)(i)(I), we are approving prong one and disapproving prong two.

(f) *Approval.* In a June 20, 2013, submission with a January 28, 2015, clarification, supplemented July 2, 2015, and August 8, 2016, Wisconsin certified that the state has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2010 nitrogen dioxide (NO_2) NAAQS.

(g) *Approval.* In a June 20, 2013, submission with a January 28, 2015, clarification, supplemented July 2, 2015, and August 8, 2016, Wisconsin certified that the state has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2010 sulfur dioxide (SO_2) NAAQS. We are not taking action on the transport provisions in section 110(a)(2)(D)(i)(I), and will address these requirements in a separate action.

(h) *Approval.* In a July 13, 2015, submission, supplemented August 8, 2016, WDNR certified that the state has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2012 $PM_{2.5}$ NAAQS. We are not taking action on the transport provisions in section 110(a)(2)(D)(i)(I), and the

stationary source monitoring and reporting requirements of section 110(a)(2)(F). We will address these requirements in a separate action.

[FR Doc. 2017–02530 Filed 2–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0083; FRL–9957–68]

Propamocarb; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of propamocarb in or on potato. Bayer CropScience requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 7, 2017. Objections and requests for hearings must be received on or before April 10, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0083, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0083 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 10, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0083, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of October 27, 2016 (81 FR 74753) (FRL–9954–27), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 5F8430) by Bayer CropScience, 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709. The petition requested that 40 CFR 180.499 be amended by increasing the tolerance for residues of the fungicide propamocarb hydrochloride, in or on potato from 0.06 to 0.30 parts per million (ppm). That document referenced a summary of the petition prepared by Bayer CropScience, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received concerning this action for propamocarb in response to the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has

reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for propamocarb-HCl including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with propamocarb-HCl follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Propamocarb-HCl is a List C carbamate fungicide with specific activity against numerous Oomycete species, which cause foliar diseases and seedling, seed, root, foot, and stem rot in various edible and ornamental crops.

Consistent with other carbamates, propamocarb-HCl's database showed evidence of neurotoxicity in rats, though it does not inhibit cholinesterase. Neurotoxic effects include decreased motor activity following acute exposure and vacuolization of the choroid plexus (ventricles of the brain which produce cerebral spinal fluid) following subchronic and chronic durations. Other effects observed are indicative of toxicity to the digestive and GI tracts in dogs (chronic erosive gastritis, vacuolization of the salivary gland and stomach), and the eye in dogs and rats (hyporeflectability of the fundus, retinal degeneration, and vacuolization of the retinal gland). In all species, decreases in body weights, body-weight gains, and food consumption were observed following subchronic and chronic exposure. Available immunotoxicity data does not indicate an immunotoxic effect from exposure to propamocarb.

Effects in the route-specific dermal and inhalation studies were primarily portal-of-entry effects. Dermal exposure caused dermal irritation in rats and rabbits at relatively high doses (>500 milligram/kilogram/day (mg/kg/day)). Inhalation exposure caused labored breathing and the appearance of red material around the nose. Systemic effects were observed following inhalation exposure at similar doses that caused portal-of-entry effects and included kidney cysts and changes in hematological parameters.

Effects were observed in fetuses and offspring in the database at the same doses that elicited less severe effects in parental animals. In the developmental rat study, fetal effects included increased death, increased incidences of minor skeletal anomalies, increased incidences of small fetus, inter-atrial septal defects, and hemorrhage in the ears, upper GI tract, and nasopharynx/sinuses. Maternal effects consisted of decreased absolute body-weights, decreased food consumption, post-implantation loss, and mortality. In the rat two-generation reproduction study, offspring effects consisted of deaths, decreased weights, and decreased viability and lactation indices and litter size. Parental effects were consistent with those previously described for adults in the hazard database. Reproductive effects consisted of increased vacuolization and decreased weight of the epididymides, decreased sperm counts and motility, and abnormal sperm morphology.

Propamocarb-HCl was categorized as having low acute toxicity via the oral, dermal, and inhalation routes (Toxicity Categories III–IV). It is not a dermal irritant or a dermal sensitizer. It is considered a slight eye irritant.

EPA classified propamocarb-HCl as ''not likely to be carcinogenic to humans'' by all routes of exposure based upon lack of evidence of carcinogenicity in rats and mice.

Specific information on the studies received and the nature of the adverse effects caused by propamocarb-HCl as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document, ''Propamocarb Hydrochloride (propamocarb-HCl): Human Health Assessment for Registration Review and a Petition for Increasing the Permanent Tolerance for Residues in/on Potato'' at pp. 16–18 in docket ID number EPA–HQ–OPP–2016–0083.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which the NOAEL and the LOAEL are identified. Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of toxicological endpoints for propamocarb-HCl used for human-health risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR PROPAMOCARB FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (Females 13–50 years of age).	NOAEL = 150 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Acute RfD = 1.5 mg/kg/day. aPAD = 1.5 mg/kg/day.	Developmental Toxicity Study-Rabbit LOAEL = 300 mg/kg/day based on post-implantation loss.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR PROPAMOCARB FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/scenario	Point of departure and uncertainty/ safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (General population including infants and children).	NOAEL = 200 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Acute RfD = 2 mg/kg/day. aPAD = 2 mg/kg/day	Acute Neurotoxicity Screening Battery—Rat LOAEL = 2,000 mg/kg/day based on decreased motor activity.
Chronic dietary (All populations)	NOAEL = 12 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.12 mg/kg/day. cPAD = 0.12 mg/kg/day.	Carcinogenicity Study—Mouse LOAEL = 95 mg/kg/day based on decreased absolute body-weights in females.
Cancer (Oral, dermal, inhalation).	Classification: ''not likely to be carcinogenic to humans'' based on the absence of treatment-related tumors in two adequate rodent carcinogenicity studies.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to propamocarb, EPA considered exposure under the petitioned-for tolerances as well as all existing propamocarb tolerances in 40 CFR 180.499. EPA assessed dietary exposures from propamocarb in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for propamocarb. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA used tolerance-level residues and assumed 100% crop treated (PCT) for all commodities.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 2003–2008 NHANES/WWEIA. As to residue levels in food, EPA used tolerance-level residues and assumed 100 PCT for all commodities.

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

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for propamocarb. Tolerance level residues and/or 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for propamocarb in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of propamocarb. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

The revised estimated drinking water concentrations (EDWCs) are those modeled for surface waters based on current labels and newly submitted fate and transport data for the registration review of propamocarb-HCl. All currently labeled uses were assessed including the potato tolerance increase described in this action.

Surface water values were obtained from FLnurserySTD_V2 model for the acute value, and NJnurserySTD_V2 model for the chronic values representing foliar application to ornamentals in nurseries. Ground Water acute and chronic values were obtained from FLCITRUS_STD.SCN GW scenario.

The EDWCs of propamocarb for acute exposures are 4,860 parts per billion (ppb) for surface water, and 73 ppb for ground water. The EDWCs of propamocarb for chronic exposure for non-cancer assessments are 385 ppb for surface water, and 70 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 4,860 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 385 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Propamocarb is registered for use on golf course turf, which may result in dermal post-application exposures. Although potential dermal post-application exposures were previously assessed (K. Lowe, 05/15/2013, D377624), EPA no longer considers the effects found in the dermal study to be adverse and therefore, no longer identifies a dermal hazard. As a result, there is no need to conduct a quantitative residential exposure assessment.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' EPA has not found propamocarb to share a common mechanism of toxicity with any other substances, and propamocarb does not appear to produce a toxic metabolite produced by other substances. Although a carbamate, propamocarb-HCl is not an

N-methyl carbamate and does not cause cholinesterase inhibition. Thus, it was not included in the *N*-methyl carbamate cumulative risk assessment. For the purposes of this tolerance action, therefore, EPA has assumed that propamocarb does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act Safety Factor (FQPA SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is no evidence of increased quantitative pre- or post-natal susceptibility following exposure to propamocarb-HCl. There is evidence of increased qualitative susceptibility in the database; however, concern for these effects is low because: (1) The effects are well characterized, (2) clear NOAELs were established, (3) the endpoints selected are protective of these effects, and (4) the effects were seen in the presence of maternal/parental toxicity.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for propamocarb is complete.

ii. Although there was evidence of neurotoxicity (decreased motor activity and vacuolization of the choroid plexus) in several studies following propamocarb-HCl exposure, including the ACN and SCN studies; there is no need for a developmental neurotoxicity study or additional uncertainty factors (UFs) to account for neurotoxicity because the neurotoxicity effects are well-characterized with clear NOAEL/LOAEL values and the selected endpoints are protective of the observed effects.

iii. Although there is evidence of increased qualitative susceptibility from exposure to propamocarb, there is no need to retain the 10X FQPA SF because: (1) The effects are well characterized; (2) clear NOAELs were established; (3) the endpoints selected are protective of these effects; and (4) the effects were seen in the presence of maternal/parental toxicity.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to propamocarb in drinking water. These assessments will not underestimate the exposure and risks posed by propamocarb.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to propamocarb will occupy 21% of the aPAD for females (13–49 years old) and 42% of the aPAD for infants (<1 year old), the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to propamocarb from food and water will utilize 26% of the cPAD for children (3–5 years old) the population group receiving the greatest exposure. There are no chronic or long-term residential exposures from uses of propamocarb.

3. *Short-term and intermediate-term risk.* Short-term and intermediate-term aggregate exposure takes into account short-term and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because no short-term or intermediate-term adverse effect was identified, propamocarb is not expected to pose a short-term or intermediate-term risk.

IV. Other Considerations

A. Analytical Enforcement Methodology

A gas chromatography/nitrogen-phosphorus detection (GC/NPD) method is available for the enforcement of residues of propamocarb in plant commodities. This method has undergone a successful independent laboratory validation (ILV) and petition method validation (PMV), and is currently listed in the Pesticide Analytical Manual (PAM) Vol. II. An adequate liquid chromatography with tandem mass spectrometry (LC/MS/MS) for the enforcement of residues of propamocarb and its metabolites in livestock commodities has been submitted to the Agency. This method has undergone successful ILVs and a PMV. The results of a Food and Drug Administration (FDA) multiresidue testing study indicate that propamocarb and its metabolites are not recovered by any of the protocols. The recoveries of propamocarb with the QuEChERS multiresidue method are marginally adequate (68–69%; *http://www.crl-pesticides.eu/library/docs/fv/CRLFV_Multiresidue_methods.pdf*).

B. International Residue Limits

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

The Codex has established a MRL for propamocarb in or on potato at 0.30 ppm. This MRL is the same as the tolerance established for propamocarb in the United States.

V. Conclusion

Therefore, a tolerance is established for residues of propamocarb in or on potato at 0.30 ppm.

VI. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 6, 2017.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.499, revise the entry for ''Potato'' in the table in paragraph (a) to read as follows:

§ 180.499 Propamocarb; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Potato	0.30
* * * * *	

* * * * *

[FR Doc. 2017–02479 Filed 2–6–17; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0594; FRL–9958–07]

2,4–D; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of 2,4–D in or on cotton, gin byproducts and amends the existing tolerance on cotton, undelinted seed. Dow AgroSciences requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 7, 2017. Objections and requests for hearings must be received on or before April 10, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0594, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document

applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0594 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 10, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0594, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of October 27, 2016 (81 FR 74754) (FRL–9953–98), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 4F8303) by Dow AgroSciences, 9330 Zionsville Road, Indianapolis, IN 46268. The petition requested that 40 CFR 180.142 be amended by establishing tolerances for residues of the herbicide, 2,4–D (2,4-dichlorophenoxyacetic acid), both free and conjugated, determined as the acid, in or on gin byproducts and undelinted seed of herbicide-tolerant cotton at 1.5 and 0.08 parts per million (ppm) respectively. That document referenced a summary of the petition prepared by DowAgrosciences, the registrant, which is available in the docket, *http://www.regulations.gov.* Comments were received on the notice of filing. Responses to these comments are included in the document titled *Response to Public Comments Received Regarding the Evaluation of Enlist Duo ™ on Enlist Corn, Cotton, and Soybeans,* which is available in the docket. This document also includes several comments and responses to those comments that are not specifically relevant to this tolerance action but were submitted in response to EPA's proposed decision under FIFRA on the pending associated application for registration of a product containing 2,4–D. Because of the overlap in some of the comments, EPA has prepared a single response to comments document, which can be found in this docket, which is also the same docket for the pending pesticide action.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for 2,4–D, including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with 2,4–D follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The toxicity profile shows that 2,4–D is not acutely toxic via the oral, dermal, and inhalation routes, is not a dermal irritant or a dermal sensitizer, but it is a severe eye irritant. The principal toxic effects are changes in the kidney [increased kidney weight, histopathological lesions], thyroid [decreased thyroxine, increased thyroid weight, hyperplasia and hypertrophy of follicular cells], liver [increased liver weight, increased ALT and AST, histopathological lesions, including hypertrophy], adrenal [increased adrenal weight, histopathological lesions], eye [retinal degeneration, cataract formation, lens opacity], and ovaries/testes [decreased testes weight and ovarian weight, atrophy] in the rat following exposure to 2,4–D via the oral route at dose levels above the threshold of saturation of renal clearance. No systemic toxicity was observed in rabbits following repeated exposure via the dermal route at dose levels up to the limit dose. Neurotoxicity, as evidenced by the increased incidence of incoordination and slight gait abnormalities (forepaw flexing or knuckling) was observed in the acute neurotoxicity study in rats at the highest dose. In an extended 1-generation reproductive toxicity study in rats,

reproductive toxicity, developmental neurotoxicity, and immunotoxicity were not observed, and the thyroid effects observed at dose levels up to/approaching renal saturation were considered treatment-related, although not adverse. Neuropathological effects were not observed in any study. Maternal and developmental toxicity were observed at high dose levels exceeding the threshold of saturation of renal clearance. There are no residual uncertainties for pre- and/or postnatal toxicity. 2,4–D has been classified as a Category D chemical, ''not classifiable as to human carcinogenicity'', based upon bioassays in rats and mice that showed no statistically significant tumor response in either species. The Agency has determined, based on several reviews of epidemiological studies, in addition to the animal studies, that the existing data do not support a conclusion that links human cancer to 2,4–D exposure. Specific information on the studies received and the nature of the adverse effects caused by 2,4–D as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document, *2,4–D. Human Health Risk Assessment for a Proposed Use of 2,4–D Choline on Herbicide-Tolerant Cotton* at pgs. 40–50 in docket ID number EPA–HQ–OPP–2016–0594.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.* A summary of the toxicological endpoints for 2,4–D used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR 2,4–D FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (Females 13–50 years of age).	Developmental NOAEL = 25 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Acute RfD = 0.25 mg/kg/day. aPAD = .025 mg/kg/day.	Developmental Toxicity Study—rat. Developmental LOAEL = 75 mg/kg/day based on fetal skeletal abnormalities (14th rudimentary ribs).
Acute dietary (General population including infants and children).	NOAEL = 67 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Acute RfD = 0.67 mg/kg/day. aPAD = 0.67 mg/kg/day.	Acute Neurotoxicity Study—rat. LOAEL = 227 mg/kg/day based on slight gait abnormalities (forepaw flexing and knuckling) and increased incidence of incoordination.
Chronic dietary (All populations)	NOAEL= 21 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.21 mg/kg/day. cPAD = 0.21 mg/kg/day.	Extended 1-generation Reproduction—rat. Parental LOAEL = 55.6 mg/kg/day (males) and 46.7 mg/kg/day (females) based on kidney toxicity manifested as increased kidney weights and increased incidence of degeneration of the proximal convoluted tubules and for offspring based on decreased body weight observed throughout lactation.
Incidental oral short- and intermediate term (1 to 30 days and 1–6 months).	NOAEL = 21 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	LOC for MOE = 100	Extended 1-generation Reproduction—rat. Parental LOAEL = 55.6 mg/kg/day (males) and 46.7 mg/kg/day (females) based on kidney toxicity manifested as increased kidney weights and increased incidence of degeneration of the proximal convoluted tubules and for offspring based on decreased body weight observed throughout lactation.
Dermal (all durations)	No potential hazard *via* the dermal route, based on the lack of systemic effects following repeat dermal exposure of rabbits at dose levels up to 1000 mg/kg/day. Although developmental toxicity was not assessed in the dermal study, clear NOAELs (dermal equivalent doses of 250 and 300 mg/kg/day) were determined; the developmental effects occurred at dose levels that exceed renal clearance mechanism (dermal equivalent doses of 750 and 900 mg/kg/day); dose levels required to exceed the renal clearance mechanism would not be attained following dermal exposure to humans.		

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR 2,4–D FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Inhalation (all durations)	Inhalation study LOAEL = 0.05 mg/L/day. HEC = 0.013 mg/L/day (bystander). HED = 1.76 mg/kg/day (residential handler) UF_A = 3x UF_H = 10x UF_L = 10x	LOC for MOE = 300	Subchronic inhalation toxicity study—rat. LOAEL = 0.05 mg/L/day based on portal-of-entry effects (squamous metaplasia and epithelial hyperplasia with increased mixed inflammatory cells within the larynx); not totally resolved following a 4-week recovery period.
Cancer (Oral, dermal, inhalation).	Classification: Group D—not classifiable as to human carcinogenicity.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). UF_L = use of a LOAEL to extrapolate a NOAEL. HEC = Human Equivalent Concentration (mg/L). HED = Human Equivalent Dose (mg/kg/day).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to 2,4–D, EPA considered exposure under the petitioned-for tolerances as well as all existing 2,4–D tolerances in 40 CFR 180.142. EPA assessed dietary exposures from 2,4–D in food as follows:

i. *Acute and chronic exposure.* In estimating acute and chronic dietary exposure, EPA used 2003–2008 food consumption data from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, EPA assumed that 100% of all crops had been treated and conservative default processing factors were used for all relevant processed commodities. EPA also assumed tolerance-level residues for all commodities excluding transgenic soybean and cotton commodities. For transgenic soybean, the combined 2,4–D and 2,4–DCP residues were used for the acute and chronic dietary analyses as the combined residues found in tolerant soybean were greater than the tolerance of parent only for soybean. Since residue levels of parent 2,4–D in/on tolerant soybean were non-detectable, estimated 2,4–D residues (at ½ the level of detection of 0.003 ppm, or 0.0015 ppm) were added to the 2,4–DCP highest average field trial residue (HAFT is 0.047 ppm) to be used in the acute and chronic dietary analyses. For the proposed new use on transgenic cotton, a combined 2,4–D and 2,4–DCP residue value of 0.15 ppm was used in the acute and chronic dietary assessment for cotton seed oil. For 2,4–D, it was not possible to calculate a processing factor for refined oil because residues were non-detectable in both the RAC and the oil in the processing study. Therefore, the Agency used a processing factor of 1.0x, multiplied by the HAFT of undelinted cotton seed (0.07 ppm) from the recently submitted magnitude of residue study. The 2,4–DCP processed commodity residue for refined oil (0.08 ppm), was calculated by multiplying the processing factor of 0.4x by the HAFT of undelinted cotton seed for 2,4–DCP (0.206 ppm). The 2,4–D residue product (0.07 ppm) was then added with the 2,4–DCP residue product (0.08 ppm) and the sum was 0.15 ppm.

ii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that 2,4–D does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iii. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for 2,4–D. Tolerance level residues and/or 100% CT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for 2,4–D in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of 2,4–D. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Modeled estimates of drinking water concentrations based on the Surface Water Concentration Calculator (SWCC) were directly entered into the dietary exposure model.

For acute dietary risk assessment, the water concentration value of 298 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 34.5 ppb was used to assess the contribution to drinking water.

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

2,4–D is currently registered for the following uses that could result in residential exposures: Ornamental turf, including parks, sports fields, and golf courses, as well as aquatic uses. The existing residential uses were previously assessed in 2013. However, since that time there have been changes to the policy for calculating inhalation HECs and the policy for assessing aquatic exposure; therefore, the residential scenarios have been reassessed. EPA assumes that residential handlers complete all elements of an application without use of any protective equipment or baseline attire such as long pants and long-sleeved shirt. Quantitative short-term inhalation

exposure estimates for adult residential handlers are based on the scenarios of mixing, loading, and application of 2,4–D to lawns and turf at maximum rates using hose-end sprayers, manually-pressurized hand wands, and backpack sprayers with liquid and ready-to-use forms, as well as belly grinders and push-type spreaders. Intermediate-term exposures are not likely and were not estimated because of the intermittent nature of applications by homeowners. Dermal exposures were also not estimated due to the lack of dermal hazard.

In addition to residential handler exposure, the following post-application exposure scenarios were estimated for short-term duration to protect adults and children that might be playing in treated turf areas or swimming in treated aquatic areas after applications of 2,4–D have been made at the maximum rates:

- Incidental ingestion (*i.e.,* hand-to-mouth, object-to-mouth, soil ingestion exposure) from contact with treated turf (children 1 <2 years old only)
- Episodic granular ingestion on treated turf (children 1 <2 years old only)
- Incidental ingestion of water during recreational swimming (both adults and children 3 <6 years old).

None of the above exposure scenarios resulted in handler or post-application risk estimates that exceed EPA's level of concern. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' EPA has not found 2,4–D to share a common mechanism of toxicity with any other substances, and 2,4–D does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that 2,4–D does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is evidence of increased susceptibility following *in utero* exposure to 2,4–D in the rat developmental toxicity study and following *in utero* and/or pre-/post-natal exposure in the rat 2-generation reproduction study. There is no evidence of increased susceptibility following *in utero* exposure to 2,4–D in the rabbit developmental toxicity study or following *in utero* and/or pre-/post-natal exposure in the rat extended 1-generation reproduction toxicity study.

2,4–D has been evaluated for potential developmental effects in the rat and rabbit. Maternal toxicity included decreased body weight gains in the rat study at the same dose level where developmental effects (occurrence of skeletal malformations) were observed. Kidney effects would have been expected in the maternal animal had examination of the kidney been performed, and the findings are not considered evidence of susceptibility.

Maternal toxicity in the rabbit included decreased body weight gain, clinical signs of toxicity (decreased motor activity, ataxia, loss of righting reflex, extremities cold to the touch), and abortions, the latter being indicative of developmental toxicity. Decreased maternal body weight gains were observed in the rat 2-generation reproduction study at a dose that exceeded renal saturation and resulted in reduced viability of the F1 pups. Although decreased maternal body weight gain is a conservative endpoint, points of departure used in the risk assessment are below where these findings occur and are protective. There are clearly established NOAELs and LOAELs for the population of concern, there are no data gaps in the toxicology database, and the points of departure (POD) are protective of susceptibility. The exposure assessment will not underestimate children's exposure to 2,4–D.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for 2,4–D is complete.

ii. Although there are indications of neurotoxicity observed in the acute neurotoxicity study in rats, as evidenced by an increase in the incidence of in-coordination and slight gait abnormalities (forepaw flexing or knuckling) at the high dose in both sexes, developmental neurotoxicity was not observed in the developmental neurotoxicity segment of the extended 1-generation reproductive toxicity study in rats.

iii. For the reasons stated in Unit III.D.2., there is no residual uncertainty concerning the potential susceptibility of infants and children to effects of 2,4–D; therefore, there is no need to retain the 10X FQPA safety factor to protect infants and children.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100% crop treated and tolerance-level or higher residues assumptions. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to 2,4–D in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children. These assessments will not underestimate the exposure and risks posed by 2,4–D.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to 2,4–D will occupy 23% of the aPAD for

children 1 to 2 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to 2,4–D from food and water will utilize 20% of the cPAD for children 1 to 2 years old the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of 2,4–D is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). 2,4–D is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to 2,4–D. Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 2,000 for adults, 560 for children ages 3–5 that are exposed to 2,4–D residues via incidental ingestion of treated water during swimming activities. The aggregate MOE of 280 is estimated for children ages 1–2 that exhibit hand-to-mouth behavior on treated turf. Because EPA's level of concern for 2,4–D is a MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). An intermediate-term adverse effect was identified; however, 2,4–D is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for 2,4–D.

5. *Aggregate cancer risk for U.S. population.* Based on bioassays in rats and mice that show no statistically significant tumor response in either species as well as several reviews of epidemiological studies, in addition to the animal studies, the Agency has classified 2,4–D as a Category D chemical, *i.e.,* not classifiable as to human carcinogenicity, and is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to 2,4–D residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate analytical methods are available for data collection and the enforcement of plant commodity tolerances, including cotton. Task Force II submitted an adequate GC/ECD enforcement method for plants (designated as EN–CAS Method No. ENC–2/93) which has been independently validated and radiovalidated. An enforcement method was submitted for determination of 2,4–D in livestock commodities, which has been adequately radiovalidated. The methods have been submitted to FDA for inclusion in PAM II. The 10/1997 edition of FDA PAM Volume I, Appendix I indicates that 2,4–D is partially recovered (50–80%) using Multiresidue Methods Section 402 E1 and 402 E2.

These methods may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established a MRL for 2,4–D on cotton.

V. Conclusion

Therefore, tolerances are established for residues of 2,4–D (2,4-dichlorophenoxyacetic acid) in or on gin byproducts and undelinted seed of cotton at 1.5 and 0.08 ppm respectively.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian

tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 9, 2017.

Michael J. Goodis,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.142:

■ a. Add alphabetically the commodities ''Cotton, gin byproducts'' and ''cotton, undelinted seed'' to the table in paragraph (a); and

■ b. Remove the entry for ''cotton, undelinted seed'' from the table in paragraph (d) to read as follows:

§ 180.142 2,4–D; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Cotton, gin byproducts	1.5
Cotton, undelinted seed	0.08
* * * * *	

* * * * *

[FR Doc. 2017–02477 Filed 2–6–17; 8:45 am]

BILLING CODE 6560–50–P

SURFACE TRANSPORTATION BOARD

49 CFR Part 1250

[Docket No. EP 724 (Sub–No. 4)]

United States Rail Service Issues—Performance Data Reporting

AGENCY: Surface Transportation Board.

ACTION: Final rule; stay of regulations.

SUMMARY: On December 5, 2016, the Board published a final rule in this docket that established new regulations requiring all Class I railroads and the Chicago Transportation Coordination Office (CTCO), through its Class I members, to report certain service performance metrics on a weekly, semiannual, and occasional basis. The Board is staying the effective date of the final rule.

DATES: Effective February 7, 2017 and applicable on January 27, 2017, the final rule establishing 49 CFR part 1250 published at 81 FR 87472 on December 5, 2016, is stayed until March 21, 2017. The initial reporting date under the final rule will be March 29, 2017.

FOR FURTHER INFORMATION CONTACT: Sarah Fancher at (202) 245–0355. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339.

SUPPLEMENTARY INFORMATION: On November 30, 2016, the Board adopted a final rule to establish new regulations requiring all Class I railroads and the CTCO, through its Class I members, to report certain service performance metrics on a weekly, semiannual, and occasional basis. *U.S. Rail Serv. Issues—Performance Data Reporting* (*November Decision*), EP 724 (Sub–No. 4), slip op. at 1 (STB served Nov. 30, 2016). The Board published the final rule in the **Federal Register** on December 5, 2016, and set an effective date of January 29, 2017. *November Decision,* slip op. at 4; 81 FR 87472. On January 20, 2017, a Memorandum for the Heads of Executive Departments and Agencies from Reince Priebus, Chief of Staff to President Trump, was issued.[1] Although the Board is an independent regulatory agency, it will stay the January 29, 2017 effective date in Docket No. EP 724 (Sub–No. 4) in accordance with the Memorandum's request that the effective date of rules published in the **Federal Register** that had not yet become effective be postponed for 60 days. [2] As a result, the final rule in Docket No. EP 724 (Sub–No. 4) will now be stayed until March 21, 2017, and initial reporting will begin March 29, 2017.

The final rule adopted requirements for reporting cars in fertilizer service, as defined by 14 Standard Transportation Commodity Codes (STCCs) that The Fertilizer Institute (TFI) provided in comments. *November Decision,* slip op. at 15. On December 20, 2016, TFI petitioned the Board to reconsider the final rule to modify the definition of fertilizer by adding one STCC to the 14 that were previously included in the final rule. The Board will rule on the petition in a subsequent decision.

It is ordered:

1. The final rule in the *November Decision,* which was published in the **Federal Register** on December 5, 2016, will be stayed until March 21, 2017. The initial reporting date will be March 29, 2017.

2. Notice of the Board's action will be published in the **Federal Register**.

Decided: January 27, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2017–02492 Filed 2–6–17; 8:45 am]

BILLING CODE 4915–01–P

[1] Reince Priebus, Memorandum for the Heads of Executive Departments and Agencies (Memorandum) (Jan. 20, 2017), *http://www.whitehouse.gov/briefing-room/presidential-actions* (follow hyperlink to Memorandum for the Heads of Executive Departments and Agencies).

[2] The Board's entire decision, *U.S. Rail Serv. Issues—Data Collection,* EP 724 (Sub–No. 3) et al. (STB served Jan. 27, 2017), is available on the Board's Web site by search at *https://www.stb.gov/home.nsf/enhancedsearch?OpenForm.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 160527473–6999–02]

RIN 0648–BG09

Atlantic Highly Migratory Species; Individual Bluefin Quota Program; Inseason Transfers; Correction

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

ACTION: Stay of final rule; correction.

SUMMARY: NMFS published a ''Stay of final rule'' on January 31, 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,'' published in the **Federal Register** on January 24, 2017 (the Memorandum)—to delay the effective date of the final rule NMFS published on December 29, 2016. This notification corrects the effectiveness date from ''March 21, 2017'' to ''February 10, 2017.'' For consistency and clarity, the complete new **DATES** section has been set out below in its entirety.

DATES: Effective February 7, 2017, the final rule amending 50 CFR part 635, that published on December 29, 2016, at 81 FR 95903, is stayed until February 10, 2017.

FOR FURTHER INFORMATION CONTACT: Thomas Warren or Sarah McLaughlin, 978–281–9260; Carrie Soltanoff, 301–427–8503.

SUPPLEMENTARY INFORMATION:

Background

On December 29, 2016, NMFS published this final rule modifying the Atlantic highly migratory species (HMS) regulations regarding the distribution of inseason Atlantic bluefin tuna quota transfers to the Longline category. This final rule provides NMFS the ability to distribute quota inseason either to all qualified Individual Bluefin Quota (IBQ) share recipients (*i.e.,* share recipients who have associated their permit with a vessel) or only to permitted Atlantic Tunas Longline vessels with recent fishing activity, whether or not they are associated with IBQ shares. This action is necessary to optimize fishing opportunity in the directed pelagic longline fishery for target species such as tuna and swordfish and to improve the functioning of the IBQ Program and its leasing provisions consistent with the objectives of Amendment 7 to the 2006 Consolidated HMS Fishery Management Plan.

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 enacted a stay of the rule published on December 29, 2016, at 81 FR 95903 (see **DATES** above) until March 21, 2017, in a ''Stay of final rule'' document published on January 31, 2017 (82 FR 8821).

Need for Correction

After the ''Stay of final rule'' published on January 31, 2017, NMFS is correcting the effective date of ''March 21, 2017'' to ''February 10, 2017'' to better align with current fisheries management goals. NMFS publishes this notification to correct the stay of effective date.

Corrections

In the **Federal Register** of January 31, 2017, in FR Doc. 2017–02043, ''March 21, 2017'' is corrected to read ''February 10, 2017'' in the following places:

1. In the **DATES** section on page 8821 in the first column, which is also set out in its entirety above for clarity and consistency;

2. On page 8821, second column, first paragraph, last sentence; and

3. On page 8821, in amendatory instruction 2.

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

Dated: February 2, 2017.

Alan D. Risenhoover,

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

[FR Doc. 2017–02462 Filed 2–6–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 150916863–6211–02]

RIN 0648–XF204

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels less than 60 feet (18.3 meters (m)) length overall (LOA) using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2017 Pacific cod total allowable catch allocated to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), February 2, 2017, through 2400 hours, A.l.t., December 31, 2017.

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

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

The 2017 Pacific cod total allowable catch (TAC) allocated to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI is 5,959 metric tons (mt) as established by the final 2016 and 2017 harvest specifications for groundfish in the BSAI (81 FR 14773, March 18, 2016), inseason adjustment (82 FR 2916, January 10, 2017), and reallocation (82 FR 8905, February 1, 2017).

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

determined that the 2017 Pacific cod TAC allocated as a directed fishing allowance to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for Pacific cod by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 31, 2017.

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

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

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

Dated: February 2, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–02486 Filed 2–2–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 150818742–6210–02]

RIN 0648–XF206

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska

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

ACTION: Temporary rule; opening.

SUMMARY: NMFS is opening directed fishing for pollock in Statistical Area 610 of the Gulf of Alaska (GOA). This action is necessary to fully use the A season allowance of the 2017 total allowable catch of pollock in Statistical Area 610 of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), February 6, 2017, through 1200 hours, A.l.t., March 10, 2017.

Comments must be received at the following address no later than 4:30 p.m., A.l.t., February 21, 2017.

ADDRESSES: You may submit comments on this document, identified by FDMS Docket Number NOAA–NMFS–2015–0110 by either of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0147*, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

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

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

The A season allowance of the 2017 total allowable catch (TAC) of pollock in Statistical Area 610 of the GOA is 2,232 metric tons (mt) as established by the final 2016 and 2017 harvest specifications for groundfish of the (81 FR 14740; March 16, 2016) and inseason adjustment (81 FR 95063; December 27, 2016).

NMFS closed directed fishing for pollock in Statistical Area 610 of the GOA under § 679.20(d)(1)(iii) on January 27, 2017 (82 FR 8821; January 31, 2017).

As of February 2, 2017, NMFS has determined that approximately 2,225 metric tons of pollock remain in the A season directed fishing allowance for pollock in Statistical Area 610 of the GOA. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully utilize the A season allowance of the 2017 TAC of pollock in Statistical Area 610 of the GOA, NMFS is terminating the previous closure and is reopening directed fishing pollock in Statistical Area 610 of the GOA, effective 1200 hours, A.l.t., February 6, 2017.

The Administrator, Alaska Region (Regional Administrator) considered the following factors in reaching this decision: (1) The current catch of pollock in Statistical Area 610 of the GOA and, (2) the harvest capacity and stated intent on future harvesting patterns of vessels in participating in this fishery.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries

data in a timely fashion and would delay the opening of directed fishing for pollock in Statistical Area 610 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 2, 2017.

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

Without this inseason adjustment, NMFS could not allow the fishery for pollock in Statistical Area 610 of the GOA to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until February 21, 2017.

This action is required by § 679.25 and is exempt from review under Executive Order 12866.

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

Dated: February 3, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–02604 Filed 2–6–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 24
Tuesday, February 7, 2017

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

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

9 CFR Part 201

RIN 0580–AB26

Poultry Grower Ranking Systems

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA

ACTION: Proposed rule: Extension of comment period.

SUMMARY: Consistent with the memorandum of January 20, 2017, to the heads of executive departments and agencies from the Assistant to the President and Chief of Staff entitled ''Regulatory Freeze Pending Review,'' the Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) is extending by 30 days the public comment period for this proposed rule, which was published on December 20, 2016.

This proposed rule identifies criteria that the Secretary may consider when determining whether a live poultry dealer's use of a poultry grower ranking system for ranking poultry growers for settlement purposes is unfair, unjustly discriminatory, or deceptive or gives an undue or unreasonable preference, advantage, prejudice, or disadvantage. The proposed amendments also clarify that absent demonstration of a legitimate business justification, failing to use a poultry grower ranking system in a fair manner after applying the identified criteria is unfair, unjustly discriminatory, or deceptive and a violation of section 202(a) of the Packers and Stockyards Act, 1921, as amended and supplemented (P&S Act), regardless of whether it harms or is likely to harm competition.

DATES: The comment period for the proposed rule published at 81 FR 92723 on December 20, 2016 is extended. Comments must be received on or before March 24, 2017.

ADDRESSES: We invite you to submit comments on this proposed rule by any of the following methods:

- *Mail:* M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2542A–S, Washington, DC 20250–3613.
- *Hand Delivery or Courier:* M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2530–S, Washington, DC 20250–3613.
- *Internet: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Instructions: All comments should make reference to the date and page number of this issue of the **Federal Register**. All comments received will be included in the public docket without change, including any personal information provided. Regulatory analyses and other documents relating to this rulemaking will be available for public inspection in Room 2542A–S, 1400 Independence Avenue SW., Washington, DC 20250–3613 during regular business hours. All comments will be available for public inspection in the above office during regular business hours (7 CFR 1.27(b)). Please call the Management and Budget Services staff of GIPSA at (202) 720–8479 to arrange a public inspection of comments or other documents related to this rulemaking.

FOR FURTHER INFORMATION CONTACT: S. Brett Offutt, Director, Litigation and Economic Analysis Division, P&SP, GIPSA, 1400 Independence Ave. SW., Washington, DC 20250, (202) 720–7051, *s.brett.offutt@usda.gov.*

SUPPLEMENTARY INFORMATION: Consistent with the memorandum of January 20, 2017, to the heads of executive departments and agencies from the Assistant to the President and Chief of Staff entitled ''Regulatory Freeze Pending Review,'' GIPSA is extending by 30 days the public comment period of the proposed rule entitled ''Poultry Grower Ranking Systems'' that was published in the **Federal Register** on December 20, 2016, (81 FR 92723).

GIPSA previously published a notice of proposed rulemaking on June 22, 2010 (75 FR 35338), which included requirements regarding a live poultry dealer's use of a poultry grower ranking system when determining payment for grower services. That proposed rule would have required live poultry dealers paying growers on a tournament system to pay growers raising the same type and kind of poultry the same base pay and further required that growers be settled in groups with other growers with like house types. Upon review of public comments received both in writing and through public meetings held during the comment period in 2010, we elected not to publish this rule as a final rule, but rather have modified proposed § 201.214 and published it as a proposed rule and requested further public comment.

Authority: 7 U.S.C. 181–229c.

Marianne Plaus,
Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–02497 Filed 2–6–17; 8:45 am]
BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

9 CFR Part 201

RIN 0580–AB27

Unfair Practices and Undue Preferences in Violation of the Packers and Stockyards Act

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA

ACTION: Proposed rule: Extension of comment period.

SUMMARY: Consistent with the memorandum of January 20, 2017, to the heads of executive departments and agencies from the Assistant to the President and Chief of Staff entitled ''Regulatory Freeze Pending Review,'' the Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) is extending by 30 days the public comment period for this proposed rule, which was published on December 20, 2016. This proposed rule would clarify the conduct or action by packers, swine contractors, or live poultry dealers that GIPSA considers unfair, unjustly discriminatory, or deceptive and a violation of section 202(a) of the Packers and Stockyards Act, 1921, as amended and supplemented (P&S Act). This proposed rule would also identify criteria that the Secretary would consider in determining whether conduct or action by packers, swine

contractors, or live poultry dealers constitutes an undue or unreasonable preference or advantage and a violation of section 202(b) of the P&S Act.

DATES: The comment period for the proposed rule published at 81 FR 92723 on December 20, 2016 is extended. Comments must be received on or before March 24, 2017.

ADDRESSES: We invite you to submit comments on this proposed rule by any of the following methods:

- *Mail:* M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2542A–S, Washington, DC 20250–3613.
- *Hand Delivery or Courier:* M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2530–S, Washington, DC 20250–3613.
- *Internet: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Instructions: All comments should make reference to the date and page number of this issue of the **Federal Register**. All comments received will be included in the public docket without change, including any personal information provided. Regulatory analyses and other documents relating to this rulemaking will be available for public inspection in Room 2542A–S, 1400 Independence Avenue SW., Washington, DC 20250–3613 during regular business hours. All comments will be available for public inspection in the above office during regular business hours (7 CFR 1.27(b)). Please call the Management and Budget Services staff of GIPSA at (202) 720–8479 to arrange a public inspection of comments or other documents related to this rulemaking.

FOR FURTHER INFORMATION CONTACT: S. Brett Offutt, Director, Litigation and Economic Analysis Division, P&SP, GIPSA, 1400 Independence Ave. SW., Washington, DC 20250, (202) 720–7051, *s.brett.offutt@usda.gov.*

SUPPLEMENTARY INFORMATION: Consistent with the memorandum of January 20, 2017, to the heads of executive departments and agencies from the Assistant to the President and Chief of Staff entitled ''Regulatory Freeze Pending Review,'' GIPSA is extending by 30 days the public comment period of the proposed rule entitled ''Unfair Practices and Undue Preferences in Violation of the Packers and Stockyards Act'' that was published in the **Federal Register** on December 20, 2016, (81 FR 92703).

This proposed rule would make two changes to the regulation issued under P&S Act. The first clarifies the conduct or action by packers, swine contractors, or live poultry dealers that GIPSA considers unfair, unjustly discriminatory, or deceptive and a violation of section 202(a) of the P&S Act. The second provides criteria, in response to requirements of the 2008 Farm Bill, to consider in determining whether a packer, swine contractor, or live poultry dealer has engaged in conduct resulting in an undue preference or advantage to one or more livestock producers or poultry growers in violation of § 202(b) of the P&S Act.

Authority: 7 U.S.C. 181–229c.

Marianne Plaus,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–02495 Filed 2–6–17; 8:45 am]

BILLING CODE 3410–KD–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

[NRC–2016–0145]

RIN 3150–AJ79

Access Authorization and Fitness-For-Duty Determinations

AGENCY: Nuclear Regulatory Commission.

ACTION: Public meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) plans to hold a public meeting to discuss a rulemaking activity regarding the role of third parties in access authorization and fitness-for-duty determinations. The purpose of the meeting is to provide information on the background and status of this rulemaking activity and to obtain input from interested stakeholders.

DATES: The public meeting will be held on February 13, 2017. See Section II, Public Meeting, of this document for more information on the meeting.

ADDRESSES: Please refer to Docket ID NRC–2016–0145 when contacting the NRC about the availability of information regarding this meeting. You may obtain publicly-available information related to this meeting using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0145. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Daniel I. Doyle, telephone: 301–415–3748, email: *Daniel.Doyle@nrc.gov;* or Mark Resner, telephone: 301–287–3680, email: *Mark.Resner@nrc.gov.* Both are staff members of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Background

In a staff requirements memorandum dated June 6, 2016 (SRM–SECY–15–0149, ADAMS Accession No. ML16158A286), the Commission approved proceeding with the rulemaking process to further explore the issues raised in an NRC staff paper regarding the role of third party arbitrators in licensee access authorization and fitness-for-duty determinations. The NRC is in the early stages of developing a draft regulatory basis document that will describe the regulatory issue, options to address the issue, and the recommended option. The NRC will consider the information shared at the meeting in the development of the draft regulatory basis document.

The NRC held a similar public meeting on November 16, 2016, and a summary of that meeting is available in ADAMS under Accession No. ML16336A034. The NRC is holding this meeting in response to a request from stakeholders to allow another opportunity for public input prior to publication of a draft regulatory basis document. The NRC also held a closed meeting on December 12, 2016, with representatives from the International Brotherhood of Electrical Workers, and a summary of that meeting is available

in ADAMS under Accession No. ML16355A092.

The NRC changed the title of this rulemaking activity from ''Role of Third Parties in Access Authorization and Fitness-for-Duty Determinations'' to ''Access Authorization and Fitness-for-Duty Determinations.''

II. Public Meeting

The public meeting will be on February 13, 2017, from 1:00 p.m. to 4:00 p.m. (EST) in the Commission Hearing Room, 11555 Rockville Pike, Rockville, Maryland 20852. Interested stakeholders may attend in person or via teleconference and Webinar. The purpose of the meeting is to provide background information on this rulemaking activity and obtain stakeholder input in order to enhance the NRC's understanding of the associated issues. The NRC staff will use this input to inform its determination of what action, if any, the agency should take to address the issue of third party participation in licensee access authorization and fitness-for-duty determinations. The NRC staff will discuss the various opportunities for the public to participate in the rulemaking process. The NRC will not provide formal written responses to the oral comments made at this meeting. In addition, the NRC is not providing an opportunity to submit written public comments in connection with this meeting.

Information for the teleconference and Webinar is available in the meeting notice, which can be accessed through the NRC's public Web site at: *http://meetings.nrc.gov/pmns/mtg.* Participants must register at the Internet link in the meeting notice to participate in the Webinar.

Additional details regarding the meeting will be posted at least 10 days prior to the public meeting on the NRC's public meeting Web site at: *http://meetings.nrc.gov/pmns/mtg.*

Dated at Rockville, Maryland, this 31st day of January 2017.

For the Nuclear Regulatory Commission.

Louise Lund,

Director, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–02515 Filed 2–6–17; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0051; Directorate Identifier 2016–CE–043–AD]

RIN 2120–AA64

Airworthiness Directives; DG Flugzeugbau GmbH

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

ACTION: Notice of proposed rulemaking (NPRM).

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

DATES: We must receive comments on this proposed AD by March 24, 2017.

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

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

For service information identified in this proposed AD, contact Solo Kleinmotoren GmbH, Postfach 600152, 71050 Sindelfingen, Germany; telephone: +49 703 1301–0; fax: +49 703 1301–136; email: *aircraft@solo-germany.com;* Internet: *http://aircraft.solo-online.com.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0051; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0051; Directorate Identifier 2016–CE–043–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No.: 2014–0269, dated December 11, 2014 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

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

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

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

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

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

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0051.

Related Service Information Under 1 CFR Part 51

Solo Kleinmotoren GmbH has issued Technische Mitteilung (English translation: Service Bulletin), Nr. 4600–5, Ausgabe 2 (English translation: Issue 2), dated December 12, 2014. The service information describes procedures for changing the fuel injector mounts of the engine redundancy system and securing the connection of the lower to the upper mount. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of the Proposed AD

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

Costs of Compliance

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

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

DG Flugzeugbau GmbH: Docket No. FAA–2017–0051; Directorate Identifier 2016–CE–043–AD.

(a) Comments Due Date

We must receive comments by March 24, 2017.

(b) Affected ADs

None.

(c) Applicability

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

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

(2) certificated in any category.

(d) Subject

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

(e) Reason

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

(f) Actions and Compliance

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

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

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

This AD allows credit for modification of the engine redundancy system as required in

paragraph (f) of this AD if done before the effective date of this AD following Solo Kleinmotoren GmbH Technische Mitteilung (English translation: Service Bulletin), Nr. 4600–5, Ausgabe 1 (English translation: Issue 1), dated November 24, 2014.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(i) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2014–0269, dated December 11, 2014 for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0051. For service information related to this AD, contact Solo Kleinmotoren GmbH, Postfach 600152, 71050 Sindelfingen, Germany; telephone: +49 703 1301–0; fax: +49 703 1301–136; email: *aircraft@solo-germany.com;* Internet: *http://aircraft.solo-online.com.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on January 18, 2017.

Melvin Johnson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–01779 Filed 2–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0048; Directorate Identifier 2016–CE–035–AD]

RIN 2120–AA64

Airworthiness Directives; Slingsby Aviation Ltd. Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Slingsby Aviation Ltd. Models T67M260 and T67M260–T3A airplanes that would supersede AD 2015–11–01. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as failure of a brake master cylinder pivot pin, which could cause the rudder pedal mechanism to detach from the brake cylinder. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by March 24, 2017.

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

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

For service information identified in this proposed AD, contact Marshall Aerospace and Defence Group, The Airport, Newmarket Road, Cambridge, CB5 8RX, UK; telephone: +44 (0) 1223 399856; fax: +44 (0) 7825365617; email: *mark.bright@marshalladg.com;* Internet: *www.marshalladg.com.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0048; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0048; Directorate Identifier 2016–CE–035–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On May 18, 2015, we issued AD 2015–11–01, Amendment 39–18164 (80 FR 30136; May 27, 2015). That AD required actions intended to address an unsafe condition on Slingsby Aviation Ltd. Models T67M260 and T67M260–T3A airplanes and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country.

Since we issued AD 2015–11–01, new service information was issued to revise the inspection instructions and to add a new initial inspection period after

replacement of the brake master cylinder pivot pins.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2016–0214, dated October 27, 2016 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

An occurrence was reported where pivot pin Part Number (P/N) T67M–45–539, of rudder pedal assembly #4, installed on the right hand (RH) side of the aeroplane (RH seat, RH pedal) failed during taxi. This caused the rudder pedal mechanism to detach from the brake master cylinder.

This condition, if not detected and corrected, could cause the rudder linkages to rotate out of their normal orientation, possibly resulting in jammed rudder controls and consequent loss of control of the aeroplane.

To address this potential unsafe condition, Slingsby Advanced Composites Ltd, trading as Marshall Aerospace and Defence Group (hereafter called ''Marshall'' in this AD) issued Service Bulletin (SB) SBM 200 to provide inspection instructions.

Consequently, EASA issued Emergency AD 2015–0065–E to require repetitive inspections of the brake cylinder pivot pins of rudder pedal assemblies #1 and #4 and, depending on findings, replacement of the affected pivot pin(s).

Since that AD was issued, Marshall published SBM 200 Revision 2 to revise the inspection instructions and to introduce a new initial inspection period after replacement of brake master cylinder pivot pins on an aeroplane.

For the reason described above, this AD retains the requirements of EASA AD 2015–065–E, which is superseded, but requires the use of the revised inspection instructions. This AD also allows deferring the next due inspection after replacement of the pins.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0048.

Related Service Information Under 1 CFR Part 51

Slingsby Aviation Ltd. trading as Marshall Aerospace and Defence Group has issued Marshall Aerospace and Defence Group Service Bulletin SBM 200, Revision 2, dated December 2015. The service bulletin describes procedures for inspection of the brake master cylinder pivot pin. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of the Proposed AD

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

Costs of Compliance

We estimate that this proposed AD will affect 3 products of U.S. registry. We also estimate that it would take about 6 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $50 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $1,680, or $560 per product.

In addition, we estimate that any necessary follow-on actions would take about .5 work-hour and require parts costing $100, for a cost of $142.50 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–18164 (80 FR 30136; May 27, 2015), and adding the following new AD:

Slingsby Aviation Ltd.: Docket No. FAA–2017–0048; Directorate Identifier 2016–CE–035–AD.

(a) Comments Due Date

We must receive comments by March 24, 2017.

(b) Affected ADs

This AD replaces AD 2015–11–01; Amendment 39–18164 (80 FR 30136; May 27, 2015) (''AD 2015–11–01'').

(c) Applicability

This AD applies to Slingsby Aviation Ltd. Models T67M260 and T67M260–T3A airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 27: Flight Controls.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as failure of a brake master cylinder pivot pin, which could

cause the rudder pedal mechanism to detach from the brake cylinder. We are issuing this proposed AD to detect and correct discrepancies of the brake master cylinder pivot pin, which could lead to detachment of the rudder pedal mechanism from the brake master cylinder with consequent loss of control.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) through (3) of this AD:

(1) Within 300 hours time-in-service (TIS) after the effective date of this AD or within 300 hours TIS after the last inspection required by AD 2015–11–01, whichever occurs first, and repetitively thereafter at intervals not to exceed 300 hours TIS or 12 months, whichever occurs first, inspect the brake master cylinder pivot pins part number (P/N) T67M–45–539 installed on rudder pedal assemblies number 1 and number 4. Do this action following paragraph C. INSPECTION of the Accomplishment Instructions in Marshall Aerospace and Defense Group Service Bulletin SBM 200, Revision 2, dated December 2015 (SBM 200, Revision 2).

(2) If any cracking or distortion of the brake master cylinder pivot pins is found or the pivot pin fails the dimensional check during any of the inspections required in paragraph (f)(1) of this AD, before further flight, replace the affected pivot pin with a serviceable part following paragraph C. INSPECTION of the Accomplishment Instructions in SBM 200, Revision 2.

(3) Replacement of the brake master cylinder pivot pins as required by paragraph (f)(2) of this AD does not terminate the repetitive inspections required by paragraph (f)(1) of this AD. If both brake master cylinder pivot pins are replaced at the same time, the first repetitive inspection after replacement of the pivot pins can be deferred until 1,000 hours TIS after replacement of the pivot pins.

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

This AD provides credit for any inspections required in paragraph (f)(1) of this AD if completed before the effective date of this AD following the Accomplishment Instructions of Marshall Aerospace and Defense Group Service Bulletin SBM 200, Revision 1, dated April 2015.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(i) Related Information

Refer to MCAI EASA AD 2016–0214, dated October 27, 2016, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0048. For service information related to this AD, contact Marshall Aerospace and Defence Group, The Airport, Newmarket Road, Cambridge, CB5 8RX, UK; telephone: +44 (0) 1223 399856; fax: +44 (0) 7825365617; email: *mark.bright@marshalladg.com;* Internet: *www.marshalladg.com.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on January 18, 2017.

Melvin Johnson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–01768 Filed 2–6–17; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM17–2–000]

Uplift Cost Allocation and Transparency in Markets Operated by Regional Transmission Organizations and Independent System Operators

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is proposing to revise its regulations to require that each regional transmission organization (RTO) and independent system operator (ISO) that currently allocates the costs of real-time uplift due to deviations should allocate such real-time uplift costs only to those market participants whose transactions are reasonably expected to have caused the real-time uplift costs. The Commission also proposes to revise its regulations to enhance transparency by requiring that each RTO/ISO post uplift costs paid (dollars) and operator-initiated commitments (megawatts) on its Web site; and define in its tariff its transmission constraint penalty factors, as well as the circumstances under which those penalty factors can set locational marginal prices, and any procedure for changing those factors.

DATES: Comments are due April 10, 2017.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

- *Electronic Filing through http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- *Mail/Hand Delivery:* Those unable to file electronically may mail or hand-deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures Section of this document.

FOR FURTHER INFORMATION CONTACT:

Stanley Wolf (Technical Information), Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6841, *Stanley.Wolf@ferc.gov*

Keatley Adams (Technical Information), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8678, *Keatley.Adams@ferc.gov*

Colin Beckman (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8049, *Colin.Beckman@ferc.gov*

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1. In this Notice of Proposed Rulemaking (NOPR), the Federal Energy Regulatory Commission (Commission) proposes to revise its regulations to address potentially unjust and unreasonable approaches to real-time uplift cost allocation and transparency practices by regional transmission organizations (RTOs) and independent system operators (ISOs).

2. While the Commission and RTOs/ISOs have taken steps to reduce the amount of uplift in the energy and ancillary services markets, the complexity inherent in the electric system and limitations in the tools available to maintain reliable operations can lead to system operators taking out-of-market actions to manage reliability. When they do so, energy and ancillary service prices may not reflect the marginal cost of production and some resources may therefore need make-whole payments to ensure recovery of operating costs. Since the limitations in representing the complexity of the electric system in market models are unlikely to ever be fully resolved, uplift costs are also unlikely to be completely eliminated. As a result, RTOs/ISOs need to have a method for allocating these costs to market participants. At the highest level, the allocation of uplift costs should, to the extent possible, encourage behavior that will reduce the need for uplift-creating actions and avoid discouraging market participant behavior that lowers total production costs (*i.e.,* enhances efficiency). The reforms proposed in this NOPR are designed to achieve these objectives.

3. Given that RTOs/ISOs are likely going to need to take some out-of-market actions, there is a need to provide transparency regarding those actions and the associated uplift costs. The lack of transparency regarding uplift and operator-initiated commitments,[1] which can cause uplift, hinders a market participant's ability to plan and efficiently respond to system needs. Market participants may lack the information necessary to evaluate the need for and value of additional investment, such as transmission upgrades or new generation. Also, without sufficient transparency, market participants may not be able to assess each RTO's/ISO's operator-initiated commitment practices and raise any issues of concern through the stakeholder process. The transparency reforms proposed in this NOPR are designed to allow market participants to understand the actions RTOs/ISOs are taking and respond accordingly.

4. First, we preliminarily find that certain practices of allocating the cost of real-time uplift[2] to market participants who deviate from day-ahead market schedules (deviations) are inconsistent with cost causation, which may distort market outcomes, potentially resulting in unjust and unreasonable rates.

[1] An operator-initiated commitment is a commitment that is not associated with a resource clearing the day-ahead or real-time market on the basis of economics and that is not self-scheduled. *See* FERC, *Operator Initiated Commitments in RTO and ISO Markets,* Docket No. AD14–14–000 at 8–20 (Dec. 2014), *http://www.ferc.gov/legal/staff-reports/2014/AD14-14-operator-actions.pdf.*

[2] Real-time uplift refers to uplift payments to resources committed after the close of the day-ahead market, including any uplift associated with reliability commitments, whether or not the RTO/ISO considers such commitments outside of the day-ahead market, *e.g.,* the Reliability Unit Commitment or RUC process. As such, uplift payments to resources committed in a reliability unit commitment process would be considered real-time uplift for the purposes of this NOPR).

Specifically, some RTO/ISO practices of allocating real-time uplift costs to deviations that could not reasonably be expected to have caused those uplift costs can distort market outcomes by inappropriately penalizing behavior that can improve price formation. Therefore, we propose to require that, if an RTO/ISO allocates real-time uplift costs to deviations, it must do so based on cost causation, as further discussed below. For the purposes of allocating uplift costs to deviations, we propose that deviations are megawatt hour differences between a market participant's scheduled deliveries or receipts at particular points—as determined by the day-ahead market clearing process—and those amounts actually delivered or received in real-time that are not related to real-time economic or reliability-related operator dispatch instructions. This proposal would apply only to real-time uplift cost allocation to deviations. This NOPR does not apply to other methods used by RTOs/ISOs to allocate uplift costs. If an RTO/ISO does not currently allocate real-time uplift costs to deviations, this NOPR does not impose a requirement on those RTOs/ISOs to allocate real-time uplift costs to deviations.

5. Second, we preliminarily find that current practices with respect to reporting uplift payments, operator-initiated commitments, and transmission constraint penalty factors [3] are unjust and unreasonable. The lack of transparency into the costs allocated to market participants, and into the causes of such costs, hinders the ability of market participants to assess the effectiveness of current operational practices or to evaluate the need for additional investment, such as transmission upgrades or new generation. Similarly, the lack of transparency with respect to transmission constraint penalty factors may hinder a market participant's ability to effectively understand how an RTO's/ISO's actions affect energy prices and thus, hinder its ability to hedge energy market transactions. As discussed further below, for these reasons we preliminarily find that these practices may result in rates that are unjust and unreasonable. We therefore propose to require that each RTO/ISO: (1) Report total uplift payments for each transmission zone, broken out by day and uplift category; (2) report total uplift payments for each resource on a monthly basis; (3) report megawatts (MW) of operator-initiated commitments in or near real-time and after the close of the day-ahead market, broken out by transmission zone and commitment reason; and (4) define in its tariff the transmission constraint penalty factors, as well as the circumstances under which those factors can set locational marginal prices (LMPs), and the process by which they can be changed.

6. The goals of the price formation proceeding are to: (1) Maximize market surplus for consumers and suppliers; (2) provide correct incentives for market participants to follow commitment and dispatch instructions, make efficient investments in facilities and equipment, and maintain reliability; (3) provide transparency so that market participants understand how prices reflect the actual marginal cost of serving load and the operational constraints of reliably operating the system; and (4) ensure that all suppliers have an opportunity to recover their costs.[4]

7. The reforms proposed in this NOPR address two of the Commission's price formation goals. First, the proposed reforms to uplift costs allocated to deviations should improve market participants' incentives to perform in real-time consistent with operator instructions and bid into the day-ahead market and submit day-ahead schedules consistent with expected real-time system conditions. Second, the proposed transparency reforms will help market participants understand how prices reflect the actual marginal cost of serving load and the operational constraints of reliably operating the system.

8. We seek comment on these proposed reforms 60 days after publication of this NOPR in the **Federal Register**.

I. Background

9. In June 2014, the Commission initiated a proceeding, in Docket No. AD14–14–000, Price Formation in Energy and Ancillary Services Markets in Regional Transmission Organizations and Independent System Operators, to evaluate issues regarding price formation in the energy and ancillary services markets operated by RTOs/ISOs (Price Formation Proceeding). The notice initiating that proceeding stated that there may be opportunities for the RTOs/ISOs to improve the price formation process in the energy and ancillary services markets. As set forth in the notice, prices used in energy and ancillary services markets ideally ''would reflect the true marginal cost of production, taking into account all physical system constraints, and these prices would fully compensate all resources for the variable cost of providing service.'' [5] Pursuant to the notice, staff conducted outreach and convened technical workshops on the following four general issues: (1) Use of uplift payments; (2) offer price mitigation and offer price caps; (3) scarcity and shortage pricing; and (4) operator actions that affect prices.[6]

10. In January 2015, the Commission requested comments on questions that arose from the price formation technical workshops.[7] As a result of these comments, the Commission identified, among other things, five topics with potential for reform to improve price formation, but for which further information was needed.

11. In November 2015, the Commission issued an order that directed each RTO/ISO to report on these five price formation topics: Fast-start pricing; managing multiple contingencies; look-ahead modeling; uplift allocation; and transparency.[8] Specifically, the order directed each RTO/ISO to file a report providing an update on its current practices in the five topic areas, outlining the status of its efforts (if any) to address issues in each of the five topic areas, and responding to specific questions contained in the order. In the reports filed and the subsequent comments, RTOs/ISOs and other commenters addressed the issues of uplift cost allocation and transparency,[9] which are the subject of this NOPR.

II. Discussion

A. Uplift Cost Allocation

12. In this section, we first provide a brief background on uplift payments and deviations between day-ahead and real-time schedules as a way to determine uplift cost allocation. We

[3] Transmission constraint penalty factors are the values at which an RTO's/ISO's market software will relax the limit on a transmission constraint rather than continue to re-dispatch resources to relieve congestion associated with that constraint.

[4] *See Price Formation in Energy and Ancillary Services Markets Operated by Regional Transmission Organizations and Independent System Operators,* Notice Inviting Post-Technical Workshop Comments, Docket No. AD14–14–000, at 1 (Jan. 16, 2015) (Notice Inviting Comments); *Price Formation in Energy and Ancillary Services Markets Operated by Regional Transmission Organizations and Independent System Operators,* Notice, Docket No. AD14–14–000 (June 19, 2014) (Price Formation Notice).

[5] Price Formation Notice, Docket No. AD14–14–000, at 2 (June 19, 2014).

[6] *Id.* at 1, 3–4.

[7] Notice Inviting Comments, Docket No. AD14–14–000 (Jan. 16, 2015).

[8] *Price Formation in Energy and Ancillary Services Markets Operated by Regional Transmission Organizations and Independent System Operators,* 153 FERC ¶ 61,221 (2015) (Order Directing Reports).

[9] A list of commenters and the abbreviated names used in this NOPR appears in the Appendix.

then review current RTO/ISO practices and comments regarding these practices submitted prior to and after the issuance of the Order Directing Reports. Finally, we explain the need for reform and set forth the proposal in detail.

1. Uplift Cost Allocation Background

13. Uplift generally refers to payments that RTOs/ISOs make to a resource whose commitment and dispatch result in a shortfall between the costs in a resource's offer and the revenue earned through market clearing prices.[10] For example, if a resource is committed and is not able to fully recover its costs from the energy and ancillary services markets, it would receive an uplift payment. As noted in the Staff Analysis of Uplift, modeling, software, and certain other limitations are inherent in the complexity of the electric system and the tools available to maintain reliable operations. As a result, system operators may have to take out-of-market actions to manage reliability, with resulting energy and ancillary service prices not reflecting the marginal cost of production. Uplift, or make-whole, payments may therefore be needed to ensure that resources committed and dispatched out-of-market are able to recover their operating costs. These modeling, software, and other limitations will likely persist, making uplift an inherent element of centralized wholesale energy and ancillary services markets that may not be completely eliminated. Therefore, RTOs/ISOs must have a method to allocate these costs to market participants. Generally, RTOs/ISOs allocate uplift costs either directly to market participants who caused the uplift or to load. Allocation of uplift costs to load is motivated by several considerations. Load can be viewed as the ultimate beneficiary of the actions the system operator takes to maintain reliability. Further, one principle of cost allocation is to allocate costs in a way that is least likely to distort market participant behavior. In electricity markets, load is the class of market participants that is currently the least sensitive to price and for whom an allocation of uplift costs is arguably least likely to distort behavior. For shorthand, allocating uplift costs to load is referred to as ''beneficiary pays.'' In practice, RTOs/ISOs often use a combination of the two approaches, with load receiving all of the uplift costs that are not allocated through cost-causation methods, such as a deviations-based approach.

14. In its Order Directing Reports, the Commission asked the RTOs/ISOs to explain whether and how the RTO/ISO allocates real-time energy and ancillary services market uplift costs based on deviations from market participants' day-ahead schedules, and whether deviations that increase the need for actions that cause real-time uplift payments (harming deviations) are netted against deviations that reduce the need for actions that cause real-time uplift payments (helping deviations).[11]

15. In response, most RTOs/ISOs state that they classify certain schedule differences between the day-ahead and real-time markets as deviations and allocate at least some portion of real-time uplift costs to those deviations. Allocation of real-time uplift costs to deviations is the focus of this NOPR because deviations may increase the need for operator actions that cause real-time uplift, such as additional unit commitments in real-time to replace a shortfall in generation or an increase in load compared to the day-ahead market solution. This NOPR does not address other methods of uplift cost allocation, such as allocation to load obligations, and does not propose to require RTOs/ISOs to allocate real-time uplift costs to deviations.

2. Current RTO/ISO Practices

16. All of the RTOs/ISOs state that they use some form of beneficiary pays or cost-causation principles to allocate uplift costs.[12] However, the current uplift cost allocation methods of the RTOs/ISOs vary significantly, both in terms of granularity and the exemption of certain types of transactions. The definition of what precisely constitutes a deviation also varies across RTOs/ISOs.

17. NYISO generally allocates uplift costs based on the beneficiary pays principle.[13] NYISO allocates uplift costs associated with state-wide reliability to all loads in the New York Control Area, and allocates uplift costs associated with local reliability to load within the transmission district where the reliability actions were taken. NYISO allocates real-time uplift costs on a beneficiary pays basis to load obligations, using real-time metered load during the hours in which uplift costs were incurred.[14] NYISO also explains that it eliminated all uplift costs associated with Coordinated Transaction Scheduling (CTS)[15] in a reciprocal fashion with ISO–NE, and that it supports the elimination of all uplift cost allocation and fees on exports because these fees reduce trade between regions and adversely impact total production costs.[16]

18. CAISO explains that it has many categories of uplift, and that it allocates uplift costs to transmission owners (who pass uplift costs to transmission customers), loads, and exports, depending on whether the system operator made the dispatch decision to address transmission constraints, energy imbalance, real-time congestion, or bid cost recovery.[17] CAISO asserts that any allocation based on deviations should consider the wide variability in scheduling and metering granularity for different resources and that there might be implementation challenges in a more granular cost allocation.[18]

19. ISO–NE states that roughly half of its uplift costs are allocated to deviations, which include generator deviations, load deviations, increment (virtual) deviations, and import deviations.[19] ISO–NE calculates each market participant's deviations hourly, netting virtual demand bids and deviations from day-ahead load across all locations.[20] However, hourly generator and virtual supply deviations are not subject to netting in ISO–NE.[21] ISO–NE does not allocate uplift costs to CTS transactions.[22]

20. PJM allocates uplift costs incurred for reasons other than reliability to deviations, including cleared virtual bids, transaction deviations, and load deviations.[23] PJM states that it assesses deviations daily by netting deviations separately within three different categories (demand, supply, and generation) at a single transmission zone, hub, or interface.[24] PJM explains that its current netting rule allows a supply or demand deviation from a virtual transaction in the day-ahead energy market to be netted against

[10] FERC, *Staff Analysis of Uplift in RTO and ISO Markets,* Docket No. AD14–14–000, at 1–2 (Aug. 2014), *https://www.ferc.gov/legal/staff-reports/2014/08-13-14-uplift.pdf.*

[11] Order Directing Reports, 153 FERC ¶ 61,221 at P 64, question 3.b.

[12] NYISO Report at 45; PJM Report at 28; SPP Report at 19; MISO Report at 42; ISO–NE Report at 43; CAISO Report at 35.

[13] NYISO Report at 46.

[14] *Id.* at 40.

[15] CTS is a set of real-time market rules that allow imports and exports to be scheduled based on a bidder's willingness to purchase energy sourced from one RTO/ISO and sell the energy at a sink in another, adjacent RTO/ISO, if the difference between the forecasted prices at the sink and source is greater than or equal to the dollar value specified in the CTS Interface Bid (spread bid).

[16] NYISO Report at 45–46.

[17] CAISO Report at 40–45.

[18] *Id.* at 37.

[19] ISO–NE Report at 54–55.

[20] *Id.* at 50.

[21] *Id.*

[22] ISO–NE Report at 53.

[23] PJM Report at 30–31.

[24] *Id.* at 31.

internal bilateral transactions [25] occurring at the same location.[26] PJM does not consider up-to-congestion transactions [27] to be deviations and does not allocate uplift to them.[28] PJM considers CTS transactions (and other imports and exports) to be deviations, and allocates uplift to them.

21. SPP states that it allocates uplift costs based on causation when the cause is identifiable and the cost of doing so does not outweigh the benefit.[29] For example, real-time uplift costs are allocated to deviations from day-ahead schedules and SPP dispatch instructions.[30] SPP states that virtual transactions are considered deviations, but virtual supply offers are netted against a countervailing deviation between day-ahead and real-time schedules (*i.e.,* a load or export decrease, or import increase, relative to its day-ahead schedule) at the same settlement location.[31]

22. MISO has a granular approach to allocating uplift costs that it states is based on determining cost-causation where possible. MISO has several categories of uplift, but, for example, MISO's Revenue Sufficiency Guarantee uplift category has six different methodologies for distributing costs based on the reason a resource was committed.[32] MISO also allocates uplift costs according to a set of defined categories based on what MISO determines to be the cause of the uplift. Uplift costs resulting from real-time capacity commitments are largely allocated to deviations, including physical supply and demand deviations, virtual transactions, and import and export physical schedules.[33] A portion of uplift resulting from transmission constraint relief is assigned to the deviations that caused the congestion.[34] MISO has also noted that it will not allocate uplift costs to CTS between itself and PJM, which is expected to be implemented in the spring of 2017.[35]

3. Comments

a. Practices for Allocating Uplift Costs to Deviations

23. Some commenters criticize the practice of allocating uplift costs to real-time deviations from day-ahead schedules. For example, Appian Way asserts that deviations-based approaches to uplift cost allocation create market inefficiencies in the form of unnecessary and inappropriate barriers to market participants accessing the spot market, and also shift the cost responsibility for uplift from load to other market participants.[36]

24. Others, however, support allocating uplift costs to deviations from day-ahead schedules, but argue that such deviations should be netted based on whether they contribute to or alleviate the condition causing uplift.[37] Some commenters contend, for example, that netting such deviations is consistent with cost causation principles because it ensures that only market participants deviating from their day-ahead schedules in a manner that increases uplift payments will incur those costs.[38]

25. Multiple commenters also recommend the creation of more specific uplift cost allocation categories that are better aligned with cost causation. To this end, some commenters suggest creating a congestion management category that would distinguish uplift incurred for congestion management from uplift incurred for capacity needs or voltage and local reliability and allocate uplift costs accordingly.[39]

26. MISO Market Monitor asserts that uplift costs should be minimized to the extent possible by incorporating reliability requirements into market-based products, but any remaining uplift costs should then be allocated based on cost causation. MISO Market Monitor believes that allocating uplift costs to those that cause it or benefit from it gives market participants an incentive to act to minimize it. MISO Market Monitor also asserts that MISO's uplift cost allocation approach is the best practice in the industry because it determines why the uplift was incurred and allocates the costs accordingly.[40] MISO Market Monitor also argues that for both capacity-related and congestion-related uplift, cost allocations should be based on deviations from the market participants' day-ahead schedules.[41]

b. Virtual Transactions and Uplift

27. Allocation of uplift costs to virtual transactions is a contentious issue, and commenters hold disparate opinions. Some commenters argue that virtual transactions contribute to price convergence between the day-ahead and real-time markets, thus reducing, rather than increasing, uplift. They also argue that virtual transactions are easily forced out of the market by added fees, such as uplift. These commenters support either reducing or eliminating the allocation of uplift costs to virtual transactions.[42] For example, XO Energy argues that it is unjust and unreasonable to allocate energy deviation-related uplift costs to virtual transactions as XO Energy asserts these transactions do not impact unit commitment because the energy impacts ''net out'' and do not affect the system's power balance.[43]

28. Other commenters disagree, arguing that virtual transactions should be allocated uplift costs because they affect day-ahead commitment and dispatch, and thus can impact uplift.[44] For example, PJM states that allocating uplift costs to virtual transactions is consistent with cost causation, and that up-to-congestion transactions should be allocated uplift costs similar to other virtual transactions, although they are not currently allocated such costs.[45] Several commenters also contend that cost allocation rules for virtual transactions may need to be revised.[46] For example, EEI notes that in PJM, virtual transactions, including increment offers and decrement bids, are allocated uplift costs, while up-to-congestion transactions are not. EEI asserts that up-to-congestion transactions should not be given preferential treatment and should instead be allocated a share of uplift costs.[47]

[25] Internal bilateral transactions are a type of bilateral transaction used to purchase or sell one or more electricity market product(s) within a region. In all of the RTOs/ISOs, internal bilateral transactions are financial agreements that the two parties report to the RTO/ISO to streamline accounting and settlement. None of the RTOs/ISOs model internal bilateral transactions in the real-time or day-ahead market, and internal bilateral transactions do not affect market dispatch or power flows.

[26] PJM Report at 33.

[27] An up-to-congestion transaction is a form of virtual transaction that combines an offer to sell energy at a source, with a bid to buy the same MW quantity of energy at a sink where such transaction specifies the maximum difference between the LMP at the source and sink.

[28] PJM Report at 33.

[29] SPP Report at 20.

[30] *Id.* at 22.

[31] *Id.* at 38.

[32] MISO Report at 42–43.

[33] *Id.* at 44.

[34] *Id.*

[35] *Midcontinent Indep. Sys. Operator, Inc.,* 155 FERC ¶ 61,038, at P 3 (2016).

[36] Appian Way Comments at 1, 7.

[37] Financial Marketers Coalition Comments at 31.

[38] *Id.* at 14, 31.

[39] *Id.* at 14; XO Energy Comments at 24.

[40] MISO Market Monitor Feb. 24, 2015 Comments at 16–17.

[41] *Id.* at 17.

[42] Appian Way Comments at 10; Financial Marketers Coalition Comments at 14–15; XO Energy Comments at 21.

[43] XO Energy Comments at 19–21.

[44] PSEG Companies Comments at 10; EEI Comments at 4.

[45] PJM Report at 33.

[46] EPSA/P3 Comments at 12; DC Energy, Inertia Power, and Vitol Comments at 4–5.

[47] EEI Comments at 4.

c. Coordinated Transaction Scheduling

29. CTS transactions are scheduled in real-time by the participating RTO/ISOs[48] based on forecasted prices. CTS is not used in all RTO/ISO markets and the allocation of uplift costs to CTS varies by market, as described herein. Some RTOs/ISOs, such as MISO, view CTS transactions as economically dispatched, similar to the economic dispatch of a generator, and therefore do not consider them to be deviations for the purpose of allocating uplift costs. NYISO and ISO–NE do not allocate uplift costs to CTS transactions between their markets. PJM, however, views CTS transactions as deviations, indistinguishable in effect from other deviations that cause uplift.

d. Additional Comments

30. Commenters also provide feedback on several other market design mechanisms related to uplift. For example, several commenters discuss the netting of internal bilateral transactions against other deviations when allocating uplift costs in PJM. While some advocate eliminating this market rule,[49] others support it, contending that internal bilateral transactions are valuable hedging tools which allow market participants to counteract a deviation from a virtual transaction in the day-ahead market and promote convergence between day-ahead and real-time prices.[50]

4. Need for Reform

31. We preliminarily find that some existing RTO/ISO practices of real-time uplift cost allocation to deviations may be unjust and unreasonable. Specifically, these real-time uplift cost allocation practices may result in unjust and unreasonable rates by allocating costs to deviations that could not reasonably be expected to have caused those costs. Allocating costs to deviations that did not cause these costs can inappropriately penalize certain types of transactions that may be beneficial to price formation. We note that the Commission is not proposing to require RTOs/ISOs to allocate any amount of uplift costs to deviations, rather we are simply proposing reforms to uplift cost allocation to deviations to the extent an RTO/ISO chooses to allocate some uplift costs to deviations.

32. While there are several approaches to allocating uplift costs, most RTOs/ISOs allocate at least a portion of real-time uplift costs to market participants that deviate from their day-ahead market schedules. When market participants deviate from their day-ahead schedule, RTOs/ISOs may have to take actions in real-time to address differences between the day-ahead market solution and real-time system conditions. These actions, such as committing additional resources, can result in real-time uplift costs.

33. However, RTOs/ISOs do not always consider whether a deviation likely contributed to increasing or decreasing real-time uplift costs when allocating real-time uplift costs. Deviations from day-ahead market schedules that create the need for additional resource commitments in real-time tend to increase real-time uplift costs. On the other hand, deviations can also contribute to the convergence of the day-ahead and real-time markets by helping to ensure that the day-ahead market solution and the attendant day-ahead schedule reduces the need for system operator actions in real-time. If real-time uplift costs are assigned improperly, such costs may impact market behavior in a manner that limits otherwise beneficial transactions, which in turn may distort prices and market outcomes. This distortion can lead to increased real-time uplift payments, higher overall costs to consumers, and potentially unjust and unreasonable rates.[51]

34. Therefore, we preliminarily find unjust and unreasonable real-time uplift cost allocation rules that fail to distinguish between deviations that help converge day-ahead and real-time markets[52] and those that harm efforts to address system needs. Such rules fail to appropriately assign real-time uplift costs to market participants that are likely to cause such costs and inappropriately deter transactions that are likely to minimize these costs.

5. Proposal

35. To remedy the potentially unjust and unreasonable rates resulting from allocating real-time uplift costs to deviations in a manner inconsistent with cost causation, we propose that, pursuant to section 206 of the Federal Power Act,[53] each RTO/ISO that currently allocates real-item uplift costs to deviations must follow the practices described below when allocating such costs. Specifically, the following practices ensure that if an RTO/ISO chooses to allocate real-time uplift costs to deviations, it must do so consistent with cost causation. Accordingly, we first propose that RTOs/ISOs categorize real-time uplift costs allocated to deviations into at least two categories based on the reason uplift costs were incurred, a system-wide capacity category and a congestion management category as discussed in more detail below. Second, we propose to require each RTO/ISO to distinguish between deviations that are ''helping'' to address system needs and those that are ''harming'' efforts to address system needs. Further, within each uplift category, uplift costs must be allocated to a market participant's net ''harming'' deviations, *i.e.,* relevant ''harming'' deviations net of relevant ''helping'' deviations. Third, we propose to clarify that a resource responding to an RTO/ISO-initiated real-time dispatch instruction should not be allocated deviations-related real-time uplift costs. Finally, we propose that real-time uplift costs allocated to deviations must be settled using hourly uplift rate calculations. Each proposed practice is described in detail below.

36. This proposal would apply only to real-time uplift costs allocated to deviations. The NOPR does not propose to require that RTOs/ISOs allocate uplift costs to deviations, and we recognize that there are other methods for allocating uplift costs that are not based on deviations, such as allocations based on load obligation. Further, we recognize that there are many causes of uplift and this NOPR does not propose to address the allocation of all uplift costs. Rather, to improve upon existing RTO/ISO cost allocation practices, this NOPR addresses the allocation of uplift costs caused by market participants that deviate from their day-ahead market schedules.

37. Most RTOs/ISOs allocate some real-time uplift costs to deviations, although their methods for doing so vary. We set forth here a definition of deviations to delineate what type of real-time uplift cost allocation is the subject of this NOPR. We propose that deviations are megawatt hour differences between a market participant's scheduled deliveries or receipts at particular points cleared in the day-ahead market and those amounts actually delivered or received at those points in real-time that are not related to real-time economic or reliability-related operator dispatch instructions. We propose that, to the

[48] Currently, CTS is effective between NYISO and ISO–NE and NYISO and PJM. MISO and PJM expect to implement CTS in 2017.

[49] PJM Market Monitor Comments at 13; PJM Report at 33; Appian Way Comments at 8.

[50] EPSA/P3 Comments at 12–13.

[51] FERC, *Staff Analysis of Uplift in RTO and ISO Markets,* Docket No. AD14–14–000, at 5–7 (Aug. 2014), *https://www.ferc.gov/legal/staff-reports/2014/08-13-14-uplift.pdf.*

[52] Deviations that help converge day-ahead and real-time markets are deviations that bring day-ahead and real-time prices, commitments, and dispatch closer together.

[53] 16 U.S.C. 824e.

extent an RTO/ISO allocates real-time uplift costs to deviations, it must do so consistent with this proposed definition. We seek comment on the proposed definition of deviations.

38. We propose that if an RTO/ISO allocates real-time uplift costs to deviations, it must allocate such costs only to deviations that can reasonably be expected to have caused those costs. Real-time uplift costs are most likely to be incurred when, for various reasons, the day-ahead market clearing process does not schedule sufficient resources to satisfy the system's real-time needs, and instead, RTOs/ISOs must procure additional resources after the day-ahead market has cleared. Market participants that deviate from their day-ahead schedules will either more closely align the day-ahead market solution with actual real-time system needs or contribute to a divergence from the day-ahead solution. Scheduling practices that contribute to these divergences may require operator actions, such as operator-initiated commitments, in real-time.

39. RTO/ISO day-ahead and real-time price signals provide economic incentives to respond to system needs. Allocating real-time uplift costs to deviations consistent with cost causation would help ensure that real-time uplift cost allocation does not discourage or deter behavior that may converge day-ahead and real-time market solutions. By eliminating the allocation of real-time uplift costs to transactions that are beneficial to meeting system needs, this proposal strengthens the economic incentives for market participants to respond to system needs. Further, allocating real-time uplift costs consistent with cost causation rewards the ability to perform in real-time consistent with operator instructions and disciplines forward scheduling practices by encouraging market participants to bid into the day-ahead market and submit day-ahead schedules consistent with expected real-time system conditions.

a. Real-Time Uplift Categories

40. We propose to require each RTO/ISO to categorize real-time uplift costs allocated to deviations into at least two categories based on the reason the uplift cost was incurred: (1) A system-wide capacity category and (2) a congestion management category. The system-wide capacity category would include real-time uplift related to resource commitments made to ensure sufficient system-wide online capacity to meet energy and operating reserve requirements. The congestion management category would include real-time uplift related to resource commitments to manage transmission congestion on specific constraints. Under this proposal, we require that an RTO/ISO establish at least these two categories for real-time uplift cost allocation to deviations, but propose to provide flexibility to an RTO/ISO to establish additional categories.

41. We propose distinguishing the two categories, system-wide capacity and congestion management. The distinction ensures real-time uplift costs are allocated more specifically to the market participant that caused the uplift. Two examples illustrate how delineating these two categories is consistent with cost causation.

42. As a first example, consider a market participant that owns a generator that in real-time produces less than the output set forth in its day-ahead schedule when it did not receive dispatch instructions to do so. That generator's deviation impacted the RTO's/ISO's ability to maintain real-time energy and operating reserve requirements and required a new commitment to make up for the generator's deviation. However, absent impacting the power flows on a system constraint, the generator did not contribute to congestion on any constraint. Such a generator should be allocated real-time uplift costs for capacity but not congestion management. The generator caused a need for more capacity to come online, but did not cause a need to relieve congestion on a constraint.

43. As a second example, suppose that the same generator is owned by a market participant that also serves real-time load. If the market participant reduces its real-time load in an amount that equals the generator's deviation (*i.e.,* its reduced supply), the market participant's behavior on net did not impact the RTO's/ISO's ability to maintain real-time energy and operating reserve requirements. However, if this behavior—on net—impacts congestion on the system, the market participant should be allocated real-time uplift costs related to congestion management.

44. We request comments on whether the proposed reforms should recognize the need for regional flexibility with regard to the uplift categories. We also request comment on whether other categories should be required.

b. Netting

45. In allocating uplift costs to deviations, we propose to require each RTO/ISO to distinguish between deviations that are ''helping'' efforts to address system needs and those that are ''harming'' efforts to address system needs. The particular system need of relevance will depend on the category of uplift costs at issue, as discussed further below. Within each uplift category, uplift costs must be allocated to a market participant's net ''harming'' deviations, *i.e.,* relevant ''harming'' deviations net of relevant ''helping'' deviations. Such allocation should be commensurate with a market participant's share of total net ''harming'' deviations.

46. Under the proposed system-wide capacity category, a market participant would be allocated a portion of the total real-time uplift costs incurred to maintain energy and operating reserve requirements in the real-time market based on the net contributions of its deviations to those costs. This method would require an RTO/ISO to determine if each market participant's deviations are, on net, ''helping'', by converging the day-ahead scheduled unit commitment and dispatch to the unit commitment and dispatch needed to meet real-time energy and operating reserve requirements, or if they are ''harming'', by exacerbating the difference between the day-ahead scheduled unit commitment and dispatch and the unit commitment and dispatch needed to meet real-time energy and operating reserve requirements. For example, if the system operator committed an additional resource to maintain energy and operating reserve requirements in the real-time market, a market participant with net deviations that increased demand (or decreased supply) would be allocated a portion of real-time uplift costs in the system-wide category, while a market participant with net deviations that increased supply (or decreased demand) would not.

47. Under the proposed congestion management category, a market participant would be allocated real-time uplift costs if its net deviations contributed to a difference between the congestion on a specific constraint in the day-ahead market and the real-time congestion on that constraint. This method would require an RTO/ISO to determine if each market participant's deviations are, on net, ''helping'', by converging day-ahead and real-time congestion patterns, or if they are ''harming'', by exacerbating the difference between day-ahead and real-time congestion on a constraint. Market participants would be allocated real-time uplift costs in this category only if their net deviations are harming by contributing to differences between day-ahead and real-time congestion on a constraint.

48. For netting within this congestion management category, we propose to require each RTO/ISO to determine real-time uplift cost allocation based on the net impact of a market participant's deviations on a constraint. To make this determination, an RTO/ISO should net the deviations that relieve real-time congestion on the constraint with those that contribute to it.

49. Deviations caused by non-market transactions (such as internal bilateral transactions) would not be netted in either the proposed system-wide capacity category or the proposed congestion management category because they take place outside of the day-ahead and real-time markets. Transactions that take place outside of the markets do not affect real-time scheduling or dispatch and therefore should not offset transactions that do affect real-time scheduling or dispatch.

50. We seek comment on whether there should be advanced notification requirements in determining helpful deviations. That is, is there a period of time prior to the operating hour at which a deviation should no longer be considered helpful because notification of the deviation was provided to the RTO/ISO too close to the operating hour? If so, we seek comment on what the advanced notification requirement should be.[54] Under the proposed definition of deviations, transactions related to real-time economic or reliability-related operator dispatch instructions would not be used in determining a market participant's net deviations for both the system-wide capacity and congestion management categories. We also request comment on whether and how such transactions should be used to determine a market participant's net deviations.

c. Deviations That Result From Following Dispatch

51. Based on the discussion above and consistent with the proposed definition of deviations, we clarify that if the RTO/ISO instructs a resource to deviate from its day-ahead schedule, be that a market-based or out-of-market instruction, that resource would not be regarded as deviating for purposes of this NOPR, and should not be allocated real-time deviation-related uplift costs, because it is helping to address differences between the day-ahead market solution and real-time system needs.

52. Consistent with this clarification, first, we propose that an RTO/ISO may not allocate deviation-related real-time uplift costs to a transaction that is economically evaluated by the RTO/ISO in the real-time market. Such transactions include real-time energy transactions and CTS transactions. Such real-time transactions are responding to real-time market price signals and are not deviations for the purposes of this NOPR. These transactions are helping to address real-time system needs and allocating real-time deviation-related uplift costs to such transactions could distort incentives to respond to these signals. Conversely, transactions that are not economically evaluated in the real-time market and do not have day-ahead schedules, such as self-scheduled real-time transactions, should be treated as deviations for the purposes of allocating real-time deviation-related uplift costs.

53. Second, consistent with this clarification, we further propose that instructed deviations (those initiated by the RTO/ISO) are not deviations for the purposes of allocating real-time uplift costs, and therefore, an RTO/ISO may not allocate real-time uplift costs based on deviations that result from a market participant following a reliability-related dispatch instruction. Following such a dispatch instruction, by definition, helps the system. Allocating real-time uplift costs to market participants who follow dispatch instructions unfairly penalizes market participants that are responding to system needs in real-time. Further, assessing real-time uplift costs to such deviations could discourage a market participant from following dispatch instructions. At times of system stress, it is essential that resources follow dispatch instructions. For instance, an RTO/ISO may issue out-of-market dispatch instructions or deploy reserves to address immediate reliability issues. A resource that responds to such an RTO/ISO instruction performs an essential reliability function and should not be allocated real-time deviation-related uplift costs for following the dispatch instruction.

54. By excluding instructed deviations from the definition of a deviation, the Commission is also proposing that instructed deviations would not be used in any 'helping' and 'harming' netting process. We seek comment on whether instructed deviations should be included in any netting calculations.

d. Settlement

55. Regarding settlement of uplift costs, under both the system-wide capacity category and the congestion management category, we propose to require RTOs/ISOs to allocate and net real-time uplift costs on an hourly basis. RTOs/ISOs typically allocate uplift costs either hourly or daily. Hourly allocation would most closely align the imposition of costs with the incentives to behave efficiently in the market, since the costs of real-time uplift and the actions that cause that real-time uplift can and usually do change from hour to hour. Under hourly cost allocation, the costs for real-time uplift during a particular hour are allocated only to those market participants that contribute to the need for that uplift in that hour.

e. Other Comments Sought

56. We recognize that considering real-time uplift cost allocation to deviations for system-wide capacity and congestion management separately may require a method for dividing costs between the two categories for circumstances in which real-time uplift is incurred for the benefit of both categories (*e.g.,* committing a unit to relieve transmission congestion will also impact system-wide capacity requirements). We seek comment on the best methods to quantify this impact and to perform the appropriate cost allocation. We also seek comment on the process for netting of transactions and deviations set forth in the proposal for each category. Finally, we seek comment on the clarifications provided herein regarding those transactions that should not be considered deviations for the purpose of real-time uplift cost allocation and whether there are additional transactions that should be included in this category.

B. Transparency

57. In this section, we first provide a brief background on the benefits of transparency in the wholesale electric power markets operated by RTOs/ISOs with respect to reporting uplift, operator-initiated commitments, and transmission constraint penalty factors. We then review current RTO/ISO practices with regard to reporting uplift and operator-initiated commitments, and summarize comments on transparency requirements, frequency of reporting, type of uplift information to be reported, inclusion of reasons for uplift or operator-initiated commitments, granularity with respect to location, and the inclusion of transmission constraint penalty factors in RTO/ISO tariffs. Then, we explain the

[54] For example, MISO determines whether a deviation is helpful based on whether it occurred before or after a notification deadline which is four hours prior to the operating hour. *See generally* MISO, FERC Electric Tariff, Definitions, ''Notification Deadline'', 1.N & Real-Time Energy and Operating Reserve Market Settlement Cal, 40.3.3.

need for the reform regarding reporting of uplift, operator-initiated commitments, and transmission constraint penalty factors. Finally, we request comment on two additional topics: Reporting of transmission outages and availability of network models.

1. Background

58. Visibility into the process by which prices are developed in energy and ancillary services markets supports the functioning of efficient markets by enhancing predictability, identifying system needs, and facilitating investment decisions. Moreover, understanding how RTOs/ISOs calculate prices and how events impact those prices is critical to hedging, investment, and resource entry and exit decisions. While all RTOs/ISOs release some information, either through periodic reports or making data available on their Web sites, as discussed below, there is significant variation in the timing, granularity, and types of data released.

2. Current RTO/ISO Practices

a. Reporting Uplift

59. All RTOs/ISOs report information about uplift payments. However, the extent of the information reported varies widely. For example, ISO–NE and NYISO provide monthly reports of uplift that generally provide information that is aggregated across zones and over the month.[55] NYISO also makes aggregated uplift costs (in dollars) available to stakeholders on a daily basis through its daily reconciliation reports.[56] MISO provides a number of monthly reports to market participants on categories of uplift costs; the reports aggregate the uplift data by category by month and provide historical monthly data for comparison.[57] CAISO aggregates uplift data to its 10 existing local capacity requirement areas and reports daily total uplift costs for each month by the market in which the uplift is incurred (*e.g.,* day-ahead or real-time), and by the type of costs incurred, *i.e.,* start-up costs, minimum load costs or energy bid costs.[58] PJM has recently adopted new rules to allow the reporting of daily uplift information by transmission zone, with certain exceptions for confidentiality reasons.[59] SPP provides uplift information in a report that divides uplift costs into seven categories.[60]

60. RTO/ISO reporting practices are driven, in part, by the time needed to complete the settlement process. Some settlement periods last three to five business days and CAISO provides uplift cost information based on its 12-business day recalculation statement, although the settlement period is shorter.[61] Because of this lag, RTOs/ISOs typically report uplift on a monthly basis, with the information aggregated to a zonal or settlement area level.

61. Most RTOs/ISOs cite confidentiality issues as an additional reason for their current reporting practices, particularly in regions with few market participants.[62] Uplift information is typically aggregated to avoid publishing information for individual resources. All RTOs/ISOs assert that they are prohibited from publicly revealing resource-specific data, as specified in their confidentiality rules.[63] Some RTOs/ISOs note that they cannot provide information on a more granular basis without changes to their confidentiality rules or information policies.[64]

62. It is worth noting that market participants with market-based and traditional cost of service rate authority are required to report uplift payments in the Electric Quarterly Report (EQR). Pursuant to EQR reporting requirements, uplift payments are required to be reported at a granular level. Those reporting requirements require market participants to report when the uplift payment changes. Because many resources are commercially organized as stand-alone limited liability corporations, many individual resources report uplift payments to EQR within 30 days following the end of a quarter. While EQR provides a significant amount of information, it does not provide detailed information regarding uplift. For example, EQR contains only a single ''uplift'' category which does not differentiate between different types of uplift (*e.g.,* day-ahead, voltage and local reliability).

b. Reporting Operator-Initiated Commitments

63. RTOs/ISOs also vary in the amount, granularity, and timing of information that is reported on operator-initiated commitments. For example, CAISO, MISO, and NYISO provide information regarding operator-initiated commitments either shortly after the operating day or in near real-time. CAISO and MISO both report total operator-initiated commitments aggregated across the RTO/ISO, including the reasons for the commitments.[65] MISO provides its reports in near real-time, while CAISO releases its report several days after the operating day. Throughout the operating day, NYISO posts operational announcements providing information about individual operator-initiated commitments, including the units involved, level of unit commitment, and the reason for the commitment, with a reference to the relevant reliability rule, if applicable.[66]

64. In addition, all RTOs/ISOs provide summary reports of operator-initiated commitments over longer time periods. CAISO's monthly performance report provides metrics on exceptional dispatch[67] and operator-initiated commitments organized by market (*i.e.,* day-ahead or real-time), trade date, reason, or local area.[68] CAISO also files a monthly report on the frequency and volume of exceptional dispatch, pursuant to directives in previous Commission orders.[69] ISO–NE publishes weekly, monthly, and quarterly reports that describe notable operational events, but it does not provide any information regarding the location or capacity of committed units.[70] ISO–NE also reports the number of units committed after the close of the day-ahead market (but not including real-time commitments) each day.[71] SPP reports monthly the MW of operator-initiated commitments.[72]

65. PJM states that, although its confidentiality provisions prevent it from reporting individual operator-initiated commitments in real-time, it

[55] ISO–NE Report at 60; NYISO Report at 56–57.

[56] NYISO Report at 59.

[57] MISO Report at 60.

[58] CAISO Report at 56.

[59] PJM, Business Practice Manual 33: Administrative Services for the PJM Interconnection Operating Agreement at 23–24.

[60] SPP Report at 40.

[61] ISO–NE Report at 64–65; PJM Report at 51; CAISO Report at 58.

[62] PJM Report at 48, 54–55; SPP Report at 41, 44; ISO–NE Report at 61, 67; NYISO Report at 60.

[63] CAISO Report at 59; NYISO Report at 58; PJM Report at 50–51; SPP Report at 42; ISO–NE Report at 63–64; MISO Report at 58–59.

[64] PJM Report at 48; ISO–NE Report at 61.

[65] MISO Report at 60; CAISO, Daily Exceptional Dispatch Report, *http://www.caiso.com/market/Pages/DailyExceptionalDispatch/Default.aspx.*

[66] NYISO Report at 56–57 and n.32.

[67] CAISO states that its system operator issues exceptional dispatches to resources to address system issues that cannot be addressed by the constraints modeled within the market. CAISO Report at 41.

[68] *Id.* at 56.

[69] *Id. See also Cal. Indep. Sys. Operator Corp.,* 131 FERC ¶ 61,100 (2010) (clarifying the reporting timeline for reporting exceptional dispatches).

[70] ISO–NE Report at 60.

[71] *Id.* at 61–62.

[72] SPP Report at 40.

does provide regionally aggregated information on uneconomic commitments in the day-ahead market at the end of the business day. In addition, PJM posts total capacity committed during the Reliability Assessment and Commitment period to meet forecasted load and reserves, as well as resources committed for transmission constraints, voltage/reactive constraints, or conservative operations.[73] ISO–NE also states its confidentiality provisions prohibit reporting of operator-initiated commitments in real-time, while CAISO states providing information about exceptional dispatches more frequently than monthly would require significant changes to its systems.[74] SPP states it is technically feasible to report commitments resulting from operator actions in real-time, but notes such reporting could disclose sensitive reliability information.[75]

c. Transmission Constraint Penalty Factors

66. Transmission constraint penalty factors are the values at which an RTO's/ISO's market software will relax the flow-based limit on a transmission element to relieve a constraint caused by that limit rather than re-dispatch resources to relieve the constraint. The cost of re-dispatching resources can be regarded as the re-dispatch price. Transmission constraint penalty factors represent the maximum re-dispatch price that the system will pay before allowing flows to exceed a given transmission element's limit.[76] The penalty factors should be set at levels that are high enough to avoid relaxing constraints too frequently, but low enough to avoid extremely expensive re-dispatch solutions that are more expensive than the expected cost of exceeding a given transmission element's limit. While these penalty factors can have significant impacts on prices, changes are not always made public nor do all RTOs/ISOs file them with the Commission. Specifically, PJM and ISO–NE do not include transmission constraint penalty factors in their respective tariffs.[77] Further, MISO is the only RTO/ISO that details in its tariff how transmission constraint penalty factors are temporarily changed.[78]

3. Comments

a. General Comments

67. Various commenters recommend reporting of uplift and operator-initiated commitments that is more regular, more geographically granular, more specific about the size of the action (in MW), and/or more informative of the reason for uplift or operator action. Numerous commenters argue that such reporting about uplift and operator-initiated commitments should be mandatory.[79] Exelon urges the Commission to require RTOs/ISOs to identify out-of-market actions and the resulting uplift in regular reports.[80] Several commenters propose that RTOs/ISOs be required to post information in a way that is uniform, consistent, and comparable across RTOs/ISOs.[81]

b. Comments on Uplift Reporting

68. In terms of frequency, some commenters recommend monthly reporting of uplift to improve transparency.[82] Energy Storage Association requests that RTOs/ISOs provide daily summary data on uplift credits. Energy Storage Association asserts that such information should, at a minimum, be at a zonal level and should be made available by all RTOs/ISOs several days after the operating day.[83]

Several commenters request more granular locational information regarding uplift.[84] These commenters argue that it is difficult to reduce or eliminate uplift when market participants do not know where it originates. To address this request, many commenters, including CAISO, ISO–NE, and PJM, support reporting uplift on a zonal basis.[85] CAISO, ISO–NE, and PJM state that zonal reporting strikes a balance between granularity and confidentiality.[86] In contrast, SPP and MISO caution that reporting uplift on a zonal basis could reveal sensitive market participant information.[87]

69. Commenters have differing views on what uplift information should be reported. PSEG Companies argue that uplift can be effectively reported on a dollar basis.[88] Energy Storage Association states that RTOs/ISOs should share daily summary data on uplift in dollars, including the reasons for the uplift and the location (at a minimum at a zonal level) of the resources that receive it.[89] The PJM Market Monitor recommends reporting uplift charges by resource as well as detailed reasons for incurring uplift.[90] EPSA and EPSA/NEPGA recommend reporting the settled uplift dollar impact on a MW basis, as well as the reasons for out-of-market commitments every month.[91] EPSA asserts that reporting additional information on the drivers of uplift and out-of-market dispatch can be made public without compromising sensitive information, because NYISO currently does so in monthly reports.[92]

70. EPSA/IPPNY warns that reporting uplift more frequently than daily could potentially reveal confidential information.[93] Energy Storage Association suggests that, given confidentiality concerns, the Commission could allow an RTO/ISO to request an exemption from reporting zonal or locational information in certain situations where there are few participants in a zone or location.[94] ISO–NE and MISO suggest that the level of aggregation be adjusted to ensure that confidentiality is maintained.[95]

c. Comments on Reporting Operator-Initiated Commitments

71. Several commenters recommend monthly reporting of operator-initiated actions, including the reasons for out-of-market actions, to improve

[73] PJM Report at 49–50.

[74] ISO–NE Report at 65; CAISO Report at 58, 62.

[75] SPP Report at 41.

[76] Transmission constraint penalty factors create a cap on the shadow price of a transmission constraint. *See* MISO Market Monitor Comments, Docket No. AD14–14–000, at 20–21 (Feb. 24, 2015).

[77] CAISO, MRTU Tariff 27.4.3.1–27.4.3.3; SPP, OATT, Sixth Revised Volume No. 1, Attachment AE, 8.3.2, Addendum 1; NYISO Tariffs, NYISO Markets and Services Tariff 1.20; MISO, FERC Electric Tariff, Schedule 28A.

[78] MISO, FERC Electric Tariff, Schedule 28A.

[79] DC Energy, Inertia Power, and Vitol Comments at 18; EPSA Comments (on MISO Report) at 22; EPSA/NEPGA Comments at 14; Energy Storage Association Comments at 2–3; Exelon Comments at 17–18; PSEG Companies Comments at 16.

[80] Exelon Comments at 17–18.

[81] DC Energy, Inertia Power, and Vitol Comments at 18; EPSA Comments (on price formation) at 22; EPSA Comments (on MISO Report) at 22; EPSA/IPPNY Comments at 13; EPSA Comments (on SPP Report) at 10; EPSA/NEPGA Comments at 14–15; EPSA/P3 Comments at 15; EPSA/WPTF Comments at 10.

[82] EPSA Comments (on MISO Report) at 21–22; EPSA/NEPGA Comments at 13.

[83] Energy Storage Association Comments at 2–3.

[84] Financial Marketers Coalition Comments at 45; Energy Storage Association Comments at 6; Golden Spread Comments at 8–9.

[85] Financial Marketers Coalition Comments at 45; Energy Storage Association Comments at 6; PJM Market Monitor Comments at 20; CAISO Report at 61; PJM Report at 52; ISO–NE Report at 64, 66.

[86] PJM Report at 53; ISO–NE Report at 66; CAISO Report at 61.

[87] MISO Report at 60–61; SPP Report at 43.

[88] PSEG Companies Comments at 12, 15–16.

[89] Energy Storage Association Comments at 2.

[90] PJM Market Monitor Comments at 20–21.

[91] EPSA and its joint commenters support several variations of ''reporting actual settled uplift dollar impacts, on a Megawatt (MW) basis.'' It is unclear whether this is referring to reporting uplift dollars divided by the total capacity of resources that receive uplift payments, or reporting the total capacity of committed resources in lieu of identifying specific units. EPSA Comments (on price formation) at 23; EPSA Comments (on MISO Report) at 21–22; EPSA/NEPGA Comments at 13.

[92] EPSA Comments (on price formation) at 23.

[93] EPSA/IPPNY Comments at 12–13.

[94] Energy Storage Association Comments at 3.

[95] ISO–NE Report at 66; MISO Report at 61.

transparency.[96] Commenters argue that understanding the reasons for out-of-market commitments will help market participants discern what types of investments are needed to meet system needs.[97] Moreover, the Financial Marketers Coalition states that, when out-of-market commitments are identified by location and explained, financial participants will refrain from bidding because they know that prices will not converge and uplift is likely.[98]

72. Some commenters also suggest that RTOs/ISOs report operator-initiated commitments closer to real-time. In particular, PSEG Companies suggest that NYISO's approach to disclosing out-of-market commitment and dispatch decisions should be considered a best practice.[99]

74. Several commenters request more granular locational information regarding out-of-market operator actions.[100] PSEG Companies note that when RTOs/ISOs provide only aggregated data, it is not possible to discern whether the RTO/ISO needed those units or how many MW were actually required.[101]

d. Comments on Transmission Constraint Penalty Factors

75. The MISO Market Monitor asserts that transmission constraint penalty factors substantially affect market outcomes but are not filed with or approved by the Commission for some RTOs/ISOs. MISO Market Monitor adds that increasing transmission constraint penalty factors during real-time operations to relieve constraints may indicate that constraints were undervalued previously, and lowering transmission constraint penalty factors during real-time operations may indicate that the RTO/ISO is attempting to manually reduce congestion costs. MISO Market Monitor contends that these concerns can be addressed by: (1) Establishing parameters that reflect the reliability value of managing the constraints, which likely varies by constraint; (2) filing these values in the RTO's/ISO's tariffs so they are known and approved by the Commission; and (3) filing tariff provisions that specify the procedures and authority for RTOs/ISOs to modify transmission constraint penalty factors.[102]

76. XO Energy states that transmission constraint penalty factors can have a significant impact on prices; however, there is not necessarily clear insight as to how transmission constraint penalty factors are determined or calculated in the pricing and dispatch algorithms.[103] XO Energy contends that, in some cases, the default transmission constraint penalty factors can be arbitrarily assigned and modified on a case-by-case basis.[104]

4. Need for Reform

77. We preliminarily find that some existing RTO/ISO practices of reporting uplift, operator-initiated commitments, and transmission constraint penalty factors may result in unjust and unreasonable rates. The lack of transparency regarding uplift and operator-initiated commitments, which can cause uplift, hinders market participants' ability to plan and efficiently respond to system needs. Market participants may lack the information necessary to evaluate the need for and value of additional investment, such as transmission upgrades or new generation. Also, without sufficient transparency, market participants may not be able to assess each RTO's/ISO's operator-initiated commitment practices and raise any issues of concern through the stakeholder process.

78. Reporting that specifies the location and causes of uplift and operator-initiated commitments will help incent appropriate market responses to system needs. For example, if resources are routinely committed out-of-market to resolve a local voltage issue and require uplift payments as a result, it may be beneficial to release information on the uplift associated with using such resources to alert market participants about the problem. Providing more detailed information about the uplift incurred to address a local reliability issue could potentially incent market participants to advocate for changes to the RTO/ISO's operational procedures or to undertake investments that could resolve the local reliability issue more efficiently (*e.g.,* install additional capacitors).

79. While all RTOs/ISOs provide some information regarding the locations and causes of uplift and operator-initiated commitments, the information is often highly aggregated or lacks detail, limiting its usefulness. Information about the location and causes of uplift and operator-initiated commitments that is overly aggregated or lacks detail hinders the ability of a market participation to evaluate RTO/ISO operating practices and potentially respond to system needs by undertaking new investments. For example, reports that aggregate uplift payments over the month may not provide sufficient information, since monthly reports can obscure daily trends, which may be more relevant to those evaluating operating practices or potential investments. Therefore, increasing transparency with respect to the location and cause of uplift can provide market participants additional information to evaluate the effectiveness of current operating practices. Without sufficient information to evaluate existing operating practices or the need for additional investment, market efficiency may be reduced, resulting in unjust and unreasonable rates. Allowing market participants to better evaluate the need for changes in operating practices or additional investment could ultimately reduce the level of uplift, thereby resulting in rates that are just and reasonable.

80. Similarly, the lack of transparency with respect to transmission constraint penalty factors may hinder the ability of market participants to undertake efficient transactions. For example, if market participants are unaware of what transmission constraint penalty factors are used and whether they will be used to set LMPs, market participants may not be able to adequately understand how an RTO's/ISO's actions affect clearing prices and thus may not be able to hedge transactions appropriately or effectively assess the RTO's/ISO's actions and raise concerns through the stakeholder process. Without the ability to appropriately hedge transactions, market participants may either over-hedge or under-hedge their positions, reducing market efficiency. Also, if market participants are not able to raise concerns about changes in transmission constraint penalty factors, RTOs/ISOs may alter transmission constraint penalty factors more often than necessary, which impacts market clearing prices. Therefore, the resulting rates may be unjust and unreasonable.

81. Some RTOs/ISOs report that there are a variety of stakeholder initiatives and discussions underway to improve transparency,[105] while others do not

[96] EPSA Comments (on MISO Report) at 21–22; EPSA/NEPGA Comments at 13; Exelon Comments at 18; EPSA Comments (on price formation) at 23 EPSA/IPPNY Comments at 13; EPSA/P3 Comments at 15–16.

[97] EPSA Comments (on price formation) at 23; EPSA/P3 Comments at 15–16.

[98] Financial Marketers Coalition Comments at 42.

[99] PSEG Companies Comments at 11.

[100] Financial Marketers Coalition Comments at 45 (referring to SPP); Energy Storage Association Comments at 6 (referring to MISO and SPP); Golden Spread Comments at 8–9.

[101] PSEG Companies Comment at 14.

[102] Comments of MISO Market Monitor, Docket No. AD14–14–000, at 20–21 (Feb. 24, 2015).

[103] XO Energy Comments at 67–68.

[104] *Id.* at 68.

[105] CAISO Report at 55; MISO Report at 56; NYISO Report at 55; PJM Report at 47.

mention any specific plans.[106] Despite these efforts, it is not clear that the transparency concerns discussed in this NOPR will be addressed through existing stakeholder initiatives. Accordingly, we preliminarily find that some existing RTO/ISO practices with respect to reporting uplift, operator-initiated commitments, and transmission constraint penalty factors may be unjust and unreasonable.

5. Proposal

82. To remedy these potentially unjust and unreasonable reporting practices, we propose, pursuant to section 206 of the Federal Power Act, to require that each RTO/ISO: (1) Report total uplift payments for each transmission zone on a monthly basis, broken out by day and uplift category; (2) report total uplift payments for each resource on a monthly basis; (3) report the MW of operator-initiated commitments in or near real-time and after the close of the day-ahead market, broken out by zone and commitment reason; and (4) list in its tariff the transmission constraint penalty factors, the circumstances under which they can set LMPs, and the procedure by which they can be temporarily changed.

a. Uplift Reporting

83. We propose to require that, within 20 days of the end of each month, each RTO/ISO post on its Web site two reports, at minimum, regarding uplift payments. First, the RTO/ISO should report the total uplift payments in dollars paid daily to the resources in each transmission zone, subject to certain exceptions described below. Each RTO/ISO must post the total amount of uplift in dollars in each category (*e.g.,* day-ahead, real-time, voltage and local reliability) paid to resources in each transmission zone for each day within the calendar month. We propose to require that each RTO/ISO post uplift payment amounts based on its specific uplift categories to allow market participants to distinguish between different types of uplift. Second, each RTO/ISO must post the resource name and the total amount of uplift paid in dollars aggregated across the month to each resource that received uplift payments within the calendar month. We seek comment on whether these resource-specific reports should also be broken out by uplift category, be reported using a different time duration, or contain other additional details.

84. Information on uplift payments should be posted in a machine readable format on a publicly accessible portion of the RTO's/ISO's Web site. With this information, market participants may be able to evaluate possible solutions to reduce the incurrence of uplift. For example, with more granular information on the location, amounts, and types of uplift, market participants can better evaluate the benefits of additional transmission upgrades that could reduce the need for unit commitments.

85. We also propose to define ''transmission zone'' as a geographic area that is used for the local allocation of charges. For example, this could include a load zone that is used to settle charges for energy. We request comments on this proposed definition of transmission zone, including the appropriate level of geographic granularity.

86. Regarding the timeliness of posting this information, we recognize that each RTO/ISO has a different settlement window and uplift is finalized during the settlement process. As such, it is not possible for an RTO/ISO to release information immediately at the end of the month. In order to account for differences in settlement periods and the time necessary to prepare the uplift data for publication, we propose to require that both reports described above be released no later than 20 calendar days following the end of the month. While we believe this is a reasonable timeframe for release, we seek comment on the timeframe for releasing the information after the end of each month. In addition, we seek comment on the proposed requirement for a daily breakdown of uplift categories by charge code, including any obstacles or difficulties related to such reporting and whether different categorizations would be more useful.

87. Many commenters express concern that greater transparency in uplift reporting could unintentionally disclose a resource's uplift payments or energy offers, which some characterize as confidential or commercially-sensitive information. Commenters' core concerns appear to relate to two issues: first, that disclosing a resource's uplift payments will allow other market participants to calculate energy offers and may result in collusion between market participants.[107] Second, commenters appear to be concerned that revealing uplift payments may put a resource at a competitive disadvantage by disclosing commercially sensitive information like fuel procurement strategies.

88. While we understand the need to protect certain types of information, we are not persuaded that revealing a resource's daily uplift payments or energy offer, after some minimal time lag, would result in any significant harm to competition or individual market participants. First, many individual resources already publicly report their uplift payments pursuant to Electric Quarterly Reporting requirements (with a 90-day lag). Second, RTO/ISO energy markets are mitigated, so concerns about the potential for collusion can be addressed through must offer requirements and market power mitigation rules. Third, after the 20-day lag for reporting following the end of the month, fuel costs and other conditions have often changed, diminishing the potential usefulness of any resource offer information. These three factors limit the potential for anti-competitive behavior and any harm to market participants.

89. Nevertheless, to address commenters' concerns, we seek to balance the benefits of greater transparency with the desire to preserve a reasonable level of confidentiality. Specifically, for the reporting requirements aggregated by transmission zone, we propose that transmission zones with fewer than four resources need not be reported individually; rather, transmission zones with fewer than four resources may be aggregated with a neighboring transmission zone and reported collectively. If only one transmission zone exists and it has fewer than four resources or, if when combined with a neighboring transmission zone the combined transmission zone still has fewer than four resources, then these transmission zones would be exempted from reporting the uplift information described above. Similarly, for the resource-specific reporting requirements proposed above, we will require that uplift payment data for each resource be aggregated across the month, rather than reporting daily uplift payments to each resource. We expect that this temporal aggregation should mask daily behavior that some commenters have expressed concerns over revealing.

b. Reporting Operator-Initiated Commitments

90. We also propose to require that each RTO/ISO post all operator-initiated commitments on its Web site. For the purposes of this NOPR, we propose to define operator-initiated commitments as a commitment that is not associated

[106] ISO–NE Report at 59; SPP Report at 39.

[107] In conjunction with other information, uplift payments could potentially be used to determine a resource's energy offers. For example, if a market participant knew a resource's output, LMP, and uplift payments, it could potentially calculate the resource's energy offer because the uplift would make the resource whole up to its offer costs.

with a resource clearing the day-ahead or real-time market on the basis of economics and that is not self-scheduled.[108] This definition would include any commitment, whether manual or automated, made after the execution of the day-ahead market that is made outside of the real-time market. Such commitments include commitments made through a residual unit commitment processes after the execution of the day-ahead market, commitments made through look-ahead commitment processes, and manual commitments made in real-time. We acknowledge that this definition of operator-initiated actions could result in reporting most commitments that occur after the day-ahead market. Moreover, we understand that whether a commitment cleared the market on the basis of economics could be a point of confusion, particularly with respect to look-ahead commitment processes. Therefore, we request comment on this aspect of the definition of operator-initiated actions.

91. The report posted on each RTO's/ISO's Web site would include the following: (1) The upper economic operating limit of the committed resource in MW (*i.e.,* its economic maximum); (2) the transmission zone in which the resource is located; and (3) the reason for commitment.[109] We propose that each RTO/ISO post this information on a publicly accessible portion of its Web site in machine-readable format as soon as practicable after the resource has been committed (*i.e.,* directed to start up by the RTO/ISO). As above, we propose to define ''transmission zone'' as a geographic area that is used for the local allocation of charges. We request comments on this proposed definition, including the appropriate level of geographic granularity. Also, as discussed further below, we propose that real-time commitments be posted as soon as practicable after they occur, but no later than four hours after the commitment.

92. Many commenters express concern about the lack of transparency surrounding operator-initiated commitments and request that the Commission require RTOs/ISOs to provide more information.[110] We agree that current RTO/ISO practices may not provide sufficient transparency regarding operator-initiated commitments and that a minimum level of transparency is necessary as operator-initiated commitments can affect rates. In particular, operator-initiated commitments can affect energy and ancillary service prices and can result in uplift. In addition, greater transparency will allow stakeholders to better assess the RTO's/ISO's operator-initiated commitment practices and raise any issues of concern through the stakeholder process.

93. While most commenters focus on reporting of manual operator-initiated commitments (*i.e.* not through automated software),[111] operator-initiated commitments made through automated processes like look-ahead commitment can also have a significant impact on uplift. In addition, as noted by several RTOs/ISOs, manual operator-initiated commitments are generally infrequent. Because posting all operator-initiated commitments, whether manual or automated, would help market participants to better understand the drivers behind the incurrence of uplift in each zone and the impact of such commitments on rates, we propose that all operator-initiated commitments be posted, whether manual or automated. We also seek comment on the types of unit commitments that should be reported as operator-initiated commitments.

94. In addition, we propose that real-time commitments be posted as soon as practicable after they occur, but no later than four hours after the commitment. We understand that this type of reporting could require significant changes to current RTO/ISO systems and processes. Accordingly, we seek comment on the proposed reporting timeframe, including the potential software upgrades necessary to facilitate reporting in near real-time and other potential implementation challenges. We also seek comment on whether a different reporting timeframe (*e.g.,* reporting once daily or monthly) would provide sufficient transparency.

95. We also understand that reporting the reason for an operator-initiated commitment may require the development of new internal processes. In particular, we understand that the reasons for operator-initiated commitments can vary based on the particular situation. Therefore, our proposal would only require RTOs/ISOs to report the commitment reason within broad categories (*e.g.,* voltage support, capacity-related). We seek comment on whether the Commission should define a common set of categories for use across all RTOs/ISOs and, if so, what categories should be included, or whether it is more appropriate to allow each RTO/ISO to establish a set of appropriate operator-initiated commitment reasons on compliance. In addition, we note that some RTOs/ISOs currently provide more granular or detailed information about the reason for operator-initiated commitments.[112] Therefore, we seek comment on whether the proposal provides sufficient transparency, or if more information is needed (*e.g.,* specific constraint name), as well as any potential concerns with requiring additional information (*e.g.,* required software upgrades or impact on operational processes).

c. Transmission Constraint Penalty Factors

96. We propose to require that all RTOs/ISOs include certain provisions related to transmission constraint penalty factors in their tariffs because transmission constraint penalty factors can significantly impact market clearing prices.

97. First, we propose to require that all RTOs/ISOs include their transmission constraint penalty factor values in their tariffs. This requirement would only apply to penalty factors used for transmission constraints and would not include other penalty factors used in commitment and dispatch algorithms. If the RTO/ISO uses different transmission constraint penalty factors for different processes, we propose to require that all sets of transmission constraint penalty factors be included in the tariff. For example, if an RTO/ISO uses different transmission constraint penalty factors in its security constrained unit commitment and its security constrained economic dispatch, it should include both sets of transmission constraint penalty factors in its tariff.

98. Second, we propose to require that RTOs/ISOs include in their tariffs an explanation as to if and when transmission constraint penalty factors may be used to set LMPs. If the RTO/ISO has different processes for allowing transmission constraint penalty factors to set LMPs in different circumstances, this should be explained in the tariff. As part of its explanation, the RTO/ISO should also make clear whether there are any specific restrictions or

[108] *See supra* text accompanying note 1.

[109] For example, if a resource with two combustion turbines with a capacity of 50 MW each was committed to manage congestion on a transmission facility, the RTO/ISO would be required to report the committed capacity (100 MW) and the reason (*e.g.,* constraint management).

[110] *E.g.,* EPSA Comments at 22–23; Exelon Comments at 17–18; Financial Marketers Coalition Comments at 42; PSEG Comments at 12.

[111] CAISO Report at 60; ISO–NE Report at 65; SPP Report at 42; PSEG Companies Comments at 12, 14–16, 21.

[112] For example, for real-time commitments made to manage congestion, MISO identifies the specific constraint that prompted the commitment. MISO Report at 60.

conditions under which transmission constraint penalty factors are allowed to set LMPs, such as a minimum duration for transmission constraint violations.

99. Finally, if RTOs/ISOs wish to have the flexibility to temporarily change transmission constraint penalty factors to account for changes in system conditions, they must include the procedures for doing so in their tariffs. We also propose to require these procedures to include a requirement that notice of the temporary change be provided to market participants. For example, an RTO/ISO could notify market participants of the temporary change by posting on its Web site.

d. Comment Sought on Transmission Outages

100. We seek comment on whether additional reporting of transmission outages should be required. Transmission outages can affect RTO/ISO commitment and dispatch decisions and resulting market clearing prices, and thus are an important facet of price formation. Though the current record on this issue is limited, we seek comment as to whether additional transparency in this regard would be beneficial to stakeholders and if RTOs/ISOs have any limitations in providing more detailed data in this regard, including any appropriate time lag for reporting.

e. Comment Sought on Availability of Market Models

101. Some commenters indicate that distribution of the network model may be limited to certain market participants.[113] For the purposes of this NOPR we define network model as the RTO's/ISO's model used in its energy management system for the real-time operation of the transmission system (*e.g.,* state-estimation, contingency analysis). We seek comment on whether certain classes of market participants are prohibited from obtaining the network model in certain RTOs/ISOs. Moreover, if there are limitations to which market participants are able to obtain the model, we seek comment on the justification for any such limitations.

III. Compliance

102. We propose to require that each RTO/ISO submit a compliance filing within 90 days of the effective date of any eventual Final Rule in this proceeding to demonstrate that it meets the proposed requirements set forth in the Final Rule. We note that this compliance deadline is for RTOs/ISOs to submit proposed tariff changes or otherwise demonstrate compliance with the Final Rule. We understand that implementing the reforms required by any Final Rule in this proceeding may be a complex endeavor. However, we preliminarily find that implementation of these reforms is important to ensure rates are just and reasonable. Therefore, we propose that tariff changes filed in response to a Final Rule in this proceeding must become effective no more than six months after compliance filings are due.

103. We seek comment on whether 90 days is sufficient time for RTOs/ISOs to develop new tariff language in response to the Final Rule.

104. To the extent that any RTO/ISO believes that it already complies with the reforms proposed in this NOPR, the RTO/ISO would be required to demonstrate how it complies in the compliance filing required 90 days after the effective date of any Final Rule in this proceeding. To the extent that any RTO/ISO believes that its existing market rules are consistent with or superior to the reforms adopted in any Final Rule, the Commission will entertain those at that time.[114]

IV. Information Collection Statement

105. The Paperwork Reduction Act (PRA)[115] requires each federal agency to seek and obtain Office of Management and Budget (OMB) approval before undertaking a collection of information directed to ten or more persons or contained in a rule of general applicability. OMB's regulations[116] require approval of certain information collection requirements imposed by agency rules. Upon approval of a collection of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of an agency rule will not be penalized for failing to respond to the collection of information unless the collection of information displays a valid OMB control number.

106. The reforms proposed in this NOPR would amend the Commission's regulations to improve the operation of organized wholesale electric power markets operated by RTOs/ISOs. The Commission proposes to require each RTO/ISO that allocates the costs of real-time uplift due to deviations should allocate such real-time uplift costs to only those market participants whose transactions are reasonably expected to have caused the real-time uplift. The Commission also proposes to revise its regulations to enhance transparency by requiring that each RTO/ISO post uplift costs paid (dollars) and operator-initiated commitments (megawatts) on its Web site; and define in its tariff its transmission constraint penalty factors, as well as the circumstances in which the penalty factors can set locational marginal prices, and any procedure for changing the penalty factors. The reforms proposed in this NOPR would require one-time filings of tariffs with the Commission and potential software upgrades to implement the reforms proposed in this NOPR. The Commission anticipates the reforms proposed in this NOPR, once implemented, would not significantly change currently existing burdens on an ongoing basis. The Commission will submit the proposed reporting requirements to OMB for its review and approval under section 3507(d) of the Paperwork Reduction Act.[117]

107. While the Commission expects the adoption of the reforms proposed in this NOPR to provide significant benefits, the Commission understands implementation can be a complex endeavor. The Commission solicits public comments on its need for this information, whether the information will have practical utility, the accuracy of burden and cost estimates, ways to enhance the quality, utility, and clarity of the information to be collected or retained, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques.

108. Public Reporting Burden Estimate and Information Collection Costs: The Commission believes that the burden estimates that follow are representative of the average burden on respondents, including necessary communications with stakeholders.

[113] DC Energy, Inertia Power, and Vitol Comments at 21, 26; Financial Marketers Coalition Comments at 43.

[114] *See, e.g., Settlement Intervals and Shortage Pricing in Markets Operated by Regional Transmission Organizations and Independent System Operators,* Order No. 825, FERC Stats. & Regs. ¶ 31,384, at P 72 (2016); *Demand Response Compensation in Organized Wholesale Energy Markets,* Order No. 745, FERC Stats. & Regs. ¶ 31,322, at P 4 & n.7, *order on reh'g and clarification,* Order No. 745–A, 137 FERC ¶ 61,215 (2011), *reh'g denied,* Order No. 745–B, 138 FERC ¶ 61,148 (2012), *vacated sub nom. Elec. Power Supply Ass'n* v. *FERC,* 753 F.3d 216 (D.C. Cir. 2014), *rev'd & remanded sub nom. FERC* v. *Elec. Power Supply Ass'n,* 136 S. Ct. 760 (2016).

[115] 44 U.S.C. 3507 (2012).

[116] 5 CFR 1320 (2016).

[117] 44 U.S.C. 3507(d).

FERC–516G, AS MODIFIED BY THE NOPR IN DOCKET RM17–2–000

	Number of respondents [118] (1)	Annual number of responses per respondent (2)	Total number of responses (1) × (2) = (3)	Average burden (hours) & cost per response [119] (4)	Total annual burden hours & total annual cost (3) × (4) = (5)	Cost per respondent ($) (5) ÷ (1)
Uplift Allocation	6	1	6	500; $36,500	3,000; $219,000	$36,500
Transparency	6	1	6	500; $36,500	3,000; $219,000	36,500

Cost to Comply: The Commission has projected the total cost of compliance, within Year 1 to be $438,000. After Year 1, the reforms proposed in this NOPR, once implemented, would not significantly change existing burdens on an ongoing basis.

Title: FERC–516G, Electric Rate Schedules and Tariff Filings in Docket RM17–2–000.

Action: Proposed revisions to an existing information collection.

OMB Control No.: TBD.

Respondents for this Rulemaking: RTOs/ISOs.

Frequency of Information: One-time.

Necessity of Information: The Federal Energy Regulatory Commission implements this rule to improve competitive wholesale electric markets in the RTO/ISO regions.

Internal Review: The Commission has reviewed the changes and has determined that such changes are necessary. These requirements conform to the Commission's need for efficient information collection, communication, and management within the energy industry. The Commission has specific, objective support for the burden estimates associated with the information collection requirements.

109. *Interested persons may obtain information on the reporting requirements by contacting the following:* Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426 [Attention: Ellen Brown, Office of the Executive Director], email: *DataClearance@ferc.gov,* Phone: (202) 502–8663, fax: (202) 273–0873. Comments concerning the collection of information and the associated burden estimate(s) may also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission]. Due to security concerns, comments should be sent electronically to the following email address: *oira_submission@omb.eop.gov.* Comments submitted to OMB should refer to FERC–516G and OMB Control No TBD.

V. Environmental Analysis

110. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[120] We conclude that neither an Environmental Assessment nor an Environmental Impact Statement is required for this NOPR under section 380.4(a)(15) of the Commission's regulations, which provides a categorical exemption for approval of actions under sections 205 and 206 of the FPA relating to the filing of schedules containing all rates and charges for the transmission or sale of electric energy subject to the Commission's jurisdiction, plus the classification, practices, contracts and regulations that affect rates, charges, classifications, and services.[121]

VI. Regulatory Flexibility Act

111. The Regulatory Flexibility Act of 1980 (RFA) [122] generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities. The RFA does not mandate any particular outcome in a rulemaking. It only requires consideration of alternatives that are less burdensome to small entities and an agency explanation of why alternatives were rejected.

112. This rule would apply to six RTOs/ISOs (all of which are transmission organizations). The average estimated annual cost to each of the RTOs/ISOs is $73,000. The RTOs/ISOs are not small entities, as defined by the RFA.[123] This is because the relevant threshold between small and large entities is 500 employees and the Commission understands that each RTO/ISO has more than 500 employees. Furthermore, because of their pivotal roles in wholesale electric power markets in their regions, none of the RTOs/ISOs meet the last criterion of the two-part RFA definition of a small entity: ''not dominant in its field of operation.'' As a result, the Commission certifies that the reforms proposed in this NOPR would not have a significant economic impact on a substantial number of small entities.

VII. Comment Procedures

113. The Commission invites interested persons to submit comments on the matters and issues proposed in this document to be adopted, including any related matters or alternative proposals that commenters may wish to

[118] Respondent entities are either RTOs or ISOs.

[119] The estimated hourly cost (salary plus benefits) provided in this section are based on the salary figures for May 2015 posted by the Bureau of Labor Statistics for the Utilities sector (*available at http://www.bls.gov/oes/current/naics2_22.htm#00-0000*) and scaled to reflect benefits using the relative importance of employer costs in employee compensation from December 2015 (*available at http://www.bls.gov/news.release/ecec.nr0.htm*). The hourly estimates for salary plus benefits are:

Legal (code 23–0000), $129.12

Computer and Mathematical (code 15–0000), $60.63

Information Security Analyst (code 15–1122), $58.08

Accountant and Auditor (code 13–2011), $53.86

Information and Record Clerk (code 43–4199), $37.75

Electrical Engineer (code 17–2071), $64.29

Economist (code 19–3011), $74.53

Computer and Information Systems Manager (code 11–3021), $91.76

Management (code 11–0000), $89.07

The average hourly cost (salary plus benefits), weighting all of these skill sets evenly, is $73.23. For the calculations here, the Commission rounds it to $73 per hour.

[120] *Regulations Implementing the National Environmental Policy Act of 1969,* Order No. 486, FERC Stats. & Regs. ¶ 30,783 (1987).

[121] 18 CFR 380.4(a)(15) (2016).

[122] 5 U.S.C. 601–12 (2012).

[123] The RFA definition of ''small entity'' refers to the definition provided in the Small Business Act, which defines a ''small business concern'' as a business that is independently owned and operated and that is not dominant in its field of operation. The Small Business Administrations' regulations at 13 CFR 121.201 define the threshold for a small Electric Bulk Power Transmission and Control entity (NAICS code 221121) to be 500 employees. See 5 U.S.C. 601(3), citing to Section 3 of the Small Business Act, 15 U.S.C. 632.

discuss. Comments are due April 10, 2017. Comments must refer to Docket No. RM17–2–000, and must include the commenter's name, the organization they represent, if applicable, and their address.

114. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

115. Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

116. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

VIII. Document Availability

117. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (*http://www.ferc.gov*) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426.

118. From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

119. User assistance is available for eLibrary and the Commission's Web site during normal business hours from the Commission's Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

List of Subjects in 18 CFR Part 35

Electric power rates, Electric utilities, Reporting and recordkeeping requirements.

By direction of the Commission.

Issued: January 19, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

Regulatory Text

In consideration of the foregoing, the Commission proposes to amend Part 35, Chapter 1, Title 18, *Code of Federal Regulations,* as follows:

PART 35—FILING OF RATE SCHEDULES AND TARIFFS

■ 1. The authority citation for part 35 continues to read as follows:

Authority: 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

■ 2. Amend § 35.28, by adding new paragraph (g)(11) to read as follows:

§ 35.28 Non-discriminatory open access transmission tariff.

* * * * *

(g) * * *

(11) *Uplift allocation and transparency*—(i) *Uplift allocation.* Each Commission-approved independent system operator or regional transmission organization that allocates the costs of real-time uplift to deviations must allocate such costs only to those market participants whose transactions are reasonably expected to cause the uplift costs. For purposes of this allocation, deviations are megawatt hour differences between a market participant's scheduled deliveries or receipts at particular points cleared in the day-ahead market and those amounts actually delivered or received in real-time that are not related to real-time economic or reliability-related operator dispatch instructions. Costs of uplift payments must be allocated to at least two distinct categories: System-wide capacity and congestion management. For purposes of this allocation, each Commission-approved independent system operator or regional transmission organization must distinguish between deviations that help efforts to address system needs and those that harm efforts to address system needs. A market participant's net harmful deviations are its harmful deviations less its helpful deviations. Within each uplift category, uplift costs must be allocated to a market participant's net harmful deviations commensurate with the extent to which those deviations harm efforts to address system needs. Within the system-wide capacity category, a market participant shall be allocated a portion of the total real-time uplift costs incurred to maintain energy and operating reserve requirements in the real-time market based on the net contributions of its deviations to those costs. Within the congestion management category, costs shall be allocated based on whether a market participant's deviations on net contributed to the real-time congestion at a given constraint. For the purposes of real-time uplift allocated to deviations, a market participant's deviations must be netted hourly. Real-time uplift allocated to deviations must be settled on an hourly basis.

(ii) *Transparency*—(A) *Uplift reporting.* Each Commission-approved independent system operator or regional transmission organization must post two reports, at minimum, regarding uplift on a publicly accessible portion of its Web site. Such postings shall be made within 20 calendar days of the end of each month. First, each Commission-approved independent system operator or regional transmission organization must post uplift, paid in dollars, and categorized by transmission zone, day, and uplift category. Transmission zone shall be defined as the geographic area that is used for the local allocation of charges. Transmission zones with fewer than four resources may be aggregated with a neighboring transmission zone and reported collectively. If, for any given monthly report, only one transmission zone exists and it has fewer than four resources or, if when combined with a neighboring transmission zone, the combined transmission zones still have fewer than four resources, these transmission zones may be omitted from the reporting requirements described in this section. Second, each Commission-approved independent system operator or regional transmission organization must post the resource name and the total amount of uplift paid in dollars aggregated across the month to each resource that received uplift payments within the calendar month.

(B) *Reporting operator-initiated commitments.* Each Commission-approved independent system operator or regional transmission organization must post operator-initiated commitments in megawatts, categorized by transmission zone and commitment reason, on a publicly accessible portion of its Web site as soon as practicable after the resource has been committed, but no later than four hours after the commitment. Transmission zone shall be defined as a geographic area that is used for the local allocation of charges.

(C) *Transmission constraint penalty factors.* Each Commission-approved

independent system operator or regional transmission organization must include, in its tariff, its transmission constraint penalty factor values; the circumstances, if any, under which the transmission constraint penalty factors can set locational marginal prices; and the procedure, if any, for temporarily changing the transmission constraint penalty factor values. Any procedure for temporarily changing transmission constraint penalty factor values must provide for notice of the change to market participants.

Note: The following appendix will not be published in the Code of Federal Regulations.

Appendix: List of Short Names/ Acronyms of Commenters

Short name/acronym	Commenter
Appian Way	Appian Way Energy Partners, LLC.
CAISO	California Independent System Operator Corporation.
DC Energy, Inertia Power, and Vitol	DC Energy, LLC, Inertia Power, LP, and Vitol Inc.
EEI	Edison Electric Institute.
EPSA	Electric Power Supply Association.
EPSA/IPPNY	Electric Power Supply Association and Independent Power Producers of New York.
EPSA/NEPGA	Electric Power Supply Association and New England Power Generators Association, Inc.
EPSA/P3	Electric Power Supply Association and PJM Power Providers.
EPSA/Western Power Trading Forum	Electric Power Supply Association and Western Power Trading Forum.
Energy Storage Association	Energy Storage Association.
Entergy	Entergy Services, Inc. commented on behalf of the Entergy Operating Companies (Entergy Arkansas, Inc.; Entergy Louisiana, LLC; Entergy Mississippi, Inc.; Entergy New Orleans, Inc.; and Entergy Texas, Inc.).
Exelon	Exelon Corporation.
Financial Marketers Coalition	Financial Marketers Coalition.
Golden Spread Electric	Golden Spread Electric Cooperative, Inc.
ISO–NE	ISO New England Inc.
MISO	Midcontinent Independent System Operator, Inc.
MISO Market Monitor	Potomac Economics, LLC.
PJM Market Monitor	Monitoring Analytics, LLC.
NYISO	New York Independent System Operator, Inc.
PJM	PJM Interconnection, L.L.C.
PSEG Companies	PSEG Companies (Public Service Electric and Gas Company, PSEG Power LLC and PSEG Energy Resources & Trade LLC).
Public Interest Organizations	Public Interest Organizations.
SPP	Southwest Power Pool, Inc.
XO Energy	XO Energy, LLC.

[FR Doc. 2017–02332 Filed 2–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF DEFENSE

Department of the Army, U.S. Army Corps of Engineers

33 CFR Part 209

[COE–2016–0016]

RIN 0710–AA72

Use of U.S. Army Corps of Engineers Reservoir Projects for Domestic, Municipal & Industrial Water Supply

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking; correction and extension of time for public comments.

SUMMARY: The U.S. Army Corps of Engineers (USACE) is correcting a notice of proposed rulemaking that appeared in the **Federal Register** of December 16, 2016 and extending the comment period on this rulemaking.

DATES: The comment period for the proposed rule published December 16, 2016 at 81 FR 91556 is extended until May 15, 2017.

ADDRESSES: You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Email: WSRULE2016@usace.army.mil. Include the docket number, COE–2016–0016, in the subject line of the message.

Mail: U.S. Army Corps of Engineers, ATTN: CECC–L, U.S. Army Corps of Engineers, 441 G St. NW., Washington, DC 20314.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

FOR FURTHER INFORMATION CONTACT: *Technical information:* Jim Fredericks, 503–808–3856. *Legal information:* Daniel Inkelas, 202–761–0345.

SUPPLEMENTARY INFORMATION: In response to requests from multiple parties, USACE is extending the time for public comments by 90 days. The date listed in the **DATES** section by which comments must be received is changed from February 14, 2017 to May 15, 2017. Additionally, the document contained an incorrect docket number in the **ADDRESSES** section. The second docket number referenced in that section, for submission of public comments, is corrected as: COE–2016–0016.

Dated: January 31, 2017.

Theodore A. Brown,

Chief, Policy and Planning Division, Directorate of Civil Works, U.S. Army Corps of Engineers.

[FR Doc. 2017–02415 Filed 2–6–17; 8:45 am]

BILLING CODE 3720–58–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2015–0032; FRL–9956–86]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces EPA's receipt of several initial filings of

pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before March 9, 2017.

ADDRESSES: Submit your comments, identified by the Docket Identification (ID) Number and the Pesticide Petition Number (PP) of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7511P), main telephone number: (703) 305–7090, email address: *BPPDFRNotices@epa.gov;* or Michael Goodis, Registration Division (RD) (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT** for the division listed at the end of the pesticide petition summary of interest.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, EPA seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is EPA taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petitions so that the public has an opportunity to comment on these requests for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petitions may be obtained through the petition summaries referenced in this unit.

New Tolerances

1. *PP 6E8495.* (EPA–HQ–OPP–2016–0661). Taminco US LLC, a subsidiary of Eastman Chemical Company, Two Windsor Plaza, Suite 400, 7540 Windsor Dr., Allentown, PA 18195, requests to establish tolerances in 40 CFR part 180 for residues of the plant regulator chlormequat chloride in or on barley grain at 3 parts per million (ppm); bovine, sheep, goat-fat at 0.06 ppm; bovine, sheep, goat-kidney at 0.5 ppm; bovine, sheep, goat-liver at 0.15 ppm; bovine, sheep, goat-muscle at 0.2 ppm; cattle-milk at 0.5 ppm; eggs at 0.1 ppm; oat grain at 15 ppm; poultry-fat at 0.03 ppm; poultry-liver at 0.1 ppm; poultry-muscle at 0.04 ppm; swine-fat at 0.02 ppm; swine-kidney at 0.5 ppm; swine-liver at 0.15 ppm; swine-muscle at 0.2 ppm; and wheat grain at 4 ppm. The Liquid Chromatography with tandem Mass Spectrometry (LC–MS/MS) method is used to measure and evaluate the chemical chlormequat chloride. Contact: RD.

2. *PP 6F8445.* (EPA–HQ–OPP–2016–0254). Syngenta Crop Protection, LLC,

P.O. Box 18300, Greensboro, NC 27419, requests to establish tolerances in 40 CFR 180.475 for residues of the fungicide difenoconazole in or on cottonseed subgroup 20C at 0.40 ppm; rice, grain at 7 ppm; and rice, wild, grain at 7 ppm. Gas chromatography equipped with a nitrogen-phosphorous detector or liquid chromatography (LC)/mass spectrometry (MS)/(MS) is used to measure and evaluate the chemical difenoconazole. Contact: RD.

3. *PP 6F8457.* (EPA–HQ–OPP–2016–0263). ISK Biosciences Corporation, 7470 Auburn Rd., Suite A, Concord, OH, 44077, requests to establish tolerances in 40 CFR 180.681 for residues of the fungicide isofetamid in or on apple, wet pomace, at 2.0 ppm; bushberry, subgroup 13–07B at 6.0 ppm; caneberry, subgroup 13–07A at 3.0 ppm; cattle fat and meat byproducts at 0.01 ppm; cherry subgroup 12–12A at 5.0 ppm; fruit, pome group 11–10 at 0.6 ppm; fruit, small vine climbing, except grape, subgroup 13–07E at 9.0 ppm; goat fat and meat byproducts at 0.01 ppm; horse fat and meat byproducts at 0.01 ppm; pea and bean, dried shelled, except soybean, subgroup 6C, except cowpea and field pea at 0.05 ppm; pea and bean, succulent shelled, subgroup 6B, except cowpea at 0.04 ppm; peach, subgroup 12–12B at 3.0 ppm; plum, prune, dried at 3.5 ppm; plum subgroup 12–12C at 0.8 ppm; sheep fat and meat byproducts at 0.01 ppm; and vegetable, legume edible podded, subgroup 6A at 1.5 ppm. The LC–MS/MS method is used to measure and evaluate the chemical isofetamid, *N*-[1,1-dimethyl-2-[2-methyl-4-(1-methylethoxy)phenyl]-2-oxoethyl]-3-methyl-2-thiophenecarboxamide (CA), and its metabolite GPTC, *N*-[1,l-dimethyl-2-(4-β-D-glucopyranosyloxy-2-methylphenyl)-2-oxoethyl]-3-methyl-2-thiophenecarboxamide, expressed as isofetamid. Contact: RD

4. *PP 6F8474.* (EPA–HQ–OPP–2015–0775). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to establish tolerances in 40 CFR part 180 for residues of the fungicide pydiflumetofen in or on Barley, grain at 4.0 ppm; Barley, hay at 30.0 ppm; Barley, straw at 30.0 ppm; Corn, field, grain at 0.015 ppm; Corn, field, forage at 6.0 ppm; Corn, field, stover at 15.0 ppm; Corn, field, milled by products at 0.06 ppm; Corn, pop, grain at 0.015 ppm; Corn, pop, forage at 6.0 ppm; Corn, pop, stover at 15.0 ppm; Corn, sweet, ear at 0.01 ppm; Corn, sweet, forage at 5.0 ppm; Corn, sweet, stover at 9.0 ppm; Corn, sweet, cannery waste at 2.0 ppm; Crop Subgroup 4–15A, Leafy greens subgroup at 40.0 ppm; Crop Subgroup 22B, Leaf petiole vegetable subgroup at 15.0 ppm; Fruits, small vine climbing, except fuzzy kiwi subgroup 13–07F at 1.5 ppm; Grape, raisin at 2.0 ppm; Grape, wet pomace at 1.5 ppm; Grain, aspirated fractions at 100.0 ppm; Grain, cereal, forage, fodder and straw, group 16 at 50 ppm; Oat, grain at 2.0 ppm; Oat, forage at 10.0 ppm; Oat, hay at 40.0 ppm; Oat, straw at 20.0 ppm; Peas and bean, dried shelled, except soybean, subgroup 6C at 0.4 ppm; Peas, hay at 40.0 ppm; Peas, vine at 6.0 ppm; Peanut, nutmeat at 0.02 ppm; Peanut, refined oil at 0.05 ppm; Peanut, hay at 20.0 ppm; Potato, wet peel at 0.03 ppm; Potato, dried pulp at 0.05 ppm; Potato, processed waste at 0.03 ppm; Quinoa, grain at 4.0 ppm; Rapeseed, subgroup 20A at 0.9 ppm; Rye, grain at 4.0 ppm; Rye, hay at 50.0 ppm; Rye, straw at 30.0 ppm; Soybean, seed at 0.4 ppm; Soybean, forage at 30.0 ppm; Soybean, hay at 150 ppm; Tomato, dried pomace at 15.0 ppm; Tomato, wet pomace at 1.5 ppm; Tomato, sun-dried at 3.0 ppm; Vegetables, fruiting, crop group 8–10 at 0.6 ppm; Vegetables, tuberous and corm subgroup 1C at 0.015 ppm; Vegetables, cucurbit, crop group 9 at 0.5 ppm; Wheat, grain at 0.3 ppm; Wheat, forage at 15.0 ppm; Wheat, hay at 50.0 ppm; and Wheat, straw at 30.0 ppm. The method GRM061.03A is used to measure and evaluate the chemical pydiflumetofen. Contact: RD.

5. *PP 6F8474.* (EPA–HQ–OPP–2015–0775). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to establish tolerances in 40 CFR part 180 for residues of the fungicide pydiflumetofen in or on cattle, fat at 0.03 ppm; cattle, kidney at 0.02 ppm; cattle, liver at 0.04 ppm; cattle, meat at 0.02 ppm; cattle, byproducts at 0.04 ppm; goat, fat at 0.03 ppm; goat, kidney at 0.02 ppm; goat, liver at 0.04 ppm; goat, meat at 0.02 ppm; goat, meat byproducts at 0.04 ppm; horse, fat at 0.03 ppm; horse, kidney at 0.02 ppm; horse, liver at 0.04 ppm; horse, meat at 0.02 ppm; horse, meat byproducts at 0.04 ppm; milk at 0.02 ppm; milk, cream at 0.04 ppm; sheep, fat at 0.03 ppm; sheep, kidney at 0.02 ppm; sheep, liver at 0.04 ppm; sheep, meat at 0.02 ppm; and sheep, meat byproducts at 0.04 ppm. The method GRM061.07A for animal products is used to measure and evaluate the chemicals pydiflumetofen and 2,4,6 trichlorophenol (free and conjugated) for the purposes of post-registration monitoring. Contact: RD.

Amended Tolerance

1. *PP 6F8445.* (EPA–HQ–OPP–2016–0254). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to amend the tolerance in 40 CFR 180.475 for residues of the fungicide difenoconazole in or on cotton, gin byproducts to 15 ppm. Gas chromatography equipped with a nitrogen-phosphorous detector or liquid chromatography (LC)/mass spectrometry (MS)/(MS) is used to measure and evaluate the chemical difenoconazole (1-[2-[2-chloro-4-(4-chlorophenoxy)phenyl]-4-methyl-1,3-dioxolan-2-ylmethyl]-1H–1,2,4-triazole). Contact: RD.

New Tolerance Exemptions

1. *PP IN–10964.* (EPA–HQ–OPP–2016–0507). Lewis & Harrison, LLC, 122 C St. NW., Suite 505, Washington, DC 20001 (on behalf of Wacker Chemie AG, Hanns-Seidel-Platz 4, D–81737 Munich, Germany), requests to establish an exemption from the requirement of a tolerance for residues of β-cyclodextrin, methyl ethers (CAS Reg. No. 128446–36–6) when used as a pesticide inert ingredient (stabilizing agent, solvent) at a concentration of not more than 40% by weight in pesticide formulations applied to growing crops under 40 CFR 180.920. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

2. *PP IN–10981.* (EPA–HQ–OPP–2016–0616). Spring Trading Company, LLC, on behalf of BASF Corporation, 100 Park Ave., Florham Park, NJ 07932, requests to establish an exemption from the requirement of a tolerance for residues of polyethyleneimine (CAS Reg. No. 9002–98–6) when used as a pesticide inert ingredient in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest under 40 CFR 180.910. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

3. *PP 6F8490.* (EPA–HQ–OPP–2016–0687). BASF Corporation, 26 Davis Dr., P.O. Box 13528, Research Triangle Park, NC 27709, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the fungicide *Bacillus subtilis* strain BU1814 in or on all food commodities. The petitioner believes no analytical method is needed because it is expected that, when used as proposed, *Bacillus subtilis* strain BU1814 would not result in residues in or on food that are of toxicological concern. Contact: BPPD.

4. *PP 6F8508.* (EPA–HQ–OPP–2016–0641). Technology Sciences Group, Inc., 1150 18th St. NW., Suite 1000, Washington, DC 20036 (on behalf of Bee Vectoring Technology, Inc., 4160 Sladeview Crescent #7, Mississauga,

Ontario L5L 0A1, Canada), requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the fungicide *Clonostachys rosea* strain CR–7 in or on all food commodities. The petitioner believes no analytical method is needed because it is expected that, when used as proposed, *Clonostachys rosea* strain CR–7 would not result in residues that are of toxicological concern. Contact: BPPD.

Authority: 21 U.S.C. 346a.

Dated: December 28, 2016.

Robert McNally,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 2017–02475 Filed 2–6–17; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 82, No. 24

Tuesday, February 7, 2017

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

DEPARTMENT OF AGRICULTURE

Forest Service

Juneau Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Juneau Resource Advisory Committee (RAC) will meet in Juneau AK. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following Web site: *https://www.fs.usda.gov/main/pts/specialprojects/racweb.*

DATES: The meeting will be held February 15, 2017, 6:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at Juneau Ranger District Office, 8510 Mendenhall Loop Road, 6 p.m.–8 p.m. If unable to attend in person, a bridge line will be set up. Call into the conference at 907–586–9398 during the meeting hours.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Juneau Ranger District Office, 8510 Mendenhall Loop Rd., Juneau. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Karen Maher, RAC Coordinator, by phone at 907–789–6267 or via email at *kmaher@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Discuss and decide on funding for any submitted project proposals.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by February 10, 2017 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Karen Maher, RAC Coordinator, Juneau Ranger District, 8510 Mendenhall Loop Road, Juneau, AK 99801; by email to *kmaher@fs.fed.us,* or via facsimile to 907–586–8808.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: January 27, 2017.

Jeanne Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–02452 Filed 2–6–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–9–2017]

Foreign-Trade Zone (FTZ) 8—Toledo, Ohio Notification of Proposed Production Activity Whirlpool Corporation (Washing Machines) Clyde and Green Springs, Ohio

Whirlpool Corporation (Whirlpool) submitted a notification of proposed production activity to the FTZ Board for its facilities in Clyde and Green Springs, Ohio within Subzone 8I. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on January 27, 2017.

Whirlpool already has authority to produce standard and high capacity washing machines using certain imported components within Subzone 8I. The current request would add foreign status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Whirlpool from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, Whirlpool would be able to choose the duty rates during customs entry procedures that apply to the washing machines and related parts in the company's existing scope of authority (duty rate ranges from duty-free to 6.7%) for the foreign-status materials/components noted below. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: Plastic (PVC) inlet hoses; endless transmission belts; spring and support assemblies; and, knob assemblies (duty rate ranges from 2.8 to 3.9%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is March 20, 2017.

A copy of the notification will be available for public inspection at the

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: January 31, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–02526 Filed 2–6–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture From the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review

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

SUMMARY: The Department of Commerce (''the Department'') is simultaneously initiating, and issuing the preliminarily results of, a changed circumstances review of the antidumping duty (''AD'') order on wooden bedroom furniture (''WBF'') from the People's Republic of China (''PRC''). We preliminary determine that Yihua Lifestyle Technology Co., Ltd. (''Yihua Tech'') is the successor-in-interest to Guangdong Yihua Timber Industry Co., Ltd. (''Yihua Timber'') for purposes of the AD order on WBF from the PRC and, as such, is entitled to Yihua Timber's cash deposit rate with respect to entries of subject merchandise. Interested parties are invited to comment on this preliminary determination.

DATES: Effective February 7, 2017.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3518.

SUPPLEMENTARY INFORMATION:

Background

On January 5, 2005, the Department published the AD order on WBF from the PRC.[1] On July 28, 2016, Yihua Tech requested that the Department initiate an expedited changed circumstances review (''CCR'') and determine that it is the successor-in-interest to Yihua Timber for purposes of determining AD liabilities.[2] On September 9, 2016, the Department requested from Yihua Tech additional information in order to determine whether to initiate the requested CCR.[3] On November 18, 2016, Yihua Tech submitted an amendment to its CCR Request, which included the additional information requested by the Department.[4] Thus, the 45-day time period for the Department to determine whether to initiate the requested changed circumstances review began on this date.[5] On December 23, 2016, the Department determined that additional time was necessary to consider Yihua Tech's request for the changed circumstances reviews.[6] Therefore, in accordance with 19 CFR 351.302(b), the Department extended the time period for determining whether to initiate the requested changed circumstances reviews by an additional 30 days, until February 1, 2017. The Department received no comments on Yihua Tech's CCR Request.

Scope of the Order

The product covered by the order is wooden bedroom furniture, subject to certain exceptions.[7] Imports of subject merchandise are classified under the Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings: 9403.50.9042, 9403.50.9045, 9403.50.9041, 9403.60.8081, 9403.20.0018, 9403.90.8041, 7009.92.1000, or 7009.92.5000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description in the *Order* remains dispositive.[8]

Initiation of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (''the Act''), and the Department's regulations (19 CFR 351.216 and 351.221(c)(3)), the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from an interested party for a review of, an order which shows changed circumstances sufficient to warrant a review of the order. In the past, the Department has used CCRs to address the applicability of cash deposit rates after there have been changes in the name of a respondent, (''successor-in-interest'' or ''successorship'' determinations). The information submitted by Yihua Tech claiming that it is Yihua Timber's successor-in-interest relates to a name change. Specifically, Yihua Tech reported that effective May 17, 2016, the Guangdong Provincial Administration for Industry and Commerce approved Yihua Tech's change of name from Guangdong Yihua Timber Industry Co., Ltd. to Yihua Lifestyle Technology Co., Ltd., and approved a minor modification to Yihua Timber's business scope.[9] Consistent with Department practice, the information submitted by Yihua Tech demonstrates changed circumstances sufficient to warrant a review.[10] Therefore, in accordance with section 751(b)(1) of the Act and 19 CFR 351.216(d), the Department is initiating a changed circumstances review to determine whether Yihua Tech is the successor-in-interest to Yihua Timber.

Preliminary Results

When it concludes that expedited action is warranted, the Department may publish the notice of initiation and preliminary results of a CCR concurrently.[11] The Department has

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[1] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture from the People's Republic of China,* 70 FR 329 (January 4, 2005) (''*Order*'').

[2] *See* Letter from Yihua Tech to the Secretary of Commerce ''Wooden Bedroom Furniture from the People's Republic of China (AD) and Multilayered Wood Flooring from the People's Republic of China (AD/CVD); Request for Changed Circumstances Review,'' dated July 28, 2016 (''CCR Request'').

[3] *See* Letter from Howard Smith, Program Manager, AD/CVD Operations, Office IV, Enforcement & Compliance to Yihua Tech dated September 9, 2016.

[4] *See* Letter from Yihua Tech to the Secretary of Commerce ''Wooden Bedroom Furniture from the People's Republic of China (AD) and Multilayered Wood Flooring from the People's Republic of China (AD/CVD); Amendment to Request for Changed Circumstances Review,'' dated November 18, 2016 (''Amendment to CCR Request'').

[5] *See* 19 CFR 351.216(b).

[6] *See* Letter from Abdelali Elouaradia, Office Director, Office IV, AD/CVD Operations ''Wooden Bedroom Furniture from the People's Republic of China (Antidumping Duty Order) and Multilayered Wood Flooring from the People's Republic of China (Antidumping Duty and Countervailing Duty Orders): Request for a Changed Circumstances Review,'' dated December 23, 2016.

[7] *See Order,* 70 FR at 332–33.

[8] For a complete description of the Scope of the Order, please *see* memorandum from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance ''Wooden Bedroom Furniture from the People's Republic of China: Preliminary Decision Memorandum of Changed Circumstances Review,'' dated concurrently with this notice (''Preliminary Decision Memorandum'').

[9] *See* CCR Request at Attachment 1.

[10] *See* 19 CFR 351.216(d).

[11] *See* 19 CFR 351.221(c)(3)(ii).

combined the notice of initiation and preliminary results in successor-in-interest cases when sufficient documentation has been provided supporting the request to make a preliminary determination.[12] In this instance, because the record contains information necessary to support the request for a preliminary determination, we find that expedited action is warranted, and we are combining the notice of initiation and the notice of preliminary results, in accordance with 19 CFR 351.221(c)(3)(ii).

In a CCR, we generally consider a company to be the successor to another company for AD cash deposit purposes if the operations of the successor are not materially dissimilar from those of its predecessor.[13] In making this determination, the Department examines a number of factors including, but not limited to, changes in: (1) Management; (2) production facilities; (3) suppliers; and (4) customer base.[14] While no one or several of these factors will necessarily provide a dispositive indication of succession, the Department will generally consider one company to be the successor to another company if its resulting operation is essentially the same as that of its predecessor.[15] Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the prior company, the Department will assign the new company the cash deposit rate of its predecessor.[16]

In its CCR Request (and its Amendment,) Yihua Tech provided evidence demonstrating that its operations are not materially dissimilar from those of its predecessor.[17] Specifically, Yihua Tech is managed and operated by the same management teams as those of Yihua Timber, with the exception of the change to the general manager, which occurred prior to the name change, and was unrelated to the name change.[18] Further, Yihua has not added, or discontinued use of, wooden bedroom furniture production facilities as a result of the change in name.[19] Finally, there have been non-material changes to the company's suppliers,[20] and no changes to the company's customer base.[21] Based on the foregoing, which is explained in greater detail in the Preliminary Decision Memorandum, we preliminarily determine that Yihua Tech is the successor-in-interest to Yihua Timber and, as such, that it is entitled to Yihua Timber's AD cash deposit rate with respect to entries of subject merchandise. Should our final results remain the same as these preliminary results, we will instruct U.S. Customs and Border Protection to assign entries of subject merchandise exported by Yihua Tech the AD cash-deposit rate applicable to Yihua Timber, effective the date of publication of the final results.

Public Comment

Interested parties may submit case briefs not later than 14 days after the date of publication of this notice.[22] Rebuttal briefs, which must be limited to issues raised in such briefs, may be filed not later than seven days after the date of publication of this notice.[23] Parties who submit case briefs or rebuttal briefs in this changed circumstances review are requested to submit with each argument: (1) A statement of the issue; and (2) a brief summary of the argument with an electronic version included.[24]

Any interested party may request a hearing within 14 days of publication of this notice.[25] 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 the issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230 in a room to be determined.[26]

All submissions, with limited exceptions, must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS'').[27] An electronically filed document must be received successfully in its entirety by 5 p.m. Eastern Time (''ET'') on the due date. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with the APO/Dockets Unit in Room 18022 and stamped with the date and time of receipt by 5 p.m. ET on the due date.[28]

Unless extended, consistent with 19 CFR 351.216(e), we intend to issue the final results of this changed-circumstances review no later than 270 days after the date on which this review was initiated or within 45 days if all parties agree to the outcome of the review. We intend to issue and publish this initiation and preliminary results notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216 and 351.221(c)(3) of the Department's regulations.

Dated: February 1, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–02468 Filed 2–6–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–970, C–570–971]

Multilayered Wood Flooring From the People's Republic of China: Initiation and Preliminary Results of Antidumping and Countervailing Duty Changed Circumstances Reviews

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

SUMMARY: The Department of Commerce (''the Department'') is simultaneously

[12] *See, e.g., Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China,* 81 FR 76561 (November 3, 2016) (''*Solar Cells PRC 2016*''), unchanged in *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Results of Changed Circumstances Review,* 81 FR 91909 (December 19, 2016).

[13] *Id.*

[14] *See Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Multilayered Wood Flooring from the People's Republic of China,* 79 FR 48117, 48118 (August 15, 2014), unchanged in *Multilayered Wood Flooring from the People's Republic of China: Final Results of Changed Circumstances Review,* 79 FR 58740 (September 30, 2014).

[15] *Id.*

[16] *See Solar Cells PRC 2016* at 76562.

[17] *See generally* CCR Request and Amendment to CCR Request.

[18] *See* CCR Request at Attachments 1 and 5 and Amendment to CCR Request at Attachments 2 and 3.

[19] *See* CCR Request at 4 and Attachment 4 and Amendment to CCR Request at 2–4 and Attachment 1.

[20] *See* CCR Request at Attachment 9 and Amendment to CCR Request at Attachment 4.

[21] *See* CCR Request at Attachment 10.

[22] The Department is exercising its discretion under 19 CFR 351.309(c)(1)(ii) to alter the time limit for the filing of case briefs.

[23] The Department is exercising its discretion under 19 CFR 351.309(d)(I) to alter the time limit for the filing of rebuttal briefs.

[24] *See* 19 CFR 351.309(c)(2) and (d)(2).

[25] The Department is exercising its discretion under 19 CFR 351.310(c) to alter the time limit for requesting a hearing.

[26] *See* 19 CFR 351.310(d).

[27] ACCESS is available to registered users at *https://access.trade.gov* and available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[28] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures: Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

initiating, and issuing the preliminarily results of, changed circumstances reviews of the antidumping duty (''AD'') and countervailing duty (''CVD'') orders on multilayered wood flooring (''wood flooring'') from the People's Republic of China (''PRC''). We preliminarily determine that Yihua Lifestyle Technology Co., Ltd. (''Yihua Tech'') is the successor-in-interest to Guangdong Yihua Timber Industry Co., Ltd. (''Yihua Timber'') for purposes of the AD and CVD orders on wood flooring from the PRC and, as such, is entitled to Yihua Timber's AD and CVD cash deposit rates with respect to entries of subject merchandise. Interested parties are invited to comment on this preliminary determination.

DATES: Effective February 7, 2017.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3518.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 2011, the Department published the AD and CVD orders of wooding flooring from the PRC.[1] On July 28, 2016, Yihua Tech requested that the Department initiate expedited changed circumstances reviews (''CCR'') and determine that it is the successor-in-interest to Yihua Timber for purposes of determining AD and CVD liabilities.[2] On September 9, 2016, the Department requested from Yihua Tech additional information in order to determine whether to initiate the requested CCRs.[3] On November 18, 2016, Yihua Tech submitted an amendment to its CCR Request, which included the additional information requested by the Department.[4] Thus, the 45-day time period for the Department to determine whether to initiate the requested changed circumstances review began on this date.[5] On December 23, 2016, the Department determined that additional time was necessary to consider Yihua Tech's request for the changed circumstances reviews.[6] Therefore, in accordance with 19 CFR 351.302(b), the Department extended the time period for determining whether to initiate the requested changed circumstances reviews by an additional 30 days, until February 1, 2017. The Department received no comments on Yihua Tech's CCR Request.

Scope of the Orders

The merchandise covered by the orders includes wood flooring, subject to certain exceptions. Imports of the subject merchandise are provided for under the following subheadings of the Harmonized Tariff Schedule of the United States (''HTSUS''): 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.2510; 4412.31.2520; 4412.31.3175; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.4075; 4412.31.4080; 4412.31.5125; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.5175; 4412.31.6000; 4412.31.9100; 4412.32.0520; 4412.32.0540; 4412.32.0560; 4412.32.0565; 4412.32.0570; 4412.32.2510; 4412.32.2520; 4412.32.2525; 4412.32.2530; 4412.32.3125; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.5600; 4412.39.1000; 4412.39.3000; 4412.39.4011; 4412.39.4012; 4412.39.4019; 4412.39.4031; 4412.39.4032; 4412.39.4039; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5010; 4412.39.5030; 4412.39.5050; 4412.94.1030; 4412.94.1050; 4412.94.3105; 4412.94.3111; 4412.94.3121; 4412.94.3131; 4412.94.3141; 4412.94.3160; 4412.94.3171; 4412.94.4100; 4412.94.5100; 4412.94.6000; 4412.94.7000; 4412.94.8000; 4412.94.9000; 4412.94.9500; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5100; 4412.99.5105; 4412.99.5115; 4412.99.5710; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500; 4418.71.2000; 4418.71.9000; 4418.72.2000; 4418.72.9500; and 9801.00.2500.

While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.[7]

Initiation of Changed Circumstances Reviews

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (''the Act''), and the Department's regulations (19 CFR 351.216 and 351.221(c)(3)), the Department will conduct a changed circumstances review of an order upon receipt of information concerning, or a request from an interested party for a review of, an order which shows changed circumstances sufficient to warrant a review of the order. In the past, the Department has used CCRs to address the applicability of cash deposit rates after there have been changes in the name of a respondent, (''successor-in-interest'' or ''successorship'' determinations). The information submitted by Yihua Tech claiming that it is Yihua Timber's successor-in-interest relates to a name change. Specifically, Yihua Tech reported that effective May 17, 2016, the Guangdong Provincial Administration for Industry and Commerce approved Yihua Tech's change of name from Guangdong Yihua Timber Industry Co., Ltd. to Yihua Lifestyle Technology Co., Ltd., and approved a minor modification to Yihua Timber's business scope.[8] Thus, consistent with Department practice, the information submitted by Yihua Tech demonstrates changed circumstances sufficient to warrant a review.[9] Therefore, in accordance with section

[1] *See Multilayered Wood Flooring from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 76 FR 76690 (December 8, 2011); *see also Multilayered Wood Flooring from the People's Republic of China: Countervailing Duty Order,* 76 FR 76692 (December 8, 2011), as amended, *Multilayered Wood Flooring from the People's Republic of China: Amended Antidumping and Countervailing Duty Orders,* 77 FR 5484 (February 3, 2012) (''*Orders*'').

[2] *See* Letter from Yihua Tech to the Secretary of Commerce ''Wooden Bedroom Furniture from the People's Republic of China (AD) and Multilayered Wood Flooring from the People's Republic of China (AD/CVD); Request for Changed Circumstances Review,'' dated July 28, 2016 (''CCR Request'').

[3] *See* Letter from Howard Smith, Program Manager, AD/CVD Operations, Office IV, Enforcement & Compliance to Yihua Tech dated September 9, 2016.

[4] *See* Letter from Yihua Tech to the Secretary of Commerce ''Wooden Bedroom Furniture from the People's Republic of China (AD) and Multilayered Wood Flooring from the People's Republic of China (AD/CVD); Amendment to Request for Changed Circumstances Review,'' dated November 18, 2016 (''Amendment to CCR Request'').

[5] *See* 19 CFR 351.216(b).

[6] *See* Letter from Abdelali Elouaradia, Office Director, Office IV, AD/CVD Operations ''Wooden Bedroom Furniture from the People's Republic of China (Antidumping Duty Order) and Multilayered Wood Flooring from the People's Republic of China (Antidumping Duty and Countervailing Duty Orders): Request for a Changed Circumstances Review,'' dated December 23, 2016.

[7] For a complete description of the Scope of the Orders, please *see* memorandum from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance ''Multilayered Wood Flooring from the People's Republic of China: Preliminary Decision Memorandum of Antidumping and Countervailing Duty Changed Circumstances Reviews,'' dated concurrently with this notice (''Preliminary Decision Memorandum'').

[8] *See* CCR Request at Attachment 1.

[9] *See* 19 CFR 351.216(d).

751(b)(1) of the Act and 19 CFR 351.216(d), the Department is initiating changed circumstances reviews to determine whether Yihua Tech is the successor-in-interest to Yihua Timber.

Preliminary Results

When it concludes that expedited action is warranted, the Department may publish the notice of initiation and preliminary results of a CCR concurrently.[10] The Department has combined the notice of initiation and preliminary results in successor-in-interest cases when sufficient documentation has been provided supporting the request to make a preliminary determination.[11] In this instance, because we have on the record the information necessary to support the request for a preliminary determination, we find that expedited action is warranted, and we are combining the notice of initiation and the notice of preliminary results, in accordance with 19 CFR 351.221(c)(3)(ii).

AD Methodology

In a CCR, we generally consider a company to be the successor to another company for AD cash deposit purposes if the operations of the successor are not materially dissimilar from those of its predecessor.[12] In making this determination, the Department examines a number of factors including, but not limited to, changes in: (1) Management; (2) production facilities; (3) suppliers; and (4) customer base.[13] While no one or several of these factors will necessarily provide a dispositive indication of succession, the Department will generally consider one company to be the successor to another company if its resulting operation is essentially the same as that of its predecessor.[14] Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the prior company, the Department will assign the new company the cash deposit rate of its predecessor.[15]

In its CCR Request (and its Amendment), Yihua Tech provided evidence demonstrating that its operations are not materially dissimilar from those of its predecessor.[16] Specifically, Yihua Tech is managed and operated by the same management teams as those of Yihua Timber, with the exception of the change to the general manager, which occurred prior to the name change, and was unrelated to the name change.[17] Further, Yihua has not added, or discontinued use of, wood flooring production facilities as a result of the change in name.[18] Finally, there have been non-material changes to the company's suppliers,[19] and no changes to the company's customer base.[20] Based on the foregoing, which is explained in greater detail in the Preliminary Decision Memorandum, we preliminarily determine that Yihua Tech is the successor-in-interest to Yihua Timber and, as such, that it is entitled to Yihua Timber's AD cash deposit rate with respect to entries of subject merchandise.

CVD Methodology

As a general rule, in a CVD CCR, the Department will make an affirmative CVD successorship finding (*i.e.,* that the respondent company is the same subsidized entity for CVD cash deposit purposes as the predecessor company) where there is no evidence of significant changes in: (1) The respondent's operations; (2) ownership; and (3) corporate or legal structure during the relevant period (*i.e.,* the ''look-back window'') that could have affected the nature and extent of the respondent's subsidy levels.[21] Where the Department makes an affirmative CVD successorship finding, the successor's merchandise will be entitled to enter under the predecessor's cash deposit rate.[22]

As explained in greater detail in the Preliminary Decision Memorandum, we find no evidence of significant changes between Yihua Tech's and Yihua Timber's operations, ownership, or its corporate or legal structure that could have had an impact on Yihua Tech's subsidies levels. Accordingly, we preliminarily determine that Yihua Tech is the successor-in-interest to Yihua Timber and, as such, that it is entitled to Yihua Timber's CVD cash deposit rate with respect to entries of subject merchandise.

Should our final results remain the same as these preliminary results, we will instruct U.S. Customs and Border Protection to assign entries of subject merchandise exported by Yihua Tech the AD and CVD cash-deposit rates applicable to Yihua Timber, effective the date of publication of the final results.

Public Comment

Interested parties may submit case briefs not later than 14 days after the date of publication of this notice.[23] Rebuttal briefs, which must be limited to issues raised in such briefs, may be filed not later than seven days after the date of publication of this notice.[24] Parties who submit case briefs or rebuttal briefs in these changed circumstances reviews are requested to submit with each argument: (1) A statement of the issue; and (2) a brief summary of the argument with an electronic version included.[25]

Any interested party may request a hearing within 14 days of publication of this notice.[26] 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 the issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230 in a room to be determined.[27]

All submissions, with limited exceptions, must be filed electronically using Enforcement and Compliance's

[10] *See* 19 CFR 351.221(c)(3)(ii).

[11] *See, e.g., Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China,* 81 FR 76561 (November 3, 2016) (''*Solar Cells PRC 2016*''), unchanged in *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Changed Circumstances Review,* 81 FR 91909 (December 19, 2016).

[12] *Id.*

[13] *See Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Multilayered Wood Flooring from the People's Republic of China,* 79 FR 48117,48118 (August 15, 2014), unchanged in *Multilayered Wood Flooring from the People's Republic of China: Final Results of Changed Circumstances Review,* 79 FR 58740 (September 30, 2014).

[14] *Id.*

[15] *See Solar Cells PRC 2016* at 76562.

[16] *See generally* CCR Request and Amendment to CCR Request.

[17] *See* CCR Request at Attachments 1 and 5 and Amendment to CCR Request at Attachments 2 and 3.

[18] *See* CCR Request at 4 and Attachment 4 and Amendment to CCR Request at 2–4 and Attachment 1.

[19] *See* CCR Request at Attachment 9 and Amendment to CCR Request at Attachment 4.

[20] *See* CCR Request at Attachment 10.

[21] *See Certain Lined Paper Products from India: Notice of Initiation and Preliminary Results of Countervailing Duty Changed Circumstances Review,* 79 FR 38011, 38012 (July 3, 2014).

[22] *Id; Certain Pasta from Turkey: Preliminary Results of Countervailing Duty Changed Circumstances Review,* 74 FR 47225 (September 15, 2009).

[23] The Department is exercising its discretion under 19 CFR 351.309(c)(1)(ii) to alter the time limit for the filing of case briefs.

[24] The Department is exercising its discretion under 19 CFR 351.309(d)(I) to alter the time limit for the filing of rebuttal briefs.

[25] *See* 19 CFR 351.309(c)(2) and (d)(2).

[26] The Department is exercising its discretion under 19 CFR 351.310(c) to alter the time limit for requesting a hearing.

[27] *See* 19 CFR 351.310(d).

Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS'').[28] An electronically filed document must be received successfully in its entirety by 5 p.m. Eastern Time (''ET'') on the due date. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with the APO/Dockets Unit in Room 18022 and stamped with the date and time of receipt by 5 p.m. ET on the due date.[29]

Unless extended, consistent with 19 CFR 351.216(e), we intend to issue the final results of these changed-circumstances reviews no later than 270 days after the date on which these reviews were initiated or within 45 days if all parties agree to the outcome of the reviews. We intend to issue and publish this initiation and preliminary results notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216 and 351.221(c)(3) of the Departments regulations.

Dated: February 1, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–02467 Filed 2–6–17; 8:45 am]

BILLING CODE 3510–DS–P

[28] ACCESS is available to registered users at *https://access.trade.gov* and available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building.

[29] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures: Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF208

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice; public hearings and webinar.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold nine public hearings/scoping workshops and two webinars to solicit public comments on Coral 7/Shrimp 17B.

DATES: The public hearings will be held February 21—March 21, 2017. The meetings will begin at 6 p.m. and will conclude no later than 9 p.m. For specific dates and times, see **SUPPLEMENTARY INFORMATION**. Written public comments must be received on or before 5 p.m. EST on Friday, March 3, 2017.

ADDRESSES: The public documents can be obtained by contacting the Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607; (813) 348–1630 or on their Web site at *www.gulfcouncil.org.*

Meeting addresses: The public hearings will be held in Key West, Madeira and Panama City, FL; Brownsville, Palacios and Galveston, TX; Gulfport, MS; Mobile, AL; Houma, LA; and two webinars (one for Shrimp 17B and one for Coral 7). For specific locations, see **SUPPLEMENTARY INFORMATION**.

Public comments: Comments may be submitted online through the Council's public portal by visiting *www.gulfcouncil.org* and clicking on ''CONTACT US''.

FOR FURTHER INFORMATION CONTACT: Douglas Gregory, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The agenda for the following nine hearings and two webinars are as follows: Council staff will brief the public on (1) Shrimp Amendment 17—Yield, Threshold Number or Permits, and Transit Provisions and (2) Coral Amendment 7—Recommended Coral Areas Identified as Priority Habitats for Management Consideration in the Gulf of Mexico. Staff will then open the meeting for questions and public comments. The schedule is as follows:

Locations, Schedules, and Agendas

Tuesday, February 21, 2017, Marriott Beachside, 3841 North Roosevelt Boulevard, Key West, FL 33040; telephone: (305) 296–8100; Courtyard by Marriott, 3955 North Expressway, Brownsville, TX 78520; telephone: (956) 350–4600.

Wednesday, February 22, 2017, Port of Palacios, 1602 Main Street, Palacios, TX 77465; telephone: (361) 972–5556.

Thursday, February 23, 2017, Courtyard by Marriott, 601 American Legion Drive, Madeira Beach, FL 33708; telephone: (727) 392–8088; Hilton Galveston Island, 5400 Seawall Boulevard, Galveston Island, TX 77551; telephone: (409) 744–5000.

Monday, March 6, 2017, Courtyard by Marriott, 142 Library Drive, Houma, LA 70360; telephone: (985) 223–8996.

Tuesday, March 7, 2017, Courtyard by Marriott, 1600 East Beach Boulevard, Gulfport, MS 39501; telephone: (228) 864–4310.

Wednesday, March 8, 2017, Renaissance Mobile Riverview Plaza Hotel, 64 South Water Street, Mobile, AL 36602; telephone: (251) 438–4000.

Thursday, March 9, 2017, Hilton Garden Inn, 1101 North US Highway 231, Panama City, FL 32405; telephone: (850) 392–1093.

Monday, March 20, 2017, Webinar at 6 p.m. EST: Public Hearing:

Amendment 7—Coral *https://attendee.gotowebinar.com/register/5854284070433339649*

Tuesday, March 21, 2017, Webinar at 6 p.m. EST: Public Hearing:

Amendment 17B—Shrimp *https://attendee.gotowebinar.com/register/1465688961281780737*

After registering, you will receive a confirmation email containing information about joining the webinar.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira (see **ADDRESSES**), at least 5 working days prior to the meeting date.

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

Dated: February 2, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–02473 Filed 2–6–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, February 8, 2017 6:00 p.m.

ADDRESSES: Department of Energy Information Center, Office of Science and Technical Information, 1 Science.gov Way, Oak Ridge, Tennessee 37831.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Alternate Deputy Designated Federal Officer, U.S. Department of Energy, Oak Ridge Office of Environmental Management, P.O. Box 2001, EM–942, Oak Ridge, TN 37831. Phone (865) 241–3315; Fax (865)

241–6932; email: *Melyssa.Noe@orem.doe.gov.* Or visit the Web site at *www.energy.gov/orssab.*

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Welcome and Announcements
- Comments from the Deputy Designated Federal Officer (DDFO) and Environmental Protection Agency and Tennessee Department of Environment and Conservation Liaisons
- Public Comment Period
- Discussion: Waste Disposal Capacity on the Oak Ridge Reservation
- Additions/Approval of Agenda
- Motions/Approval of January 11, 2017 Meeting Minutes
- Responses to Recommendations and Alternate DDFO Report
- Committee Reports
- Additions to Agenda and Open Discussion
- Adjourn

Public Participation: The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Melyssa P. Noe in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Melyssa P. Noe at the address or telephone number listed above. Requests must be received prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. Publishing this notice less than 15 day is due to unforeseen administrative procedures during the transition. This meeting will allow the public and the Board to hear critical information related to the board's work and needs to be conveyed in a timely manner.

Minutes: Minutes will be available by writing or calling Melyssa P. Noe at the address and phone number listed above. Minutes will also be available at the following Web site: *www.energy.gov/orssab.*

Issued at Washington, DC, on February 1, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–02558 Filed 2–3–17; 11:15 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD17–1–000]

Commission Information Collection Activities (FERC–725R); Comment Request

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the information collection FERC–725R (Mandatory Reliability Standards: BAL Reliability Standards) which will be submitted to the Office of Management and Budget (OMB) for review of the information collection requirements.

DATES: Comments on the collection of information are due by April 10, 2017.

ADDRESSES: You may submit comments (identified by Docket No. RD17–1–000) by 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,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–725R, Mandatory Reliability Standards: BAL Reliability Standards.

OMB Control No.: 1902–0268.

Type of Request: Three-year approval of FERC–725R information collection requirement, as modified.

Abstract: On November 10, 2016, the North American Electric Reliability Corporation (NERC) filed a petition for Commission approval of retirement, pursuant to section 215(d)(1) of the Federal Power Act (FPA) and Section 39.5 of the Commission's regulations, of currently-effective Reliability Standard BAL–004–0 (Time Error Correction). NERC explains that since Reliability Standard BAL–004–0 became effective, improvements have been made to mandatory Reliability Standards (such as the development of Reliability Standards BAL–003–1.1 and BAL–001–2 and the Interconnection Reliability Operations and Coordination (IRO) Standards) that help ensure continued adherence to frequency approximating 60 Hertz over long-term averages and make Reliability Standard BAL–004–0 redundant.

Type of Respondents: Public utilities.

Estimate of Annual Burden [1]: The Commission estimates the reduction (due to the retirement of Reliability Standard BAL–004–0) in the annual public reporting burden for the information collection as follows:

[1] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

FERC 725R, reductions due to RD17–1–000	Number of respondents [2] (1)	Number of responses per respondent (2)	Total number of responses (1) × (2) = (3)	Average burden hours & cost per response [3] (4)	Annual burden hours & total annual cost (3) × (4) = (5)
Retirement of current standard BAL–004–0 currently in (FERC–725R).	BA 99; RC 11	−1	−110	(Eng.) 2 hrs. ($129); (R.K.) 1 hr. ($38).	−330 hrs. (−220 Eng., −110 R.K.); −$18,370 (−$14,190 Eng., −$4,180 R.K.)
TOTAL REDUCTION (Rounded)	.....	.....	−110 hrs.	.....	−110 −$18,370

Total annual burden and cost will be reduced by 110 hours and $18,370.

Comments: Comments are invited on: (1) Whether the collection of information are 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 estimates 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: February 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–02448 Filed 2–6–17; 8:45 am]

BILLING CODE 6717–01–P

[2] The estimated number of respondents is based on the NERC compliance registry as of December 12, 2016. According to the NERC compliance registry, there are 99 U.S. balancing authorities (BA) and 11 reliability coordinators (RC).

[3] The estimates for cost per response are derived using the following formula: Burden Hours per Response * $/hour = Cost per Response. The $64.29/hour figure for an engineer and the $37.75/hour figure for a record clerk (rounded to $38.00) are based on the average salary plus benefits data from the Bureau of Labor Statistics. (*https://www.bls.gov/oes/current/naics2_22.htm*), May 2015, Section 22, Utilities. In the burden table, engineering is abbreviated as ''Eng.'' and record keeping is abbreviated as ''R.K.''.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–138–000]

Atlantic Sunrise Project; Notice of Availability of Final General Conformity Analysis

In accordance with the National Environmental Policy Act of 1969, the Clean Air Act, and the Federal Energy Regulatory Commission's (Commission or FERC) regulations, Commission staff has prepared this final General Conformity Determination (GCD) for the Atlantic Sunrise Project (Project) proposed by Transcontinental Gas Pipeline Company, LLC (Transco).

The FERC staff concludes that the Project would achieve conformity with the Pennsylvania State Implementation Plan in Lancaster County through the transfer of Emission Reduction Credits.

The Project would involve the construction and operation of about 199.4 miles of pipeline facilities and appurtenant aboveground facilities, including:

- 185.9 miles of new natural gas pipeline in Columbia, Lancaster, Lebanon, Luzerne, Northumberland, Schuylkill, Susquehanna, and Wyoming Counties, Pennsylvania (58.7 miles of 30-inch-diameter and 127.3 miles of 42-inch-diameter pipeline);
- 11.0 miles of new pipeline looping in Clinton and Lycoming Counties, Pennsylvania (2.5 miles of 36-inch-diameter and 8.5 miles of 42-inch-diameter pipeline);
- 2.5 miles of 30-inch-diameter pipeline replacements in Prince William County, Virginia;
- two new compressor stations in Columbia and Wyoming Counties, Pennsylvania (Compressor Stations 610 and 605);
- additional compression and related modifications to two existing compressor stations in Columbia and Lycoming Counties, Pennsylvania (Compressor Stations 517 and 520) and one in Howard County, Maryland (Compressor Station 190);
- other modifications would be taking place at Compressor Stations 145, 150, 155, 160, 170, 185, and 190 across Maryland, North Carolina, and Virginia;
- two new meter stations and three new regulator stations would be constructed and operated in Pennsylvania. There would also be modifications at an existing meter station, and the construction and operation of additional ancillary facilities would occur in Pennsylvania; and
- in North Carolina and South Carolina, supplemental odorization, odor detection, and/or odor masking/deodorization equipment would be installed at 56 meter stations, regulator stations, and ancillary facilities.

For additional information on the Project, the public can view the final environmental impact statement on our Web site at *https://www.ferc.gov/industries/gas/enviro/eis/2016/12-30-16-FEIS.asp.* The complete final General Conformity Determination, which also contains our responses to public comments on the draft General Conformity Determination, may be found on FERC's elibrary system under the above referenced Docket number.

For further information, contact Eric Tomasi by telephone at 202–502–8097 or by email at *Eric.Tomasi@ferc.gov.*

Dated: January 17, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–02480 Filed 2–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2035–099]

City and County of Denver, Colorado; Notice of Application Accepted For Filing, Ready for Environmental Analysis, Soliciting Comments, Motions To Intervene, Protests, Recommendations, Terms and Conditions, and Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Amendment of License.

b. *Project No.:* 2035–099.

c. *Date Filed:* November 25, 2016.

d. *Applicant:* City and County of Denver, Colorado acting through its

Board of Water Commissioners (Denver Water).

e. *Name of Project:* Gross Reservoir Hydroelectric Project.

f. *Location:* The project is located on South Boulder Creek in Boulder County, Colorado. The project occupies federal lands within Roosevelt National Forest, administered by the U.S. Forest Service (Forest Service), and lands administered by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Brian Gogas, Denver Water, Planning Division, 1600 West 12th Avenue, Denver, Colorado 80204; (303) 628–6000.

i. *FERC Contacts:* B. Peter Yarrington at (202) 502–6129 or *peter.yarrington@ferc.gov;* Steven Sachs at (202) 502–8666 or *steven.sachs@ferc.gov.*

j. Deadline for filing motions to intervene and protests, comments, recommendations, terms and conditions, and fishway prescriptions is 60 days from the issuance date of this notice by the Commission; reply comments are due 105 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file any motion to intervene, protest, comments, and/or recommendations 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–2035–099.

k. *Description of Request:* As part of an expansion of its municipal water supply system, Denver Water proposes to increase the storage capacity of Gross Reservoir, part of the Gross Reservoir Hydroelectric Project, P–2035. Specifically, Denver Water proposes to increase the height of the project's Gross Dam by 131 feet, from 340 to 471 feet. The normal maximum elevation of Gross Reservoir would be raised by 124 feet, from 7,282 to 7,406 feet mean sea level. This would increase the normal maximum surface area of the reservoir from 418 to 842 acres, and increase its maximum storage volume from 41,811 to 118,811 acre-feet. Denver Water proposes to install a pressure reduction valve to maintain the project's existing authorized installed capacity, but the proposal would increase the project's annual generation by approximately 4.4 gigawatt hours. Denver Water's proposal includes the addition, to the project boundary, of 12 acres of privately owned land, 3 acres of Forest Service land, and 40 acres of its own land while removing 321 acres of Forest Service land and 68 acres of its own land. Denver Water also proposes changes to certain license articles and mandatory license conditions. Denver Water also requests a 10-year extension to the term of the project license.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', ''MOTION TO INTERVENE'', ''TERMS AND CONDITIONS'' or ''FISHWAY PRESCRIPTIONS'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the amendment. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: February 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–02447 Filed 2–6–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2013–0677; FRL–9958–08]

Receipt of Information Under the Toxic Substances Control Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing its receipt of information submitted pursuant to a rule, order, or consent agreement issued under the Toxic Substances Control Act (TSCA). As required by TSCA, this document identifies each chemical substance and/or mixture for which information has been received; the uses or intended uses of such chemical substance and/or mixture; and describes the nature of the information received. Each chemical substance and/or mixture related to this announcement is identified in Unit I. under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Kathy Calvo, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8089; email address: *calvo.kathy@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Chemical Substances and/or Mixtures

Information received about the following chemical substance(s) and/or mixture(s) is provided in Unit IV.: *Octamethylcyclotetrasiloxane (D4)* (*CASRN 556–67–2*).

II. Authority

Section 4(d) of TSCA (15 U.S.C. 2603(d)) requires EPA to publish a notice in the **Federal Register** reporting the receipt of information submitted pursuant to a rule, order, or consent agreement promulgated under TSCA section 4 (15 U.S.C. 2603).

III. Docket Information

A docket, identified by the docket identification (ID) number EPA–HQ–OPPT–2013–0677, has been established for this **Federal Register** document, which announces the receipt of the information. Upon EPA's completion of its quality assurance review, the information received will be added to the docket identified in Unit IV., which represents the docket used for the TSCA section 4 rule, order, and/or consent agreement. In addition, once completed, EPA reviews of the information received will be added to the same docket. Use the docket ID number provided in Unit IV. to access the information received and any available EPA review.

EPA's dockets are available electronically at *http://www.regulations.gov* or in person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

IV. Information Received

As specified by TSCA section 4(d), this unit identifies the information received by EPA: *Octamethylcyclotetrasiloxane (D4)* (*CASRN 556–67–2*).

1. Chemical Use(s): D4 is used as an intermediate for silicone copolymers and other chemicals. D4 is also used in industrial processing applications as a solvent (which becomes part of a product formulation or mixture), finishing agent, and an adhesive and sealant chemical. It is also used for both consumer and commercial purposes in paints and coatings, and plastic and rubber products and has consumer uses in polishes, sanitation, soaps, detergents, adhesives, and sealants.

2. *Applicable Rule, Order, or Consent Agreement:* Enforceable Consent Agreement for Environmental Testing for Octamethylcyclotetrasiloxane (D4) (CASRN 556–67–2).

3. *Applicable docket ID number:* The information received will be added to docket ID number EPA–HQ–OPPT–2012–0209.

4. *Information Received:* EPA received the following information: Benthic Organism Sampling Summaries in WV, OR, KY, CO, and KS.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: January 10, 2017.

Maria J. Doa,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017–02478 Filed 2–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2013–0677; FRL–9957–43]

Receipt of Information Under the Toxic Substances Control Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing its receipt of information submitted pursuant to a rule, order, or consent agreement issued under the Toxic Substances Control Act (TSCA). As required by TSCA, this document identifies each chemical substance and/or mixture for which information has been received; the uses or intended uses of such chemical substance and/or mixture; and describes the nature of the information received. Each chemical substance and/or mixture related to this announcement is identified in Unit I. under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* John Schaeffer, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8173; email address: *schaeffer.john@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave. Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Chemical Substances and/or Mixtures

Information about the following chemical substance(s) and/or mixture(s) is provided in Unit IV.: *Ethanedioic acid* (*CASRN 144–62–7*).

II. Authority

Section 4(d) of TSCA (15 U.S.C. 2603(d)) requires EPA to publish a notice in the **Federal Register** reporting the receipt of information submitted pursuant to a rule, order, or consent agreement promulgated under TSCA section 4 (15 U.S.C. 2603).

III. Docket Information

A docket, identified by the docket identification (ID) number EPA–HQ–OPPT–2013–0677, has been established for this **Federal Register** document, which announces the receipt of the information. Upon EPA's completion of its quality assurance review, the information received will be added to the docket identified in Unit IV., which represents the docket used for the TSCA section 4 rule, order, and/or consent agreement. In addition, once completed, EPA reviews of the information received will be added to the same docket. Use the docket ID number provided in Unit IV. to access the information received and any available EPA review.

EPA's dockets are available electronically at *http://www.regulations.gov* or in person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

IV. Information Received

As specified by TSCA section 4(d), this unit identifies the information received by EPA: *Ethanedioic acid* (*CAS No. 144–62–7*).

1. *Chemical Use(s):* Ethanedioic acid is used as a rust remover; in antirust metal cleaners and coatings; as a flame-proofing and cross-linking agent in cellulose fabrics; as a reducing agent in mordent wool dying; as an acid dye stabilizing agent in nylon; as a scouring agent for cotton printing; and as a dye stripper for wool. Ethanedioic acid is also used for degumming silk; for the separation and recovery of rare earth elements from ore; for bleaching leather and masonry; for cleaning aluminum and wood decks; and as a synthetic intermediate for pharmaceuticals.

2. *Applicable Rule, Order, or Consent Agreement:* Chemical testing requirements for second group of high production volume chemicals (HPV2), 40 CFR 799.5087.

3. *Applicable docket ID number:* The information received will be added to docket ID number EPA–HQ–OPPT–2007–0531.

4. *Information Received:* EPA received the following information:

▪ Request for exemption from testing requirements.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: January 4, 2017.

Maria J. Doa,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017–02482 Filed 2–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0022; FRL–9957–35]

Pesticide Product Registration; Receipt of Applications for New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before April 10, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) numbers and the file symbols of interest as shown in the body of this notice, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

• *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael L. Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

• Crop production (NAICS code 111).

• Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Registration Applications

EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

1. *EPA Registration Numbers:* 100–542 and 100–620. *Docket ID Number:* EPA–HQ–OPP–2016–0495. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Prometryn. *Product type:* Herbicide. *Proposed Use:* Sesame. *Contact:* RD.

2. *EPA Registration Numbers:* 8033–102 and 8033–103. *Docket ID Number:* EPA–HQ–OPP–2016–0649. *Applicant:* Nisso America Inc., on behalf of Nippon Soda Co., Ltd., 88 Pine Street, 14th Floor, New York, NY 10005. *Active Ingredient:* Cyflufenamid. *Product Type:* Fungicide. *Proposed Uses:* Cherry (Crop Sub-Group 12–12A), fruiting vegetables (Crop Group 8–10), and hops. *Contact:* RD.

3. *EPA Registration Number:* 11195–1. *Docket ID Number:* EPA–HQ–OPP–2016–0587. *Applicant:* Snowden Enterprises, Inc. c/o Pyxis Regulatory Consulting, Inc. 4110 136th St. Ct. NW., Gig Harbor, WA 98332. *Active Ingredient:* Sulfur dioxide. *Product Type:* Fungicide. *Proposed Use:* Fig. *Contact:* RD.

4. *EPA Registration Numbers:* 59639–2, 59639–3, 59639–83, 59639–132, and 59639–148. *Docket ID Number:* EPA–HQ–OPP–2016–0651. *Applicant:* Valent U.S.A. Corporation, 1600 Riviera Avenue, Suite #200, Walnut Creek, CA 94596. *Active Ingredient:* Clethodim. *Product Type:* Herbicide. *Proposed Uses:* Almond; brassica, leafy greens, subgroup 4–16B; leafy greens subgroup 4–16A; leaf petiole vegetable subgroup 22B; nut, tree, group 14–12; okra; onion, green, subgroup 3–07B; stalk and stem vegetable subgroup 22A; and vegetable,

fruiting, group 8–10, except okra. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 4, 2017.

Michael Goodis,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2017–02483 Filed 2–6–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

30-Day Submission Period for Requests for ONC-Approved Accreditor (ONC–AA) Status

AGENCY: Office of the National Coordinator for Health Information Technology, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: This notice announces the 30-day period for submission of requests for ONC-Approved Accreditor (ONC–AA) status.

DATES: The 30-day submission period begins February 7, 2017 and will end on March 9, 2017.

FOR FURTHER INFORMATION CONTACT: Alicia Morton, Director, ONC Health IT Certification Program, Office of the National Coordinator for Health Information Technology (ONC), 202–690–7151.

SUPPLEMENTARY INFORMATION:

In accordance with 45 CFR 170.503(f)(2), an ONC-Approved Accreditor's (ONC–AA's) status will expire not later than 3 years from the date its status was granted by the National Coordinator for Health Information Technology (National Coordinator). The American National Standards Institute's (ANSI's) status as the ONC–AA for certifying bodies under the ONC Health IT Certification Program will expire on June 6, 2017. To ensure the continuity of the accreditation process and the ongoing responsibilities of the ONC–AA under the ONC Health IT Certification Program, we are seeking requests for ONC–AA status for the 3-year term that would follow the term of the current ONC–AA (ANSI). Accordingly, this notice is issued pursuant to § 170.503(b), which requires the National Coordinator to publish a notice in the **Federal Register** to announce the 30-day period during which requests for ONC–AA status may be submitted. In order to be considered for ONC–AA status, an accreditation organization must submit a written request to the National Coordinator that includes the information required by § 170.503(b) within the 30-day period specified in this notice. Section 170.503(b) requires an accreditation organization to submit the following information to demonstrate its ability to serve as an ONC–AA:

(1) A detailed description of the accreditation organization's conformance to ISO/IEC17011:2004 (incorporated by reference in § 170.599) and experience evaluating the conformance of certification bodies to ISO/IEC Guide 65:1996 (incorporated by reference in § 170.599);

(2) A detailed description of the accreditation organization's accreditation requirements, as well as how those requirements would complement the Principles of Proper Conduct for ONC-Authorized Certification Bodies (ONC–ACBs) and ensure the surveillance approaches used by ONC–ACBs include the use of consistent, objective, valid, and reliable methods;

(3) Detailed information on the accreditation organization's procedures that would be used to monitor ONC–ACBs;

(4) Detailed information, including education and experience, about the key personnel who review organizations for accreditation; and

(5) Procedures for responding to, and investigating, complaints against ONC–ACBs.

Requests for ONC–AA status may be submitted by email to *ONC-AA@hhs.gov* and should include ''Request for ONC–AA Status'' in the subject line. Alternatively, requests for ONC–AA status may be submitted by regular or express mail to: Office of the National Coordinator for Health Information Technology, Attention: ONC Health IT Certification Program—Request for ONC–AA Status, 330 C Street SW., Washington, DC 20201. In accordance with § 170.505, the official date of receipt of an email submission will be the date on which it was sent, and the official date of a submission by regular or express mail will be the date of the delivery confirmation. To clarify, email submissions may be sent up to and through 11:59 p.m. EST on the last day of the submission period. Additional information about requesting ONC–AA status and the ONC Health IT Certification Program can be found on the ONC Web site at: *http://healthit.gov/certification*.

Authority: 42 U.S.C. 300jj–11.

Jon White,

Acting National Coordinator for Health Information Technology.

[FR Doc. 2017–02458 Filed 2–6–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: 0990–New–30D]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, has submitted an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for a new collection. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

DATES: Comments on the ICR must be received on or before March 9, 2017.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–5683.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the Information Collection Request Title and document identifier 0990–New–30D for reference.

Information Collection Request Title: Evaluating Supporting Nursing Moms at Work.

Abstract: The HHS Office on Women's Health (OWH) is seeking approval by OMB on a new Information Collection Request. A Section of the Affordable Care Act (ACA) requires employers to provide basic breastfeeding accommodations for nursing mothers at work. These include a functional space, other than a bathroom, that is shielded from view and intrusion from coworkers and reasonable break time for women to express milk. OWH implemented outreach to businesses and industries across the nation to determine perceived barriers to compliance to this requirement, and became acutely aware of the sparse amount of information and resources that target worksite lactation needs and challenges of these employers.

Based upon these findings, in June, 2014, the HHS Office on Women's

Health (OWH) launched a national initiative to provide information, education and resources to employers on how to best support the needs of their nursing employees upon their return to the workplace. OWH particularly targeted challenging work environments. Supporting Nursing Moms at Work: Employer Solutions was developed as an on-line, searchable, solutions-oriented resource, housed on the OWH Web site, (*www.womenshealth.gov*). This resource features over 200 individual business profiles from companies in more than 34 U.S. States and demonstrates use of innovative methods and strategies to overcome time and space challenges.

OWH has contracted with LTG Associates to conduct formative research to evaluate the effectiveness, utility and impact of this on-line lactation worksite resource and to heighten visibility and identify opportunities for effective dissemination.

Need and Proposed Use of the Information: Information from the data collection will be used to update, integrate current issues and expand the on-line resource, ''Supporting Nursing Mothers at Work: Employer Solutions,'' housed on *www.womenshealth.gov.* Content to this on-line resource will be adjusted as necessary.

Likely Respondents: There are three primary audiences: Human resources managers, employers/supervisors of women who expressed breast milk at work; and employees—women who currently express or previously expressed milk at work.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Women who Expressed Milk at Work Interview Form	60	1	1	60
HR Interview Form	60	1	1	60
Employer/Supervisor Interview Form	60	1	1	60
Total	180			180

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Terry S. Clark,

Asst Information Collection Clearance Officer.

[FR Doc. 2017–02434 Filed 2–6–17; 8:45 am]

BILLING CODE 4150–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), Full Committee Meeting.

Dates and times:

Wednesday, February 22, 2017: 9:00 a.m.–5:30 p.m.

Thursday, February 23, 2017: 8:30 a.m.–3:15 p.m.

Place: U.S. Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue SW., Rm. 705A, Washington, DC 20201.

Status: Open.

Purpose: At the February 22–23, 2017 meeting, the Committee will hear presentations, hold discussions on several health data policy topics, and receive updates from the Department, the Centers for Medicare and Medicaid Services, and the National Center for Health Statistics. On the first day, the Committee will focus on two items ready for action: A recommendation letter that addresses de-identification of protected health information under HIPAA, and ''Measuring Health at the Community Level: Data Gaps and Opportunities,'' a workshop summary and overview of the NCVHS Measurement Framework for Community Health and Well-Being effort. The Committee will review and discuss draft materials of work in progress including the NCVHS 12th Report to Congress, an analytic review of *HealthData.gov,* and plans for hearings in June 2017 focused on standards. On the second day, the Committee will continue to focus on planning efforts being organized by the Standards Subcommittee, planning efforts for a Fall 2017 hearing on vital statistics in the U.S., and follow-up items on actions from the previous day. Staff from the Centers for Medicare and Medicaid Services will give a briefing on its Social Security Number Removal Initiative, and the Committee will engage in additional strategic discussions regarding its work plan and areas of focus for 2017.

The times and topics are subject to change. Please refer to the posted agenda for any updates.

Contact Person for More Information: Substantive program information may be obtained from Rebecca Hines, MHS, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Hyattsville, Maryland 20782, telephone (301) 458–4715. Summaries of meetings and a roster of Committee members are available on the home page of the NCVHS Web site: *http://www.ncvhs.hhs.gov/,* where further information including an agenda and instructions to access the audio broadcast of the meetings will also be posted.

Should you require reasonable accommodation, please contact the CDC Office of Equal Employment Opportunity on (770) 488–3210 as soon as possible.

Dated: January 25, 2017.

Laina Bush,

Deputy Assistant Secretary for Planning and Evaluation, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 2017–02476 Filed 2–6–17; 8:45 am]

BILLING CODE 4151–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Mental Health Special Emphasis Panel, February 03, 2017, 10:00 a.m. to February 03, 2017, 03:00 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD, 20852 which was published in the **Federal Register** on January 18, 2017, 82 FR 5588.

This meeting notice is amended to change the meeting time to 10:30 a.m.–1:00 p.m. The meeting is closed to the public.

Dated: February 1, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02429 Filed 2–6–17; 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, March 02, 2017, 12:00 p.m. to March 02, 2017, 04:00 p.m., National Cancer Institute Shady Grove, 9609 Medical Center Drive, 7W538, Rockville, MD, 20850 which was published in the **Federal Register** on January 27, 2017, 82 FR 8620.

The meeting notice is amended to change the date of the meeting to March 8, 2017 from 12:00 p.m. to 4:00 p.m. The meeting is closed to the public.

Dated: February 1, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02431 Filed 2–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request Post-Award Reporting Requirements Including Research Performance Progress Report Collection (OD/OPERA)

AGENCY: National Institutes of Health.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on November 2, 2016, Volume 81, No. 212, pages 76371–76372 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Ms. Mikia P. Currie, Project Clearance Branch, Office of Policy for Extramural Research Administration, NIH, Rockledge 1 Building, Room 3505, 6705 Rockledge Drive, Bethesda, MD 20892–7974, or call non-toll-free number (301) 435–0941, or Email your request, including your address to: *trialsinfo@od.nih.gov.*

SUPPLEMENTARY INFORMATION: The Office of the Director, National Institutes of Health (NIH), may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act (PRA) of 1995, the NIH has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: Public Health Service (PHS) Post-award Reporting Requirements.

Revision, OMB 0925–0002, Expiration Date 10/31/2018. Form numbers: PHS 2590, PHS 416–7, PHS 2271, PHS 3734, PHS 6031–1, and HHS 568. This collection represents a consolidation of post-award reporting requirements under the PRA, including the Research Performance Progress Report (RPPR). This collection includes the proposed additional reporting requirements for clinical trials.

Need and Use of Information Collection: The RPPR is now required to be used by all NIH, Food and Drug Administration, Centers for Disease Control and Prevention, and Agency for Healthcare Research and Quality grantees. Interim progress reports are required to continue support of a PHS grant for each budget year within a competitive segment. The phased transition to the RPPR required the maintenance of dual reporting processes for a period of time. Continued use of the PHS Non-competing Continuation Progress Report (PHS 2590) exists for a small group of grantees. This collection also includes other PHS post-award reporting requirements: PHS 416–7 NRSA Termination Notice, PHS 2271 Statement of Appointment, 6031–1 NRSA Annual Payback Activities Certification, HHS 568 Final Invention Statement and Certification, Final Progress Report instructions, iEdison, and PHS 3734 Statement Relinquishing Interests and Rights in a PHS Research Grant. The PHS 416–7, 2271, and 6031–1 are used by NRSA recipients to activate, terminate, and provide for payback of a NRSA. Closeout of an award requires a Final Invention Statement (HHS 568) and Final Progress Report. Using iEdison allows grantees and federal agencies to meet statutory requirements for reporting inventions and patents. The PHS 3734 serves as the official record of grantee relinquishment of a PHS award when an award is transferred from one grantee institution to another. The Small Business Innovation Research and Small Business Technology Transfer (SBIR/STTR) Life Cycle Certifications are completed by small business grantees once certain milestones are reached during the project period. Pre-award reporting requirements are simultaneously consolidated under 0925–0001 and the changes to the collection here are related. Clinical trials are complex and

challenging research activities. Oversight systems and tools are critical for the NIH to ensure participant safety, data integrity, and accountability of the use of public funds. The NIH has been engaged in a multi-year effort to examine how clinical trials are supported and the level of oversight needed. The collection of more structured information in the PHS applications and pre-award reporting requirements as well as continued monitoring and update during the post-award reporting requirements will facilitate the NIH's oversight of clinical trials. In addition, some of the data reported in the RPPR will ultimately be accessible to investigators to update certain sections of forms when registering or reporting their trials with *ClinicalTrials.gov*.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 519,408.

ESTIMATED ANNUALIZED BURDEN HOURS

Information collection forms	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Reporting:				
PHS 416–7	12,580	1	30/60	6,290
PHS 6031–1	1,778	1	20/60	593
PHS 568	11,180	1	5/60	932
iEdison	5,697	1	15/60	1,424
PHS 2271	22,035	1	15/60	5,509
PHS 2590	243	1	18	4,374
RPPR—Core Data	32,098	1	8	256,784
Biosketch (Part of RPPR)	2,544	1	2	5,088
Data Tables (Part of RPPR)	758	1	4	3,032
Trainee Diversity Report (Part of RPPR)	480	1	15/60	120
PHS Human Subjects and Clinical Trial Information (Part of RPPR, includes inclusion enrollment report)	6,420	1	4	25,680
Publication Reporting	97,023	3	5/60	8,085
Final RPPR—Core Data	18,000	1	10	180,000
Data Tables (Part of Final RPPR)	758	1	4	3,032
Trainee Diversity Report (Part of Final RPPR)	480	1	15/60	120
PHS Human Subjects and Clinical Trial Information (Part of Final RPPR, includes inclusion/enrollment)	3,600	1	4	14,400
PHS 3734	479	1	30/60	240
Final Progress Report	2,000	1	1	2,000
SBIR/STTR Phase II Final Progress Report	1,330	1	1	1,330
Reporting Burden Total				499,033
Recordkeeping:				
SBIR/STTR Life Cycle Certification	1,500	1	15/60	375
Grand Total				519,408

Dated: February 1, 2017.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2017–02471 Filed 2–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Mental Health Special Emphasis Panel, February 03, 2017, 10:00 a.m. to February 03, 2017, 03:00 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD, 20852 which was published in the **Federal Register** on January 18, 2017, 82FR5588.

This meeting notice is amended to change the meeting time to 1:00 p.m.–5:00 p.m. The meeting is closed to the public.

Dated: February 1, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02430 Filed 2–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request PHS Applications and Pre-Award Reporting Requirements (OD/OPERA)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on November 2, 2016, Volume 81, No. 212, pages 76368–76370 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden

and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Ms. Mikia P. Currie, Project Clearance Branch, Office of Policy for Extramural Research Administration, NIH, Rockledge 1 Building, Suite 350, 6705 Rockledge Drive, Bethesda, MD 20892–7974, or call non-toll-free number (301) 435–0941, or Email your request, including your address to: *trialsinfo@od.nih.gov.*

SUPPLEMENTARY INFORMATION: The Office of the Director, NIH, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act (PRA) of 1995, the NIH has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: Public Health Service (PHS) Applications and Pre-award Reporting Requirements. Revision, OMB 0925–0001, Expiration Date 10/31/2018. Form numbers: PHS 398, PHS416–1, 416–5, and PHS 6031. This collection represents a consolidation of PHS applications and pre-award reporting requirements into a revised data collection under the PRA. This collection includes the proposed use of a new PHS Human Subjects and Clinical Trial Information form.

Need and Use of Information Collection: This collection includes PHS applications and pre-award reporting requirements: PHS 398 (paper) Public Health Service Grant Application forms and instructions; PHS 398 (electronic) PHS Grant Application component forms and agency specific instructions used in combination with the SF424 (R&R); PHS Fellowship Supplemental Form and agency specific instructions used in combination with the SF424 (R&R) forms/instructions for Fellowships [electronic]; PHS 416–1 Ruth L. Kirschstein National Research Service Award (NRSA) Individual Fellowship Application Instructions and Forms used only for a change of sponsoring institution application (paper); Instructions for a Change of Sponsoring Institution for NRSA Fellowships (F30, F31, F32 and F33) and non-NRSA Fellowships; PHS 416–5 Ruth L. Kirschstein National Research Service Award Individual Fellowship Activation Notice; and PHS 6031 Payback Agreement. The PHS 398 (paper and electronic), PHS 416–1, 416–5, and PHS 6031 are currently approved under 0925–0001. All forms expire 10/31/2018. Post-award reporting requirements are simultaneously consolidated under 0925–0002, and include the Research Performance Progress Report (RPPR). The PHS 398 and SF424 applications are used by applicants to request federal assistance funds for traditional investigator-initiated research projects and to request access to databases and other PHS resources. The PHS 416–1 is used only for a change of sponsoring institution application. PHS Fellowship Supplemental Form and agency specific instructions is used in combination with the SF424 (R&R) forms/instructions for Fellowships and is used by individuals to apply for direct research training support. Awards are made to individual applicants for specified training proposals in biomedical and behavioral research, selected as a result of a national competition. The PHS 416–5 is used by individuals to indicate the start of their NRSA awards. The PHS 6031 Payback Agreement is used by individuals at the time of activation to certify agreement to fulfill the payback provisions. The Venture Capital Operating Companies (VCOC) Certification and the Small Business Innovation Research and Small Business Technology Transfer (SBIR/STTR) Funding Agreement Certifications are used by small business applicants. Oversight systems and tools are critical for the NIH to ensure participant safety, data integrity, and accountability of the use of public funds. The NIH has been engaged in a multi-year effort to examine how clinical trials are supported and the level of oversight needed. The collection of more structured information about proposed clinical trials in the PHS applications and pre-award reporting requirements will facilitate the NIH's oversight of clinical trials as well as assist in understanding where needs in the NIH research portfolio may exist. In addition, some of the data collected here will ultimately be accessible to investigators to pre-populate certain sections of forms when registering their trials with *ClinicalTrials.gov.*

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 2,150,389.

ESTIMATED ANNUALIZED BURDEN HOURS

Information collection forms	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
PHS 398—Paper	4,247	1	35	148,645
PHS 398/424—Electronic:				
PHS Assignment Request Form	37,120	1	30/60	18,560
PHS 398 Cover Page Supplement	74,239	1	1	74,239
PHS 398 Modular Budget	56,693	1	1	56,693
PHS 398 Training Budget	1,122	1	2	2,244
PHS 398 Training Subaward Budget Attachment(s) Form	561	1	90/60	842
PHS 398 Research Plan	70,866	1	10	708,660
PHS 398 Research Training Program Plan	1,122	1	10	11,220
Data Tables	1,515	1	4	6,060
PHS 398 Career Development Award Supplemental Form	2,251	1	10	22,510
PHS Human Subjects and Clinical Trial Information (includes inclusion enrollment report)	54,838	1	14	767,732
Biosketch (424 Electronic)	80,946	1	2	161,892
PHS Fellowship—Electronic:				
PHS Fellowship Supplemental Form (includes F reference letters)	6,707	1	12.5	83,838
PHS Assignment Request Form	3,354	1	30/60	1,677

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Information collection forms	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
PHS Human Subjects and Clinical Trial Information (includes inclusion enrollment report)	5,030	1	14	70,420
Biosketch (Fellowship)	6,707	1	2	13,414
416–1	29	1	10	290
PHS 416–5	6,707	1	5/60	559
PHS 6031	6,217	1	5/60	518
VCOC Certification	6	1	5/60	1
SBIR/STTR Funding Agreement Certification	1,500	1	15/60	375
Total Annual Burden Hours				2,150,389

Dated: February 1, 2017.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2017–02472 Filed 2–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel, NTU—Bench Testing Therapeutic/Indication Pairing Strategies (UH2/UH3).

Date: March 1–2, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 1066, 6701 Democracy Blvd., Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Barbara J. Nelson, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health, 6701 Democracy Blvd., Democracy 1, Room 1080, Bethesda, MD 20892–4874, 301–435–0806, *nelsonbj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: February 1, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02433 Filed 2–6–17; 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 27, 2017, 08:00 a.m. to February 28, 2017, 12:00 p.m., Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA, 22102 which was published in the **Federal Register** on January 27, 2017, 82 FR 8619.

The meeting notice is amended to change the name of the meeting to NCI R03/R21 SEP–4. The meeting is closed to the public.

Dated: February 1, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02432 Filed 2–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0020]

Merchant Marine Personnel Advisory Committee

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Merchant Marine Personnel Advisory Committee and its working groups will meet to discuss various issues related to the training and fitness of merchant marine personnel. The meetings will be open to the public.

DATES: The Merchant Marine Personnel Advisory Committee and its working groups are scheduled to meet on Wednesday, March 22, 2017, from 8 a.m. until 5:30 p.m., and the full Committee is scheduled to meet on Thursday, March 23, 2017, from 8 a.m. until 5:30 p.m. Please note that these meetings may adjourn early if the Committee has completed its business.

ADDRESSES: The meetings will be held at The U.S. Coast Guard Headquarters, Room 6I10–01–C, 2703 Martin Luther King Jr. Ave. SE., Stop 7509, Washington, DC 20593–7509 (*https://www.uscg.mil/baseNCR/pages/visitor_trans.asp*).

Attendees at the U.S. Coast Guard Headquarters who are U.S. citizens will be required to pre-register no later than 5 p.m. on March 14, 2017, to be admitted to the meeting. This pre-registration should include your name, telephone number, and company or group with which you are affiliated. Non-US citizens will be required to pre-register no later than 5 p.m. on March 01, 2017, to be admitted to the meeting. This pre-registration should include name, country of citizenship, passport and expiration date, or diplomatic

Identification number and expiration date, and the company or group with which you are affiliated. All attendees will be required to provide a government-issued picture identification card in order to gain admittance to the building. To pre-register, contact Lieutenant Junior Grade James Fortin at 202–372–1128 or *james.l.fortin@uscg.mil.* For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the Alternate Designated Federal Officer as soon as possible using the contact information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Committee as listed in the ''Agenda'' section below. Written comments for distribution to Committee members must be submitted no later than March 01, 2017, if you want Committee members to review your comments before the meeting. Written comments may be submitted using the Federal eRulemaking Portal at *http://www.regulations.gov.* For assistance with technical difficulties, contact the individual in the **FOR FURTHER INFORMATION CONTACT** section of this document.

Instructions: You must include ''Department of Homeland Security'' and docket number USCG–2017–0020 in all written comments. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Docket Search: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov,* type USCG–2017–0020 in the ''Search'' box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade James Fortin, Alternate Designated Federal Officer of the Merchant Marine Personnel Advisory Committee, 2703 Martin Luther King Jr. Ave. SE., Stop 7509, Washington, DC 20593–7509, telephone 202–372–1128, fax 202–372–8385 or *james.l.fortin@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the Federal Advisory Committee Act, Title 5 United States Code Appendix.

The Merchant Marine Personnel Advisory Committee was established under authority of section 310 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, codified at Title 46, United States Code, section 8108, and chartered under the provisions of the Federal Advisory Committee Act (Title 5, United States Code, Appendix). The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security through the Commandant of the Coast Guard on matters relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards and other matters as assigned by the Commandant. The Committee shall also review and comment on proposed Coast Guard regulations and policies relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards; may be given special assignments by the Secretary and may conduct studies, inquiries, workshops, and fact finding in consultation with individuals and groups in the private sector and with State or local governments; and shall advise, consult with, and make recommendations reflecting its independent judgment to the Secretary.

Agenda

DAY 1

The agenda for the March 22, 2017 meeting is as follows:

(1) The full Committee will meet briefly to discuss the working groups' business/task statements, which are listed under paragraph 3(a)–(g) below.

(2) Public comment period.

(3) Working groups will separately address the following task statements which are available for viewing at *https://homeport.uscg.mil/merpac:*

(a) Task Statement 58, Communication between external stakeholders and the mariner credentialing program, as it relates to the National Maritime Center;

(b) Task Statement 87, Review of policy documents providing guidance on the implementation of the December 24, 2013 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers rulemaking;

(c) Task Statement 89, Review and update of the International Maritime Organization's Maritime Safety Committee Circular MSC.1014, ''Guidelines on Fatigue Mitigation and Management'';

(d) Task Statement 94, Review the Merchant Marine Personnel Advisory Committee recommendations with a view to evaluating their current relevance;

(e) Task Statement 95, Recommendations Regarding Training Requirements for Officer Endorsements for Master or Mate (Pilot) of Towing Vessels, except Assistance Towing and Apprentice Mate (Steersman) of Towing Vessels, in Inland Service;

(f) Task Statement 96, Review and comment on the course and program approval requirements including 46 CFR 10.402, 10.403, 10.407 and NVIC 03–14 guidelines for approval of training courses and programs;

(g) Task Statement 97, Develop and recommend the specifications for a Designated Examiner, Qualified Assessor and Designated Medical Examiner online verification tool so that the public, mariners and shipping companies, can verify the Designated Examiner, Quality Assessor and Designated Medical Examiners for Coast Guard approval of individuals to perform the functions of those positions.

(4) Reports of working groups. At the end of the day, the working groups will report to the full Committee on what was accomplished in their meetings. The full Committee will not take action on these reports on this date. Any official action taken as a result of these working group meetings will be taken on day two of the meeting.

(5) Public comment period.

(6) Adjournment of meeting.

DAY 2

The agenda for the March 23, 2017, full Committee meeting is as follows:

(1) Introduction.

(2) Swear in newly appointed Committee members.

(3) Remarks from Coast Guard Leadership.

(4) Designated Federal Officer announcements.

(5) Roll call of Committee members and determination of a quorum.

(6) Reports from the following working groups:

(a) Task Statement 58, Communication between external stakeholders and the mariner credentialing program, as it relates to the National Maritime Center;

(b) Task Statement 87, Review of policy documents providing guidance on the implementation of the December 24, 2013 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers rulemaking;

(c) Task Statement 89, Review and update of International Maritime Organization's Maritime Safety Committee Circular MSC/Circ.1014, ''Guidelines on Fatigue Mitigation and Management'';

(d) Task Statement 94, Review the Merchant Marine Personnel Advisory Committee recommendations with a view to evaluating their current relevance;

(e) Task Statement 95, Review Firefighting Training Requirements for Officer Endorsements for Master or Mate (Pilot) of Towing Vessels, except Assistance Towing and Apprentice Mate (Steersman) of Towing Vessels, in Inland Service;

(f) Task Statement 96, Review and comment on the course and program approval requirements including 46 CFR 10.402, 10.403, 10.407 and NVIC 03–14 guidelines for approval of training courses and programs;

(g) Task Statement 97, Develop and recommend the specifications for a Designated Examiner, Qualified Assessor and Designated Medical Examiner online verification tool so that the public, mariners and shipping companies can verify the Designated Examiner, Qualified Assessor and Designated Medical Examiners for Coast Guard approval of individuals to perform the functions of those positions;

(7) Other items for discussion:

(a) Report on the Implementation of the 2010 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping;

(b) Report on National Maritime Center activities from the National Maritime Center Commanding Officer, such as the net processing time it takes for mariners to receive their credentials after application submittal;

(c) Report on Mariner Credentialing Program Policy Division activities, such as its current initiatives and projects;

(d) Report on International Maritime Organization/International Labor Organization issues related to the merchant marine industry; and

(e) Briefings about on-going Coast Guard projects related to personnel in the U.S. merchant marine.

(8) New Business

(a) New task statement—''Utilizing Military Education, Training and Assessment for Standards for Training, Certification, and Watchkeeping and National Certifications''; and

(b) New task statement—''Person in Charge of Inland Towing Vessels''.

(9) Public comment period.

(10) Discussion of working group recommendations. The Committee will review the information presented on each issue, deliberate on any recommendations presented by the working groups, and approve/formulate recommendations. Official action on these recommendations may be taken on this date.

(11) Closing remarks/plans for next meeting.

(12) Adjournment of meeting.

A public comment period will be held during each Working Group and full Committee meeting concerning matters being discussed.

A copy of all meeting documentation will be available at *https://homeport.uscg.mil/merpac* no later than March 14, 2017. Alternatively, you may contact Lieutenant Junior Grade James Fortin as noted in the **FOR FURTHER INFORMATION** section above.

Public comments will be limited to three minutes per speaker. Please note that the public comment periods will end following the last call for comments. Please contact Lieutenant Junior Grade James Fortin, listed in the **FOR FURTHER INFORMATION CONTACT** section, to register as a speaker.

Please note that the meeting may adjourn early if the work is completed.

Dated: February 1, 2017.

J.G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2017–02449 Filed 2–6–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance

premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Date: December 21, 2016.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Alabama:					
Shelby (FEMA Docket No.: B–1656).	City of Pelham (16–04–3762P).	The Honorable Gary W. Waters, Mayor, City of Pelham, P.O. Box 1419, Pelham, AL 35124.	City Hall, 3162 Pelham Parkway, Pelham, AL 35124.	Nov. 25, 2016	010193
Shelby (FEMA Docket No.: B–1656).	Unincorporated areas of Shelby County (16–04–3762P).	The Honorable Rick Shepherd, Chairman, Shelby County Commission, 200 West College Street, Columbiana, AL 35051.	Shelby County Engineering Department, 506 Highway 70, Columbiana, AL 35051.	Nov. 25, 2016	010191
Arkansas: Benton (FEMA Docket No.: B–1649)	City of Rogers (16–06–2846P).	The Honorable Greg Hines, Mayor, City of Rogers, 301 West Chestnut Street, Rogers, AR 72756.	Planning and Transportation Department, 301 West Chestnut Street, Rogers, AR 72756.	Nov. 18, 2016	050013
Colorado:					
Adams (FEMA Docket No.: B–1649).	City of Thornton (16–08–0189P).	The Honorable Heidi Williams, Mayor, City of Thornton, 9500 Civic Center Drive, Thornton, CO 80229.	Engineering Services Division, 12450 Washington Street, Thornton, CO 80241.	Nov. 25, 2016	080007
Adams (FEMA Docket No.: B–1649).	Unincorporated areas of Adams County (16–08–0189P).	The Honorable Charles ''Chaz'' Tedesco, Chairman, Adams County Board of Commissioners, 4430 South Adams County Parkway, 5th Floor, Suite C5000A, Brighton, CO 80601.	Adams County Transportation Department, 4430 South Adams County Parkway, Brighton, CO 80601.	Nov. 25, 2016	080001
Broomfield (FEMA Docket No.: B–1649).	City and County of Broomfield (16–08–0401P).	The Honorable Randy Ahrens, Mayor, City and County of Broomfield, 1 DesCombes Drive, Broomfield, CO 80020.	City and County of Broomfield Engineering Department, 1 DesCombes Drive, Broomfield, CO 80020.	Nov. 4, 2016	085073
Denver (FEMA Docket No.: B–1649).	City and County of Denver (16–08–0128P).	The Honorable Michael B. Hancock, Mayor, City and County of Denver, 1437 Bannock Street, Suite 350, Denver, CO 80202.	Department of Public Works, 201 West Colfax Avenue, Denver, CO 80202.	Nov. 28, 2016	080046
Jefferson (FEMA Docket No.: B–1649).	Unincorporated areas of Jefferson County (15–08–0601P).	The Honorable Libby Szabo, Chair, Jefferson County, Board of Commissioners, 100 Jefferson County Parkway, Golden, CO 80419.	Jefferson County Planning and Zoning Division, 100 Jefferson County Parkway, Golden, CO 80419.	Nov. 18, 2016	080087
Weld (FEMA Docket No.: B–1649).	Town of Windsor (16–08–0495P).	Mr. Kelly Arnold, Manager, Town of Windsor, 301 Walnut Street, Windsor, CO 80550.	Town Hall, 301 Walnut Street, Windsor, CO 80550.	Nov. 4, 2016	080264
Connecticut:					
Fairfield (FEMA Docket No.: B–1649).	Town of Westport (16–01–1134P).	The Honorable James S. Marpe, First Selectman, Town of Westport Board of Selectmen, 110 Myrtle Avenue, Westport, CT 06880.	Planning and Zoning Division, 110 Myrtle Avenue, Westport, CT 06880.	Nov. 28, 2016	090019
Hartford (FEMA Docket No.: B–1649).	City of Bristol (16–01–0873P).	The Honorable Kenneth B. Cockayne, Mayor, City of Bristol, 111 North Main Street, 3rd Floor, Bristol, CT 06010.	City Hall, 111 North Main Street, Bristol, CT 06010.	Nov. 14, 2016	090023
Delaware: Sussex (FEMA Docket No.: B–1649)	Unincorporated areas of Sussex County (16–03–1493P).	The Honorable Michael Vincent, President, Sussex County Council, P.O. Box 589, Georgetown, DE 19947.	Sussex County Planning and Zoning Department, 2 The Circle, Georgetown, DE 19947.	Nov. 18, 2016	100029
Florida:					
Bay (FEMA Docket No.: B–1649).	City of Panama City (16–04–2379P).	The Honorable Greg Brudnicki, Mayor, City of Panama City, 9 Harrison Avenue, Panama City, FL 32401.	City Hall, 9 Harrison Avenue, Panama City, FL 32401.	Nov. 21, 2016	120012
Bay (FEMA Docket No.: B–1649).	Unincorporated areas of Bay County (16–04–2379P).	The Honorable Mike Nelson, Chairman, Bay County Board of Commissioners, 840 West 11th Street, Panama City, FL 32401.	Bay County Planning and Zoning Division, 840 West 11th Street, Panama City, FL 32401.	Nov. 21, 2016	120004
Hillsborough (FEMA Docket No.: B–1649).	Unincorporated areas of Hillsborough County (16–04–3000P).	Mr. Mike Merrill, Hillsborough County Administrator, P.O. Box 1110, Tampa, FL 33601.	Hillsborough County Building Services Department, 601 East Kennedy Boulevard, 19th Floor, Tampa, FL 33602.	Nov. 9, 2016	120112
Monroe (FEMA Docket No.: B–1649).	City of Key West (16–04–4341P).	The Honorable Craig Cates, Mayor, City of Key West, P.O. Box 1409, Key West, FL 33041.	Building Department, 3140 Flagler Avenue, Key West, FL 33040.	Nov. 25, 2016	120168
Monroe (FEMA Docket No.: B–1649).	City of Key West (16–04–4522P).	The Honorable Craig Cates, Mayor, City of Key West, P.O. Box 1409, Key West, FL 33041.	Building Department, 3140 Flagler Avenue, Key West, FL 33040.	Nov. 2, 2016	120168
Monroe (FEMA Docket No.: B–1649).	City of Marathon (16–04–4887P).	The Honorable Mark Senmartin, Mayor, City of Marathon, 9805 Overseas Highway, Marathon, FL 33050.	Planning Department, 9805 Overseas Highway, Marathon, FL 33050.	Nov. 14, 2016	120681

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Monroe (FEMA Docket No.: B–1649).	Unincorporated areas of Monroe County (16–04–4521P).	The Honorable Heather Carruthers, Mayor, Monroe County Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Marathon, FL 33050.	Nov. 4, 2016	125129
Monroe (FEMA Docket No.: B–1649).	Unincorporated areas of Monroe County (16–04–5061P).	The Honorable Heather Carruthers, Mayor, Monroe County Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Marathon, FL 33050.	Nov. 9, 2016	125129
St. Johns (FEMA Docket No.: B–1649).	Unincorporated areas of St. Johns County (16–04–2225P).	The Honorable Jeb Smith, Chairman, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Building Services Division, 4040 Lewis Speedway, St. Augustine, FL 32084.	Nov. 17, 2016	125147
Georgia:					
Barrow (FEMA Docket No.: B–1649).	City of Statham (16–04–0966P).	The Honorable Robert Bridges, Mayor, City of Statham, P.O. Box 28, Statham, GA 30666.	Planning and Zoning Administration, 330 Jefferson Street, Statham, GA 30666.	Nov. 10, 2016	130275
Columbia (FEMA Docket No.: B–1649).	City of Grovetown (16–04–2693P).	The Honorable Gary Jones, Mayor, City of Grovetown, P.O. Box 120, Grovetown, GA 30813.	City Hall, 103 Old Wrightsboro Road, Grovetown, GA 30813.	Nov. 10, 2016	130265
Columbia (FEMA Docket No.: B–1649).	Unincorporated areas of Columbia County (16-04-2613P).	The Honorable Ron C. Cross, Chairman, Columbia County Board of Commissioners, P.O. Box 498, Evans, GA 30809.	Columbia County, Engineering Services Department, 630 Ronald Reagan Drive, Building A, East Wing, Evans, GA 30809.	Nov. 3, 2016	130059
Columbia (FEMA Docket No.: B–1649).	Unincorporated areas of Columbia County (16-04-2693P).	The Honorable Ron C. Cross, Chairman, Columbia County Board of Commissioners, P.O. Box 498, Evans, GA 30809.	Columbia County, Engineering Services Department, 630 Ronald Reagan Drive, Building A, East Wing, Evans, GA 30809.	Nov. 10, 2016	130059
Maine: York (FEMA Docket No.: B–1649)	Town of Kennebunkport (16–01–0716P).	The Honorable Sheila Matthews-Bull, Chair, Town of Kennebunkport, Board of Selectmen, P.O. Box 566, Kennebunkport, ME 04046.	Town Hall, 6 Elm Street, Kennebunkport, ME 04046.	Nov. 28, 2016	230170
North Carolina: Wake. (FEMA Docket No.: B–1649)	Unincorporated areas of Wake County (16–04–1268P).	The Honorable James West, Chairman, Wake County Board of Commissioners, P.O. Box 550, Raleigh, NC 27602.	Wake County Environmental Services Department, Waverly F. Akins Office Building, 336 Fayetteville Street, Raleigh, NC 27601.	Nov. 21, 2016	370368
North Dakota: Mackenzie (FEMA Docket No.: B–1649)	City of Watford City (16–08–0367P).	The Honorable Brent Sanford, Mayor, City of Watford City, P.O. Box 494, Watford City, ND 58854.	Engineering Department, 200 2nd Avenue Northeast, Watford City, ND 58854.	Nov. 17, 2016	380344
Oklahoma: Comanche (FEMA Docket No.: B–1649)	City of Lawton (15–06–0291P).	The Honorable Fred L. Fitch, Mayor, City of Lawton, 212 Southwest 9th Street, Lawton, OK 73501.	City Hall, 212 Southwest 9th Street, Lawton, OK 73501.	Nov. 4, 2016	400049
Pennsylvania: Columbia (FEMA Docket No.: B–1649)	Township of Mifflin (16–03–0594P).	The Honorable Ricky L. Brown, Chairman, Township of Mifflin Board of Supervisors, P.O. Box 359, Mifflinville, PA 18631.	Township Municipal Building, East 1st Street, Mifflinville, PA 18631.	Nov. 14, 2016	421167
Texas:					
Bastrop (FEMA Docket No.: B–1649).	Unincorporated areas of Bastrop County (16–06–1114P).	The Honorable Paul Pape, Bastrop County Judge, 804 Pecan Street, Bastrop, TX 78602.	Bastrop County Tax Assessor and Development Services Department, 211 Jackson Street, Bastrop, TX 78602.	Nov. 14, 2016	481193
Bexar (FEMA Docket No.: B–1649).	City of San Antonio (16–06–1670P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Nov. 17, 2016	480045
Brazoria (FEMA Docket No.: B–1649).	City of Manvel (16–06–0456P).	The Honorable Delores Martin, Mayor, City of Manvel, 20025 Highway 6, Manvel, TX 77578.	Development, Permits and Inspections Department, 20025 Highway 6, Manvel, TX 77578.	Nov. 25, 2016	480076
Brazoria (FEMA Docket No.: B–1649).	City of Pearland (16–06–0456P).	The Honorable Tom Reid, Mayor, City of Pearland, 3519 Liberty Drive, Pearland, TX 77581.	Engineering Division, 3519 Liberty Drive, Pearland, TX 77581.	Nov. 25, 2016	480077
Brazoria (FEMA Docket No.: B–1649).	Unincorporated areas of Brazoria County (16–06–0456P).	The Honorable L.M. "Matt" Sebesta, Jr., Brazoria County Judge, 111 East Locust Street, Angleton, TX 77515.	Brazoria County Floodplain Department, 111 East Locust Street Building A–29, Suite 210, Angleton, TX 77515.	Nov. 25, 2016	485458
Collin (FEMA Docket No.: B–1649).	City of McKinney (16–06–0106P).	The Honorable Brian Loughmiller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	Nov. 28, 2016	480135
Denton (FEMA Docket No.: B–1649).	Town of Trophy Club (16–06–1485P).	The Honorable Nick Sanders, Mayor, Town of Trophy Club, 100 Municipal Drive, Trophy Club, TX 76262.	Community Development Department, 100 Municipal Drive, Trophy Club, TX 76262.	Nov. 28, 2016	480606
Ellis (FEMA Docket No.: B–1649).	City of Waxahachie (16–06–1354P).	The Honorable Kevin Strength, Mayor, City of Waxahachie, 401 South Rogers Street, Waxahachie, TX 75165.	City Municipal Court, 401 South Rogers Street, Waxahachie, TX 75165.	Nov. 14, 2016	480211

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Ellis (FEMA Docket No.: B–1649).	Unincorporated areas of Ellis County (16–06–1354P).	The Honorable Carol Bush, Ellis County Judge, 101 West Main Street, Waxahachie, TX 75165.	Ellis County Historic Courthouse, 101 West Main Street, Waxahachie, TX 75165.	Nov. 14, 2016	480798
Guadalupe (FEMA Docket No.: B–1649).	City of Seguin (16–06–0919P).	The Honorable Don Keil, Mayor, City of Seguin, P.O. Box 591, Seguin, TX 78156.	Planning Department, 205 North River Street, Seguin, TX 78155.	Nov. 21, 2016	485508
Harris (FEMA Docket No.: B–1649).	City of Deer Park (16–06–0467P).	The Honorable Jerry Mouton Jr., Mayor, City of Deer Park, P.O. Box 700, Deer Park, TX 77536.	Public Works Department, 710 East San Augustine Street, Deer Park, TX 77536.	Nov. 14, 2016	480291
Harris (FEMA Docket No.: B–1649).	Unincorporated areas of Harris County (15–06–3864P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Nov. 18, 2016	480287
Travis (FEMA Docket No.: B–1649).	City of Pflugerville (16–06–0599P).	The Honorable Jeff Coleman, Mayor, City of Pflugerville, P.O. Box 589, Pflugerville, TX 78660.	Development Services Center, 201–B East Pecan Street, Pflugerville, TX 78691.	Nov. 21, 2016	481028
Travis (FEMA Docket No.: B–1649).	Unincorporated areas of Travis County (16–06–0599P).	The Honorable Sarah Eckhardt, Travis County Judge, P.O. Box 1748, Austin, TX 78767.	Travis County Engineering Department, 700 Lavaca Street, Austin, TX 78767.	Nov. 21, 2016	481026
Williamson (FEMA Docket No.: B–1649).	Unincorporated areas of Williamson County (15–06–3486P).	The Honorable Dan A. Gattis, Williamson County Judge, 710 South Main Street, Suite 101, Georgetown, TX 78626.	Williamson County Engineering Department, 3151 Southeast Inner Loop, Suite B, Georgetown, TX 78626.	Nov. 10, 2016	481079
Utah: Grand (FEMA Docket No.: B–1649)	Unincorporated areas of Grand County (15–08–1440P).	The Honorable Elizabeth Tubbs, Chair, Grand County Council, 125 East Center Street, Moab, UT 84532.	Grand County Courthouse, 125 East Center Street, Moab, UT 84532.	Nov. 14, 2016	490232

[FR Doc. 2017–02408 Filed 2–6–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: December 21, 2016.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Alabama:					
Mobile (FEMA Docket No.: B–1645).	City of Mobile (15–04–A099P).	The Honorable Sandy Stimpson, Mayor, City of Mobile, 205 Government Street, Mobile, AL 36602.	Engineering Department, 205 Government Street, Mobile, AL 36602.	Oct. 27, 2016	015007
Shelby (FEMA Docket No.: B–1645).	City of Chelsea (16–04–3295P).	The Honorable Samuel E. Niven, Sr., Mayor, City of Chelsea, 11611 Chelsea Road, Chelsea, AL 35043.	City Hall, 11611 Chelsea Road, Chelsea, AL 35043.	Oct. 27, 2016	010432
Shelby (FEMA Docket No.: B–1645).	Unincorporated areas of Shelby County (16–04–3295P).	The Honorable Rick Shepherd, Chairman, Shelby County Commission, 200 West College Street, Columbiana, AL 35051.	Shelby County Engineering Department, 506 Highway 70, Columbiana, AL 35051.	Oct. 27, 2016	010191
Arkansas:					
Pulaski (FEMA Docket No.: B–1645).	City of North Little Rock (16–06–2901X).	The Honorable Joe Smith, Mayor, City of North Little Rock, P.O. Box 5757, North Little Rock, AR 72119.	Planning Department, 500 West 13th Street, North Little Rock, AR 72114.	Oct. 19, 2016	050182
Pulaski (FEMA Docket No.: B–1645).	City of Sherwood (16–06–2901X).	The Honorable Virginia Hillman Young, Mayor, City of Sherwood, P.O. Box 6256, Sherwood, AR 72124.	Engineering, Permit and Planning Department, 2199 East Kiehl Avenue, Sherwood, AR 72124.	Oct. 19, 2016	050235
Colorado:					
El Paso (FEMA Docket No.: B–1645).	City of Colorado Springs (16–08–0119P).	The Honorable John Suthers, Mayor, City of Colorado Springs, 30 South Nevada Avenue, Colorado Springs, CO 80903.	Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910.	Oct. 27, 2016	080060
El Paso (FEMA Docket No.: B–1649).	City of Colorado Springs (16–08–0161P).	The Honorable John Suthers, Mayor, City of Colorado Springs, 30 South Nevada Avenue, Colorado Springs, CO 80903.	Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910.	Oct. 3, 2016	080060
El Paso (FEMA Docket No.: B–1645).	Unincorporated areas of El Paso County (16–08–0119P).	The Honorable Darryl Glenn, Chairman, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903.	Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910.	Oct. 27, 2016	080059
Jefferson (FEMA Docket No.: B–1645).	Unincorporated areas of Jefferson County (15–08–1142P).	The Honorable Libby Szabo, Chair, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Golden, CO 80419.	Jefferson County Planning and Zoning Division, 100 Jefferson County Parkway, Golden, CO 80419.	Oct. 21, 2016	080087
Florida:					
Bay (FEMA Docket No.: B–1645).	Unincorporated areas of Bay County (15–04–9588P).	The Honorable Mike Nelson, Chairman, Bay County Board of Commissioners, 840 West 11th Street, Panama City, FL 32401.	Bay County Planning and Zoning Division, 840 West 11th Street, Panama City, FL 32401.	Oct. 17, 2016	120004
Broward (FEMA Docket No.: B–1645).	City of Fort Lauderdale (15–04–3747P).	The Honorable John P. ''Jack'' Seiler, Mayor, City of Fort Lauderdale, 100 North Andrews Avenue, Fort Lauderdale, FL 33301.	Building Services Division, 700 Northwest 19th Avenue, Fort Lauderdale, FL 33311.	Oct. 17, 2016	125105
Broward (FEMA Docket No.: B–1645).	City of Hallandale Beach (15–04–7116P).	The Honorable Joy F. Cooper, Mayor, City of Hallandale Beach, 400 South Federal Highway, Hallandale Beach, FL 33009.	Development Services Department, 400 South Federal Highway, Hallandale Beach, FL 33009.	Nov. 2. 2016	125110
Broward (FEMA Docket No.: B–1645).	City of Hollywood (15–04–7116P).	The Honorable Peter Bober, Mayor, City of Hollywood, P.O. Box 229045, Hollywood, FL 33022.	City Hall, 2600 Hollywood Boulevard, Hollywood, FL 33020.	Nov. 2. 2016	125113
Broward (FEMA Docket No.: B–1645).	Unincorporated areas of Broward County (15–04–3747P).	The Honorable Marty Kiar, Mayor, Broward County Board of Commissioners, 115 South Andrews Avenue, Room 417, Fort Lauderdale, FL 33301.	Broward County Environmental Licensing and Building Permitting Division, 1 North University Drive, Plantation, FL 33324.	Oct. 17, 2016	125093
Escambia (FEMA Docket No.: B–1645).	Pensacola Beach-Santa Rosa Island Authority (16–04–4004P).	The Honorable Dave Pavlock, Chairman, Santa Rosa Island Authority Board, P.O. Drawer 1208, Pensacola Beach, FL 32562.	City Hall, 1 Via de Luna, Pensacola Beach, FL 32561.	Oct. 25, 2016	125138
Lee (FEMA Docket No.: B–1645).	City of Sanibel (15–04–9705P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Building Department, 800 Dunlop Road, Sanibel, FL 33957.	Oct. 17, 2016	120402
Pinellas (FEMA Docket No.: B–1645).	City of St. Petersburg (16–04–4003P).	The Honorable Rick Kriseman, Mayor, City of St. Petersburg, 175 5th Street North, St. Petersburg, FL 33701.	Municipal Services Center, Permit Division, 1 4th Street North, St. Petersburg, FL 33701.	Oct. 25, 2016	125148
Polk (FEMA Docket No.: B–1645).	Unincorporated areas of Polk County (16–04–1134P).	The Honorable John E. Hall, Chairman, Polk County Board of Commissioners, P.O. Box 9005, Bartow, FL 33831.	Polk County Land Development Division, 330 West Church Street, Bartow, FL 33831.	Oct. 27, 2016	120261

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
St. Johns (FEMA Docket No.: B–1649).	Unincorporated areas of St. Johns County (16–04–2816P).	The Honorable Jeb Smith, Chairman, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Building Services Division, 4040 Lewis Speedway, St. Augustine, FL 32084.	Oct. 28, 2016	125147
St. Johns (FEMA Docket No.: B–1649).	Unincorporated areas of St. Johns County (16–04–4045P).	The Honorable Jeb Smith, Chairman, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Building Services Division, 4040 Lewis Speedway, St. Augustine, FL 32084.	Oct. 21, 2016	125147
Kentucky:					
Warren (FEMA Docket No.: B–1649).	City of Bowling Green (15–04–9366P).	The Honorable Bruce Wilkerson, Mayor, City of Bowling Green, 1001 College Street, Bowling Green, KY 42101.	City-County Planning Commission of Warren County, 1141 State Street, Bowling Green, KY 42101.	Oct. 19, 2016	210219
Warren (FEMA Docket No.: B–1649).	Unincorporated areas of Warren County (15–04–9366P).	The Honorable Michael O. Buchanon, Warren County Judge-Executive, 429 East 10th Avenue, Suite 201, Bowling Green, KY 42101.	City-County Planning Commission of Warren County, 1141 State Street, Bowling Green, KY 42101.	Oct. 19, 2016	210312
Montana: Butte-Silver Bow (FEMA Docket No.: B–1645).	Unincorporated areas of Butte-Silver Bow County (15–08–1320P).	The Honorable Matthew Vincent, Chief Executive, Butte-Silver Bow County, 155 West Granite Street, Butte, MT 59701.	Butte-Silver Bow County Planning Department, 155 West Granite Street, Butte, MT 59701.	Oct. 25, 2016	300077
North Carolina:					
Alamance (FEMA Docket No.: B–1645).	City of Burlington (16–04–0421P).	The Honorable Ian Baltutis, Mayor, City of Burlington, P.O. Box 1358, Burlington, NC 27216.	Municipal Building, 425 South Lexington Avenue, Burlington, NC 27215.	Nov. 7, 2016	370002
Burke and Catawba (FEMA Docket No.: B–1649).	City of Hickory (15–04–A419P).	The Honorable Rudy Wright, Mayor, City of Hickory, 76 North Center Street, Hickory, NC 28601.	Planning and Development Services Department, 76 North Center Street, Hickory, NC 28601.	Oct. 9, 2016	370054
Rhode Island: Kent (FEMA Docket No.: B–1645).	Town of Coventry (16–01–1501P).	Mr. Graham Waters, Manager, Town of Coventry, 1670 Flat River Road, Coventry, RI 02816.	Planning and Zoning Department, 1670 Flat River Road, Coventry, RI 02816.	Oct. 31, 2016	440004
Texas:					
Collin (FEMA Docket No.: B–1645).	City of Allen (16–06–2118P).	The Honorable Stephen Terrell, Mayor, City of Allen, 305 Century Parkway, Allen, TX 75013.	Engineering Department, 305 Century Parkway, Allen, TX 75013.	Nov. 4, 2016	480131
Collin (FEMA Docket No.: B–1645).	City of Plano (16–06–0669P).	The Honorable Harry LaRosiliere, Mayor, City of Plano, P.O. Box 860358, Plano, TX 75074.	City Hall, 1520 K Avenue, Plano, TX 75074.	Oct. 14, 2016	480140
Collin (FEMA Docket No.: B–1649).	City of Sachse (16–06–0186P).	The Honorable Mike Felix, Mayor, City of Sachse, 3815 Sachse Road, Building B, Sachse, TX 75048.	City Hall, 3815 Sachse Road, Building B, Sachse, TX 75048.	Oct. 31, 2016	480186
Collin (FEMA Docket No.: B–1649).	City of Wylie (16–06–0186P).	The Honorable Eric Hogue, Mayor, City of Wylie, 300 Country Club Road, Building 100, Wylie, TX 75098.	City Hall, 300 Country Club Road, Building 100, Wylie, TX 75098.	Oct. 31, 2016	480759
Dallas (FEMA Docket No.: B–1645).	City of Garland (14–06–4283P).	The Honorable Douglas Athas, Mayor, City of Garland, 200 North 5th Street, Garland, TX 75040.	Municipal Building, 800 Main Street, Garland, TX 75040.	Oct. 24, 2016	485471
Dallas (FEMA Docket No.: B–1645).	City of Richardson (14–06–4283P).	The Honorable Paul Voelker, Mayor, City of Richardson, P.O. Box 830309, Richardson, TX 75080.	City Hall, 411 West Arapaho Road, Richardson, TX 75080.	Oct. 24, 2016	480184
Dallas (FEMA Docket No.: B–1645).	City of Sachse (16–06–0772P).	The Honorable Mike Felix, Mayor, City of Sachse, 3815 Sachse Road, Building B, Sachse, TX 75048.	Public Works Department, 3815–B Sachse Road, Sachse, TX 75048.	Oct. 21, 2016	480186
Harris (FEMA Docket No.: B–1645).	City of Baytown (16–06–0437P).	The Honorable Stephen DonCarlos, Mayor, City of Baytown, P.O. Box 424, Baytown, TX 77522.	City Hall, 2401 Market Street, Baytown, TX 77520.	Oct. 28, 2016	485456
Harris (FEMA Docket No.: B–1645).	City of Houston (16–06–0527P).	The Honorable Sylvester Turner, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	Floodplain Management Department, 1002 Washington Avenue, 3rd Floor, Houston, TX 77002.	Nov. 4, 2016	480296
Harris (FEMA Docket No.: B–1645).	Unincorporated areas of Harris County (16–06–0437P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Oct. 28, 2016	480287
Harris (FEMA Docket No.: B–1645).	Unincorporated areas of Harris County (16–06–0527P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Nov. 4, 2016	480287
Harris (FEMA Docket No.: B–1645).	Unincorporated areas of Harris County (16–06–0557P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Nov. 4, 2016	480287
Tarrant (FEMA Docket No.: B–1645).	City of Mansfield (16–06–0957P).	The Honorable David L. Cook, Mayor, City of Mansfield, 1200 East Broad Street, Mansfield, TX 76063.	City Hall, 1200 East Broad Street, Mansfield, TX 76063..	Oct. 20, 2016	480606
Williamson (FEMA Docket No.: B–1645).	Unincorporated areas of Williamson County (16–06–0303P).	The Honorable Dan A. Gattis, Williamson County Judge, 710 South Main Street, Suite 101, Georgetown, TX 78626.	Williamson County Engineering Department, 3151 Southeast Inner Loop, Suite B, Georgetown, TX 78626.	Oct. 27, 2016	481079

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Wise (FEMA Docket No.: B–1645).	City of Boyd (16–06–1325P).	The Honorable Rodney Scroggins, Mayor, City of Boyd, 100 East Rock Island Avenue, Boyd, TX 76023.	City Hall, 100 East Rock Island Avenue, Boyd, TX 76023.	Oct. 27, 2016	480676
West Virginia: Mingo (FEMA Docket No.: B–1645).	Town of Matewan (16–03–1666P).	The Honorable Sheila Kessler, Mayor, Town of Matewan, P.O. Box 306, Matewan, WV 25678.	Floodplain Department, 78 East 2nd Avenue, Room B5, Williamson, WV 25661.	Oct. 31, 2016	545538

[FR Doc. 2017–02409 Filed 2–6–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4295–DR]; [Docket ID FEMA–2017–0001]

Mississippi; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA–4295–DR), dated January 25, 2017, and related determinations.

DATES: Effective January 25, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 25, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Mississippi resulting from severe storms, tornadoes, straight-line winds, and flooding during the period January 20–21, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Mississippi.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act that you deem appropriate subject to completion of Preliminary Damage Assessments (PDAs).

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Joe M. Girot, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Georgia have been designated as adversely affected by this major disaster:

Forrest, Lamar, Lauderdale, and Perry Counties for Individual Assistance.

All areas within the State of Mississippi are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–02523 Filed 2–6–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4296–DR; Docket ID FEMA–2017–0001]

Oregon; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Oregon (FEMA–4296–DR), dated January 25, 2017, and related determinations.

DATES: Effective January 25, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 25, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Oregon resulting from a severe winter storm and flooding during the period of December 14–17, 2016, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Oregon.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the

exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Dolph A. Diemont, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Oregon have been designated as adversely affected by this major disaster:

Josephine and Lane Counties for Public Assistance.

All areas within the State of Oregon are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–02520 Filed 2–6–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2017–0008; OMB No. 1660–0118]

Agency Information Collection Activities: Proposed Collection; Comment Request; Homeland Security Exercise and Evaluation Program (HSEEP) Documentation

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, 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 a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the After Action Report/Improvement Plans, Training and Exercise Plans, and Nominations to the National Exercise Program which are used to validate current preparedness capabilities and support future national exercise efforts.

DATES: Comments must be submitted on or before April 10, 2017.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2017–0008. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Christine Haggerty, Program Analyst, Federal Emergency Management Agency, Protection and National Preparedness, National Exercise Division, at 202–679–3524. You may contact the Records Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: Presidential Policy Directive 8 (PPD–8: National Preparedness) issued on March 30, 2011, establishes a National Preparedness Goal (NPG) that identifies the core capabilities necessary for preparedness and a National Preparedness System (NPS) which guides activities to enable the Nation to achieve the NPG. The NPS allows the Nation to track the progress of our ability to build and improve the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the Nation.

The NPS provides an integrated approach to preparedness that can be implemented and measured at all levels of government. This system is an all-of-Nation and whole community approach to preparedness, from neighborhood organizations to civic groups and private businesses. It contains a methodical approach integrated across the preparedness cycle and links together programs and requirements into a comprehensive system, driving rational decision-making and allowing for a direct and defensible assessment of progress against clearly defined objectives.

The NPS is based on a consistent methodology for assessing the threats and hazards facing a given jurisdiction. The findings of the assessment drive planning factors and all other components of the preparedness cycle including resource requirements, existing capabilities and capability gaps, driving investments to close those gaps, making and validating improvements in capabilities through training and exercising, and continually assessing progress.

Section 648(b)(1) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(1)) also provides for these exercises and states the Administrator ''shall carry out a national exercise program to test and evaluate the national preparedness goal, National Incident Management System, National Response, and other related plans and strategies.'' The Homeland Security Exercise and Evaluation Program (HSEEP) provides the program structure, multi-year planning system, tools, and guidance necessary for entities to build and sustain exercise programs that enhance homeland security capabilities, and ultimately, preparedness. The HSEEP After Action Report Improvement, Training and Exercise Plan, and National Exercise Program Nomination Forms provide the standardized methods for reporting the results of exercises, identifying exercise program priorities, and submitting exercise nominations necessary to validate national preparedness capabilities.

The HSEEP After Action Improvement Plan will now be submitted from Indian Tribal governments and an additional annual form will be required in addition to the one form per quarter requirement resulting in a small increase in the burden hours due to an increase in the number of reports estimated to be submitted.

Collection of Information

Title: Homeland Security Exercise and Evaluation Program (HSEEP) Documentation.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0118.

FEMA Forms: FEMA Form 091–0, After Action Report/Improvement Plan (AAR/IP); FEMA Form 008–0–26, Multi-Year Training Exercise Plan (TEP); FEMA Form 008–0–27, National Exercise Program (NEP) Nomination Form.

Abstract: The Homeland Security Exercise and Evaluation Program (HSEEP) Documentation collection provides reporting on the results of preparedness exercises and provides assessments of the respondents' capabilities so that strengths and areas for improvement are identified, corrected, and shared as appropriate prior to a real incident. This information is also required to be submitted as part of certain FEMA grant programs.

Affected Public: State, Local, or Tribal Government.

Number of Respondents: 268.

Number of Responses: 704.

Estimated Total Annual Burden Hours: 23,208 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $1,494,947.96. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $60,896.80.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Dated: February 1, 2017.

Richard W. Mattison,

Records Management Program Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–02525 Filed 2–6–17; 8:45 am]

BILLING CODE 9110–46–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4297–DR]; [Docket ID FEMA–2017–0001]

Georgia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Georgia (FEMA–4297–DR), dated January 26, 2017, and related determinations.

DATES: Effective January 26, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 26, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Georgia resulting from severe storms, tornadoes, and straight-line winds during the period of January 21–22, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Georgia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act that you deem appropriate subject to completion of Preliminary Damage Assessments (PDAs).

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kevin L. Hannes, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Georgia have been designated as adversely affected by this major disaster:

Berrien, Cook, Crisp, Dougherty, Turner, and Wilcox Counties for Individual Assistance.

All areas within the State of Georgia are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–02519 Filed 2–6–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4287–DR; Docket ID FEMA–2017–0001]

Kansas; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the

State of Kansas (FEMA–4287–DR), dated October 20, 2016, and related determinations.

DATES: Effective January 26, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kathy Fields, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Christian M. Van Alstyne as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–02521 Filed 2–6–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4294–DR]; [Docket ID FEMA–2017–0001]

Georgia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Georgia (FEMA–4294–DR), dated January 25, 2017, and related determinations.

DATES: Effective January 25, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 25, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Georgia resulting from severe storms, tornadoes, and straight-line winds on January 2, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Georgia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kevin L. Hannes, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Georgia have been designated as adversely affected by this major disaster:

Dougherty County for Individual Assistance.

Baker, Calhoun, Dougherty, Early, Mitchell, Turner, and Worth Counties for Public Assistance.

All areas within the State of Georgia are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–02524 Filed 2–6–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online

through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Date: December 21, 2016.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Alabama:					
Etowah (FEMA Docket No.: B–1645).	City of Gadsden (16–04–2081P).	The Honorable Sherman Guyton, Mayor, City of Gadsden, 90 Broad Street, Gadsden, AL 35902.	City Hall, 90 Broad Street, Gadsden, AL 35902.	October 6, 2016	010080
Etowah (FEMA Docket No.: B–1645).	City of Rainbow City (16–04–2081P).	The Honorable Terry J. Calhoun, Mayor, City of Rainbow City, 3700 Rainbow Drive, Rainbow City, AL 35906.	City Hall, 3700 Rainbow Drive, Rainbow City, AL 35906.	October 6, 2016	010351
Etowah (FEMA Docket No.: B–1645).	Unincorporated areas of Etowah County (16–04–2081P).	The Honorable Lewis Fuller, President, Etowah County Commission, 800 Forrest Avenue, Suite 113, Gadsden, AL 35901.	Etowah County Courthouse, 800 Forrest Avenue, Suite 3, Gadsden, AL 35901.	October 6, 2016	010077
Jefferson (FEMA Docket No.: B–1645).	City of Trussville (15–04–A460P).	The Honorable Eugene Melton, Mayor, City of Trussville, 131 Main Street, Trussville, AL 35173.	City Hall, 131 Main Street, Trussville, AL 35173.	September 29, 2016	010133
Jefferson (FEMA Docket No.: B–1645).	Unincorporated areas of Jefferson County (15–04–A460P).	The Honorable James A. Stephens, Chairman, Jefferson County Commission, 716 Richard Arrington Jr. Boulevard North, Birmingham, AL 35203.	Jefferson County Land Development Department, 716 Richard Arrington Jr. Boulevard North, Birmingham, AL 35203.	September 29, 2016	010217
Arkansas:					
Pulaski (FEMA Docket No.: B–1637).	City of North Little Rock (15–06–4244P).	The Honorable Joe Smith, Mayor, City of North Little Rock, P.O. Box 5757, North Little Rock, AR 72119.	Planning Department, 120 Main Street, North Little Rock, AR 72114.	September 23, 2016	050182
Pulaski (FEMA Docket No.: B–1637).	City of Sherwood (15–06–4244P).	The Honorable Virginia Hillman Young, Mayor, City of Sherwood, P.O. Box 6256, Sherwood, AR 72120.	Engineering, Permit and Planning Department, 2199 East Kiehl Avenue, Sherwood, AR 72124.	September 23, 2016	050235
Sebastian (FEMA Docket No.: B–1645).	City of Fort Smith (15–06–0085P).	Mr. Jeff Dingman, Acting Administrator, City of Fort Smith, P.O. Box 1908, Fort Smith, AR 72902.	City Hall, 623 Garrison Avenue, Fort Smith, AR 72901.	October 6, 2016	055013
Colorado:					
Denver (FEMA Docket No.: B–1637).	City and County of Denver (16–08–0657P).	The Honorable Michael B. Hancock, Mayor, City and County of Denver, 1437 Bannock Street, Suite 350, Denver, CO 80202.	Department of Public Works, 201 West Colfax Avenue, Denver, CO 80202.	September 29, 2016	080046
El Paso (FEMA Docket No.: B–1637).	City of Fountain (16–08–0082P).	The Honorable Gabriel Ortega, Mayor, City of Fountain, 116 South Main Street, Fountain, CO 80817.	Planning Division, 116 South Main Street, Fountain, CO 80817.	September 29, 2016	080061
El Paso (FEMA Docket No.: B–1637).	Unincorporated areas of El Paso County (16–08–0082P).	The Honorable Amy Lathen, Chair, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903.	El Paso County Regional Development Center, 2880 International Circle, Colorado Springs, CO 80910.	September 29, 2016	080059

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Jefferson (FEMA Docket No.: B–1645).	Unincorporated areas of Jefferson County (15–08–0549P).	The Honorable Libby Szabo, Chair, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Golden, CO 80419.	Jefferson County Planning and Zoning Division, 100 Jefferson County Parkway, Golden, CO 80419.	October 7, 2016	080087
Connecticut:					
Fairfield (FEMA Docket No.: B–1637).	Town of Trumbull (16–01–0265P).	The Honorable Timothy M. Herbst, First Selectman, Town of Trumbull Board of Selectmen, 5866 Main Street, Trumbull, CT 06611.	Town Hall, 5866 Main Street, Trumbull, CT 06611.	September 23, 2016	090017
Middlesex (FEMA Docket No.: B–1645).	Town of Old Saybrook (16–01–0590P).	The Honorable Carl P. Fortuna, Jr., First Selectman, Town of Old Saybrook Board of Selectmen, 302 Main Street, Old Saybrook, CT 06475.	Town Hall, 302 Main Street, Old Saybrook, CT 06475.	October 7, 2016	090069
Florida:					
Collier (FEMA Docket No.: B–1645).	City of Marco Island (16–04–2785P).	The Honorable Bob Brown, Chairman, City of Marco Island Council, 50 Bald Eagle Drive, Marco Island, FL 34145.	City Hall, 50 Bald Eagle Drive, Marco Island, FL 34145.	October 7, 2016	120426
Flagler (FEMA Docket No.: B–1637).	City of Bunnell (16–04–2729P).	The Honorable Catherine Robinson, Mayor, City of Bunnell, P.O. Box 756, Bunnell, FL 32110.	City Hall, 201 West Moody Boulevard, Bunnell, FL 32110.	September 22, 2016	120086
Flagler (FEMA Docket No.: B–1637).	City of Palm Coast (16-04-2729P).	The Honorable Jon Netts, Mayor, City of Palm Coast, 160 Lake Avenue, Palm Coast, FL 32164.	City Hall, 160 Lake Avenue, Palm Coast, FL 32164.	September 22, 2016	120684
Hillsborough (FEMA Docket No.: B–1637).	Unincorporated areas of Hillsborough County (16–04–3005P).	Mr. Mike Merrill, Hillsborough County Administrator, P.O. Box 1110, Tampa, FL 33601.	Hillsborough County Administrator's Office, 601 East Kennedy Boulevard, 26th Floor, Tampa, FL 33602.	September 26, 2016	120112
Orange (FEMA Docket No.: B–1637).	Unincorporated areas of Orange County (16–04–4432X).	The Honorable Teresa Jacobs, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Government Office, 201 South Rosalind Avenue, 1st Floor, Orlando, FL 32801.	September 19, 2016	120179
Volusia (FEMA Docket No.: B–1645).	City of DeBary (16–04–4470P).	The Honorable Clint Johnson, Mayor, City of DeBary, 16 Colomba Road, DeBary, FL 32713.	City Hall, 16 Colomba Road, DeBary, FL 32713.	October 5, 2016	130322
Georgia:					
Grady (FEMA Docket No.: B–1637).	Unincorporated areas of Grady County (16–04–4551X).	The Honorable Charlie Norton, Chairman, Grady County Board of Commissioners, 250 North Broad Street, Cairo, GA 39828.	Grady County Code Enforcement Division, 250 North Broad Street, Cairo, GA 39828.	September 29, 2016	130096
Gwinnett (FEMA Docket No.: B–1645).	Unincorporated areas of Gwinnett County (16–04–2468P).	The Honorable Charlotte J. Nash, Chair, Gwinnett County Board of Commissioners, 75 Langley Drive, Lawrenceville, GA 30046.	Gwinnett County Stormwater Management Division, 684 Winder Highway, Lawrenceville, GA 30045.	October 11, 2016	130322
Lee (FEMA Docket No.: B–1645).	City of Leesburg (16–04–3621P).	The Honorable Jim Quinn, Mayor, City of Leesburg, P.O. Box 890, Leesburg, GA 31763.	City Hall, 107 Walnut Avenue South, Leesburg, GA 31763.	October 13, 2016	130348
Lee (FEMA Docket No.: B–1645).	Unincorporated areas of Lee County (16–04–3621P).	The Honorable Rick Muggridge, Chairman, Lee County Board of Commissioners, 110 Starksville Avenue North, Leesburg, GA 31763.	Lee County Administration Building, 110 Starksville Avenue North, Leesburg, GA 31763.	October 13, 2016	130122
Kentucky:					
Hardin (FEMA Docket No.: B–1637).	City of Elizabethtown (15–04–8215P).	The Honorable Edna Berger, Mayor, City of Elizabethtown, P.O. Box 550, Elizabethtown, KY 42702.	City Hall, 200 West Dixie Avenue, Elizabethtown, KY 42701.	September 19, 2016	210095
Hardin (FEMA Docket No.: B–1637).	Unincorporated areas of Hardin County (15–04–8215P).	The Honorable Harry L. Berry, Hardin County Judge/Executive, P.O. Box 568, Elizabethtown, KY 42702.	Hardin County Government Building, 150 North Provident Way, Elizabethtown, KY 42701.	September 19, 2016	210094
Maine: Knox (FEMA Docket No.: B–1637).	Town of Owls Head (16–01–1529P).	The Honorable Linda Post, Chair, Town of Owls Head Board of Selectmen, P.O. Box 128, Owls Head, ME 04854.	Town Hall, 224 Ash Point Drive, Owls Head, ME 04854.	September 23, 2016	230075
Massachusetts:					
Norfolk (FEMA Docket No.: B–1645).	Town of Weymouth (15–01–2574P).	The Honorable Robert L. Hedlund, Mayor, Town of Weymouth, 75 Middle Street, Weymouth, MA 02189.	City Hall, 75 Middle Street, Weymouth, MA 02189.	September 29, 2016	250257
Worcester (FEMA Docket No.: B–1645).	City of Fitchburg (15–01–2126P).	The Honorable Stephen L. DiNatale, Mayor, City of Fitchburg, 166 Boulder Drive, Suite 108, Fitchburg, MA 01420.	Community Development Department, Planning Division, 301 Broad Street, Fitchburg, MA 01420.	October 6, 2016	250304
Worcester (FEMA Docket No.: B–1645).	City of Leominster (15–01–2126P).	The Honorable Dean J. Mazzarella, Mayor, City of Leominster, 25 West Street, Leominster, MA 01453.	Office of Emergency Management, 37 Carter Street, Leominster, MA 01453.	October 6, 2016	250314
Oklahoma:					
Oklahoma (FEMA Docket No.: B–1637).	City of The Village (14–06–4742P).	The Honorable Hutch Hibbard, Mayor, City of The Village, 2304 Manchester Drive, The Village, OK 73120.	Building and Code Department, 2304 Manchester Drive, The Village, OK 73120.	October 10, 2016	400420
Tulsa (FEMA Docket No.: B–1637).	City of Broken Arrow (14–06–4075P).	The Honorable Craig Thurmond, Mayor, City of Broken Arrow, 220 South 1st Street, Broken Arrow, OK 74012.	Operations Building, 485 North Poplar Avenue, Broken Arrow, OK 74012.	October 3, 2016	400236

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Wagoner (FEMA Docket No.: B–1637).	Unincorporated areas of Wagoner County (14–06–4075P).	The Honorable Chris Edwards, Chairman, Wagoner County Board of Commissioners, P.O. Box 156, Wagoner, OK 74477.	Wagoner County Courthouse, 307 East Cherokee Street, Wagoner, OK 74467.	October 3, 2016	400215
South Carolina:					
Charleston (FEMA Docket No.: B–1637).	Town of Mount Pleasant (16–04–3547P).	The Honorable Linda Page, Mayor, Town of Mount Pleasant, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	Planning Department, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	October 3, 2016	455417
Charleston (FEMA Docket No.: B–1637).	Unincorporated areas of Charleston County (16–04–3547P).	The Honorable J. Elliott Summey, Chairman, Charleston County Board of Commissioners, 4045 Bridge View Drive, North Charleston, SC 29405.	Charleston County Building Inspection Services Department, 4045 Bridge View Drive, North Charleston, SC 29405.	October 3, 2016	455413
Horry (FEMA Docket No.: B–1645).	City of Myrtle Beach (16–04–2072P).	The Honorable John T. Rhodes, Mayor, City of Myrtle Beach, P.O. Box 2468, Myrtle Beach, SC 29577.	Construction Services Department, 921 North Oak Street, Myrtle Beach, SC 29577.	September 26, 2016	450109
South Dakota:					
Minnehaha (FEMA Docket No.: B–1637).	City of Hartford (16–08–0101P).	The Honorable Bill Campbell, Mayor, City of Hartford, 125 North Main Avenue, Hartford, SD 57033.	City Hall, 125 North Main Avenue, Hartford, SD 57033.	September 23, 2016	460180
Minnehaha (FEMA Docket No.: B–1637).	Unincorporated areas of Minnehaha County (16–08–0101P).	The Honorable Cindy Heiberger, Chair, Minnehaha County Board of Commissioners, 415 North Dakota Avenue, Sioux Falls, SD 57104.	Minnehaha County Administration Building, 415 North Dakota Avenue, Sioux Falls, SD 57104.	September 23, 2016	460057
Tennessee:					
Washington (FEMA Docket No.: B–1637).	City of Johnson City (16–04–1191P).	The Honorable Clayton Stout, Mayor, City of Johnson City, 601 East Main Street, Johnson City, TN 37601.	Public Works Department, 601 East Main Street, Johnson City, TN 37601.	September 29, 2016	480582
Washington (FEMA Docket No.: B–1637).	Unincorporated areas of Washington County (16–04–1191P).	The Honorable Dan Eldridge, Mayor, Washington County, 100 East Main Street, Jonesborough, TN 37659.	Washington County Zoning Department, 100 East Main Street, Jonesborough, TN 37659.	September 29, 2016	470265
Williamson (FEMA Docket No.: B–1645).	City of Franklin (15–04–8778P).	The Honorable Ken Moore, Mayor, City of Franklin, 109 3rd Avenue South, Franklin, TN 37064.	City Hall, 109 3rd Avenue South, Franklin, TN 37064.	September 30, 2016	470206
Texas:					
Collin (FEMA Docket No.: B–1637).	City of Frisco (16–06–0556P).	The Honorable Maher Maso, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034.	Engineering Services Department, 6101 Frisco Square Boulevard, Frisco, TX 75034.	September 19, 2016	480134
Collin (FEMA Docket No.: B–1637).	City of McKinney (16–06–0082P).	The Honorable Brian Loughmiller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	October 3, 2016	480135
Collin (FEMA Docket No.: B–1637).	City of McKinney (16–06–0593P).	The Honorable Brian Loughmiller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	September 12, 2016	480135
Collin (FEMA Docket No.: B–1645).	City of McKinney (16–06–0922P).	The Honorable Brian Loughmiller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	October 10, 2016	480135
Collin (FEMA Docket No.: B–1645).	City of Melissa (16–06–0922P).	Mr. Jason Little, Manager, City of Melissa, 3411 Barker Avenue, Melissa, TX 75454.	City Hall, 3411 Barker Avenue, Melissa, TX 75454.	October 10, 2016	481626
Collin (FEMA Docket No.: B–1645).	Unincorporated areas of Collin County (16–06–0922P).	The Honorable Keith Self, Collin County Judge, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75071.	Collin County Engineering Department, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	October 10, 2016	480130
Dallas (FEMA Docket No.: B–1637).	City of Coppell (16–06–0213P).	The Honorable Karen Hunt, Mayor, City of Coppell, P.O. Box 9478, Coppell, TX 75019.	Engineering Department, 265 Parkway Boulevard, Coppell, TX 75019.	October 3, 2016	480170
Fort Bend (FEMA Docket No.: B–1637).	Unincorporated areas of Fort Bend County (16–06–0935P).	The Honorable Robert Hebert, Fort Bend County Judge, 401 Jackson Street, Richmond, TX 77469.	Fort Bend County Engineering Department, 401 Jackson Street, Richmond, TX 77469.	September 30, 2016	480228
Kendall (FEMA Docket No.: B–1645).	Unincorporated areas of Kendall County (16–06–0702P).	The Honorable Darrel L. Lux, Kendall County Judge, 201 East San Antonio Avenue, Suite 122, Boerne, TX 78006.	Kendall County Engineering Department, 201 East San Antonio Avenue, Suite 101, Boerne, TX 78006.	October 5, 2016	480417
Waller (FEMA Docket No.: B–1637).	Unincorporated areas of Waller County (16–06–0935P).	The Honorable Carbett "Trey" Duhon III, Waller County Judge, 836 Austin Street, Suite 203, Hempstead, TX 77445.	Waller County Annex Building, 775 Business Highway 290 East, Hempstead, TX 77445.	September 30, 2016	480640
Utah:					
Salt Lake (FEMA Docket No.: B–1645).	Town of Herriman (16–08–0214P).	The Honorable Carmen Freeman, Mayor, Town of Herriman, 13011 South Pioneer Street, Herriman, UT 84096.	Town Hall, 13011 South Pioneer Street, Herriman, UT 84096.	October 12, 2016	490252
Tooele (FEMA Docket No.: B–1645).	City of Tooele (16–08–0138P).	The Honorable Patrick Dunlavy, Mayor, City of Tooele, 90 North Main Street, Tooele, UT 84074.	Town Hall, 90 North Main Street, Tooele, UT 84074.	September 28, 2016	490145

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Virginia: Prince William (FEMA Docket No.: B–1645)	Unincorporated areas of Prince William County (16–03–0170P).	Mr. Christopher E. Martino, Acting Prince William County Executive, 1 County Complex Court, Prince William, VA 22192.	Prince William County Department of Public Works, 5 County Complex Court, Prince William, VA 22192.	October 6, 2016	510119
West Virginia:					
Harrison (FEMA Docket No.: B–1645).	City of Bridgeport (15–03–0999P).	The Honorable Robert Greer, Mayor, City of Bridgeport, 515 West Main Street, Bridgeport, WV 26330.	Engineering Department, 515 West Main Street, Bridgeport, WV 26330.	October 11, 2016	540055
Harrison (FEMA Docket No.: B–1645).	Unincorporated areas of Harrison County (15–03–0999P).	The Honorable Ronald Watson, President, Harrison County Commission, 301 West Main Street, Clarksburg, WV 26301.	Harrison County Planning Department, 301 West Main Street, Clarksburg, WV 26301.	October 11, 2016	540053

[FR Doc. 2017–02410 Filed 2–6–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of May 2, 2017 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov*; or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: December 21, 2016.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Non-watershed-based studies:

Community	Community map repository address
Noble County, Indiana and Incorporated Areas Docket No.: FEMA–B–1557	
Unincorporated Areas of Noble County	Noble County South Complex, 2090 North State Road 9, Suite 2, Albion, IN 46701.

[FR Doc. 2017–02407 Filed 2–6–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6003–N–02]

60-Day Notice of Proposed Information Collection: Understanding Rapid Re-Housing Study

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* April 10, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–5535 (this is not a toll-free number) or email at *Anna.P.Guido@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone 202–402–5535 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Understanding Rapid Re-Housing Study.

OMB Approval Number: Pending.

Type of Request: New.

Form Number: No forms.

Description of the need for the information and proposed use: Rapid Re-Housing (RRH) is an increasingly popular approach for using the homeless assistance system to reduce and end homelessness in communities across the United States. Several studies have examined RRH program outcomes. HUD's *Rapid Re-Housing for Homeless Families Demonstration Program* report [1] and the U.S. Department of Veterans Affairs' research brief *Impact and Performance of the Supportive Services for Veteran Families (SSVF) Program: Results from the FY 2013 Program Year* [2] measured RRH outcomes, and RRH was one of the active interventions tested in the Family Options Study (FOS).[3] Several local studies have also assessed RRH. Collectively, the research conducted to date has produced varied evidence of the outcomes for participants receiving this type of assistance.

The *Understanding Rapid Re-Housing Study* provides an opportunity to (1) synthesize existing research on RRH programs, (2) extend the analysis of data from the Family Options Study (2016), (3) provide a detailed examination of all rapid re-housing programs nationwide, and (4) conduct qualitative research with a small sample of families and individuals who receive RRH. The first two objectives will utilize existing literature and data that have already been collected. To examine the nation's RRH programs, we will rely on currently existing Annual Program Reports (APRs) from local Continuums of Care (CoCs) and administer a web-based survey to RRH programs. To accomplish the fourth objective, we will conduct in-depth interviews and ethnographic research with households.

This notice announces HUD's intent to collect information through the following methods: Study investigators (from Abt Associates) will administer a program-level web-based survey, which will include two separate sets of questions—a short set of system-level questions for CoC program staff, and an in-depth set of questions for RRH program staff. The survey will be administered to all CoCs and RRH programs nationwide. To describe the program models in place, the use of progressive engagement, and strategies for RRH in tight rental markets, the study investigators will conduct in-depth telephone follow-up interviews with approximately 20 RRH programs. In addition, investigators will conduct one-time in-person in-depth interviews with a sample of six households in shelter who have been offered RRH but have not yet started to receive it, 16 households who are receiving RRH assistance, and six households that have already transitioned from RRH to permanent housing. Finally, to understand their experiences both during RRH and once RRH assistance ends, investigators will conduct ethnographic research with 16 households. This will include in-person interviews, household observations, quarterly check-ins, and the completion of housing journals.

Respondents: Information collection for the program-level web survey will involve program staff from all CoCs (approximately 400) and all RRH programs nationwide (approximately 2,400 programs). Approximately 20 RRH programs will be involved in the in-depth follow-up interviews. Information collection for the qualitative research will affect approximately 28 households.

From the completed 28 interviews, study investigators will invite all 16 households receiving RRH to continue in the applied ethnographic component of the study (and we assume that 15 will complete the ethnographic research activities). Their one-time in-depth interviews will provide a baseline against which investigators will analyze data to be collected over the subsequent 15 months. Those data will include participant observation, housing journals, quarterly family updates, and two follow-up interviews.

Members of Affected Public: Continuum of Care Collaborative Applicants, rapid re-housing program directors, and participants of rapid re-housing programs.

Estimated Number of Respondents: Web-based program survey (CoCs)—400; web-based program survey (RRH programs)—2,400; RRH in-depth telephone program interviews—20; one time RRH program participant

[1] Abt Associates, Inc., 2016. *Rapid Re-Housing for Homeless Families Demonstration Programs Evaluation Report Part II: Demonstration Findings—Outcomes Evaluation Final Report.* Located at *https://www.huduser.gov/portal/rapid-rehousing-program.html.*

[2] U.S. Department of Veterans Affairs, 2014. *Impact and Performance of the Supportive Services for Veteran Families (SSVF) Program: Results from the FY 2013 Program Year.* Located at *http://www.endveteranhomelessness.org/sites/default/files/research/SSVF%20Impact%20%26%20Performance%20FY%202013.pdf.*

[3] Abt Associates, Inc., 2016. *The Family Options Study.* Located at *https://www.huduser.gov/portal/family_options_study.html#impact-ir-tab.*

interviews—28; ethnographic interviews and housing journals—16; RRH household observations—16, and quarterly updates—16.

Estimated Time per Response: Web-based program survey (CoCs)—20 minutes; web-based program survey (RRH programs)—30 minutes; RRH in-depth telephone program interviews—120 minutes; one time RRH program participant interviews—120 minutes; ethnographic interviews and housing journals—170 minutes; RRH household observations—180 minutes, and quarterly updates—10 minutes.

Frequency of Response: Web-based program survey (CoCs)—one time; web-based program survey (RRH programs)—one time; RRH in-depth telephone program interviews—one time; one time RRH program participant interviews—one time; ethnographic interviews and housing journals—two times, and RRH household observations—five times, and quarterly updates and housing journal—five times.

Estimated Total Annual Burden Hours: $1,772.16

Estimated Total Annual Cost: $45,629.82

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Cost
Web-based Program Survey—CoCs	400	1	400	0.33	132	$36.85	$4,864.20
Web-based Program Survey—RRH Programs	2,400	1	2,400	0.5	1,200	29.60	35,520
RRH In-depth Program Interviews	20	1	20	2	40	29.60	1,184
One-time RRH Program Participant Interviews	28	1	28	2	56	10.15	568.40
Ethnographic Interviews and Housing Journals	16	2	32	2.83	90.56	10.15	919.18
RRH Household Observations	16	5	80	3	240	10.15	2,436
Quarterly RRH Household Updates	16	5	80	0.17	13.6	10.15	138.04
Total			3,040		1,772.16		45,629.82

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: January 30, 2017.

Matthew E. Ammon,

General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 2017–02465 Filed 2–6–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5997–C–01]

30-Day Notice of Proposed Information Collection: Public Comment Request: Notice on Equal Access Regardless of Sexual Orientation, Gender Identity, or Marital Status for HUD's Community Planning and Development Programs

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Correction; Notice.

SUMMARY: This notice corrects the document HUD published on Tuesday, January 24, 2017 at 82 FR 8839. HUD omitted the Appendix which is included in this document.

DATES: *Comments Due Date:* March 9, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax:202–395–5806, Email: *OIRA_Submission@omb.eop.gov.*

Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–5535 (this is not a toll-free number) or email at *Anna.P.Guido@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

1. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500.

2. Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the notice.

No Facsimile Comments. Facsimile (FAX) comments are not acceptable.

Public Inspection of Public Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the

HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Persons who are deaf or hard of hearing or have speech impairments may access this number via TTY by calling the toll-free Federal Relay Service at 800–877–8339. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on September 21, 2016.

I. Background

As noted in the **SUMMARY**, elsewhere in today's **Federal Register**, HUD is publishing its final rule entitled ''Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs.'' Through this final rule, HUD ensures equal access to individuals in accordance with their gender identity in programs and shelter funded under programs administered by HUD's Office of Community Planning and Development (CPD). This rule builds upon HUD's February 2012 final rule entitled ''Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity'' (2012 Equal Access Rule), which aimed to ensure that HUD's housing programs would be open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. The 2012 Equal Access Rule, however, did not address how transgender and gender non-conforming individuals should be accommodated in temporary, emergency shelters and other buildings and facilities used for shelter that have physical limitations or configurations that require and that are permitted to have shared sleeping quarters or shared bathing facilities.[1] This final rule published in today's **Federal Register** follows HUD's November 20, 2015 proposed rule, which addressed this issue after soliciting public comment. The final rule requires that recipients and subrecipients of CPD funding, as well as owners, operators, and managers of shelters, and other buildings and facilities and providers of services funded in whole or in part by any CPD program to grant equal access to such facilities, and other buildings and facilities, benefits, accommodations and services to individuals in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family.

The notice set out in the appendix presents an additional measure by HUD to ensure that individuals seeking placement or accommodation in a shelter or other building or facility and housing funded under a program administered by CPD are aware of HUD's equal access policy, as established in HUD's 2012 Equal Access Rule, and elaborated upon in the final rule published in today's **Federal Register**. Through this PRA notice, HUD proposes to require owners and operators of CPD-funded shelters, housing, buildings and other facilities to post this notice on bulletin boards and in other public places where individuals staying in the shelter, building, housing or facility or seeking placement or accommodation in the shelter, building, housing, or facility would see this information. HUD strives to reduce burden by providing the content of the notice to be posted and estimates it will take about six minutes for owners and operators to print and post this notice. All existing and new owners would be required to post the notice only once, and ensure that it remains visible to those accessing the shelter, housing, or facility.

A. Overview of Information Collection

Title of Information Collection: Notice on Equal Access Regardless of Sexual Orientation, Gender Identity, or Marital Status for HUD's Community Planning and Development Programs.

OMB Approval Number: 2506—New.

Type of Request: New collection of information.

Form Number: None.

Description of the need for the information and proposed use: As noted above, the purposeof the notice set out in the appendix to this PRA notice is to ensure that individuals seeking placement or accommodation in a shelter, building, housing or facility funded under a program administered by CPD are aware of HUD's equal access requirements, as established in HUD's 2012 Equal Access Rule, and elaborated upon in the final rule published in today's **Federal Register**.

Members of affected public: Owners and operators of a shelter, building, housing or facility funded under programs administered by CPD.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Please see table below.

Information collection	Number of respondents *	Response frequency (average)	Total ** responses	Burden hours per response	Total annual hours	Hourly rate ***	Burden cost per instrument
A	B	C	D	E	F		
HOME Investment Partnerships program	25,350	1	25,350	.10	2,535	$21.73	$55,085.55
Community Development Block Grant program (State and Entitlement)	2,430	1	2,430	.10	243	21.73	5,280.39
Housing Opportunities for Persons with AIDS program	100	1	100	.10	10	21.73	217.30
Emergency Solutions Grants program & Continuum of Care	6,750	1	6,750	.10	675	21.73	14,667.75

[1] Shared sleeping quarters and shared bathing facilities are those for simultaneous use by more than one person.

Information collection	Number of respondents *	Response frequency (average)	Total ** responses	Burden hours per response	Total annual hours	Hourly rate ***	Burden cost per instrument
A	B	C	D	E	F		
Total	34,630		34,630		3,463		75,250.99

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 1, 2017.

Anna P. Guido,

Department Reports Management Officer, Office of the Chief Information Officer.

Appendix

Notice on Equal Access Regardless of Sexual Orientation, Gender Identity, or Marital Status for HUD's Community Planning and Development Programs

This [shelter/building/housing/facility] receives funding from the U.S. Department of Housing and Urban Department's (HUD) Office of Community Planning and Development (CPD) and MUST comply with the following REQUIREMENTS:

- Determine your eligibility for housing regardless of your sexual orientation, gender identity, or marital status, and must not discriminate against you because you do not conform to gender or sex stereotypes (*i.e.,* because of your gender identity);
- Grant you equal access to CPD programs or facilities consistent with your gender identity, and provide your family with equal access;
- MUST NOT ask you to provide anatomical information or documentary (like your ID), physical, or medical evidence of your gender identity; and
- Take non-discriminatory steps when necessary and appropriate to address privacy concerns raised by any residents or occupants, including you.

If you think this program has violated any of these requirements, including any denial of services or benefits, contact your *local HUD office* for assistance with alleged violations of HUD program regulations. Local offices can be found at: *http://portal.hud.gov/hudportal/HUD?src=/program_offices/field_policy_mgt/localoffices.*

If you believe you have experienced housing discrimination because of race, color, religion, national origin, disability, familial status, or sex, including discrimination because of gender identity, contact 1–800–669–9777 or file a written complaint with HUD at: *www.hud.gov* ''file a discrimination complaint''. Persons who are deaf, hard of hearing, or have speech impairments may file a complaint via TTY by calling the Federal Information Relay Service at (800) 877–8339.

To better understand HUD's requirements, the following definitions apply:

- *Sexual orientation* means one's emotional or physical attraction to the same and/or opposite sex (*e.g.* homosexuality, heterosexuality, or bisexuality).
- *Gender identity* means the gender with which a person identifies, regardless of the sex assigned to that person at birth and regardless of the person's perceived gender identity.
- *Perceived gender identity* means the gender with which a person is perceived to identify based on that person's appearance, behavior, expression, other gender related characteristics, or sex assigned to the individual at birth or identified in documents.

[FR Doc. 2017–02464 Filed 2–6–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–R–2017–N017; FXGO1664091HCC0–FF09D00000–178]

Wildlife and Hunting Heritage Conservation Council; Cancellation of Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The meeting of the Wildlife and Hunting Heritage Conservation Council scheduled for Tuesday, February 7, 2017, and Wednesday, February 8, 2017, is cancelled.

FOR FURTHER INFORMATION CONTACT: Joshua Winchell, Council Designated Federal Officer, by U.S. mail at the U.S. Fish and Wildlife Service, National Wildlife Refuge System, 5275 Leesburg Pike, Falls Church, VA 22041–3803; by telephone at (703) 358–2639; or by email at *joshua_winchell@fws.gov.*

SUPPLEMENTARY INFORMATION: The meeting of the Wildlife and Hunting Heritage Conservation Council (Council) scheduled for Tuesday, February 7, 2017, and Wednesday, February 8, 2017, is cancelled.

About the Council

The Council provides advice about wildlife and habitat conservation endeavors that benefit wildlife resources; encourage partnership among the public, sporting conservation organizations, States, Native American tribes, and the Federal Government; and benefit recreational hunting.

More information on the Council is available in the original **Federal Register** notice that announced the meeting (81 FR 93704) and at *http://www.fws.gov/whhcc.*

Authority: Notice of cancellation of this meeting is given under the Federal Advisory Committee Act (FACA), Pub. L. 92–463, as amended, 5 U.S.C. App.

Joshua Winchell,

Designated Federal Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2017–02556 Filed 2–3–17; 11:15 am]

BILLING CODE 4333–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–998]

Certain Hybrid Electric Vehicles and Components Thereof; Termination of Investigation on the Basis of Settlement

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade

Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 15), which terminated the investigation on the basis of settlement.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2532. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 23, 2016, based on an amended complaint filed by Paice LLC and Abell Foundation, Inc. both of Baltimore, Maryland (collectively, ''Paice''). 81 FR 32343 (May 23, 2016). The amended complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain hybrid electric vehicles and components thereof by reason of the infringement of certain claims of U.S. Patent No. 7,104,347; U.S. Patent No. 7,237,634; and U.S. Patent No. 8,214,097. The notice of investigation named as respondents Volkswagen AG of Wolfsburg, Germany; Volkswagen Group of America, Inc. of Herndon, Virginia; Dr. Ing. H.C. F. Porsche AG of Porscheplatz, Germany; Porsche Cars North America, Inc. of Atlanta, Georgia; Audi AG of Ingolstadt, Germany; and Audi of America, of Herndon, Virginia (collectively, ''Volkswagen''). The Office of Unfair Import Investigations was not named as a party.

On December 20, 2016, Paice and Volkswagen filed a joint motion to terminate the investigation in view of a settlement agreement between the parties. On December 23, 2016, they filed an amended joint motion to include further information.

On January 3, 2017, the presiding ALJ granted the motion as the subject ID. The ALJ found that the amended motion complies with Commission Rules, and that granting the motion is not contrary to the public interest. *Id.* at 2–3; *see* 19 CFR 210.21(b), 210.50(b)(2).

No petitions for review of the ID were filed. The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 1, 2017

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–02446 Filed 2–6–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1040]

Certain Basketball Backboard Components and Products Containing the Same Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 30, 2016, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Lifetime Products, Inc. of Clearfield, Utah. Amendments to the complaint were filed on January 23, 2017, and January 24, 2017. The complaint, as amended, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain basketball backboard components and products containing the same by reason of infringement of U.S. Patent No. 7,749,111 (''the '111 patent''); U.S. Patent No. 8,845,463 (''the '463 patent''); and U.S. Patent No. 8,852,034 (''the '034 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order, and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2016).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 1, 2017, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain basketball backboard components and products containing the same by reason of infringement of one or more of claims 1, 10, 19, 25, and 35 of the '111 patent; claims 1, 2, 6, 12, and 23 of the '463 patent; and claims 18, 26, 28, 39, and 43 of the '034 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Lifetime Products, Inc., Freeport Center, Building D–11, Clearfield, UT 84016

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Russell Brands, LLC d/b/a Spalding, One Fruit of the Loom Drive, Bowling Green, KY 42102

Reliable Sports Equipment (Wujiang) Co. Ltd., No. 4888 Linhu Road, Lili Town, Wujiang City, Jiangsu, China 215212

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not be named as a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: February 1, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–02438 Filed 2–6–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–696 (Fourth Review)]

Pure Magnesium From China; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on pure magnesium (ingot) from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: *Effective Date:* January 6, 2017.

FOR FURTHER INFORMATION CONTACT: Amelia Shister (202–205–2047), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On January 6, 2017, the Commission determined that the domestic interested party group response to its notice of institution (81 FR 68046, October 3, 2016) of the subject five-year review was adequate and that the respondent interested party group response was inadequate.[1] The Commission did not find any other circumstances that would warrant conducting a full review.[2] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on February 17, 2017, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before February 23, 2017 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by February 23, 2017. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's Web site at *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf.*

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act

[1] Commissioner Pinkert did not participate in this determination.

[2] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

[3] The Commission has found the responses submitted by US Magnesium LLC and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 8319 to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: February 1, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–02437 Filed 2–6–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Construction Fall Protection Systems Criteria, Practices, and Training Requirements

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Construction Fall Protection Systems Criteria, Practices, and Training Requirements,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 9, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201611–1218–007* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Construction Fall Protection Systems Criteria, Practices, and Training Requirements information collection requirements codified in regulations 29 CFR 1926.502 and -.503 that, respectively, require a covered employer to certify safety nets and to develop fall protection plans and to prepare worker training certification records. These standards help to ensure that the employer provides the required fall protection and training. Occupational Safety and Health Act sections 2(b) and 8(c) authorize this information collection. *See* 29 U.S.C. 651(b) and 657(c).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0197.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on February 28, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on September 30, 2016 (81 FR 67397).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0197. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Construction Fall Protection Systems Criteria, Practices, and Training Requirements.

OMB Control Number: 1218–0197.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 354,172.

Total Estimated Number of Responses: 5,314,317.

Total Estimated Annual Time Burden: 425,844 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: February 1, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–02440 Filed 2–6–17; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL SCIENCE FOUNDATION

Emergency Clearance; Public Information Collection Requirements Submitted to the Office of Management and Budget; Confidentiality Pledge Revision Notice

AGENCY: National Science Foundation.

ACTION: Emergency Clearance: Submission for OMB Review; Notice of Revision of Confidentiality Pledges under the Confidential Information

Protection and Statistical Efficiency Act of 2002 (CIPSEA).

SUMMARY: Under 44 U.S.C. 3506(e), and 44 U.S.C. 3501, the National Science Foundation (NSF) is announcing a revision to the confidentiality pledge it provides to its respondents under CIPSEA, the NSF Act of 1950, as amended, and the Privacy Act of 1974. These revisions are required by the passage and implementation of provisions of the Federal Cybersecurity Enhancement Act of 2015 (H.R. 2029, Division N, Title II, Subtitle B, Sec. 223), which permit and require the Secretary for the Department of Homeland Security (DHS) to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. More details on this announcement are presented in the **SUPPLEMENTARY INFORMATION** section below.

DATES: This revision becomes effective upon publication of this notice in the **Federal Register**. In a separate **Federal Register** notice, NSF is seeking public comment on this confidentiality pledge revision.

For Additional Information or Comments: Contact Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230; telephone (703) 292–7556; or send email to *splimpto@nsf.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Federal statistics provide key information that the Nation uses to measure its performance and make informed choices about budgets, employment, health, investments, taxes, and a host of other significant topics. The overwhelming majority of Federal surveys are conducted on a voluntary basis. Respondents, ranging from businesses to households to institutions, may choose whether to provide the requested information. Many of the most valuable Federal statistics come from surveys that ask for highly sensitive information such as proprietary business data from companies or particularly personal information or practices from individuals. Strong and trusted confidentiality and exclusively statistical use pledges under the CIPSEA and similar statistical confidentiality pledges are effective and necessary in honoring the trust that businesses, individuals, and institutions, by their responses, place in statistical agencies.

Under the CIPSEA and similar statistical confidentiality protection statutes, many Federal statistical agencies make statutory pledges that the information respondents provide will be seen only by statistical agency personnel or their sworn agents, and will be used only for statistical purposes. The CIPSEA and similar statutes protect the confidentiality of information that agencies collect solely for statistical purposes and under a pledge of confidentiality. These Acts protect such statistical information from administrative, law enforcement, taxation, regulatory, or any other non-statistical use and immunize the information submitted to statistical agencies from many legal processes. Moreover, statutes like the CIPSEA carry criminal penalties of a Class E felony (fines up to $250,000, or up to five years in prison, or both) for conviction of a knowing and willful unauthorized disclosure of covered information.

As part of the Consolidated Appropriations Act for Fiscal Year 2016 signed on December 17, 2015, the Congress enacted the Federal Cybersecurity Enhancement Act of 2015 (H.R. 2029, Division N, Title II, Subtitle B, Sec. 223). This Act, among other provisions, requires the Secretary of Homeland Security to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. The DHS cybersecurity program's objective is to protect Federal civilian information systems from malicious malware attacks. The Federal statistical system's objective is to ensure that the DHS Secretary performs those essential duties in a manner that honors the Government's statutory promises to the public to protect their confidential data. Given that the DHS is not a Federal statistical agency, both DHS and the Federal statistical system have been successfully engaged in finding a way to balance both objectives and achieve these mutually reinforcing objectives.

As required by passage of the Federal Cybersecurity Enhancement Act of 2015, the Federal statistical community will implement DHS' cybersecurity protection program, called Einstein.

The technology currently used to provide this protection against cyber malware electronically searches Internet traffic in and out of Federal civilian agencies in real time for malware signatures. When such a signature is found, the Internet packets that contain the malware signature are shunted aside for further inspection by DHS personnel. Because it is possible that such packets entering or leaving a statistical agency's information technology system may contain confidential statistical data, statistical agencies can no longer promise their respondents that their responses will be seen only by statistical agency personnel or their sworn agents. However, they can promise, in accordance with provisions of the Federal Cybersecurity Enhancement Act of 2015, that such monitoring can be used only to protect information and information systems from cybersecurity risks, thereby, in effect, providing stronger protection to the security and integrity of the respondents' submissions.

Accordingly, DHS and Federal statistical agencies have developed a Memorandum of Agreement for the installation of Einstein cybersecurity protection technology to monitor their Internet traffic.

NSF is providing this notice to alert the public in an efficient and coordinated fashion that it is revising its confidentiality pledge. Below is a listing of the current numbers and information collection titles for those NSF programs whose confidentiality pledges will change to reflect the statutory implementation of DHS' Einstein monitoring for cybersecurity protection purposes.

Therefore, the National Science Foundation is providing this notice to alert the public to these confidentiality pledge revisions in an efficient and coordinated fashion. Table 1 below contains a listing of NSF's current PRA OMB numbers and information collection titles and their associated revised confidentiality pledges for the Information Collections whose confidentiality pledges will change to reflect the statutory implementations of DHS' Einstein 3A monitoring for cybersecurity protection purposes. For the Information Collections listed in the table below, NSF statistical confidentiality pledges will be modified to include the following sentence, ''Per the Federal Cybersecurity Enhancement Act of 2015, your data are protected from cybersecurity risks through screening of the systems that transmit your data.''

TABLE 1—CURRENT PRA OMB NUMBERS, EXPIRATION DATES, AND INFORMATION COLLECTION TITLES INCLUDED IN THIS NOTICE

OMB Control No.	Expiration date	Information collection title
3145–0101	08/31/2018	Survey of Science and Engineering Research Facilities.
3145–0019*	05/31/2018	Survey of Earned Doctorates.
3145–0020	08/31/2018	Survey of Doctorate Recipients.
3145–0100*	09/30/2019	Higher Education R&D Survey.
3145–0141**	05/31/2018	National Survey of College Graduates.
3145–0174*	07/31/2019	Generic Clearance of Survey Improvement Projects . . .
3145–0235	06/30/2017	Early Career Doctorates Survey.

* Indicates information collections that are expected to be in the field during the period covered by the 6-month emergency clearance.
** This information collection was also named in a **Federal Register** Notice from the U.S. Census Bureau (81 FR 94321), since that agency collects data on NSF's behalf.

Dated: February 2, 2017.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2017–02460 Filed 2–6–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice and Request for Comments

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: Under the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501 *et seq.*), the National Science Foundation (NSF) is inviting the general public or other Federal agencies to comment on a proposed addition to its confidentiality pledge, presented on surveys conducted by the National Center for Science and Engineering Statistics (NCSES). These revisions are required by the passage and implementation of provisions of the Federal Cybersecurity Enhancement Act of 2015 (H.R. 2029, Division N, Title II, Subtitle B, Sec. 223), which permit and require the Secretary for the Department of Homeland Security (DHS) to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic.

Comments: Comments are invited on: (a) The proposed confidentiality pledge's fit for use by NCSES, and (b) ways to enhance the quality, utility, and clarity of the pledge.

DATES: Written comments on this notice must be received by April 10, 2017 to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to address below.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Rm. 1265, Arlington, VA 22230, or by email to *splimpto@nsf.gov.*

FOR FURTHER INFORMATION, CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

SUPPLEMENTARY INFORMATION:

Federal statistics provide key information that the Nation uses to measure its performance and make informed choices about budgets, employment, health, investments, taxes, and a host of other significant topics. The overwhelming majority of Federal surveys are conducted on a voluntary basis. Respondents, ranging from businesses to households to institutions, may choose whether to provide the requested information. Many of the most valuable Federal statistics come from surveys that ask for highly sensitive information such as proprietary business data from companies or particularly personal information or practices from individuals. Strong and trusted confidentiality and exclusively statistical use pledges under the CIPSEA and similar statistical confidentiality pledges are effective and necessary in honoring the trust that businesses, individuals, and institutions, by their responses, place in statistical agencies.

Under the CIPSEA and similar statistical confidentiality protection statutes, many Federal statistical agencies make statutory pledges that the information respondents provide will be seen only by statistical agency personnel or their sworn agents, and will be used only for statistical purposes. The CIPSEA and similar statutes protect the confidentiality of information that agencies collect solely for statistical purposes and under a pledge of confidentiality. These Acts protect such statistical information from administrative, law enforcement, taxation, regulatory, or any other non-statistical use and immunize the information submitted to statistical agencies from many legal processes. Moreover, statutes like the CIPSEA carry criminal penalties of a Class E felony (fines up to $250,000, or up to five years in prison, or both) for conviction of a knowing and willful unauthorized disclosure of covered information.

As part of the Consolidated Appropriations Act for Fiscal Year 2016 signed on December 17, 2015, the Congress enacted the Federal Cybersecurity Enhancement Act of 2015 (H.R. 2029, Division N, Title II, Subtitle B, Sec. 223). This Act, among other provisions, requires the Secretary of Homeland Security to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. The DHS cybersecurity program's objective is to protect Federal civilian information systems from malicious malware attacks. The Federal statistical system's objective is to ensure that the DHS Secretary performs those essential duties in a manner that honors the Government's statutory promises to the public to protect their confidential data. Given that the DHS is not a Federal statistical agency, both DHS and the Federal statistical system have been successfully engaged in finding a way to balance both objectives and achieve these mutually reinforcing objectives.

As required by passage of the Federal Cybersecurity Enhancement Act of 2015, the Federal statistical community will implement DHS' cybersecurity protection program, called Einstein.

The technology currently used to provide this protection against cyber malware electronically searches Internet traffic in and out of Federal civilian

agencies in real time for malware signatures. When such a signature is found, the Internet packets that contain the malware signature are shunted aside for further inspection by DHS personnel. Because it is possible that such packets entering or leaving a statistical agency's information technology system may contain confidential statistical data, statistical agencies can no longer promise their respondents that their responses will be seen only by statistical agency personnel or their sworn agents. However, they can promise, in accordance with provisions of the Federal Cybersecurity Enhancement Act of 2015, that such monitoring can be used only to protect information and information systems from cybersecurity risks, thereby, in effect, providing stronger protection to the security and integrity of the respondents' submissions.

Accordingly, DHS and Federal statistical agencies have developed a Memorandum of Agreement for the installation of Einstein cybersecurity protection technology to monitor their Internet traffic.

In a separate **Federal Register** Notice, NSF notified the public that the confidentiality pledge for NCSES surveys was being revised, effective immediately. Table 1 contains a listing of the current numbers and information collection titles for those NSF programs whose confidentiality pledges will change to reflect the statutory implementation of DHS' Einstein monitoring for cybersecurity protection purposes. For the Information Collections listed in the table below, NSF statistical confidentiality pledges will be modified to include the following sentence, ''Per the Federal Cybersecurity Enhancement Act of 2015, your data are protected from cybersecurity risks through screening of the systems that transmit your data.''

TABLE 1—CURRENT PRA OMB NUMBERS, EXPIRATION DATES, AND INFORMATION COLLECTION TITLES INCLUDED IN THIS NOTICE

OMB Control No.	Expiration date	Information collection title
3145–0101	08/31/2018	Survey of Science and Engineering Research Facilities (Facilities).
3145–0019	05/31/2018	Survey of Earned Doctorates.
3145–0020	08/31/2018	Survey of Doctorate Recipients.
3145–0100	09/30/2019	Higher Education R&D Survey.
3145–0141 *	05/31/2018	National Survey of College Graduates.
3145–0174	07/31/2019	Generic Clearance of Survey Improvement Projects.
3145–0235	06/30/2017	Early Career Doctorates Survey.

* This information collection was also named in a **Federal Register** Notice from the U.S. Census Bureau (81 FR 94321), since that agency collects data on NSF's behalf.

Dated: February 2, 2017.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2017–02461 Filed 2–6–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on APR 1400; Notice of Meeting

The ACRS Subcommittee on APR 1400 will hold a meeting on February 24, 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:

Friday, February 24, 2017—8:30 a.m. until 12:00 p.m.

The Subcommittee will review the APR 1400 Safety Evaluation Report with Open Items—Chapter 12, ''Radiation Protection.'' The Subcommittee will hear presentations by and hold discussions with the NRC staff and Korea Hydro & Nuclear Power Company 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), Christopher Brown (Telephone 301–415–7111 or Email: *Christopher.Brown@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: February 1, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–02511 Filed 2–6–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Regulatory Policies and Practices; Notice of Meeting

The ACRS Subcommittee on Regulatory Policies and Practices will hold a meeting on February 24, 2017, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Friday, February 24, 2017—1:00 p.m. until 5:00 p.m.

The Subcommittee will review and comment on Draft Final RG 4.25, ''Assessment of Abnormal Radionuclide Discharges in Groundwater to the Unrestricted Area at Nuclear Power Plant Sites.'' 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), Derek Widmayer (Telephone 301–415–5375 or Email: *Derek.Widmayer@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: February 1, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–02514 Filed 2–6–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0003]

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; notice of opportunity to comment, request a hearing, and petition for leave to intervene; order imposing procedures.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of three amendment requests. The amendment requests are for Seabrook Station, Unit No. 1; Virgil C. Summer Nuclear Station, Units 2 and 3; and Limerick Generating Station, Unit 2. The NRC proposes to determine that each amendment request involves no significant hazards consideration. Because each amendment request contains sensitive unclassified non-safeguards information (SUNSI), an order imposes procedures to obtain access to SUNSI for contention preparation.

DATES: Comments must be filed by March 9, 2017. A request for a hearing must be filed by April 10, 2017. Any potential party as defined in § 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR) who believes access to SUNSI is necessary to respond to this notice must request document access by February 17, 2017.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0003. 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.

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: Lynn Ronewicz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1927, email: *Lynn.Ronewicz@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0003, facility name, unit number(s), plant docket number(s), application date, and subject 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–2017–0003.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by

email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0003, facility name, unit number(s), plant docket number(s), application date, and subject in your comment submission.

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 post all comment submissions at *http://www.regulations.gov,* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

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

II. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of amendments containing SUNSI.

III. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish a notice of issuance in the **Federal Register**. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. 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.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

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 April 10, 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, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof, does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. 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.

B. 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 *http://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.

NextEra Energy Seabrook LLC, Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: August 1, 2016, as supplemented by letter dated September 30, 2016. Publicly-available versions are available in ADAMS under Package Accession Nos. ML16216A250 and ML16279A047, respectively.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The amendment would revise the Seabrook Station Updated Final Safety Analysis Report to include methods for analyzing seismic Category I structures with concrete affected by an alkali-silica reaction.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment is requesting approval of changes to the updated final safety analysis report (UFSAR) to allow a new method to analyze Alkali-Silica Reaction (ASR) related loads. The new methodology will verify that affected structures continue to have the capability to withstand all applied loads used in the original design of Seabrook structures. The proposed changes do not impact the physical function of plant structures, systems, or components (SSCs) or the manner in which SSCs perform their design function. The proposed changes do not alter or prevent the ability of operable SSCs to perform their intended function to mitigate the consequences of an event within assumed acceptance limits.

The ASR-affected structures are not initiators of any accidents previously evaluated, and there are no accidents previously evaluated that involve a loss of structural integrity for seismic Category I structures. Approval of the UFSAR changes will demonstrate the structures affected by ASR will continue to maintain the capability to withstand all credible conditions of loading specified in the UFSAR.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment is requesting approval of changes to the UFSAR to allow the use of a new method to analyze ASR related loads to verify that affected structures continue to have the capability to withstand applied loads used in the original design of Seabrook structures, with the addition of ASR loads and loads previously considered negligible. Approving the use of the new methodology will not create the possibility of a new or different kind of accident previously evaluated. The new methodology will demonstrate that structures continue to satisfy the design requirements of the code of construction and other applicable requirements with the additional load from ASR. Structures will respond to applied loads consistent with their original design.

The proposed changes to the UFSAR do not challenge the integrity or performance of any safety-related systems. The changes do not alter the design, physical configuration, or method of operation of any plant SSC. No physical changes are made to the plant, other than as a result of the revised monitoring program, so no new causal mechanisms are introduced.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment is requesting approval of changes to the UFSAR to allow the use of a new method to analyze ASR related loads to verify that affected structures continue to have the capability to withstand all applied loads used in the original design of Seabrook structures.

The proposed methods for re-evaluating seismic Category I structures will demonstrate that structures satisfy the acceptance criteria in the current licensing basis when the loads associated with ASR expansion are included with other design loads and load combinations. The safety margin provided by the design codes in the current licensing basis will not be reduced since the proposed change is not requesting any change to the codes of record.

The proposed changes to the UFSAR do not affect the margin of safety associated with confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the level of radiation dose to the public. The proposed changes do not alter any safety analyses assumptions, safety limits, limiting safety system settings, or methods of operating the plant. The changes do not adversely impact plant operating margins or the reliability of equipment credited in the safety analyses. The proposed changes do not adversely affect systems that respond to safely shutdown the plant and to maintain the plant in a safe shutdown condition.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William Blair, Managing Attorney—Nuclear, Florida Power & Light Company, P.O. Box 14000, Juno Beach, Florida 33408–0420.

Acting NRC Branch Chief: Stephen S. Koenick.

South Carolina Electric and Gas Company, Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station, Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: November 28, 2016. A publicly-available version is available in ADAMS under Accession No. ML16334A199.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The requested amendment requires a change to the Combined License (COL) Appendix A, as well as plant-specific Tier 2, Tier 2 *, and COL Appendix C (and corresponding plant-specific Tier 1). The proposed changes would revise the licenses basis documents to add design detail to the automatic depressurization system (ADS) blocking device and to add the blocking device to the design of the in-containment refueling water storage tank injection squib valves actuation logic. An exemption request relating to the proposed changes to the AP1000 Design Control Document Tier 1 is included with the request.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below, with NRC staff edits in square brackets:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The AP1000 accident analysis previously evaluated a loss of coolant accident caused by an inadvertent ADS valve actuation. Adding design detail to the ADS blocking device, and applying the blocking device to the IRWST [in-containment refueling water storage tank] injection valves, does not impact this analysis. Using a blocking device on the ADS and IRWST injection valves is a design feature which further minimizes the probability of a loss of coolant accident caused by a spurious valve actuation. Furthermore, because the blocking device is designed to prevent a spurious valve actuation due to a software CCF [common cause failure] and does not adversely impact any existing design feature, it does not involve a significant increase in the probability of an accident previously evaluated.

The proposed amendment does not affect the prevention and mitigation of abnormal events, (*e.g.,* accidents, anticipated operation occurrences, earthquakes, floods, turbine missiles, and fires) or their safety or design analyses. This change does not involve containment of radioactive isotopes or any adverse effect on a fission product barrier. There is no impact on previously evaluated accidents source terms. The PMS [protection and safety monitoring system] is still able to actuate ADS and IRWST injection valves for plant conditions which require their actuation.

Therefore, the proposed amendment does not involve a significant increase in the consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve a new failure mechanism or malfunction, which affects an SSC [structure, system, or component] accident initiator, or interface with any SSC accident initiator or initiating sequence of events considered in the design and licensing bases. There is no adverse effect on radioisotope barriers or the release of radioactive materials. The proposed amendment does not adversely affect any accident, including the possibility of creating a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed changes do not create the possibility of a new or different type of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The blocking device is independent of PMS processor hardware and software. It is designed to allow for ADS and IRWST injection actuations when the plant parameters indicate an actual LOCA [loss-of-coolant accident] event. Therefore, the ADS and IRWST are still able to perform their safety functions when required. A postulated failure of a blocking device which would prevent necessary ADS and IRWST injection valve opening would be detected by the proposed periodic surveillance testing within the TSs [Technical Specifications]. Failure of the ADS actuation or IRWST injection valve opening in a division could also result from concurrent failure of the two Core Makeup Tanks (CMTs) level sensors in one division, with both sensors reading above the blocking setpoint. Failures of the level sensors would be immediately detected due to the deviations in redundant measurements. Furthermore, the proposed TS actions require that the four divisions of blocking devices be capable of automatically unblocking for each CMT. In addition, the TS require that the blocking devices be unblocked in plant modes which allow for the operability of less than two CMTs.

The blocking device will continue to comply with the existing UFSAR [Updated Final Safety Analysis Report] regulatory requirements and industry standards. The proposed changes would not affect any safety-related design code, function, design analysis, safety analysis input or result, or existing design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the requested changes.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW, Washington, DC 20004–2514.

NRC Branch Chief: Jennifer Dixon-Herrity.

Exelon Generation Company, LLC, Docket No. 50–353, Limerick Generating Station, Unit 2, Montgomery County, Pennsylvania

Date of amendment request: December 16, 2016. A publicly-available version is available in ADAMS under Accession No. ML16351A078.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The amendment would revise the Limerick Generating Station (LGS), Unit 2, Technical Specifications related to the safety limit minimum critical power ratios. The proposed changes result from a cycle-specific analysis performed to support the operation of LGS, Unit 2, in the upcoming Cycle 15.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below, with NRC staff edits in square brackets:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The derivation of the cycle specific Safety Limit Minimum Critical Power Ratios (SLMCPRs) for incorporation into the Technical Specifications (TS), and their use to determine cycle specific thermal limits, has been performed using the methodology discussed in NEDE–24011–P–A, ''General Electric Standard Application for Reactor Fuel,'' Revision 23 [ADAMS Accession No. ML16250A047].

The basis of the SLMCPR calculation is to ensure that during normal operation and during abnormal operational transients, at least 99.9% of all fuel rods in the core do not experience transition boiling if the limit is not violated. The new SLMCPRs preserve the existing margin to transition boiling.

The MCPR [minimum critical power ratio] safety limit is reevaluated for each reload using NRC-approved methodologies. The analyses for LGS, Unit 2 Cycle 15, have concluded that a two recirculation loop MCPR safety limit of ≥ 1.10, based on the

application of Global Nuclear Fuel's NRC-approved MCPR safety limit methodology, will ensure that this acceptance criterion is met. For single recirculation loop operation, a MCPR safety limit of ≥ 1.14 also ensures that this acceptance criterion is met. The MCPR operating limits are presented and controlled in accordance with the LGS, Unit 2, Core Operating Limits Report (COLR).

The requested TS changes do not involve any plant modifications or operational changes that could affect system reliability or performance or that could affect the probability of operator error. The requested changes do not affect any postulated accident precursors, do not affect any accident mitigating systems, and do not introduce any new accident initiation mechanisms.

Therefore, the proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The SLMCPR is a TS numerical value, calculated to ensure that during normal operation and during anticipated operational transients, at least 99.9% of all fuel rods in the core do not experience transition boiling if the limit is not violated. The new SLMCPRs are calculated using [the] NRC-approved methodology discussed in NEDE–24011–P–A, ''General Electric Standard Application for Reactor Fuel,'' Revision 23. The proposed changes do not involve any new modes of operation, any changes to setpoints, or any plant modifications. The proposed revised MCPR safety limits have been shown to be acceptable for Cycle 15 operation. The core operating limits will continue to be developed using NRC-approved methods. The proposed MCPR safety limits or methods for establishing the core operating limits do not result in the creation of any new precursors to an accident.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

There is no reduction in the margin of safety previously approved by the NRC as a result of the proposed change to the SLMCPRs. The new SLMCPRs are calculated using methodology discussed in NEDE–24011–P–A, ''General Electric Standard Application for Reactor Fuel,'' Revision 23. The SLMCPRs ensure that during normal operation and during anticipated operational transients, at least 99.9% of all fuel rods in the core do not experience transition boiling if the limit is not violated, thereby preserving the fuel cladding integrity.

Therefore, the proposed TS changes do not involve a significant reduction in the margin of safety previously approved by the NRC.

The NRC staff has reviewed the licensee's analysis and, based on this review, and with the changes noted above in square brackets, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, Illinois 60555.

Acting NRC Branch Chief: Stephen S. Koenick.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

NextEra Energy Seabrook LLC, Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

South Carolina Electric and Gas Company, Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station, Units 2 and 3, Fairfield County, South Carolina

Exelon Generation Company, LLC, Docket No. 50–353, Limerick Generating Station, Unit 2, Montgomery County, Pennsylvania

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request access to SUNSI. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requester's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requester may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 24th of January, 2017.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[3] Requesters should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

[FR Doc. 2017–01933 Filed 2–6–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

International Product Change—ADP 1 Contracts

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add Alternative Delivery Provider 1 product to the Competitive Products List.

DATES: *Effective date:* February 7, 2017.

FOR FURTHER INFORMATION CONTACT: Lauren Schuttloffel, (202) 268–4198.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642, on January 30, 2017, it filed with the Postal Regulatory Commission a Request of the United States Postal Service to Add Alternative Delivery Provider 1 Contracts to the Competitive Products List, and Notice of Filing (Under Seal) of Contract and Application for Non-Public Treatment of Materials Filed Under Seal. Documents are available at *www.prc.gov,* Docket Nos. MC2017–82 and CP2017–111.

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2017–02439 Filed 2–6–17; 8:45 am]

BILLING CODE 7710–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79916; File No. SR–NYSEArca–2017–05]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Relating to the Listing and Trading of Shares of the Direxion Daily Crude Oil Bull 3x Shares and Direxion Daily Crude Oil Bear 3x Shares Under NYSE Arca Equities Rule 8.200

February 1, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 23, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade the shares of the following under NYSE Arca Equities Rule 8.200, Commentary .02 (''Trust Issued Receipts''): Direxion Daily Crude Oil Bull 3x Shares and Direxion Daily Crude Oil Bear 3x Shares. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of the following under NYSE Arca Equities Rule 8.200, Commentary .02, which governs the listing and trading of Trust Issued Receipts: Direxion Daily Crude Oil Bull 3x Shares and Direxion Daily Crude Oil Bear 3x Shares (each a ''Fund'' and, collectively, the ''Funds'').[4]

Each Fund is a series of the Direxion Shares ETF Trust II (the ''Trust''), a Delaware statutory trust.[5] The Trust and the Funds are managed and controlled by Direxion Asset Management, LLC (the ''Sponsor''). The Sponsor is registered as a commodity pool operator (''CPO'') with the Commodity Futures Trading Commission (''CFTC'') and is a member of the National Futures Association (''NFA'').[6]

In its capacity as the Custodian for the Funds, Bank of New York Mellon (the ''Custodian'') may hold the Funds' investment assets and cash and cash equivalents pursuant to a custodial agreement. The Custodian is also the transfer agent for the Shares. In addition, in its capacity as Administrator for the Funds, U.S. Bancorp Fund Services, LLC (the ''Administrator'') prepares and files certain regulatory filings on behalf of the Funds.

Foreside Fund Services, LLC serves as the distributor of the Shares (the ''Distributor''). The Distributor is a broker-dealer registered with the Commission under the Securities Exchange Act of 1934 and a member of the Financial Industry Regulatory Authority (''FINRA''). The Trust offers Shares of the Funds for sale through the Distributor in ''Creation Units'', as described below. The Distributor will also assist the Sponsor and administrator with certain functions and duties relating to distribution and marketing.

Direxion Daily Crude Oil Bull 3x Shares

According to the Registration Statement, the investment objective of the Fund is to seek, on a daily basis, investment results that correspond (before fees and expenses) to a multiple three times (3x) of the daily performance of the Bloomberg WTI Crude Oil Subindex^{SM}, a subindex of the Bloomberg Commodity Index^{SM} (the

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Commentary .02 to NYSE Arca Equities Rule 8.200 applies to Trust Issued Receipts that invest in ''Financial Instruments.'' The term ''Financial Instruments,'' as defined in Commentary .02(b)(4) to NYSE Arca Equities Rule 8.200, means any combination of investments, including cash; securities; options on securities and indices; futures contracts; options on futures contracts; forward contracts; equity caps, collars, and floors; and swap agreements.

[5] The Trust is registered under the Securities Act of 1933. On December 14, 2016, the Trust filed with the Commission a registration statement on Form S–1 under the Securities Act of 1933 (15 U.S.C. 77a) (''Securities Act'') relating to the Funds (File No. 333–215091) (the ''Registration Statement''). The description of the operation of the Trust and the Funds herein is based, in part, on the Registration Statement.

[6] The Commission has previously approved listing of Trust Issued Receipts based on oil on the American Stock Exchange (now known as NYSE MKT LLC) and NYSE Arca. *See, e.g.,* Securities Exchange Act Release Nos. 53582 (March 31, 2006), 71 FR 17510 (April 6, 2006) (SR–Amex–2005–127) (order approving listing and trading of shares of United States Oil Fund, LP); 57188 (January 23, 2008), 73 FR 5607 (January 30, 2008) (SR–Amex–2007–70) (order approving listing and trading of shares of United States Heating Oil Fund, LP and United States Gasoline Fund, LP); 61881 (April 9, 2010), 75 FR 20028 (April 16, 2010) (SR–NYSEArca–2010–14) (order approving listing and trading of shares of United States Brent Oil Fund, LP); and 62527 (July 19, 2010), 75 FR 43606 (July 26, 2010) (order approving listing and trading of shares of United States Commodity Index Fund).

''Benchmark'').[7] The Benchmark is intended to reflect the performance of crude oil as measured by the price of West Texas Intermediate crude oil futures contracts traded on the New York Mercantile Exchange (the ''NYMEX,'' which is part of the Chicago Mercantile Exchange (''CME'')), including the impact of rolling,[8] without regard to income earned on cash positions. The Fund will not be directly linked to the ''spot'' price of crude oil. The Fund does not seek to achieve its investment objective over a period greater than a single trading day.[9]

Direxion Daily Crude Oil Bear 3x Shares

According to the Registration Statement, the investment objective of the Fund is to seek, on a daily basis, investment results that correspond (before fees and expenses) to three times (3x) the inverse of the performance of the Benchmark which, as noted, is intended to reflect the performance of crude oil as measured by the price of West Texas Intermediate crude oil futures contracts traded on the NYMEX. The Fund will not be directly linked to the ''spot'' price of crude oil. The Fund does not seek to achieve its investment objective over a period greater than a single trading day.[10]

Investment Strategies of the Funds

In seeking to achieve the Funds' investment objectives, the Sponsor will utilize a mathematical approach to determine the type, quantity and mix of investment positions that the Sponsor believes, in combination, should produce daily returns consistent with the Funds' respective objectives. The Sponsor would rely on a pre-determined model to generate orders that result in repositioning the Funds' investments in accordance with their respective investment objectives.

The Funds will seek to achieve their investment objectives by investing, under normal market conditions,[11] substantially all of its assets in oil futures contracts traded in the U.S. and listed options on such contracts (together, the ''Futures Contracts''). The Funds' investments in Futures Contracts will be used to produce economically ''leveraged'' or ''inverse leveraged'' investment results for the Funds.

In the event position or accountability limits are reached with respect to Futures Contracts, each Fund may obtain exposure to the Benchmark through investment in swap transactions and forward contracts referencing such Benchmark or other benchmarks the Sponsor believes should be closely correlated to the performance of each Fund's benchmark such as the Energy Select Sector Index or the S&P Oil & Gas Exploration & Production Select Industry Index (the ''Financial Instruments''). To the extent that the Trust invests in Financial Instruments, it would first make use of exchange-traded Financial Instruments, if available. If an investment in exchange-traded Financial Instruments is unavailable, then the Trust would invest in Financial Instruments that clear through derivatives clearing organizations that satisfy the Trust's criteria, if available. If an investment in cleared Financial Instruments is unavailable, then the Trust would invest in other Financial Instruments, including uncleared Financial Instruments in the over-the-counter (''OTC'') market. The Funds may also invest in Financial Instruments if the market for a specific futures contract experiences emergencies (*e.g.,* natural disaster, terrorist attack or an act of God) or disruptions (*e.g.,* a trading halt or a flash crash) that prevent or make it impractical for a Fund to obtain the appropriate amount of investment exposure using Futures Contracts.

The Funds will invest such that each Fund's exposure to the Benchmark will consist substantially of Futures Contracts. The Funds' remaining net assets, which may be substantial, may be invested in cash or cash equivalents and/or U.S. Treasury securities or other high credit quality, short-term fixed-income or similar securities (such as shares of money market funds and collateralized repurchase agreements) for direct investment or as collateral for the Funds' investments.

The Funds do not intend to hold Futures Contracts through expiration, but instead to ''roll'' their respective positions. When the market for these contracts is such that the prices are higher in the more distant delivery months than in the nearer delivery months, the sale during the course of the ''rolling process'' of the more nearby contract would take place at a price that is lower than the price of the more distant contract. This pattern of higher futures prices for longer expiration Futures Contracts is referred to as ''contango.'' Alternatively, when the market for these contracts is such that the prices are higher in the nearer months than in the more distant months, the sale during the course of the ''rolling process'' of the more nearby contract would take place at a price that is higher than the price of the more distant contract. This pattern of higher futures prices for shorter expiration futures contracts is referred to as ''backwardation.'' The presence of contango in certain Futures Contracts at the time of rolling could adversely affect a Fund with long positions, and positively affect a Fund with short positions. Similarly, the presence of backwardation in certain futures contracts at the time of rolling such contracts could adversely affect a Fund with short positions and positively affect a Fund with long positions.

According to the Registration Statement, U.S. future [sic] exchanges have established accountability levels and position limits on the maximum net long or net short Futures Contracts in commodity interests that any person or group of persons under common trading control (other than as a hedge, which an investment by a Fund is not) may hold, own or control. These levels and position limits apply to the Futures Contracts that each Fund would invest in to meet its investment objective. In addition to accountability levels and position limits, U.S. futures exchanges also set daily price fluctuation limits on Futures Contracts. The daily price fluctuation limit establishes the maximum amount that the price of a Futures Contract may vary either up or down from the previous day's settlement price.

The Funds do not expect to have leveraged exposure greater than three times (3x) the Funds' net assets. Thus, the maximum margin held at a Future Commission Merchant would not exceed three times the margin requirement for either Fund.

[7] According to the Registration Statement, the Bloomberg WTI Crude Oil Subindex℠ is a ''rolling index,'' which means that the Index does not take physical possession of any commodities. *See also* note 8, infra.

[8] According to the Registration Statement, futures contracts held by the Funds near expiration are generally closed out and replaced by contracts with a later expiration as required by the Bloomberg WTI Crude Oil Subindex℠. This process is referred to as ''rolling.'' The Funds do not intend to hold futures contracts through expiration, but instead to ''roll'' their respective positions.

[9] According to the Registration Statement, a single trading day is measured from the time a Fund calculates its NAV to the time of a Fund's next NAV calculation.

[10] According to the Registration Statement, the return of a Fund for a period longer than a single trading day is the result of its return for each day compounded over the period and thus will usually differ from a Fund's multiple times the return of the Benchmark for the same period.

[11] The term ''normal market conditions'' includes, but is not limited to, the absence of trading halts in the applicable financial markets generally; operational issues (*e.g.,* systems failure) causing dissemination of inaccurate market information; or force majeure type events such as natural or manmade disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

Net Asset Value

According to the Registration Statement, a Fund's per Share NAV will be calculated by taking the current market value of its total assets; subtracting any liabilities; and dividing that total by the total number of outstanding Shares. Each Fund's NAV will be calculated on each Business Day that the New York Stock Exchange LLC (''NYSE'') is open. Each Fund will compute its NAVs at 2:30 p.m. Eastern Time (''E.T.''), which is the designated closing time of the crude oil futures market on NYMEX,[12] or if the NYSE closes earlier than 2:30 p.m. E.T., each Fund will compute its NAVs at the time the NYSE closes. Each Fund's NAV will be calculated only once each trading day. Each Fund's daily NAV may be found at *www.direxioninvestments.com.*

In calculating the NAV of a Fund, the settlement value of a Fund's non-exchange traded Financial Instruments will be determined by applying the then-current prices for the applicable reference asset to the terms of such Fund's non-exchange traded Financial Instruments. However, in the event that an underlying reference asset is not trading due to the operation of daily limits or otherwise, the Sponsor may in its sole discretion choose to fair value the reference asset in order to value a Fund's non-exchange traded Financial Instruments for purposes of the NAV calculation. Such fair value prices would generally be determined based on available inputs about the current value of the underlying reference assets and would be based on principles that the Sponsor deems fair and equitable so long as such principles are consistent with normal industry standards.

Futures Contracts traded on a U.S. exchange will be calculated at their then current market value, which is based upon the settlement or the last traded price before the NAV calculation time, for that particular Futures Contract traded on the applicable exchange on the date with respect to which NAV is being determined; provided, that if a Futures Contract traded on an exchange could not be liquidated on such day, due to the operation of daily limits or other rules of the exchange upon which that position is traded or otherwise, the Sponsor may in its sole discretion choose to determine a fair value price as the basis for determining the market value of such position for such day.

Cash and cash equivalents will be valued on the basis of broker quotes or valuations provided by a third party pricing service.

Collateralized repurchase agreements will be valued based on price quotations or other equivalent indications of value provided by a third-party pricing service.

Indicative Fund Value

In order to provide updated information relating to the Funds for use by investors and market professionals, the Exchange will calculate an updated ''Indicative Fund Value'' (''IFV''). The IFV will be calculated by using the prior day's closing net assets of a Fund as a base and updating throughout the Exchange's Core Trading Session of 9:30 a.m. E.T. to 4:00 p.m. E.T. changes in the value of the Futures Contracts and Financial Instruments held by a Fund.

The IFV will be disseminated on a per Share basis every 15 seconds during the Exchange's Core Trading Session.

The IFV will be available through on-line information services.

Creation and Redemption of Shares

According to the Registration Statement, each Fund intends to create and redeem Shares in one or more Creation Units.[13] A creation transaction generally takes place when an Authorized Participant deposits generally a specified amount of cash in exchange for a specified number of Creation Units. Similarly, Shares can be redeemed only in Creation Units for cash. The prices at which creations and redemptions occur would be based on the next calculation of the NAV after an order is received.

Only Authorized Participants may purchase and redeem Creation Units. An Authorized Participant is an entity that has entered into an Authorized Participant Agreement with the Trust and the Sponsor.

Creation Procedures

On any ''Business Day'', an Authorized Participant may place an order with the Distributor to create one or more Creation Units. For purposes of processing both purchase and redemption orders, a ''Business Day'' means any day other than a day when any of the NYSE, NYSE Arca, the Chicago Board Options Exchange, Incorporated (''CBOE''), CBOE Futures Exchange (''CFE''), the Chicago Mercantile Exchange (''CME'') (including the Chicago Board of Trade and NYMEX) or the Intercontinental Exchange (''ICE'') or other exchange material to the valuation or operation of the Funds is closed for regular trading. Purchase orders must be placed by 2:30 p.m. E.T. or earlier if the NYSE closes before the cut-off time.

Redemption Procedures

According to the Registration Statement, the procedures by which an Authorized Participant can redeem one or more Creation Units mirror the procedures for the creation of Creation Units. On any Business Day, an Authorized Participant may place an order with the Distributor to redeem one or more Creation Units.

The redemption procedures allow Authorized Participants to redeem Creation Units. Individual shareholders may not redeem directly from a Fund. By placing a redemption order, an Authorized Participant agrees to deliver the Creation Units to be redeemed through the Depository Trust Company's (''DTC'') book entry system to the applicable Fund not later than noon E.T. on the first Business Day immediately following the redemption order date (T+1). The Sponsor reserves the right to extend the deadline for a Fund to receive the Creation Units required for settlement up to the third Business Day following the redemption order date (T+3).

Availability of Information

The NAV for the Funds' Shares will be disseminated daily to all market participants at the same time. The intraday, closing prices, and settlement prices of the Futures Contracts will be readily available from the applicable futures exchange Web sites, automated quotation systems, published or other public sources, or major market data vendors.

Complete real-time data for the Futures Contracts is available by subscription through on-line information services. ICE Futures U.S. and NYMEX also provide delayed futures and options on futures information on current and past trading sessions and market news free of charge on their respective Web sites. The specific contract specifications for Futures Contracts would also be available on such Web sites, as well as other financial informational sources. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the Consolidated Tape Association (''CTA''). Quotation information for cash equivalents and OTC swaps may be obtained from brokers and dealers who make markets in such instruments. Quotation information for exchange-traded swaps will be available from the applicable exchange and major market vendors. Intra-day price information for

[12] The normal trading hours of the NYMEX are 10:00 a.m. E.T. to 2:30 p.m. E.T.

[13] A Creation Unit is a block of 50,000 Shares of a Fund. Except when aggregated in Creation Units, the Shares are not redeemable securities.

forward contracts will be available from major market data vendors. The IFV will be available through on-line information services.

In addition, the Funds' Web site, *www.direxioninvestments.com,* will display the applicable end of day closing NAV. The daily holdings of each Fund will be available on the Funds' Web site before 9:30 a.m. E.T.[14] Each Fund's total portfolio composition will be disclosed each Business Day that NYSE Arca is open for trading, on the Funds' Web site. The Web site disclosure of portfolio holdings will be made daily and will include, as applicable, (i) the composite value of the total portfolio, (ii) the name, percentage weighting, and value of the Futures Contracts and Financial Instruments, (iii) the name and value of each Treasury security and cash equivalent, and (iv) the amount of cash held in each Fund's portfolio. The Funds' Web site will be publicly accessible at no charge. The spot price of oil also is available on a 24-hour basis from major market data vendors.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of a Fund.[15] Trading in Shares of a Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.

The Exchange may halt trading during the day in which an interruption to the dissemination of the IFV or the value of the Benchmark occurs. If the interruption to the dissemination of the IFV, the value of the [sic] or the value of the Benchmark persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption. In addition, if the Exchange becomes aware that the NAV with respect to the Shares is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4 a.m. to 8 p.m. E.T. in accordance with NYSE Arca Equities Rule 7.34 (Early, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.200. The trading of the Shares will be subject to NYSE Arca Equities Rule 8.200, Commentary .02(e), which sets forth certain restrictions on Equity Trading Permit (''ETP'') Holders acting as registered Market Makers in Trust Issued Receipts to facilitate surveillance. The Exchange represents that, for initial and continued listing, each Fund will be in compliance with Rule 10A–3 [16] under the Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares of each Fund will be outstanding at the commencement of trading on the Exchange.

Surveillance

The Exchange represents that trading in the Shares of each Fund will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[17] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares and certain Futures Contracts with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares and certain Futures Contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and certain Futures Contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement (''CSSA'').[18]

Not more than 10% of the net assets of a Fund in the aggregate invested in Futures Contracts shall consist of Futures Contracts whose principal market is not a member of the ISG or is a market with which the Exchange does not have a CSSA.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

All statements and representations made in this filing regarding (a) the description of the portfolios of the Funds or the Benchmark, and (b) limitations on portfolio holdings, reference assets or the Benchmark shall constitute continued listing requirements for listing the Shares on the Exchange.

The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Funds to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Equities Rule 5.5(m).

[14] The Web site disclosure of portfolio holdings will be made daily and will include, as applicable, (i) the composite value of the total portfolio, (ii) the name, percentage weighting, and value of the Futures Contracts and Financial Instruments, (iii) the name and value of each Treasury security and cash equivalent, and (iv) the amount of cash held in each Fund's portfolio.

[15] *See* NYSE Arca Equities Rule 7.12.

[16] 17 CFR 240.10A–3.

[17] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[18] For a list of the current members of ISG, *see www.isgportal.org.* The Exchange notes that not all components of a Fund may trade on markets that are members of ISG or with which the Exchange has in place a CSSA.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (1) The risks involved in trading the Shares during the Early and Late Trading Sessions when an updated IFV will not be calculated or publicly disseminated; (2) the procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (3) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (4) how information regarding the IFV is disseminated; (5) that a static IFV will be disseminated, between the close of trading on the ICE Futures U.S. and NYMEX and the close of the NYSE Arca Core Trading Session; (6) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (7) trading information.

Prior to the commencement of trading, the Exchange will inform its ETP Holders of the suitability requirements of NYSE Arca Equities Rule 9.2(a) in an Information Bulletin. Specifically, ETP Holders will be reminded in the Information Bulletin that, in recommending transactions in the Shares, they must have a reasonable basis to believe that (1) the recommendation is suitable for a customer given reasonable inquiry concerning the customer's investment objectives, financial situation, needs, and any other information known by such ETP Holder, and (2) the customer can evaluate the special characteristics, and is able to bear the financial risks, of an investment in the Shares. In connection with the suitability obligation, the Information Bulletin will also provide that ETP Holders must make reasonable efforts to obtain the following information: (1) The customer's financial status; (2) the customer's tax status; (3) the customer's investment objectives; and (4) such other information used or considered to be reasonable by such ETP Holder or registered representative in making recommendations to the customer.

Further, the Exchange states that FINRA has implemented increased sales practice and customer margin requirements for FINRA members applicable to inverse, leveraged and inverse leveraged exchange-traded securities (which include the Shares) and options on such securities, as described in FINRA Regulatory Notices 09–31 (June 2009), 09–53 (August 2009), and 09–65 (November 2009) (collectively, ''FINRA Regulatory Notices''). ETP Holders that carry customer accounts will be required to follow the FINRA guidance set forth in these notices. As noted above, each Fund will seek, on a daily basis, investment results that correspond (before fees and expenses) to 3x or −3x, respectively, the performance of the Benchmark). Over a period of time in excess of one day, the cumulative percentage increase or decrease in the NAV of the Shares of a Fund may diverge significantly from a multiple or inverse multiple of the cumulative percentage decrease or increase in the Benchmark due to a compounding effect.

In addition, the Information Bulletin will advise ETP Holders, prior to the commencement of trading, of the prospectus delivery requirements applicable to a Fund. The Information Bulletin will also discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. In addition, the Information Bulletin will reference that a Fund is subject to various fees and expenses described in the Registration Statement. The Information Bulletin will also reference that the CFTC has regulatory jurisdiction over the trading of Futures Contracts traded on U.S. markets.

The Information Bulletin will also disclose the trading hours of the Shares that the NAV for the Shares will be calculated after 2:30 p.m. E.T. each trading day. The Information Bulletin will disclose that information about the Shares will be publicly available on the Funds' Web site.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) [19] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.200. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, and certain Futures Contracts with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares and certain Futures Contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and certain Futures Contracts from markets and other entities that are members of ISG or with which the Exchange has in place a CSSA. Not more than 10% of the net assets of the Fund in the aggregate invested in Futures Contracts shall consist of Futures Contracts whose principal market is not a member of the ISG or is a market with which the Exchange does not have a CSSA. The intraday, closing prices, and settlement prices of the Futures Contracts will be readily available from the applicable futures exchange Web sites, automated quotation systems, published or other public sources, or major market data vendors Web site or on-line information services.

Complete real-time data for the Futures Contracts is available by subscription from on-line information services. ICE Futures U.S. and NYMEX also provide delayed futures information on current and past trading sessions and market news free of charge on their Web sites. The specific contract specifications for Futures Contracts would also be available on such Web sites, as well as other financial informational sources. Information regarding options will be available from the applicable exchanges or major market data vendors. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the CTA. In addition, the Funds' Web site, will display the applicable end of day closing NAV. Each Fund's total portfolio composition will be disclosed each Business Day, on the Funds' Web site. The Web site disclosure of portfolio holdings will be made daily and will include, as applicable, (i) the composite value of the total portfolio, (ii) the name, percentage weighting, and value of the

[19] 15 U.S.C. 78f(b)(5).

Futures Contracts and Financial Instruments, (iii) the name and value of each Treasury security and cash equivalent, and (iv) the amount of cash held in each Fund's portfolio.

Moreover, prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares and of the suitability requirements of NYSE Arca Equities Rule 9.2(a). The Information Bulletin will advise ETP Holders, prior to the commencement of trading, of the prospectus delivery requirements applicable to a Fund. The Information Bulletin will also discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. In addition, the Information Bulletin will reference that a Fund is subject to various fees and expenses described in the Registration Statement. The Information Bulletin will also reference that the CFTC has regulatory jurisdiction over the trading of Futures Contracts traded on U.S. markets. The Information Bulletin will also disclose the trading hours of the Shares and that the NAV for the Shares will be calculated after 2:30 p.m. E.T. each trading day. The Information Bulletin will disclose that information about the Shares will be publicly available on the Funds' Web site.

Trading in Shares of a Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of additional types of Trust Issued Receipts based on oil prices that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of additional types of Trust Issued Receipts based on oil prices and that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (a) By order approve or disapprove such proposed rule change; or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2017–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2017–05. 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 will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2017–05 and should be submitted on or before February 28, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02444 Filed 2–6–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79915; File No. SR–OCC–2017–801]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Advance Notice Concerning The Options Clearing Corporation's Margin Coverage During Times of Increased Volatility

February 1, 2016.

Pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled the Payment, Clearing, and Settlement Supervision Act of 2010 (''Payment, Clearing and Settlement Supervision Act'')[1] and Rule 19b–4(n)(1)(i) under the Securities Exchange Act of 1934 (''Act''),[2] notice is hereby given that on January 4, 2017, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') an advance notice described in Items I, II and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit

[20] 17 CFR 200.30–3(a)(12).

[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(1)(i).

comments on the advance notice from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Advance Notice

This proposed change by OCC would modify the current process for systematically monitoring market conditions and performing adjustments to its margin coverage when current market volatility increases beyond historically observed levels.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Advance Notice

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the advance notice and discussed any comments it received on the advance notice. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections A and B below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement on Comments on the Advance Notice Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed change and none have been received.

(B) Advance Notices Filed Pursuant to Section 806(e) of the Payment, Clearing, and Settlement Supervision Act

Purpose of the Proposed Change

OCC's margin methodology, the System for Theoretical Analysis and Numerical Simulations (''STANS''), is OCC's proprietary risk management system that calculates Clearing Members' [3] margin requirements.[4] STANS utilizes large-scale Monte Carlo simulations to forecast price movement and correlations in determining a Clearing Member's margin requirement.[5] The STANS margin requirement is a portfolio calculation at the level of Clearing Member legal entity marginable net positions tier account (tiers can be customer, firm, or market marker) and consists of an estimate of 99% 2-day expected shortfall and an add-on for model risk (the concentration/dependence stress test charge)

The majority of risk factors utilized in the STANS methodology are total returns on individual equity securities. Other risk factors considered include: Returns on equity indices; changes in the calibrated coefficients of a model describing the yield curve for U.S. government securities; ''returns'' on the nearest-to-expiration futures contracts of various kinds; and changes in foreign exchange rates. For the volatility of each risk factor, the Monte Carlo simulations use the greater of: (i) The short-term volatility level predicted by the model; and (ii) an estimate of its longer-run level. In between the monthly re-estimations of all the models, volatilities are automatically re-scaled to the greater of the short-term or the longer-run levels to mitigate pro-cyclicality [6] in the margin levels. (This daily volatility measure is called the ''uniform scale factor.'') The uniform scale factor is a multiplier used in connection with STANS calculations to account for, among other things, the difference between short-term and long-term volatility forecasts for equities. It is specifically defined as the ratio of long-run volatility (10Y+) over short-run volatility (2Y). It is used to ''scale up'' the short-run volatility of the securities (*e.g.,* IBM) that are subject to monthly update, in order to estimate long-run volatility. It is also used to capture data gaps between monthly updates.

An approach employed by OCC to mitigate pro-cyclicality within STANS is to estimate market volatility based on current market conditions (''current market estimate'') and compare this current market estimate to a long-run estimate of market volatility (''long-run market estimate''). This comparison utilizes certain market benchmarks (or factors), which serve as proxies for the overall volatility of an asset class or group of products. If the long-run market estimate for a factor is found to be greater than the current market estimate, the volatility estimates for all products tied to that factor are adjusted (or scaled) up in a manner proportionate to the relationship between the current market volatility and the long-run market volatility for that factor.

Current STANS includes a single factor (''uniform scale factor''), which serves as the proxy for the equity asset class. This uniform scale factor is calibrated based on changes in the volatility of the Standard & Poor's 500® Index (''SPX'') and applied to all ''equity-based products'' in the manner described above. Currently, the uniform scale factor is the only scale factor used in STANS. The proposed change is intended to enhance the STANS margin calculations by providing for the capability to increase the number of scale factors used within STANS in cases where a more appropriate proxy has been identified for a particular asset class or group of products to measure the relationship between current vs. long-run market volatility.

Summary of the Proposed Change

OCC proposes a number of enhancements to its STANS margin methodology that are designed to more accurately compute Clearing Member margin requirements to reflect the risk of Clearing Member portfolios. Specifically, OCC proposes to: (1) Adjust the longer-run volatility forecast used in OCC's computation of the uniform scale factor so that it would rely only on post-1957 price information (*i.e.,* price information since the introduction of the SPX) in order to more accurately account for the behavior of SPX returns only since the inception of the index; (2) expand the number of scale factors used for equity-based products to more accurately measure the relationship between current and long-run market volatility with proxies that correlate more closely to certain products carried within the equity asset class; (3) apply relevant scale factors to the greater of (i) the estimated variance of 1-day return scenarios or (ii) the historical variance of the daily return scenarios of a particular instrument, as a floor to mitigate procyclicality; and (4) implement processing changes that would update the statistical models for common factors related to Treasury securities on a daily basis. The proposed changes are discussed in more detail below.

OCC believes that the current approach to scale factors in STANS would be improved by providing the functionality to establish multiple scale factors intended to more accurately measure the relationship between current and long-run market volatility with proxies that correlate more closely to groups of products within an asset class (*e.g.,* Russell 1000 Index and Russell 1000 ETFs), which would enhance the accuracy of the margin requirements in STANS.[7] By

[3] *See* OCC By-Laws Article 1(C)(14).

[4] *See* Securities Exchange Act Release No. 53322 (February 15, 2006), 71 FR 9403 (February 23, 2006) (SR–OCC–2004–20). A detailed description of the STANS methodology is available at *http://optionsclearing.com/risk-management/margins/.*

[5] *See* OCC Rule 601.

[6] A quality that is positively correlated with the overall state of the economy is deemed to be pro-cyclical.

[7] In this case, accuracy is measured against backtesting results. Pursuant to OCC's Model Risk Management Policy, an accurate 99% value-at-risk model should expect exceedances at a rate of 1% per independent trial. If the exceedance rate is too high, the model is missing key risks; if the exceedance rate is too low, the model is not consistent with the organization's risk appetite. To

incorporating this process to scale margin coverages when current market volatility exceeds historically heightened levels that have been established to mitigate pro-cyclicality, OCC's margin methodology is able to expeditiously respond to severe changes in market volatility and thus better protect the integrity of our financial markets.

Scale Factor for Equity-Based Products

Current Uniform Scale Factor for Equity-Based Products

The uniform scale factor for the SPX roughly represents the ratio of OCC's estimates of the long-run market volatility to the forecast market volatility determined by most recent 24-month daily historical returns.[8] To determine the estimate of current market volatility, OCC relies on daily pricing information for equity securities and exchange-traded funds over a twenty-four month period ending with the last day of the immediately preceding month. To populate this twenty-four month time series, OCC relies on external vendors, with which it maintains redundant relationships for resiliency,[9] to adjust the daily pricing information to account for corporate actions involving these securities. This daily pricing information is received from its vendor(s) after the close of each month, at which time OCC updates its twenty-four month time series adding the new month and dropping the last month of data. This process of updating the time series on a monthly basis is referred to as a ''pending'' time series due to the batch process used to update the time series. The long-run time series used by the uniform scale factor is updated on a daily basis (*i.e.,* non-pending update) with pricing information for the SPX dating back to January 1, 1946. OCC calculates the uniform scale factor each business day by comparing the current market volatility, using pending price updates to the long-run time series using non-pending, or current, market prices.

The uniform scale factor is applied to all equity products and is used to adjust individual equity current market volatility estimates on a daily basis based on the comparison of the current market volatility and the long-run volatility estimate, which is updated daily. Should it be observed that the current market volatility is less than the long-run volatility, all products tied to the uniform scale factor will be adjusted higher based on the ratio of the long-run volatility estimate to the current market volatility estimate to account for the observed change in volatility. In addition, the uniform scale factor is also used to account for the fact that the distribution of returns for the SPX has a ''fat tail'' [10] because the scale factor seeks to match estimates of expected margin shortfalls under the scenarios in STANS for a hypothetical long position in the SPX.

The uniform scale factor resulting from the calculations described above is applied as a multiplier to hypothetical returns on a long portfolio of equities produced during the Monte Carlo market scenarios run within STANS. By ''scaling up'' hypothetical returns in this way, the uniform scale factor relies on an assumption that more recent behavior of SPX returns will provide an appropriate proxy for the volatility in equity price returns that occur between monthly updates of price data for the pending short-run time series. Accordingly, the uniform scale factor helps OCC set margin requirements that account for this proxy to ensure that Clearing Members maintain margin assets that would be sufficient in light of historical volatility of the SPX.

Proposed Changes to the Uniform Scale Factor for Equity-Based Products

The average longer-run volatility forecast used in OCC's computation of the uniform scale factor currently relies on daily pricing information for component securities of the SPX dating back to January of 1946. This time series predates, however, the 1957 introduction of the SPX. To accurately account for the behavior of SPX returns only since the inception of the index, OCC proposes to adjust the longer-run volatility forecast so that it would rely only on the post-1957 information. OCC believes that this approach would reduce model risk [11] and improve the quality of the data by avoiding the need to make assumptions related to the composition of the index before its actual development.[12]

Proposed New Scale Factors for Equity-Based Products

To more accurately measure the relationship between current and long-run market volatility with proxies that correlate more closely to certain products carried within the equity asset class, OCC proposes to expand the number of scale factors to include: (1) Russell 2000® Index (12/29/1978); (2) Dow Jones Industrial Average Index (9/23/1997); (3) NASDAQ–100 Index (2/4/1985) and (4) S&P 100 Index (1/2/1976).[13] While the SPX scale factor will continue to serve as the default scale factor for most equity products, the index options, futures and ETFs which map to these indexes will be assigned to these scale factors and whose current volatility estimates will be adjusted based on the aforementioned methodology.

Consistent with OCC's existing Margin Policy,[14] OCC will evaluate the performance and use of these scale factors and determine if changes to the mapping of products to scale factors or the addition of new scale factors are warranted. Prior to any changes being implemented OCC would present its findings to the Enterprise Risk Management Committee and obtain approval to make the recommended enhancements.

Proposed Anti-Procyclical Measure for Equity-Based Scale Factors

In order to mitigate against pro-cyclicality, OCC intends to apply the relevant scale factor to the greater of (i) the estimated variance of the 1-day return scenarios or (ii) the historical variance of the daily return scenarios of a particular instrument, as a floor. OCC believes this floor would mitigate pro-cyclicality in the relevant return scenarios because it would result in a higher estimate of volatility during periods of relatively lower market volatility than if only the estimated variance in (i) above was used.

the extent that the conditional variances of not all relevant risk factors move in lock-step to the conditional variance of SPX, multiple scale factors offers the opportunity to be more accurate.

[8] The uniform scale factor has been a part of STANS since it was installed in 2006. *See* Securities Exchange Act Release No. 53322 (February 15, 2006), 71 FR 9403 (February 23, 2006) (SR–OCC–2004–20).

[9] Specifically, OCC maintains both a primary and backup data center that receive live price feeds from multiple price vendors. In the event of service disruption OCC is able to transition to an alternate data center and/or pricing vendor, as applicable.

[10] A fat-tailed distribution is a probability distribution that exhibits large skewness or kurtosis. Compared with a standard normal distribution or bell curve, it has a higher probability of occurrence of extreme events.

[11] OCC defines ''model risk'' as the potential for adverse consequences of incorrect or misused model outputs and reports.

[12] As defined in OCC's Model Risk Management Policy, Model Risk, in the sense of material exposure to the consequences of poor assumptions, is reduced by making models adhere accurately to observed phenomena. In this case, by reducing the role of the uniform scale factor as a proxy between monthly updates of univariate models for risk factors and by allowing certain risk factors to bypass the monthly update process, as described below, OCC believes that this proposed change would reduce model risk.

[13] The dates in parentheticals are the dates from which OCC has historical data on the specified index.

[14] OCC's Margin Policy describes OCC's approach to prudently managing market and credit exposures presented by its Clearing Members.

Proposed Daily Statistical Updates for the Treasury Yield Curve Model

In addition to implementing the scale factors described above, OCC is also proposing to implement processing changes that would update the statistical models for common factors related to Treasury securities on a daily basis. These model changes would allow OCC to monitor and respond to material changes in the volatility of Treasury securities while also mitigating pro-cyclicality without implementing a scale factor specific to Treasury securities. OCC believes that updating its Treasury securities models on a daily basis is a more appropriate way to monitor and respond to material changes in the volatility of Treasury securities while also mitigating pro-cyclicality since the Treasury yield curve model is relatively less complex, with only three factors, and the structure of the Treasuries securities model does not lend itself to a returns-based scale factor (as is used with equity and volatility derivatives, as described above).

Specifically, OCC is proposing to enhance its existing yield curve model that OCC uses to project U.S. Treasury security returns, which is updated monthly. The model contains underlying data set and time series information for Treasury securities, which run from February 4, 2008 (based on available historical data) and, after implementing the proposed enhancements, the model would be updated on a daily basis as new data and time series information becomes available. The proposed enhancements would promote a more accurate approach to margining within STANS, as it relates to Treasury securities, particularly when markets are volatile because the daily statistical updates would prevent the model from becoming stale between monthly updates.

Impact Analysis and Outreach

Based on simulation testing for the period from January 14, 2015, to March 6, 2015, risk margins (*i.e.,* expected shortfall plus the concentration/dependence add-on) would have been approximately 5.2% higher in aggregate as a consequence of these changes. This is mostly due to higher coverage for the Russell 2000 Index and index ETF products under the new methodology.

In order to inform Clearing Members of the proposed change, OCC provided a general update at a recent OCC Roundtable [15] meeting and would continue to provide updates at Roundtable meetings on a quarterly basis going forward. In addition, OCC would publish an Information Memorandum to all Clearing Members describing the proposed change and will provide additional periodic Information Memoranda updates prior to the implementation date. OCC would also provide at least thirty days prior notice to Clearing Members before implementing the change. Additionally, OCC would perform targeted and direct outreach with Clearing Members that would be most impacted by the proposed change and OCC would work closely with such Clearing Members to coordinate the implementation and associated funding for such Clearing Members resulting from the proposed change.[16] Finally, OCC would discuss the proposed change with its cross-margin clearing house partners to ensure they are aware of the proposed change.[17]

Consistency With the Payment, Clearing and Settlement Supervision Act

OCC believes that the proposed change concerning scale factors described above is consistent with Section 805(b)(1) of the Payment, Clearing and Settlement Supervision Act [18] because the proposed change would promote robust risk management.

The proposed model changes described above would enhance the manner in which OCC computes margin requirements for Clearing Members. Specifically, the proposed changes to the uniform scale factor for equity-based products to rely only on post-1957 information would reduce model risk and improve the quality of data by avoiding unnecessary assumptions related to the composition of the SPX before its inception. The proposed four new scale factors for equity-based products would more accurately measure the relationship between current and long-run market volatility with proxies that are correlated more closely to certain products within the equity asset class. The proposed daily statistical updates for the Treasury yield curve model would allow OCC to monitor and response to material changes in the volatility of Treasury securities while also mitigating pro-cyclicality. Taken together, the changes to the uniform scale factor, the addition of new equity based scale factors, and the introduction of daily statistical updates for the Treasury yield curve model would cause STANS to more accurately compute Clearing Member margin requirements to reflect the risk of Clearing Member portfolios thereby promoting robust risk management in that the risk that Clearing Member margin assets would be insufficient should OCC need to use such assets to close-out the positions of a defaulted Clearing Member would be reduced. Further, the proposed changes would promote robust risk management by making it less likely that the default of a Clearing Member would stress the financial resources available to OCC, which include mutualized resource funds deposited by non-defaulting Clearing Members as Clearing Fund.

Anticipated Effect on and Management of Risk

OCC believes that the proposed changes would reduce the nature and level of risk presented to OCC because, in several respects, the modification of the uniform scale factor used in STANS and the introduction of new scale factors would increase the accuracy of OCC's margin calculations. First, OCC would simplify its process for establishing the uniform scale factor by basing it on the one-day variances [19] of the SPX returns, rather than an approximation of the margin coverage on a hypothetical position in the SPX. OCC believes that this simplified approach would mitigate operational and regulatory risks by making the approach to the uniform scale factor less complex and more readily understood by OCC's staff, regulators and other parties interested in OCC's risk management framework.

For use with certain exchange-traded funds, OCC proposes to implement in STANS four new scale factors that would be based on the Russell 2000® Index, Dow Jones Industrial Average Index, NASDAQ–100 Index and S&P 100 Index. The separately forecasted volatility for each of these indexes would be represented in the resulting scale factor. OCC believes applying a scale factor based on an index to which certain exchange-traded funds are more

[15] The OCC Roundtable was established to bring Clearing Members, exchanges and OCC together to discuss industry and operational issues. It is comprised of representatives of the senior OCC staff, participant exchanges and Clearing Members, representing the diversity of OCC's membership in industry segments, OCC-cleared volume, business type, operational structure and geography.

[16] Specifically, OCC will discuss with those Clearing Members how they plan to satisfy any increase in their margin requirements associated with the proposed change.

[17] Cross-margin accounts are not uniquely affected by the proposed change and would be affected by the proposed change in the same manner as any other type of OCC account.

[18] 12 U.S.C. 5464(b)(1).

[19] The one-day conditional variance of a risk factor is the variance of the one-day innovation (typically a log-return) one day into the future in the sense of random variables (*i.e.,* based on an indexed filtration and a probability measure).

closely correlated than the SPX would mitigate risk because it would enhance the accuracy of margin requirements in STANS.

Under the proposed change, a floor of the sample variance would be introduced with respect to each scale factor. The sample variance floor would mitigate pro-cyclicality risk in the relevant return scenarios because it would potentially result in the collection of more margin during periods of relatively lower market volatility. In the absence of using the sample variance as a floor, the margin collected could drop significantly during periods of low volatility and then dramatically increase when, between monthly updates to a pending time series, market events cause increases in the variance of the underlying data set for the scale factor.

OCC would also implement processing changes that would update the statistical models for common factors related to Treasury securities on a daily basis. These model changes would allow OCC to monitor and respond to material changes in the volatility of Treasury securities while also mitigating pro-cyclicality. The proposed enhancements would promote a more accurate approach to margining within STANS, as it relates to Treasury securities, particularly when markets are volatile because the daily statistical updates would mitigate the risk that the model would become stale between monthly updates.

For the foregoing reasons, OCC believes that the proposed change would enhance OCC's management of risk and reduce the nature or level of risk presented to OCC.

III. Date of Effectiveness of the Advance Notice and Timing for Commission Action

The proposed change may be implemented if the Commission does not object to the proposed change within 60 days of the later of (i) the date the proposed change was filed with the Commission or (ii) the date any additional information requested by the Commission is received. OCC shall not implement the proposed change if the Commission has any objection to the proposed change.

The Commission may extend the period for review by an additional 60 days if the proposed change raises novel or complex issues, subject to the Commission or the Board of Governors of the Federal Reserve System providing the clearing agency with prompt written notice of the extension. A proposed change may be implemented in less than 60 days from the date the advance notice is filed, or the date further information requested by the Commission is received, if the Commission notifies the clearing agency in writing that it does not object to the proposed change and authorizes the clearing agency to implement the proposed change on an earlier date, subject to any conditions imposed by the Commission.

OCC shall post notice on its Web site of proposed changes that are implemented.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the advance notice is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–OCC–2017–801 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–OCC–2017–801. 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 advance notice that are filed with the Commission, and all written communications relating to the advance notice between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *http://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_17_801.pdf.*

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–OCC–2017–801 and should be submitted on or before February 28, 2017.

By the Commission.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02443 Filed 2–6–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79913; File No. SR–PEARL–2017–01]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish MIAX PEARL Top of Market (''ToM'') and MIAX PEARL Liquidity Feed (''PLF'') Data Products

February 1, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 19, 2017, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to establish certain market data products. The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings/pearl,* at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to establish the MIAX PEARL Top of Market (''ToM'') and MIAX PEARL Liquidity Feed (''PLF'') data products.

ToM provides market participants with a direct data feed that includes the Exchange's best bid and offer, with aggregate size, and last sale information, based on order and quoting interest on the Exchange. The ToM data feed includes data that is identical to the data sent to the processor for the Options Price Reporting Authority (''OPRA''). The ToM and OPRA data leave the MIAX PEARL System [3] at the same time, as required under Section 5.2(c)(iii)(B) of the Limited Liability Company Agreement of the Options Price Reporting Authority LLC (the ''OPRA Plan''), which prohibits the dissemination of proprietary information on any more timely basis than the same information is furnished to the OPRA system for inclusion in OPRA's consolidated dissemination of options information. ToM will also contain a feature that provides the number of Priority Customer [4] contracts that are included in the size associated with the Exchange's best bid and offer.

PLF is a real-time full order book data feed that provides information for orders on the MIAX PEARL order book. PLF will provide real-time information to enable users to keep track of the simple order book for all symbols listed on MIAX PEARL. PLF will provide the following real-time data to its users with respect to each order for the entire order book: Origin, limit price, side, size, and time-in-force (*e.g.,* day, GTC). It is a compilation of data for orders residing on the Exchange's order book for options traded on the Exchange that the Exchange provides through a real-time multi-cast data feed. The Exchange updates the information upon receipt of each order or change in status to any order resting on the book (*e.g.,* routing, trading, or cancelling of the order).

PLF will provide subscribers with specific order book data that should enhance their ability to analyze market conditions, and to create and test trading models and analytical strategies. The Exchange believes the PLF is a valuable tool that subscribers can use to gain comprehensive insight into the limit order book in a particular option.

The proposed data products provide valuable information that can help subscribers make informed investment decisions, and operate in the same manner as similar data products offered by the Miami International Securities Exchange, LLC (''MIAX Options''), namely the MIAX Options Top of Market data product (''MIAX ToM'') [5] and the MIAX Options Order Feed data product (''MOR'').[6] Each of these proposed data products is available to members and non-members, and to both professional and non-professional subscribers.

The Exchange represents that it will make ToM and PLF equally available to any market participant that wishes to subscribe to it. The Exchange will establish monthly fees for the ToM data product and the PLF data product by way of separate proposed rule changes, which the Exchange will submit after the ToM and PLF products are established.

2. Statutory Basis

MIAX PEARL believes that its proposed rule change is consistent with Section 6(b) of the Act [7] in general, and furthers the objectives of Section 6(b)(5) of the Act [8] 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 ToM market data product is designed to promote just and equitable principles of trade by providing all subscribers with top of market data that includes the Exchange's best bid and offer, with aggregate size, and last sale information, based on order and quoting interest on the Exchange that should enable them to make informed decisions on trading on MIAX PEARL by using the ToM data to assess current market conditions that directly affect such decisions.

The PLF market data product is designed to promote just and equitable principles of trade by providing all subscribers with limit order book data that should enable them to make informed decisions on trading MIAX PEARL options by using the PLF data to assess current market conditions that directly affect such decisions.

The proposed ToM and PLF market data products facilitate transactions in securities, remove impediments to and perfect the mechanisms of a free and open market and a national market system by enhancing the subscriber's ability to make decisions on trading strategy and by providing data which should help bring about such decisions in a timely manner to the protection of investors and the public interest. The market data provided by both ToM and PLF removes impediments to, and is designed to further perfect, the mechanisms of a free and open market and a national market system by making the MIAX PEARL market more transparent and accessible to market participants making routing decisions concerning their options orders. The Exchange notes that the data provided on each of these data products are similar to and provide the same data as provided by data products of MIAX Options with respect to options traded on that exchange.[9] The Exchange believes that it is in the public interest to make similar information available with respect to options traded on MIAX PEARL.

The proposed ToM and PLF market data products are also designated to protect investors and the public interest by providing data to subscribers that is already currently available on other

[3] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[4] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer insecurities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Exchange Rule 100.

[5] For a complete description of the MIAX Options ToM data product, *see* Securities Exchange Act Release No. 69007 (February 28, 2013), 78 FR 14617 (March 6, 2013) (SR–MIAX–2013–05); Securities Exchange Act Release No. 69518 (May 6, 2013), 78 FR 27462 (May 10, 2013) (SR–MIAX–2013–18); Securities Exchange Act Release No. 73395 (October 21, 2014), 79 FR 63979 (October 27, 2014) (SR–MIAX–2014–53).

[6] For a complete description of the MOR data product, *see* Securities Exchange Act Release No. 74759 (April 17, 2015), 80 FR 22749 (April 23, 2015) (SR–MIAX–2015–28).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *See supra* notes 5 and 6.

competing exchanges which are similar to MIAX PEARL [10] and will enable MIAX PEARL to compete with such other exchanges, thereby offering market participants with additional data in order to seek the market center with the best price and the most liquidity on which to execute their transactions, all to the benefit of investors and the public interest, and to the marketplace as a whole.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. On the contrary, the Exchange believes that the new market data products will enhance competition in the U.S. options markets by providing users of MIAX PEARL market data products that are similar to that which are currently provided on other competing options exchanges.[11]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6) [13] thereunder.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange has noted that waiving the operative delay would enable the Exchange to make the ToM and PLF market data products available to subscribers at the time of the launch of trading on the Exchange, which is scheduled for February 6, 2017. The Exchange has further argued that this would enable the Exchange to better compete with other exchanges by offering market participants additional data in order to seek the market center with the best prices and the most liquidity on which to execute their transactions. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, because such waiver will enable the Exchange to begin offering these data products at the time of the launch of trading on the Exchange. In addition, as noted by the Exchange, the proposal is consistent with the rules of other self-regulatory organizations previously approved by the Commission.[14] For these reasons, the Commission designates the proposed rule change as operative upon filing.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–PEARL–2017–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–PEARL–2017–01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PEARL–2017–01 and should be submitted on or before February 28, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02441 Filed 2–6–17; 8:45 am]

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[10] ISE Gemini, LLC (''Gemini'') is a maker-taker pricing model exchange similar to MIAX PEARL and has similar data products to ToM and PLF available to Gemini's users, including the ISE Gemini TOP Quote and ISE Gemini Order Feed. *See* ISE Gemini Fee Schedule Sections V.A (ISE Gemini Order Feed) and V.B (ISE Gemini TOP Quote); *see* Securities Exchange Act Release No. 71087 (December 17, 2013), 78 FR 77545 (December 23, 2013) (SR–Topaz–2013–17).

[11] *Id.*

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 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.

[14] *See supra* notes 5 and 6.

[15] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79917; File No. SR–NYSEArca–2017–07]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Relating to the Listing and Trading of Shares of the ProShares UltraPro 3x Crude Oil ETF and ProShares UltraPro 3x Short Crude Oil ETF Under NYSE Arca Equities Rule 8.200

February 1, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 26, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade the shares of the following under NYSE Arca Equities Rule 8.200, Commentary .02 (''Trust Issued Receipts''): ProShares UltraPro 3x Crude Oil ETF and ProShares UltraPro 3x Short Crude Oil ETF. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of the following under NYSE Arca Equities Rule 8.200, Commentary .02, which governs the listing and trading of Trust Issued Receipts: ProShares UltraPro 3x Crude Oil ETF and ProShares UltraPro 3x Short Crude Oil ETF (each a ''Fund'' and, collectively, the ''Funds'').[4]

Each Fund is a series of the ProShares Trust II (the ''Trust''), a Delaware statutory trust.[5] The Trust and the Funds are managed and controlled by ProShare Capital Management LLC (''ProShare Capital''). ProShare Capital is registered as a commodity pool operator (''CPO'') with the Commodity Futures Trading Commission (''CFTC'') and is a member of the National Futures Association (''NFA'').[6]

In its capacity as the Custodian for the Funds, Brown Brothers Harriman & Co. (the ''Custodian'') is responsible for holding and safekeeping the Funds' investment assets and cash and/or cash equivalents pursuant to a custodial agreement. The Custodian is also the registrar and transfer agent for the Shares. In addition, in its capacity as Administrator for the Funds, Brown Brothers Harriman & Co. (the ''Administrator'') performs certain administrative and accounting services for the Funds and prepares certain Commission, NFA and CFTC reports on behalf of the Funds. In its capacity as Distributor for the Funds, SEI Investments Distribution Co. (the ''Distributor'') performs functions and duties relating to distribution and marketing.

ProShares UltraPro 3x Crude Oil ETF

According to the Registration Statement, the investment objective of the Fund is to seek, on a daily basis, investment results that correspond (before fees and expenses) to three times (3x) the performance of the Bloomberg WTI Crude Oil Subindex℠ (the ''Benchmark'').[7] The Fund does not seek to achieve its investment objective over a period greater than a single trading day.[8] The Benchmark is intended to reflect the performance of crude oil as measured by the price of futures contracts of West Texas Intermediate sweet, light crude oil traded on the New York Mercantile Exchange (the ''NYMEX'', which is part of the CME Group, Inc. (''CME'')), including the impact of rolling, without regard to income earned on cash positions.

ProShares UltraPro 3x Short Crude Oil ETF

According to the Registration Statement, the investment objective of the Fund is to seek, on a daily basis, investment results that correspond (before fees and expenses) to three times (3x) the inverse of the performance of the Benchmark. The Fund does not seek to achieve its investment objective over a period greater than a single trading day.

Investment Strategies of the Funds

In seeking to achieve the Funds' investment objectives, ProShare Capital will utilize a mathematical approach to determine the type, quantity and mix of investment positions that ProShare Capital believes, in combination, should produce daily returns consistent with the Funds' respective objectives. ProShare Capital would rely on a pre-determined model to generate orders that result in repositioning the Funds'

[4] Commentary .02 to NYSE Arca Equities Rule 8.200 applies to Trust Issued Receipts that invest in ''Financial Instruments.'' The term ''Financial Instruments,'' as defined in Commentary .02(b)(4) to NYSE Arca Equities Rule 8.200, means any combination of investments, including cash; securities; options on securities and indices; futures contracts; options on futures contracts; forward contracts; equity caps, collars, and floors; and swap agreements.

[5] The Trust is registered under the Securities Act of 1933. On December 9, 2016, the Trust filed with the Commission a registration statement on Form S–1 under the Securities Act of 1933 (15 U.S.C. 77a) (''Securities Act'') relating to the Funds (File No. 333–214904) (the ''Registration Statement''). The description of the operation of the Trust and the Funds herein is based, in part, on the Registration Statement.

[6] The Commission has previously approved listing of Trust Issued Receipts based on oil on the American Stock Exchange (now known as NYSE MKT LLC) and NYSE Arca. *See, e.g.,* Securities Exchange Act Release Nos. 53582 (March 31, 2006), 71 FR 17510 (April 6, 2006) (SR–Amex–2005–127) (order approving listing and trading of shares of United States Oil Fund, LP); 57188 (January 23, 2008), 73 FR 5607 (January 30, 2008) (SR–Amex–2007–70) (order approving listing and trading of shares of United States Heating Oil Fund, LP and United States Gasoline Fund, LP); 61881 (April 9, 2010), 75 FR 20028 (April 16, 2010) (SR–NYSEArca–2010–14) (order approving listing and trading of shares of United States Brent Oil Fund, LP); and 62527 (July 19, 2010), 75 FR 43606 (July 26, 2010) (order approving listing and trading of shares of United States Commodity Index Fund).

[7] According to the Registration Statement, the Bloomberg WTI Crude Oil Subindex℠ is a ''rolling index,'' which means that the Index performance includes the impact of closing out futures contracts that are nearing expiration and replacing them with futures contracts with later expirations. This process is commonly referred to as ''rolling.''

[8] According to the Registration Statement, the return of a Fund for a period longer than a single trading day is the result of its return for each day compounded over the period and thus will usually differ from a Fund's multiple times the return of the Benchmark for the same period.

investments in accordance with their respective investment objectives.

Each Fund will seek to achieve its respective investment objective by investing, under normal market conditions,[9] substantially all of its assets in futures contracts for West Texas Intermediate sweet, light crude oil traded on the NYMEX, ICE Futures U.S. or other U.S. exchanges and listed options on such contracts (together, the ''Futures Contracts''). The Funds will not invest directly in oil. A Fund's investments in Futures Contracts will be used to produce economically ''leveraged'' or ''inverse leveraged'' investment in a manner consistent with the respective Fund's investment objective.

In the event position, price or accountability limits are reached with respect to Futures Contracts,[10] each Fund may obtain exposure to the Benchmark through investment in swap transactions and forward contracts referencing such Benchmark (the ''Financial Instruments''). To the extent that a Fund invests in Financial Instruments, it would first make use of exchange-traded Financial Instruments, if available. If an investment in exchange-traded Financial Instruments is unavailable, then a Fund would invest in Financial Instruments that clear through derivatives clearing organizations that satisfy the Trust's criteria, if available. If an investment in cleared Financial Instruments is unavailable, then a Fund would invest in other Financial Instruments, including uncleared Financial Instruments in the over-the-counter (''OTC'') market. The Funds may also invest in Financial Instruments if the market for a specific Futures Contract experiences emergencies (*e.g.,* natural disaster, terrorist attack or an act of God) or disruptions (*e.g.,* a trading halt) that prevent or make it impractical for a Fund to obtain the appropriate amount of investment exposure using Futures Contracts.

Although each Fund, under normal market conditions, will invest substantially all of its assets in Futures Contracts, each Fund will also hold cash or cash equivalents, such as U.S. Treasury securities or other high credit quality, short-term fixed-income or similar securities (such as shares of money market funds and collateralized repurchase agreements) pending investment in Futures Contracts or Financial Instruments as collateral for the Funds' investments.

The Funds do not intend to hold Futures Contracts through expiration, but instead intend to ''roll'' their respective positions. When the market for these contracts is such that the prices are higher in the more distant delivery months than in the nearer delivery months, the sale during the course of the ''rolling process'' of the more nearby contract would take place at a price that is lower than the price of the more distant contract. This pattern of higher futures prices for longer expiration Futures Contracts is referred to as ''contango.'' Alternatively, when the market for these contracts is such that the prices are higher in the nearer months than in the more distant months, the sale during the course of the ''rolling process'' of the more nearby contract would take place at a price that is higher than the price of the more distant contract. This pattern of higher futures prices for shorter expiration futures contracts is referred to as ''backwardation.'' The presence of contango in certain futures contracts at the time of rolling could adversely affect a Fund with long positions, and positively affect a Fund with short positions. Similarly, the presence of backwardation in certain futures contracts at the time of rolling such contracts could adversely affect a Fund with short positions and positively affect a Fund with long positions.

The Funds do not expect to have exposure to Futures Contracts and Financial Instruments greater than three times (3x) the Funds' net assets. Thus, the maximum margin held at a Future Commission Merchant would not exceed three times the margin requirement for either Fund.

Net Asset Value (''NAV'')

According to the Registration Statement, a Fund's per Share NAV will be calculated by taking the current market value of its total assets; subtracting any liabilities; and dividing that total by the total number of outstanding Shares.

Each Fund's NAV will be calculated on each day other than a day when the Exchange is closed for regular trading. The Funds will compute their NAVs at 2:30 p.m. Eastern Time (''E.T.''), which is the designated closing time of the crude oil futures market on NYMEX, or an earlier time as set forth on *www.ProShares.com,* if necessitated by the New York Stock Exchange LLC (''NYSE''), the Exchange or other exchange material to the valuation or operation of such Fund closing early. Each Fund's NAV is calculated only once each trading day.

Futures Contracts traded on a U.S. exchange are calculated at their then current market value, which is based upon the settlement price or the last traded price before the NAV time, for that particular Futures Contract traded on the applicable U.S. exchange on the date with respect to which the NAV is being determined. If a Futures Contract traded on a U.S. exchange could not be liquidated on such day, due to the operation of daily limits or other rules of the exchange upon which that position is traded or otherwise, ProShare Capital may choose to determine a fair value price as the basis for determining the market value of such position for such day. Such fair value prices would generally be determined based on available inputs about the current value of the Futures Contracts and would be based on principles that ProShare Capital deems fair and equitable so long as such principles are consistent with normal industry standards. Money market instruments will be priced for NAV purposes at amortized cost.

In calculating the NAV of a Fund, the settlement value of a Fund's non-exchange traded Financial Instruments will be determined by applying the closing price level of the Benchmark to the terms of such Financial Instruments. However, in the event that the Benchmark is not being priced due to the operation of daily limits or otherwise, ProShare Capital may choose to fair value a Fund's non-exchange traded Financial Instruments for purposes of the NAV calculation. Such fair value prices would generally be determined based on available inputs about the current value of the underlying Benchmark and would be based on principles that ProShare Capital deems fair and equitable so long as such principles are consistent with normal industry standards.

Cash and cash equivalents will be valued based on price quotations or other indications of value provided by

[9] The term ''normal market conditions'' includes, but is not limited to, the absence of trading halts in the applicable financial markets generally; operational issues (*e.g.,* systems failure) causing dissemination of inaccurate market information; or force majeure type events such as natural or manmade disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

[10] According to the Registration Statements, designated contract markets, such as the NYMEX and ICE Futures U.S., have established accountability levels and position limits on the maximum net long or net short Futures Contracts in commodity interests that any person or group of persons under common trading control (other than as a hedge, which an investment by a Fund is not) may hold, own or control. These levels and position limits apply to the Futures Contracts that each Fund would invest in to meet its investment objective. In addition to accountability levels and position limits, NYMEX and ICE Futures U.S. also set price fluctuation limits on Futures Contracts. The price fluctuation limit establishes the amount that the price of a Futures Contract may vary either up or down from the previous day's settlement price.

a third party pricing service. Fixed-income securities with sixty days or less remaining maturity may be valued using the amortized cost method.

Indicative Fund Value

In order to provide updated information relating to a Fund for use by investors and market professionals, the Exchange will calculate an updated ''Indicative Fund Value'' (''IFV''). The IFV will be calculated by using the prior day's closing NAV per Share of a Fund as a base and updating throughout the Core Trading Session of 9:30 a.m. E.T. to 4:00 p.m. E.T. changes in the value of the investments held by a Fund.

Creation and Redemption of Shares

According to the Registration Statement, each Fund intends to create and redeem Shares in one or more ''Creation Units'' of 50,000 Shares each. A creation transaction generally takes place when an Authorized Participant deposits a specified amount of cash in exchange for a specified number of Creation Units. Similarly, Shares generally may be redeemed only in Creation Units, for cash. The prices at which creations and redemptions occur are based on the next calculation of the NAV after an order is received.

''Authorized Participants'' will be the only persons that may place orders to create and redeem Creation Units. An Authorized Participant is an entity that has entered into an Authorized Participant Agreement with the Trust and ProShare Capital.

Creation Procedures

On any ''Business Day'', an Authorized Participant may place an order with the Distributor to create one or more Creation Units. For purposes of processing both purchase and redemption orders, a ''Business Day'' for each Fund means any day on which the NAV of such Fund is determined. Purchase orders for Creation Units must be placed by 2:00 p.m. E.T. or earlier if NYSE Arca or other exchange material to the valuation or operation of such Fund closes before the cut-off time. The day on which the Distributor receives a valid purchase order is referred to as the purchase order date. If the purchase order is received after the applicable cut-off time, the purchase order date will be the next Business Day. Purchase orders are irrevocable.

By placing a purchase order, an Authorized Participant generally agrees to deposit cash with the Custodian.

Redemption Procedures

According to the Registration Statement, the procedures by which an Authorized Participant can redeem one or more Creation Units will mirror the procedures for the creation of Creation Units. On any Business Day, an Authorized Participant may place an order with the Distributor to redeem one or more Creation Units.

The redemption procedures allow Authorized Participants to redeem Creation Units. Individual shareholders may not redeem directly from a Fund. By placing a redemption order, an Authorized Participant agrees to deliver the Creation Units to be redeemed through DTC's book entry system to the applicable Fund not later than noon E.T. on the first Business Day immediately following the redemption order date (T+1). ProShare Capital can extend the deadline for a Fund to receive the Creation Units required for settlement up to the third Business Day following the redemption order date (T+3).

Upon request of an Authorized Participant made at the time of a redemption order, ProShare Capital may determine, in addition to delivering redemption proceeds, to transfer futures contracts to the Authorized Participant pursuant to an exchange of futures contract for related position (''EFCRP'') or to a block trade sale of futures contracts to the Authorized Participant.

Determination of Redemption Distribution

The redemption proceeds from a Fund will consist of the cash redemption amount and, if permitted by ProShare Capital with respect to a Fund, an EFCRP or block trade with the relevant Fund as described above. The redemption amount is equal to the NAV of the number of Creation Unit(s) of such Fund requested in the Authorized Participant's redemption order as of the time of the calculation of such Fund's NAV on the redemption order date.

Availability of Information

The NAV for the Funds' Shares will be disseminated daily to all market participants at the same time. The intraday, closing prices, and settlement prices of the Futures Contracts will be readily available from the applicable futures exchange Web sites, automated quotation systems, published or other public sources, or major market data vendors.

Complete real-time data for the Futures Contracts is available by subscription through on-line information services. ICE Futures U.S. and NYMEX also provide delayed futures and options on futures information on current and past trading sessions and market news free of charge on their respective Web sites. The specific contract specifications for Futures Contracts are also available on such Web sites, as well as other financial informational sources. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the Consolidated Tape Association (''CTA''). Quotation information for cash equivalents, OTC swaps and forward contracts may be obtained from brokers and dealers who make markets in such instruments. Quotation information for exchange-traded swaps will be available from the applicable exchange and major market vendors. Intra-day price and closing price level information for the Benchmark will be available from major market data vendors. The IFV will be available through on-line information services.

In addition, the Funds' Web site, *www.ProShares.com,* will display the applicable end of day closing NAV. The daily holdings of each Fund will be available on the Funds' Web site before 9:30 a.m. E.T. Each Fund's total portfolio composition will be disclosed each Business Day that the NYSE Arca is open for trading, on the Funds' Web site. The Web site disclosure of portfolio holdings will be made daily and will include, as applicable, (i) the composite value of the total portfolio, (ii) the name, percentage weighting, and value of the Futures Contracts and Financial Instruments, (iii) the name and value of each Treasury security and cash equivalent, and (iv) the amount of cash held in each Fund's portfolio. The Funds' Web site will be publicly accessible at no charge. The spot price of oil also is available on a 24-hour basis from major market data vendors.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of a Fund.[11] Trading in Shares of a Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.

The Exchange may halt trading during the day in which an interruption to the dissemination of the IFV or the value of the Benchmark occurs. If the interruption to the dissemination of the IFV, the value of the Benchmark persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the

[11] *See* NYSE Arca Equities Rule 7.12.

trading day following the interruption. In addition, if the Exchange becomes aware that the NAV with respect to the Shares is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4 a.m. to 8 p.m. E.T. in accordance with NYSE Arca Equities Rule 7.34 (Early, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.200. The trading of the Shares will be subject to NYSE Arca Equities Rule 8.200, Commentary .02(e), which sets forth certain restrictions on Equity Trading Permit (''ETP'') Holders acting as registered Market Makers in Trust Issued Receipts to facilitate surveillance. The Exchange represents that, for initial and continued listing, each Fund will be in compliance with Rule 10A–3 [12] under the Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares of each Fund will be outstanding at the commencement of trading on the Exchange.

Surveillance

The Exchange represents that trading in the Shares of each Fund will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[13] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares and certain Futures Contracts with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares and certain Futures Contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and certain Futures Contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement (''CSSA'').[14]

Not more than 10% of the net assets of a Fund in the aggregate invested in Futures Contracts shall consist of Futures Contracts whose principal market is not a member of the ISG or is a market with which the Exchange does not have a CSSA.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

All statements and representations made in this filing regarding (a) the description of the portfolios of the Funds or Benchmark, and (b) limitations on portfolio Benchmark shall constitute continued listing requirements for listing the Shares on the Exchange.

The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Funds to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Equities Rule 5.5(m).

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (1) The risks involved in trading the Shares during the Early and Late Trading Sessions when an updated IFV will not be calculated or publicly disseminated; (2) the procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (3) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (4) how information regarding the IFV is disseminated; (5) that a static IFV will be disseminated, between the close of trading on the ICE Futures U.S. and NYMEX and the close of the NYSE Arca Core Trading Session; (6) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (7) trading information.

Prior to the commencement of trading, the Exchange will inform its ETP Holders of the suitability requirements of NYSE Arca Equities Rule 9.2(a) in an Information Bulletin. Specifically, ETP Holders will be reminded in the Information Bulletin that, in recommending transactions in the Shares, they must have a reasonable basis to believe that (1) the recommendation is suitable for a customer given reasonable inquiry concerning the customer's investment objectives, financial situation, needs, and any other information known by such ETP Holder, and (2) the customer can evaluate the special characteristics, and is able to bear the financial risks, of an investment in the Shares. In connection with the suitability obligation, the Information Bulletin will also provide that ETP Holders must make reasonable efforts to obtain the following information: (1) The customer's financial status; (2) the customer's tax status; (3) the customer's investment objectives; and (4) such other information used or considered to be reasonable by such ETP Holder or registered representative in making recommendations to the customer.

Further, the Exchange states that FINRA has implemented increased sales

[12] 17 CFR 240.10A–3.

[13] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[14] For a list of the current members of ISG, *see www.isgportal.org*. The Exchange notes that not all components of a Fund may trade on markets that are members of ISG or with which the Exchange has in place a CSSA.

practice and customer margin requirements for FINRA members applicable to inverse, leveraged and inverse leveraged securities (which include the Shares) and options on such securities, as described in FINRA Regulatory Notices 09–31 (June 2009), 09–53 (August 2009), and 09–65 (November 2009) (collectively, ''FINRA Regulatory Notices''). ETP Holders that carry customer accounts will be required to follow the FINRA guidance set forth in these notices. As noted above, each Fund will seek, on a daily basis, investment results that correspond (before fees and expenses) to 3x, or −3x, respectively, the performance of the Benchmark). Over a period of time in excess of one day, the cumulative percentage increase or decrease in the NAV of the Shares of a Fund may diverge significantly from a multiple or inverse multiple of the cumulative percentage decrease or increase in the relevant benchmark due to a compounding effect.

In addition, the Information Bulletin will advise ETP Holders, prior to the commencement of trading, of the prospectus delivery requirements applicable to a Fund. The Information Bulletin will also discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. In addition, the Information Bulletin will reference that a Fund is subject to various fees and expenses described in the Registration Statement. The Information Bulletin will also reference that the CFTC has regulatory jurisdiction over the trading of Futures Contracts traded on U.S. markets.

The Information Bulletin will also disclose the trading hours of the Shares and that the NAV for the Shares will be calculated after 2:30 p.m. E.T. each trading day. The Information Bulletin will disclose that information about the Shares will be publicly available on the Funds' Web site.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) [15] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.200. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares and certain Futures Contracts with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares and certain Futures Contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and certain Futures Contracts from markets and other entities that are members of ISG or with which the Exchange has in place a CSSA. Not more than 10% of the net assets of a Fund in the aggregate invested in Futures Contracts shall consist of Futures Contracts whose principal market is not a member of the ISG or is a market with which the Exchange does not have a CSSA. The intraday, closing prices, and settlement prices of the Futures Contracts will be readily available from the applicable futures exchange Web sites, automated quotation systems, published or other public sources, major market data vendors or on-line information services.

Complete real-time data for the Futures Contracts is available by subscription from on-line information services. ICE Futures U.S. and NYMEX also provide delayed futures information on current and past trading sessions and market news free of charge on the Funds' Web site. The specific contract specifications for Futures Contracts are also available on such Web sites, as well as other financial informational sources. Information regarding options will be available from the applicable exchanges or major market data vendors. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the CTA. In addition, the Funds' Web site will display the applicable end of day closing NAV. Each Fund's total portfolio composition will be disclosed each Business Day on the Funds' Web site. The Web site disclosure of portfolio holdings will be made daily and will include, as applicable, (i) the composite value of the total portfolio, (ii) the name, percentage weighting, and value of the Futures Contracts and Financial Instruments, (iii) the name and value of each Treasury security and cash equivalent, and (iv) the amount of cash held in each Fund's portfolio.

Moreover, prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares and of the suitability requirements of NYSE Arca Equities Rule 9.2(a). The Information Bulletin will advise ETP Holders, prior to the commencement of trading, of the prospectus delivery requirements applicable to a Fund. The Information Bulletin will also discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. In addition, the Information Bulletin will reference that a Fund is subject to various fees and expenses described in the Registration Statement. The Information Bulletin will also reference that the CFTC has regulatory jurisdiction over the trading of Futures Contracts traded on U.S. markets. The Information Bulletin will also disclose the trading hours of the Shares and that the NAV for the Shares will be calculated after 2:30 p.m. E.T. each trading day. The Information Bulletin will disclose that information about the Shares will be publicly available on the Funds' Web site.

Trading in Shares of a Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of additional types of Trust Issued Receipts based on oil prices that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange

[15] 15 U.S.C. 78f(b)(5).

notes that the proposed rule change will facilitate the listing and trading of additional types of Trust Issued Receipts based on oil prices and that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (a) By order approve or disapprove such proposed rule change; or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule4comments@sec.gov.* Please include File Number SR–NYSEArca–2017–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2017–07. 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 will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2017–07 and should be submitted on or before February 28, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02445 Filed 2–6–17; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79914; File No. SR–NYSEArca–2016–120]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the ForceShares Daily 4X US Market Futures Long Fund and ForceShares Daily 4X US Market Futures Short Fund Under Commentary .02 to NYSE Arca Equities Rule 8.200

February 1, 2017.

I. Introduction

On October 17, 2016, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the ForceShares Daily 4X US Market Futures Long Fund (''Fund'' or ''Long Fund'') and ForceShares Daily 4X US Market Futures Short Fund (''Fund'' or ''Short Fund'' and, together with the Long Fund, the ''Funds'') under Commentary .02 to NYSE Arca Equities Rule 8.200. The proposed rule change was published for comment in the **Federal Register** on November 4, 2016.[3] On December 14, 2016, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On December 22, 2016, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change as originally filed.[6] The Commission has received no comments on the proposed rule change. This order institutes proceedings under Section 19(b)(2)(B) of the Act[7] to determine whether to approve or disapprove the proposed rule change.

II. Exchange's Description of the Proposal, as Modified by Amendment No. 1

The Exchange proposes to list and trade the Shares under Commentary .02 to NYSE Arca Equities Rule 8.200, which governs the listing and trading of Trust Issued Receipts on the Exchange. Each Fund is a commodity pool that is a series of the ForceShares Trust. ForceShares LLC will be the sponsor of the Funds (''Sponsor''). ALPS Distributors, Inc. will be the marketing agent for the Shares. U.S. Bank National Association will be the Funds' custodian (''Custodian'') and will hold the Funds' cash and cash equivalents. The Custodian will also be the registrar and transfer agent for the Shares.

The Long Fund's primary investment objective is to seek daily investment

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 79201 (October 31, 2016), 81 FR 76977.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 79550, 81 FR 92892 (December 20, 2016). The Commission designated February 2, 2017, as the date by which it shall approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] In Amendment No. 1, the Exchange: (a) Clarified the permissible investments of the Funds; (b) added that a creation basket may not differ in size from a redemption basket, and that basket sizes may be between 10,000 and 100,000 Shares; (c) modified when purchase orders may be rejected, when the right of redemption may be suspended, and when the redemption settlement date may be postponed; and (d) made various technical changes. Amendment No. 1 is available at: *https://www.sec.gov/comments/sr-nysearca-2016-120/nysearca2016120-1442225-130027.pdf.*

[7] 15 U.S.C. 78s(b)(2)(B).

results, before fees and expenses, that correspond to approximately four times (400%) the daily performance, and the Short Fund's primary investment objective is to seek daily investment results, before fees and expenses, that correspond to approximately four times the inverse (−400%) of the daily performance, of the closing settlement price for lead month (*i.e.,* the ''near month'' or next-to-expire) Standard & Poor's 500 Stock Price Index Futures contracts (''Big S&P Contracts'') that are traded on the Chicago Mercantile Exchange. Each Fund will not seek to achieve its primary investment objective over a period of time greater than a single day.

Under normal market condition, each Fund will seek to achieve its primary investment objective by investing primarily in Big S&P Contracts such that daily changes in the Fund's net asset value (''NAV'') are expected to closely track the changes, in the case of the Long Fund, or the inverse of the changes, in the case of the Short Fund, in the closing settlement price of the lead month Big S&P Contracts (''Benchmark'') on a leveraged basis. Each Fund will also invest in E-Mini™ S&P 500® Futures contracts (''E-Minis'' and, together with Big S&P Contracts, ''Primary S&P Interests'') to seek to achieve its primary investment objective where position limits prevent further purchases of Big S&P Contracts. Each Fund expects to apply approximately 10–25% of its portfolio toward obtaining exposure to futures contracts, all of which would be lead month or deferred month Primary S&P Interests. Each Fund may also invest in swap agreements (cleared and over-the-counter) referencing Primary S&P Interests or the S&P 500 Index, and over-the-counter forward contracts referencing Primary S&P Interests (''Other S&P Interests''). Each Fund may invest in Other S&P Interests in an amount up to 25% of its net assets.

Each Fund may acquire or dispose of Stop Options on Primary S&P Interests in pursuing its secondary investment objective of recouping a small amount of a Fund's losses that may result from large movements in the Benchmark. Stop Options are expected to average less than approximately 5% of each Fund's portfolio.[8]

On a day-to-day basis, each Fund will invest the remainder of its assets in money market funds, depository accounts with institutions with high quality credit ratings, or short-term debt instruments that have terms-to-maturity of less than 397 days and exhibit high quality credit profiles, including U.S. government securities and repurchase agreements (collectively, ''Cash Equivalents''). Cash Equivalents are expected to comprise approximately 70–85% of each Fund's portfolio.[9]

III. Proceedings To Determine Whether To Approve or Disapprove SR–NYSEArca–2016–120 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[10] to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[11] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade,'' and ''to protect investors and the public interest.''[12]

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[13]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by February 28, 2017. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by March 14, 2017. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in Amendment No. 1,[14] in addition to any other comments they may wish to submit about the proposed rule change. The Commission notes that the proposal sets forth certain conditions relating to the creation and redemption of baskets of Shares. In particular, under the proposal, ''[t]he Sponsor may, in its discretion, suspend the right of redemption, or postpone the redemption settlement date with respect to a Fund . . . for such other period as the Sponsor determines to be necessary for the protection of a Fund's Shareholders. . . .''[15] What are commenters' views on the scope of this discretion with respect to redemptions? Is the discretion likely to have an effect on the arbitrage mechanisms and, if so, how?

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2016–120 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

[8] Not more than 10% of the net assets of each Fund in the aggregate invested in futures contracts or exchange-traded options contracts will consist of futures contracts or exchange-traded options contracts whose principal market is not a member of the Intermarket Surveillance Group or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

[9] For more information regarding the Funds and the Shares, *see* Amendment No. 1, *supra* note 6.

[10] 15 U.S.C. 78s(b)(2)(B).

[11] *Id.*

[12] 15 U.S.C. 78f(b)(5).

[13] Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[14] *See supra* note 6.

[15] *See* Amendment No. 1, *supra* note 6, at 21.

Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2016–120. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2016–120 and should be submitted on or before February 28, 2017. Rebuttal comments should be submitted by March 14, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02442 Filed 2–6–17; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a closed meeting on Thursday, February 9, 2017 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(7), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matter at the closed meeting.

Commissioner Stein, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims;

Litigation matters; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: February 2, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–02531 Filed 2–3–17; 11:15 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 9873]

Notice of Determinations; Culturally Significant Object Imported for Exhibition Determinations: ''The Dutch Fleet Assembling Before the Four Days' Battle'' 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 ''The Dutch Fleet Assembling Before the Four Days' Battle,'' 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 Metropolitan Museum of Art, New York, New York, from on or about March 1, 2017, until on or about March 1, 2018, 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. 2017–02436 Filed 2–6–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9872]

Advisory Committee on International Economic Policy; Notice of Open Meeting

The Advisory Committee on International Economic Policy (ACIEP) will meet from 2:00 until 5:00 p.m., on Tuesday, February 28, in Washington, DC at the State Department, 320 21st St. NW. The meeting will be hosted by the Acting Assistant Secretary of State for Economic and Business Affairs, Patricia M. Haslach, and Committee Chair Paul R. Charron. The ACIEP serves the U.S. government in a solely advisory capacity, and provides advice concerning topics in international economic policy. It is expected that during this meeting, the ACIEP subcommittee on sanctions policy and the Stakeholder Advisory Board will provide updates on their recent work.

This meeting is open to the public, though seating is limited. Entry to the building is controlled. To obtain pre-clearance for entry, members of the public planning to attend must, *no later than Tuesday, February 21,* provide their full name and professional affiliation (if any) to Alan Krill by email: *KrillA@state.gov.* Requests for reasonable accommodation should also be made to Alan Krill before Tuesday, February 21. Requests made after that

date will be considered, but might not be possible to fulfill.

For additional information, contact Alan Krill, Bureau of Economic and Business Affairs, at (202) 647–2231, or *KrillA@state.gov.*

Alan Krill,

Designated Federal Officer, U.S. Department of State.

[FR Doc. 2017–02435 Filed 2–6–17; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 724 (Sub-No. 3)]

United States Rail Service Issues—Data Collection

On November 30, 2016, the Board adopted a final rule to establish new regulations requiring all Class I railroads and the CTCO, through its Class I members, to report certain service performance metrics on a weekly, semiannual, and occasional basis. *U.S. Rail Serv. Issues—Performance Data Reporting* (*November Decision*), EP 724 (Sub-No. 4), slip op. at 1 (STB served Nov. 30, 2016). Also on November 30, 2016, the Board issued an order stating that upon the commencement of reporting under the Docket No. EP 724 (Sub-No. 4) final rule, reporting under *U.S. Rail Serv. Issues—Data Collection* (*Interim Data Order*), EP 724 (Sub-No. 3), slip op. at 2–5 (STB served Oct. 8, 2014) would no longer be necessary. *See U.S. Rail Serv. Issues* (*Discontinuation Order*), EP 724 et al., slip op. at 3 (STB served Nov. 30, 2016). The Board set February 1, 2017, as the final date for reporting under the *Interim Data Order,* January 29, 2017, as the effective date for the final rule, and February 2, 2017, as the date for discontinuing the proceeding in Docket No. 724 (Sub-No. 3). *Discontinuation Order,* slip op. at 3; *November Order,* slip op. at 1. The Board published the final rule and the discontinuation notice in the **Federal Register** on December 5, 2016. *U.S. Rail Serv. Issues—Performance Data Reporting,* 81 FR 87472 (Dec 5, 2016); *U.S. Rail Serv. Issues,* 81 FR 87647 (Dec. 5, 2016).

On January 20, 2017, a Memorandum for the Heads of Executive Departments and Agencies from Reince Priebus, Chief of Staff to President Trump, was issued.[1] Although the Board is an independent regulatory agency, in a separate decision published elsewhere in this issue of the **Federal Register**, and applicable January 27, 2017, it is staying 49 CFR part 1250, added in the December 5, 2016 final rule, in Docket No. EP 724 (Sub-No. 4) in accordance with the Memorandum's request that rules regarding certain rules already published in the **Federal Register**. *U.S. Rail Serv. Issues—Data Collection*, EP 724 (Sub-No. 3) et al., slip op. at 2 (STB served Jan. 27, 2017).[2] As a result of the stay, the final rule in Docket No. EP 724 (Sub-No. 4) adding part 1250 is suspended until March 21, 2017, and initial reporting will begin March 29, 2017. *Id.* Consistent with the *Discontinuation Order,* the effective date for discontinuing reporting under the *Interim Data Order* is extended to March 22, 2017, and the Docket No. EP 724 (Sub-No. 3) proceeding will be discontinued on March 23, 2017.[3]

It is ordered:

1. The final date for reporting under the *Interim Data Order* will be March 22, 2017.

2. The proceeding in Docket No. EP 724 (Sub-No. 3) will be discontinued as described above, effective March 23, 2017.

3. Notice of the Board's action will be published in the **Federal Register**.

Decided: January 27, 2017.

By the Board, Acting Chairman Begeman, Vice Chairman Miller, and Commissioner Elliott.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2017–02493 Filed 2–6–17; 8:45 am]

BILLING CODE 4915–01–P

[1] Reince Priebus, Memorandum for the Heads of Executive Departments and Agencies (Memorandum) (Jan. 20, 2017), *http://www.whitehouse.gov/briefing-room/presidential-actions* (follow hyperlink to Memorandum for the Heads of Executive Departments and Agencies).

[2] The entire decision is available on the Board's Web site by search at *https://www.stb.gov/home.nsf/enhancedsearch?OpenForm.*

[3] The proceeding *United States Rail Service Issues,* Docket No. EP 724, will be discontinued effective February 2, 2017, as previously decided by the Board. *U.S. Rail Serv. Issues,* EP 724 et al., slip op. at 3.

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold its regular business meeting on March 9, 2017, in Scranton, Pennsylvania. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice.

DATES: The meeting will be held on Thursday, March 9, 2017, at 9 a.m.

ADDRESSES: The meeting will be held at the Radisson Lackawanna Station Hotel Scranton, Platform Lounge (Main Floor), 700 Lackawanna Avenue, Scranton, PA 18503.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) Informational presentation of interest to the Middle Susquehanna Subbasin area; (2) adoption of final FY2018 budget; (3) ratification/approval of contracts/grants; (4) resolution setting a five-year docket term for withdrawals related to natural gas; (5) report on delegated settlements; and (6) Regulatory Program projects.

Projects listed for Commission action are those that were the subject of a public hearing conducted by the Commission on February 2, 2017, and identified in the notice for such hearing, which was published in 82 FR 898, January 4, 2017.

The public is invited to attend the Commission's business meeting. Comments on the Regulatory Program projects were subject to a deadline of February 13, 2017. Written comments pertaining to other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110–1788, or submitted electronically through *http://www.srbc.net/pubinfo/publicparticipation.htm.* Such comments are due to the Commission on or before March 3, 2017. Comments will not be accepted at the business meeting noticed herein.

Authority: Public Law 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: February 2, 2017.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2017–02488 Filed 2–6–17; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Twentieth Meeting of the NextGen Advisory Committee (NAC)

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

ACTION: Twentieth Meeting of the NextGen Advisory Committee (NAC).

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Twentieth Meeting of the NextGen Advisory Committee (NAC).

DATES: The meeting will be held February 22, 2017, 8:30 a.m.–3 p.m.

ADDRESSES: The meeting will be held at: The MITRE Corporation, MITRE 1 Auditorium, 7525 Colshire Drive, McLean, VA 22102.

FOR FURTHER INFORMATION CONTACT: Andy Cebula, NAC Secretariat, 202–330–0652, *acebula@rtca.org,*1150 18th Street NW., Suite 910, Washington, DC 20036, or by 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 Twentieth Meeting of the NextGen Advisory Committee (NAC). The agenda will include the following:

February 22, 2017, 8:30 a.m. to 3:00 p.m.

1. Opening of Meeting/Introduction of NAC Members—Chairman David Bronczek
2. Official Statement of Designated Federal Official—Victoria Wassmer, FAA Acting Deputy Administrator
3. Review and Approval of October 5, 2016 Meeting Summary and Revised Terms of Reference
4. Chairman's Report—Chairman Bronczek
5. FAA Report—FAA
6. NextGen Priorities Status: DataComm, Multiple Runway Operations, Surface, Performance Based Navigation (PBN)
7. Airline C/N/S Fleet Plans—Alaska Air, UPS; Supply Chain—Honeywell; ADS–B Update—FAA
8. FAA NextGen Plan
9. Value of NextGen and NAC Ad Hoc
10. Joint Analysis Team—Indianapolis International Airport (IND) Wake ReCat
11. Enhanced Surveillance Task Group—Interim Report
12. Summary of meeting and next steps
13. Closing Comments—DFO and NAC Chairman
14. Other business
15. Adjourn

Although the NAC meeting is open to the public, the meeting location has limited space and security protocols that require advanced registration.

U.S. Nationals: Please email *bteel@rtca.org* with name, state-issued driver's license/ID number and state of issuance, company, and phone number contact to pre-register no later than February 13, 2017.

Foreign Nationals: Please email *bteel@rtca.org* with name, company and country of citizenship, birth date and place of birth (city and country), passport and Visa Numbers, I–94 stamp and expiration date, employer and address (identify whether U.S. or non-U.S. owned), and phone number contact to pre-register no later than February 13, 2017.

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 February 2, 2017.

Mohannad Dawoud,

Management & Program Analyst, Partnership Contracts Branch, ANG–A17, NextGen, Procurement Services Division, Federal Aviation Administration.

[FR Doc. 2017–02459 Filed 2–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

United States Mint

Pricing for the 2017 Boys Town Centennial Commemorative Coin Program

AGENCY: United States Mint, Department of the Treasury.

ACTION: Notice.

SUMMARY: The United States Mint is announcing pricing for the 2017 Boys Town Centennial Commemorative Coin Program as follows:

Coin	Introductory price	Regular price
Boys Town Centennial Proof Silver Dollar	$47.95	$52.95
Boys Town Centennial Uncirculated Silver Dollar	46.95	51.95
Boys Town Centennial Proof Half Dollar	21.95	26.95
Boys Town Centennial Uncirculated Half Dollar	20.95	25.95

Products containing gold coins will be priced according to the 2016 Pricing of Numismatic and Commemorative Gold and Platinum Products Grid posted at *www.usmint.gov.*

FOR FURTHER INFORMATION CONTACT: Ann Bailey, Program Manager for Numismatic and Bullion; United States Mint; 801 9th Street NW., Washington, DC 20220; or call 202–354–7500.

Authority: Public Law 114–30.

Dated: February 2, 2017.

David Motl,

Acting Principal Deputy Director, United States Mint.

[FR Doc. 2017–02498 Filed 2–6–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Loan Guaranty: Maximum Allowable Attorney Fees

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice.

SUMMARY: This notice provides updated information to participants in the Department of Veterans Affairs (VA) Home Loan Guaranty program concerning the maximum allowable bankruptcy attorney fees that are incurred by a servicer for legal services performed on their behalf. The notice also provides the allowable maximum attorney fees in calculating the indebtedness used to determine the guaranty claim payable upon loan termination. The table in this notice contains the amounts the Secretary has determined to be reasonable and customary for all States, following an annual review of amounts allowed by other government-related home loan programs.

DATES: The new maximum amounts for bankruptcy attorney fees will be allowed for each bankruptcy filed on or after March 9, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew Trevayne, Assistant Director for Loan and Property Management (261), Loan Guaranty Service, Department of Veterans Affairs, Washington, DC 20420, (202) 632–8795 (Not a toll-free number).

SUPPLEMENTARY INFORMATION: The VA Home Loan Guaranty program authorized by title 38, United States Code (U.S.C.), Chapter 37, offers a partial guaranty against loss to lenders who make home loans to veterans. VA regulations concerning the payment of loan guaranty claims are set forth at 38 CFR 36.4300, *et seq.* Computation of guaranty claims is addressed in 38 CFR 36.4324, which states that one part of the indebtedness upon which the guaranty percentage is applied is the allowable expenses/advances as described in 38 CFR 36.4314. Paragraph (b)(5)(ii) of section 36.4314 describes the procedures to be followed in determining what constitutes the reasonable and customary fees for legal services in the termination of a loan.

The Secretary annually reviews allowances for legal fees in connection with the termination of single-family housing loans, including foreclosure, deed-in-lieu of foreclosure, and bankruptcy-related services, issued by the Department of Housing and Urban Development (HUD), the Federal National Mortgage Association (Fannie Mae), and the Federal Home Loan Mortgage Corporation (Freddie Mac). Based on increases in bankruptcy attorney fees announced over the past year by these entities, the Secretary has deemed it necessary to publish in the **Federal Register** a table setting forth the revised amounts the Secretary now determines to be reasonable and customary for bankruptcy attorney fees. The table reflects the primary method for foreclosing in each state, either judicial or non-judicial, with the exception of those states where either judicial or non-judicial is acceptable. The use of a method not authorized in the table will require prior approval from VA. This table will be available throughout the year at: *http://www.benefits.va.gov/homeloans/.*

There has been no change to the amounts VA will allow for attorney fees for foreclosure termination and for deeds-in-lieu of foreclosure. VA will continue to monitor these fees on an annual basis, as we are aware that other entities are conducting ongoing reviews of these fees.

The following table represents the Secretary's determination of the reasonable and customary cost of legal services for the preferred method of terminating VA loans in each jurisdiction under the provisions of 38 CFR 36.4314(b)(5)(ii).

Jurisdiction	VA non-judicial foreclosure [1 2]	VA judicial foreclosure [1 2]	Deed-in-lieu of foreclosure
Alabama	$1,325	N/A	$350
Alaska	1,600	N/A	350
American Samoa	1,600	N/A	350
Arizona	1,350	N/A	350
Arkansas	1,400	N/A	350
California	1,350	N/A	350
Colorado	1,650	N/A	350
Connecticut	N/A	$2450	350
Delaware	N/A	1,800	350
District of Columbia	1,200	2,300	350
Florida	N/A	2,800	350
Georgia	1,325	N/A	350
Guam	1,600	N/A	350
Hawaii	N/A	2,950	350
Idaho	1,150	N/A	350
Illinois	N/A	2,300	350
Indiana	N/A	2,050	350
Iowa	1,275	1,880	350
Kansas	N/A	1,800	350
Kentucky	N/A	2,250	350
Louisiana	N/A	1,900	350
Maine	N/A	2,300	350
Maryland	2,400	N/A	350
Massachusetts	N/A	2,550	350
Michigan	1,425	N/A	350
Minnesota	1,450	N/A	350
Mississippi	1,200	N/A	350
Missouri	1,350	N/A	350
Montana	1,150	N/A	350
Nebraska	1,150	N/A	350
Nevada	1,525	N/A	350
New Hampshire	1,350	N/A	350
New Jersey	N/A	2,975	350
New Mexico	N/A	2,000	350
New York—Western Counties [3]	N/A	2,675	350
New York—Eastern Counties	N/A	3,475	350
North Carolina	1,575	N/A	350
North Dakota	N/A	1,750	350
Ohio	N/A	2,250	350
Oklahoma	N/A	2,000	350
Oregon	1,350	2,600	350
Pennsylvania	N/A	2,350	350
Puerto Rico	N/A	2,050	350
Rhode Island	1,725	N/A	350
South Carolina	N/A	2,200	350
South Dakota	N/A	1,800	350
Tennessee	1,200	N/A	350
Texas	1,325	N/A	350

Jurisdiction	VA non-judicial foreclosure [1 2]	VA judicial foreclosure [1 2]	Deed-in-lieu of foreclosure
Utah	1,350	N/A	350
Vermont	N/A	2,250	350
Virgin Islands	N/A	1,800	350
Virginia	1,350	N/A	350
Washington	1,350	N/A	350
West Virginia	1,150	N/A	350
Wisconsin	N/A	2,000	350
Wyoming	1,150	N/A	350

[1] When a foreclosure is stopped due to circumstances beyond the control of the holder or its attorney (including, but not limited to bankruptcy, VA-requested delay, property damage, hazardous conditions, condemnation, natural disaster, property seizure, or relief under the Servicemembers Civil Relief Act) and then restarted, VA will allow a $350 restart fee in addition to the base foreclosure attorney fee. This fee recognizes the additional work required to resume the foreclosure action, while also accounting for the expectation that some work from the previous action may be utilized in starting the new action.

[2] VA will allow attorney fees of $1050 (Chapter 7) or $1500 (initial Chapter 13) for obtaining bankruptcy releases directly related to loan termination. For multiple bankruptcy filings under either chapter, VA will allow an additional $500.

[3] Western Counties of New York for VA are: Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wayne, Wyoming, and Yates. The remaining counties are in Eastern New York.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Acting Chief of Staff, approved this document on January 27, 2017, for publication.

Approved: January 27, 2017.

Jeffrey Martin,

Office Program Manager, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2017–02474 Filed 2–6–17; 8:45 am]

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Part II

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Part 660

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2017–2018 Biennial Specifications and Management Measures; Amendment 27; Final Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 160808696–7010–02]

RIN 0648–BG17

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2017–2018 Biennial Specifications and Management Measures; Amendment 27

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

ACTION: Final rule.

SUMMARY: This final rule establishes the 2017–2018 harvest specifications and management measures for groundfish taken in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California, consistent with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the Pacific Coast Groundfish Fishery Management Plan (PCGFMP), including harvest specifications consistent with default harvest control rules in the PCGFMP. This action also includes regulations to implement Amendment 27 to the PCGFMP, which adds deacon rockfish to the PCGFMP, reclassifies big skate as an actively managed stock, adds a new inseason management process for commercial and recreational groundfish fisheries in California, and makes several clarifications to existing regulations.

DATES: This final rule is effective February 7, 2017.

ADDRESSES: Information relevant to this final rule and Amendment 27, which includes an Environmental Assessment (EA), the Finding of No Significant Impact (FONSI), a regulatory impact review (RIR), final regulatory flexibility analysis (FRFA), and amended PCGFMP, are available from Barry A. Thom, Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070. Electronic copies of this final rule are also available at the NMFS West Coast Region Web site: *http://www.westcoast.fisheries.noaa.gov*.

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

SUPPLEMENTARY INFORMATION:

Electronic Access

This rule is accessible via the Internet at the Office of the Federal Register Web site at *http://www.access.gpo.gov/su_docs/aces/aces140.html*. Background information and documents are available at the NMFS West Coast Region Web site at *http://www.westcoast.fisheries.noaa.gov/fisheries/groundfish/index.html* and at the Pacific Fishery Management Council's Web site at *http://www.pcouncil.org*.

Executive Summary

Purpose of the Regulatory Action

This final rule implements the 2017–2018 harvest specifications and management measures for groundfish species taken in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California, the harvest specifications consistent with default harvest control rules, and Amendment 27 to the PCGFMP. The purpose of this action is to conserve and manage Pacific Coast groundfish fishery resources to prevent overfishing, to rebuild overfished stocks, to ensure conservation, to facilitate long-term protection of essential fish habitats (EFH), and to realize the full potential of the Nation's fishery resources. This action includes harvest specifications for 2017–2018 consistent with existing or revised default harvest control rules for all stocks, and establishes management measures designed to keep catch within the appropriate limits. The harvest specifications are set consistent with the optimum yield (OY) harvest management framework described in Chapter 4 of the PCGFMP. This final rule also implements Amendment 27 to the PCGFMP. Amendment 27 adds deacon rockfish to the PCGFMP, reclassifies big skate as ''in the fishery,'' adds a new inseason management process for California fisheries, and makes several clarifications. This rule is authorized by 16 U.S.C. 1854 and 1855 and by the PCGFMP.

Major Provisions

This final rule contains two types of major provisions. The first are the harvest specifications (overfishing limits (OFLs), acceptable biological catches (ABCs), and annual catch limits (ACLs)), and the second are management measures designed to keep fishing mortality within the ACLs. The harvest specifications (OFLs, ABCs, and ACLs) in this rule have been developed through a rigorous scientific review and decision making process, which is described in detail in the proposed rule for this action (81 FR 75266, October 28, 2016) and is not repeated here.

This final rule includes ACLs for the five overfished species managed under the PCGFMP. For the 2017–2018 biennium darkblotched rockfish and Pacific ocean perch (POP) have rebuilding plan changes to their harvest control rules, while maintaining the current target year for rebuilding (T_{TARGET}). The remaining overfished species are making adequate progress towards rebuilding. Therefore, this rule establishes harvest specifications consistent with the existing rebuilding plan provisions for those species.

This rule also implements Amendment 27 to the PCGFMP. Amendment 27 consists of five components that: (1) Reclassify big skate from an ecosystem component species to ''in the fishery,'' (2) add deacon rockfish to the list of species in the PCGFMP, (3) establish a new inseason management process in California for black, canary, and yelloweye rockfishes, (4) make updates to clarify several stock assessment descriptions, and (5) update several sections of the PCGFMP because canary rockfish and petrale sole are rebuilt. The Notice of Availability (NOA) for Amendment 27 to the PCGFMP (Amendment 27) published on September 30, 2016 (81 FR 67287) and the public comment period closed on November 29, 2016. Public comments received on the Amendment 27 are discussed below in ''Comments and Reponses.''

In addition to the annual specifications, this final rule implements the same management measures that were described in the proposed rule, with a few modifications that are discussed below in ''Changes from the Proposed Rule.'' This final rule also corrects a computational error to the sablefish ACLs and revises sablefish trip limits, per the Council's recommendations made at its November 2016 meeting (See ''Comments and Responses'' and ''Changes From the Proposed Rule,'' below).

Comments and Responses

During the comment period of the proposed rule and NOA for Amendment 27, NMFS received one comment letter from the public in support of the proposed regulation changes to preserve fish populations and better regulate the fisheries in Washington, Oregon, and California. NMFS also received a letter from Department of the Interior stating they had reviewed the proposed rule and had no comments to offer. NMFS addresses other comments below.

Comment 1: A participant in the fishing industry made a general request

for less restrictive management such that more fishing jobs would be available.

Response: Harvest specifications and management measures for Pacific Coast groundfish continue to be centered around allowing harvest of available target species such as sablefish, flatfish, Pacific whiting, etc., and keeping harvest of co-occurring overfished rockfish within their rebuilding plan ACLs. Every two years, through the biennial harvest specifications and management measures that this final rule implements, and in other ongoing rulemaking activities, the Council and NMFS work with industry and the public to develop and make incremental improvements to the management regime, including regulatory opportunities to increase efficiency and revenue. We note that some of the primary factors that drive revenue and jobs in the fishing industry include markets and price per pound, neither of which is within the direct control of the Council and NMFS. The harvest specifications and management measures implement regulations based on the best available scientific information and were developed through a public, collaborative Council process that incorporated feedback from affected industry and fishing communities.

Comment 2: The Council submitted a letter to NMFS on November 23, 2016, regarding the proposed sablefish ACLs for 2017–2018. In early November, stock assessment authors discovered an error in the calculation of the Council-recommended sablefish ACLs for 2017 and 2018 and notified Council and NMFS staff. At its November 13–21, 2016, meeting, under the inseason agenda item, the Council considered corrected ACLs and management measures and heard public testimony from industry in support of correcting the proposed ACLs and the resulting allocations. The Council recommended that these corrections be made by NMFS as quickly as possible.

Response: NMFS agrees that it is appropriate to correct the 2017–2018 sablefish ACLs and resulting allocations in this final rule. The FMP specifies long-term, formal sector allocations for north and south of 36° N. lat.; however the 2015 update stock assessment failed to correctly apportion the stock according to the 36° N. lat. Split, and instead used 34° 27′ N. lat. Consequently, the ACL amounts apportioned north and south in the proposed rule were incorrect and inconsistent with the FMP and past practice.

Corrected ACLs are included in Tables 1a and 2a, Subpart C. The Council's sablefish allocation framework and policies described in the proposed rule were applied to the updated ACLs, resulting in corrected allocations, as described below in ''Changes From the Proposed Rule.''

Comment 3: In its November 23, 2016, letter, the Council also recommended adjustments to 2017–2018 routine management measures relative to limited entry fixed gear and open access sablefish trip limits. The adjustments to trip limits are based on the corrected sablefish ACLs and subsequent allocations, and also take into account the most recent fishery information. The Council recommended that these adjustments to trip limits be implemented on January 1, 2017, or as soon as possible thereafter.

Reponse: The Council's recommended trip limits are based on the best available information, and on the corrected sablefish ACLs and subsequent allocations. NMFS agrees that these trip limits should be implemented congruently with the corrected harvest specifications and allocations. However, lower trip limits, as recommended by the Council at its November 2016 meeting, may only be implemented at the beginning of Period 1 (January–February). This is because, once fishing in Period 1 has begun under higher trip limits, it is not enforceable to lower those trip limits until the start of the next cumulative limit period, or Period 2 (March–April). Therefore, for limited entry fixed gear north of 36° N. lat., NMFS is implementing the Council-recommended trip limits beginning on March 1, 2017 (at the start of Period 2). The Council has an opportunity, if necessary, to recommend further refinements to sablefish trip limits under routine inseason action at each Council meeting starting in March 2017. Revised trip limits for sablefish, as recommended by the Council at its November 2016 meeting, can be found in Tables 2 (North) and 2 (South), Supbart E, and Tables 3 (North) and 3 (South), Subpart F.

Changes From the Proposed Rule

Sablefish ACLs and Management Measures

As described above in Comments and Responses, sablefish ACLs were based on an incorrect north/south apportionment, resulting in incorrect proposed ACLs. For the reasons described above, the 2017–2018 sablefish ACLs and management measures for the areas north and south of 36° N. lat. are revised in this final rule to be consistent with the FMP and related analyses, including past EIS and RIR documents.

Regulatory citation/paragraph	Description of the change
§ 660.50(f)(2)(ii)	Corrected the 2017 and 2018 sablefish allocations for tribal fisheries.
Tables 1a, 1b, 2a, and 2b to Supbart C	Corrected the 2017 and 2018 sablefish ACLs, allocations, and harvest guidelines described there, including footnotes.
Tables 1c and 2c to Subpart C	Corrected 2017 and 2018 sablefish ACLs and allocations based on the long-term formal allocation structure described in the FMP for the area north of 36° N. lat.
§ 660.140(d)(1)(ii)(D)	Corrected the 2017 and 2018 shorebased trawl allocations for sablefish north and south of 36° N. lat.
§ 660.231(b)(3)(i)	Corrected the 2017 and 2018 sablefish tier limits for the sablefish primary fishery.
Tables 2 (North) and 2 (South) to Supbart E and Tables 3 (North) and 3 (South) to Subpart F.	Revises sablefish trip limits consistent with corrected harvest targets.

Trip Limit Reductions for Minor Nearshore Rockfish

The proposed rule included a reduction in trip limits for 2017–2018 for the Minor Nearshore Rockfish complex and black rockfish between 42° N. lat. and 40°10′ N. lat. for both limited entry fixed gear and open access fisheries. This reduced trip limit is to keep harvest of Minor Nearshore Rockfish and co-occurring species within their harvest targets and ACLs. In the October 23, 2016, proposed rule, consistent with the Council's recommendation, NMFS proposed to reduce the trip limit for this complex in both the limited entry fixed gear and open access fisheries from ''8,500 lb per 2 months, no more than 1,200 lb of which may be species other than black rockfish'' (the trip limit currently in

regulation, and that would remain in regulation if no action was taken to superceed it) to ''7,000 lb per 2 months, no more than 1,200 lb of which may be species other than black rockfish.'' As described above in ''Comments and Responses,'' cumulative limits may only be lowered at the beginning of the 2-month period. Therefore, this final rule implements the proposed trip limit of 7,000 lb per 2 months beginning March 1.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act (16 U.S.C. 1854(b)(1)(A)), the Administrator, West Coast Region, has determined that this final rule and Amendment 27 to the PCGFMP are necessary for the conservation and management of the Pacific Coast Groundfish Fishery and consistent with the Pacific Coast Groundfish Fishery Management Plan, other provisions of the Magnuson-Stevens Act, and other applicable law.

NMFS finds good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(3), so that this final rule may become effective upon publication in the **Federal Register**. Because this final rule increases the catch limits for several species for 2017, leaving 2016 harvest specifications in place could unnecessarily delay fishing opportunities until later in the year, potentially reducing the total catch for these species in 2017. Thus, a delay in effectiveness could ultimately cause economic harm to the fishing industry and associated fishing communities or result in harvest levels inconsistent with the best available scientific information. For example, due to the rebuilt status of canary rockfish, the Council recommended a modest trip limit to allow retention of this species for the first time in many years. This measure provides for a year round opportunity to turn regulatory discards into retained catch, while maintaining a precautionary trip limit to keep targeting effort on canary rockfish low. Because of the potential harm to fishing communities that could be caused by delaying the effectiveness of this final rule, NMFS finds there is good cause to waive the 30-day delay in effectiveness.

In addition, pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on the corrections contained in this action, as notice and comment would be impracticable, unnecessary, or contrary to the public interest. At its November meeting, the Council recommended corrections to 2017 and 2018 sablefish harvest specifications and resulting management measures be implemented as quickly as possible. There was not sufficient time after that meeting to allow for prior notice and opportunity for public comment before implementing these corrections so that NMFS could manage these fisheries using the best available science in accordance with the FMP (Section 2.1) and applicable law (National Standard 2). The corrected ACLs and resulting management measures are based on the best available scientific information regarding the relative biomass of sablefish north and south of 36° N. lat. The corrections implemented in this final rule are consistent with the impacts analyses for the proposed action, because the coastwide harvestable surplus (the sum of the northern and southern ACLs) is unchanged from the proposed rule; only the area-specific apportionment was incorrect. Further, correcting the sablefish ACLs is consistent with provisions in the FMP (Section 5.5) to allow timely corrections to ACLs due to technical errors, and also with the long-term formal allocation structure for sablefish north of 36° N. lat., which is predicated on an ACL calculated based on the relative biomass for the area north of 36° N. lat. Delaying the corrected sablefish ACLs and resulting management measures would keep regulations in place that are not based on the best available scientific information. Such a delay would impair achievement of the FMP goals and objectives of managing for appropriate harvest levels while providing for year-round fishing and marketing opportunities. Accordingly, for the reasons stated above, NMFS finds good cause to waive prior notice and comment.

NMFS prepared an EA for this action and Amendment 27 that discusses the impact on the environment as a result of some of the components of this rule. The full suite of alternatives analyzed by the Council can be found on the Council's Web site at *www.pcouncil.org*. This EA does not contain all of the alternatives because an EIS was prepared for the 2015–2016 biennial harvest specifications and management measures. Copies of the EA and the EIS are available from NMFS (see **ADDRESSES**). This EIS examined the harvest specifications and management measures for 2015–2016, and included ten year projections for routinely adjusted harvest specifications and management measures. The ten year projections were produced to evaluate the impacts of the ongoing implementation of harvest specifications and management measures and to evaluate the impacts of the routine adjustments that are the main component of regulatory changes in each biennial cycle. Therefore, the EA for the 2017–2018 cycle tiers from the 2015–2016 EIS, and focuses on the harvest specifications and management measures where the impacts were not within the scope of the ten year projections in the 2015–2016 EIS.

When an agency proposes regulations, the Regulatory Flexibility Act (RFA) requires the agency to prepare and make available for public comment an Initial Regulatory Flexibility Analysis (IRFA) document that describes the impact on small businesses, non-profit enterprises, local governments, and other small entities. The IRFA is to aid the agency in considering all reasonable regulatory alternatives that would minimize the economic impact on affected small entities. After the public comment period, the agency prepares a Final Regulatory Flexibility Analysis (FRFA) that takes into consideration any new information and public comments. This FRFA incorporates the IRFA and a summary of the analyses completed to support the action.

The comment period on the proposed rule closed on November 28, 2016, and no comments were received on the IRFA or the economic impacts of this action. An IRFA was prepared and summarized in the Classification section of the preamble to the proposed rule. The description of this action, its purpose, and its legal basis are described in the preamble to the proposed rule and are not repeated here. The FRFA describes the impacts on small entities, which are defined in the IRFA for this action and not repeated here. Analytical requirements for the FRFA are described in Regulatory Flexibility Act, section 604(a)(1) through (5), and summarized below.

The FRFA must contain: (1) A succinct statement of the need for, and objectives of, the rule; (2) A summary of the significant issues raised by the public comments in response to the IRFA, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; (3) A description and an estimate of the number of small entities to which the rule will apply, or an explanation of why no such estimate is available; (4) A description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for

preparation of the report or record; and (5) A description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.

This final rule will regulate businesses that participate in the groundfish fishery. This rule directly affects limited entry fixed gear permit holders, trawl quota share (QS) holders and Pacific whiting catch history endorsed permit holders (which include shorebased Pacific whiting processors), tribal vessels, charterboat vessels, and open access vessels. QS holders are directly affected as their QS are affected by the ACLs. Vessels that fish under the trawl rationalization program receive their quota pounds from the QS holders, and thus are indirectly affected. Similarly, mothership (MS) processors are indirectly affected as they receive the fish they process from limited entry permits that are endorsed with Pacific whiting catch history assignments.

To determine the number of small entities potentially affected by this rule, NMFS reviewed analyses of fish ticket data and limited entry permit data, information on charterboat, tribal, and open access fleets, available cost-earnings data developed by the Northwest Fisheries Science Center, and responses associated with the permitting process for the Trawl Rationalization Program where applicants were asked if they considered themselves a small business based on SBA definitions. This rule will regulate businesses that harvest groundfish.

Charter Operations

There were 355 active commercial passenger fishing vessels (charter) engaged in groundfish fishing in California in 2014. In 2014, an estimated 189 charter boats targeted groundfish in Oregon and Washington. All 544 of these vessels and associated small businesses are likely to be impacted by changes in recreational harvest levels for groundfish.

Commercial Vessels and Shorebased Buyers

With limited access to data for all the affiliated business operations for vessels and buyers, particularly in the open access and fixed gear fisheries, NMFS estimates the type of impacted vessels and buyer entities based solely on West Coast ex-vessel revenue. This may be an underestimate of the number of large-entities in the fishery, as many vessels and buyers may be affiliated, and may have income from non-West Coast sources (particularly Alaska).

Open access vessels are not federally permitted so counts based on landings can provide an estimate of the affected vessels. The analysis for the 2013–2014 Pacific Groundfish Harvest Specifications and Management Measures Environmental Impact Statement contained the following assessment, which is deemed as containing reasonable estimates for this rule, as these fisheries have not changed significantly in recent years. In 2011, 682 directed open access vessels fished while 284 incidental open access vessels fished for a total of 966 vessels. Over the 2005–2010 period, 1,583 different directed open access vessels fished, and 837 different incidental open access vessels fished, for a total of 2,420 different vessels. The four tribal fleets sum to a total of 54 longline vessels, 5 Pacific whiting trawlers, and 5 non-whiting trawlers, for an overall total of 64 vessels. Available information on average revenue per vessel suggests that all the entities in these groups can be considered small.

It is expected that a total of 873 catcher vessels (CVs), 227 buyers, 9 Catcher/Processors (C/Ps) and 6 MS entities will be impacted by this rule, for a total of 1,115, if commercial groundfish participation in 2017–2018 follows similar patterns to those of the last full year of available data (2015), and counting only those vessels and buyers who had at least $1,000 worth of groundfish sales or purchases in 2015.

GROUNDFISH EX-VESSEL REVENUES BY FISHERY

		N	West Coast total groundfish revenue	Average groundfish revenue
LE Trawl	C/P	9	$99,180,000 (2014 wholesale)	$11,020,000 (2014 wholesale).
	MS	5	$46,385,000 (2014 wholesale)	$9,277,000 (2014 wholesale).
	CV	83	$30,832,277 (2015 ex-vessel)	$371,473 (2015 ex-vessel).
	MS/CV	19	$17,300,000 (2014 ex-vessel)	$910,536.31 (2014 ex-vessel).
	Buyers	16	$137,600,000 (2014 wholesale)	$8,600,000 (2014 wholesale).
LE Fixed Gear	Primary	89	$8,357,122 (2015 ex-vessel)	$93,900 (2015 ex-vessel).
	DTL	152	$16,623,889 (2015 ex-vessel)	$109,368 (2015 ex-vessel).
	Buyers	108	N/A	N/A.
OA	CV	831	$7,281,894 (2015 ex-vessel)	$8,763 (2015 ex-vessel).
	Buyers	307	N/A	N/A.
Research	CV	4	$174,394 (2015 ex-vessel)	$43,599 (2015 ex-vessel).
Tribal	CV	198	$4,933,911 (2015 ex-vessel)	$24,918 (2015 ex-vessel).
	Buyers	19	N/A	N/A.

Note: 2015 reported revenues obtained from the Pacific Fisheries Information Network (PacFIN); 2014 reported revenues obtained from 2016 Economic Data Collection Reports.

During development of the 2017–2018 harvest specifications, a mistake was made in apportioning the sablefish ACLs north and south of 36° N. lat. While the coastwide values used for calculating revenues in the IRFA were correctly calculated, the area-specific ACLs in the proposed rule were incorrect. The proposed ACLs were based on a north/south dividing line of 34′27° N. lat. rather than the actual north/south dividing line of 36° N. lat. Correcting the percentages for apportioning the ACLs, results in area-specific ACLs that best represent the relative biomass for the areas in which those ACLs apply. The corrected ACLs and allocations are consistent with the FMP and will be corrected in this final rule, and thus is not expected to impact small entities. Coastwide sablefish harvest levels, which were correctly calculated in the proposed rule and analyzed under the IRFA, are not revised.

Limited Entry Permit Owners

As part of the permitting process for the trawl rationalization program or for participating in nontrawl limited entry permit fisheries, applicants were asked if they considered themselves a small business. NMFS reviewed the ownership and affiliation relationships of QS permit holders, vessel account holders, catcher processor permits, MS processors, and first receiver/shore processor permits. As of August 1, 2016, Dock Street Brokers has West Coast limited entry trawl endorsed permits for sale for $60,000 for a 46.1′ permit, and two 43′ West Coast longline permits for $135,000–$140,000. QS may be valued anywhere from tens of thousands to millions of dollars, depending on the species and amount owned, although not enough sales have occurred yet to be able to confidently estimate their value.

LIMITED ENTRY PERMIT-OWNER ENTITIES BY SMALL BUSINESS SELF-DESIGNATION

	Permit type	Small business designation		Total
		Small	Large	
LE Trawl	C/P	0	10	10
	MS	4	2	6
	CV	142	21	163
	FR	36	8	44
	QS	N/A	N/A	173
LE Fixed Gear	Primary	159	3	162
	DTL	52	8	60

If permit ownership in 2017–2018 follows similar patterns to those of the last full year available data (2015), it is expected that a total of 312 permit owning entities will be impacted by this rule. An estimated 222 of these entities own both permits and vessels, and 16 of the first receiver permit holding companies actually received groundfish, and are thus included in the table above.

Accounting for joint vessel and permit ownership in the limited entry fisheries to the extent possible, an estimated 1,189 commercial entities and 544 charter entities will be impacted by this rule; 16 of these entities are considered large, and the remaining 1,717 are small. As some of these entities are likely owned by the same parent companies, this number is likely an overestimate of the true value.

There are no reporting and recordkeeping requirements associated with this action. There are no significant alternatives to the final rule that accomplish the stated objectives of applicable statutes and that minimize any of the significant economic impact of this final rule on small entities.

Considered But Rejected Measures

A summary of the three measures that were analyzed but were excluded from the preferred alternative, and rationales for excluding them from the preferred alternative, were described in the proposed rule and are not repeated here.

Pursuant to Executive Order 13175, this final rule was developed after meaningful consultation and collaboration with tribal officials from the area covered by the PCGFMP. Under the Magnuson-Stevens Act at 16 U.S.C. 1852(b)(5), one of the voting members of the Pacific Council must be a representative of an Indian tribe with federally recognized fishing rights from the area of the Council's jurisdiction. In addition, regulations implementing the PCGFMP establish a procedure by which the tribes, which have treaty fishing rights in the area covered by the PCGFMP, request new allocations or regulations specific to the tribes, in writing, before the first of the two meetings at which the Council considers groundfish management measures. The regulations at 50 CFR 660.324(d) further state that the Secretary will develop tribal allocations and regulations in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus. The tribal management measures in this final rule have been developed following these procedures. The tribal representative on the Council made a motion to adopt the non-whiting tribal management measures, which was passed by the Council. Those management measures, which were developed and proposed by the tribes, were described in the proposed rule and are included in this final rule.

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

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: January 30, 2017.

Alan D. Risenhoover,

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

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.11 in the definition of ''Groundfish,'' paragraphs (7)(i)(A) and (7)(i)(B)(*2*) are revised to read as follows:

§ 660.11 General definitions.

* * * * *

(7) * * *

(i) * * *

(A) *North of 40°10′ N. lat.:* Black and yellow rockfish, *S. chrysomelas;* blue rockfish, *S. mystinus;* brown rockfish, *S. auriculatus;* calico rockfish, *S. dalli;* China rockfish, *S. nebulosus;* copper rockfish, *S. caurinus;* deacon rockfish, *S. diaconus,* gopher rockfish, *S. carnatus;* grass rockfish, *S. rastrelliger;* kelp rockfish, *S. atrovirens;* olive rockfish, *S. serranoides;* quillback rockfish, *S. maliger;* treefish, *S. serriceps.*

(B) * * *

(*2*) *Deeper nearshore rockfish* consists of black rockfish, *S. melanops;* blue rockfish, *S. mystinus;* brown rockfish, *S. auriculatus;* calico rockfish, *S. dalli;* copper rockfish, *S. caurinus;* deacon rockfish, *S. diaconus;* olive rockfish, *S. serranoides;* quillback rockfish, *S. maliger;* treefish, *S. serriceps.*

* * * * *

■ 3. Section 660.40 is revised to read as follows:

§ 660.40 Overfished species rebuilding plans.

For each overfished groundfish stock with an approved rebuilding plan, this section contains the standards to be used to establish annual or biennial

ACLs, specifically the target date for rebuilding the stock to its MSY level and the harvest control rule to be used to rebuild the stock. The harvest control rule may be expressed as a ''Spawning Potential Ratio'' or ''SPR'' harvest rate.

(a) *Bocaccio.* Bocaccio south of 40°10′ N. latitude was declared overfished in 1999. The target year for rebuilding the bocaccio stock south of 40°10′ N. latitude to B_{MSY} is 2022. The harvest control rule to be used to rebuild the southern bocaccio stock is an annual SPR harvest rate of 77.7 percent.

(b) *Cowcod.* Cowcod was declared overfished in 2000. The target year for rebuilding the cowcod stock south of 40°10′ N. lat. to B_{MSY} is 2020. The harvest control rule to be used to rebuild the cowcod stock is an annual SPR harvest rate of 82.7 percent.

(c) *Darkblotched rockfish.* Darkblotched rockfish was declared overfished in 2000. The target year for rebuilding the darkblotched rockfish stock to B_{MSY} is 2025. The harvest control rule is ACL = ABC (P* = 0.45).

(d) *Pacific ocean perch (POP).* POP was declared overfished in 1999. The target year for rebuilding the POP stock to B_{MSY} is 2051. The harvest control rule to be used to rebuild the POP stock in 2017 and 2018 is a constant catch ACL of 281 mt per year. In 2019 and thereafter the harvest control rule to be used to rebuild POP is an annual SPR harvest rate of 86.4 percent.

(e) *Yelloweye rockfish.* Yelloweye rockfish was declared overfished in 2002. The target year for rebuilding the yelloweye rockfish stock to B_{MSY} is 2074. The harvest control rule to be used to rebuild the yelloweye rockfish stock is an annual SPR harvest rate of 76.0 percent.

■ 4. In § 660.50, revise paragraphs (f)(2)(ii) and (f)(3), add paragraph (f)(9), and revise paragraph (g) to read as follows:

§ 660.50 Pacific Coast treaty Indian fisheries.

* * * * *

(f) * * *

(2) * * *

(ii) The Tribal allocation is 525 mt in 2017 and 548 mt in 2018 per year. This allocation is, for each year, 10 percent of the Monterey through Vancouver area (North of 36° N. lat.) ACL. The Tribal allocation is reduced by 1.5 percent for estimated discard mortality.

(3) *Lingcod.* Lingcod taken in the treaty fisheries are subject to a harvest guideline of 250 mt.

* * * * *

(9) *Widow rockfish.* Widow rockfish taken in the directed tribal midwater trawl fisheries are subject to a catch limit of 200 mt for the entire fleet, per year.

(g) *Pacific Coast treaty Indian fisheries management measures.* Trip limits for certain species were recommended by the tribes and the Council and are specified here.

(1) *Rockfish.* The tribes will require full retention of all overfished rockfish species and all other marketable rockfish species during treaty fisheries.

(2) *Yelloweye rockfish*—are subject to a 100-lb (45-kg) trip limit.

(3) *Other rockfish*—(i) *Minor nearshore rockfish.* Minor nearshore rockfish are subject to a 300-lb (136-kg) trip limit per species or species group, or to the non-tribal limited entry trip limit for those species if those limits are less restrictive than 300 lb (136 kg) per trip. Limited entry trip limits for waters off Washington are specified in Table 1 (North) to subpart D, and Table 2 (North) to subpart E of this part.

(ii) *Minor shelf rockfish and minor slope rockfish.* Redstripe rockfish are subject to an 800 lb (363 kg) trip limit. Minor shelf (excluding redstripe rockfish), and minor slope rockfish groups are subject to a 300 lb (136 kg) trip limit per species or species group, or to the non-tribal limited entry fixed gear trip limit for those species if those limits are less restrictive than 300 lb (136 kg) per trip. Limited entry fixed gear trip limits are specified in Table 2 (North) to subpart E of this part.

(iii) *Other rockfish.* All other rockfish, not listed specifically in paragraph (g) of this section, are subject to a 300 lb (136 kg) trip limit per species or species group, or to the non-tribal limited entry trip limit for those species if those limits are less restrictive than 300 lb (136 kg) per trip. Limited entry trip limits for waters off Washington are specified in Table 1 (North) to subpart D, and Table 2 (North) to subpart E of this part.

(4) *Pacific whiting.* Tribal whiting processed at-sea by non-tribal vessels, must be transferred within the tribal U&A from a member of a Pacific Coast treaty Indian tribe fishing under this section.

(5) *Groundfish without a tribal allocation.* Makah tribal members may use midwater trawl gear to take and retain groundfish for which there is no tribal allocation and will be subject to the trip landing and frequency and size limits applicable to the limited entry fishery.

(6) *EFH.* Measures implemented to minimize adverse impacts to groundfish EFH, as described in § 660.12 of this subpart, do not apply to tribal fisheries in their U&A fishing areas described at § 660.4, subpart A.

(7) *Small footrope trawl gear.* Makah tribal members fishing in the bottom trawl fishery may use only small footrope (less than or equal to 8 inches (20.3 cm)) bottom trawl gear.

■ 5. In § 660.55, revise paragraph (b) introductory text to read as follows:

§ 660.55 Allocations.

* * * * *

(b) *Fishery harvest guidelines and reductions made prior to fishery allocations.* Prior to the setting of fishery allocations, the TAC, ACL, or ACT when specified, is reduced by the Pacific Coast treaty Indian Tribal harvest (allocations, set-asides, and estimated harvest under regulations at § 660.50); projected scientific research catch of all groundfish species, estimates of fishing mortality in non-groundfish fisheries; and, as necessary, deductions to account for unforeseen catch events and deductions for EFPs. Deductions are listed in the footnotes of Tables 1a and 2a of subpart C of this part. The remaining amount after these deductions is the fishery harvest guideline or quota. (Note: recreational estimates are not deducted here.)

* * * * *

■ 6. In § 660.60, paragraphs (c)(1)(i) and (c)(3)(ii) are revised and paragraph (c)(4) is added to read as follows:

§ 660.60 Specifications and management measures.

* * * * *

(c) * * *

(1) * * *

(i) *Trip landing and frequency limits, size limits, all gear.* Trip landing and frequency limits have been designated as routine for the following species or species groups: Widow rockfish, canary rockfish, yellowtail rockfish, Pacific ocean perch, yelloweye rockfish, black rockfish, blue/deacon rockfish, splitnose rockfish, blackgill rockfish in the area south of 40°10′ N. lat., chilipepper, bocaccio, cowcod, Minor Nearshore Rockfish or shallow and deeper Minor Nearshore Rockfish, shelf or Minor Shelf Rockfish, and Minor Slope Rockfish; Dover sole, sablefish, shortspine thornyheads, and longspine thornyheads; petrale sole, rex sole, arrowtooth flounder, Pacific sanddabs, big skate, and the Other Flatfish complex, which is composed of those species plus any other flatfish species listed at § 660.11; Pacific whiting; lingcod; Pacific cod; spiny dogfish; longnose skate; cabezon in Oregon and California and ''Other Fish'' as defined at § 660.11. In addition to the species and species groups listed above, sub-limits or aggregate limits may be specified, specific to the Shorebased

IFQ Program, for the following species: Big skate, California skate, California scorpionfish, leopard shark, soupfin shark, finescale codling, Pacific rattail (grenadier), ratfish, kelp greenling, shortbelly rockfish, and cabezon in Washington. Size limits have been designated as routine for sablefish and lingcod. Trip landing and frequency limits and size limits for species with those limits designated as routine may be imposed or adjusted on a biennial or more frequent basis for the purpose of keeping landings within the harvest levels announced by NMFS, and for the other purposes given in paragraphs (c)(1)(i)(A) and (B) of this section.

* * * * *

(3) * * *

(ii) *Non-tribal deductions from the ACL.* Changes to the non-tribal amounts deducted from the TAC, ACLs, or ACT when specified, described at § 660.55(b)(2) through (4) and specified in the footnotes to Tables 1a through 1c, and 2a through 2c, to subpart C, have been designated as routine to make fish that would otherwise go unharvested available to other fisheries during the fishing year. Adjustments may be made to provide additional harvest opportunities in groundfish fisheries when catch in scientific research activities, non-groundfish fisheries, and EFPs are lower than the amounts that were initially deducted off the TAC, ACL, or ACT when specified, during the biennial specifications or to allocate yield from the deduction to account for unforeseen catch events to groundfish fisheries. When recommending adjustments to the non-tribal deductions, the Council shall consider the allocation framework criteria outlined in the PCGFMP and the objectives to maintain or extend fishing and marketing opportunities taking into account the best available fishery information on sector needs.

(4) *Inseason action for canary rockfish, yelloweye rockfish, and black rockfish in California State-Specific Federal Harvest Limits outside of a Council meeting.* The Regional Administrator, NMFS West Coast Region, after consultation with the Chairman of the Pacific Fishery Management Council and the Fishery Director of the California Department of Fish and Wildlife, or their designees, is authorized to modify the following designated routine management measures for canary rockfish, yelloweye rockfish, and black rockfish off the coast of California. For black rockfish in commercial fisheries trip landing and frequency limits; and depth based management measures. For black, canary, and yelloweye rockfish in recreational fisheries bag limits; time/area closures; depth based management. Any modifications may be made only after NMFS has determined that a California state-specific federal harvest limit for canary rockfish, yelloweye rockfish, or black rockfish, is attained or projected to be attained prior to the first day of the next Council meeting. Any modifications may only be used to restrict catch of canary rockfish, yelloweye rockfish, or black rockfish off the coast of California.

* * * * *

■ 7. In § 660.70, paragraphs (g) through (p) are redesignated as (i) through (r), and new paragraphs (g) and (h) are added to read as follows:

§ 660.70 Groundfish conservation areas.

* * * * *

(g) *Stonewall Bank Yelloweye Rockfish Conservation Area, Expansion 1.* The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) Expansion 1 is an area off central Oregon, near Stonewall Bank, intended to protect yelloweye rockfish. The Stonewall Bank YRCA Expansion 1 is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

(1) 44°41.76′ N. lat.; 124°30.02′ W. long.;

(2) 44°41.73′ N. lat.; 124°21.60′ W. long.;

(3) 44°25.25′ N. lat.; 124°16.94′ W. long.;

(4) 44°25.29′ N. lat.; 124°30.14′ W. long.;

(5) 44°41.76′ N. lat.; 124°30.02′ W. long.; and connecting back to 44°41.76′ N. lat.; 124°30.02′ W. long.

(h) *Stonewall Bank Yelloweye Rockfish Conservation Area, Expansion 2.* The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) Expansion 2 is an area off central Oregon, near Stonewall Bank, intended to protect yelloweye rockfish. The Stonewall Bank YRCA Expansion 2 is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

(1) 44°38.54′ N. lat.; 124°27.41′ W. long.;

(2) 44°38.54′ N. lat.; 124°23.86′ W. long.;

(3) 44°27.13′ N. lat.; 124°21.50′ W. long.;

(4) 44°27.13′ N. lat.; 124°26.89′ W. long.;

(5) 44°31.30′ N. lat.; 124°28.35′ W. long.; and connecting back to 44°38.54′ N. lat.; 124°27.41′ W. long.

* * * * *

■ 8. Amend § 660.71 as follows:

■ a. Redesignate paragraphs (e)(143) through (332) as paragraphs (e)(147) through (336), respectively and redesignate paragraphs (e)(140) through (142) as paragraphs (e)(141) through (143), respectively;

■ b. Add new paragraphs (e)(140) and (e)(144) through (146);

■ c. Revise newly redesignated paragraph (e)(168);

■ d. Redesignate paragraphs (k)(128) through (214) as paragraphs (k)(130) through (216), respectively and redesignate paragraphs (k)(120) through (127) as paragraphs (k)(121) through (128), respectively;

■ e. Add new paragraph (k)(120);

■ f. Revise newly redesignated paragraph (k)(128);

■ g. Add new paragraph (k)(129).

The revisions and additions read as follows:

§ 660.71 Latitude/longitude coordinates defining the 10-fm (18-m) through 40-fm (73-m) depth contours.

* * * * *

(e) * * *

(140) 39°37.50′ N. lat., 123°49.20′ W. long.;

* * * * *

(144) 39°13.00′ N. lat., 123°47.65′ W. long.;

(145) 39°11.06′ N. lat., 123°47.16′ W. long.;

(146) 39°10.35′ N. lat., 123°46.75′ W. long.;

* * * * *

(168) 37°39.85.′ N. lat., 122°49.90′ W. long.;

* * * * *

(k) * * *

(120) 38°30.57′ N. lat., 123°18.60′ W. long.;

* * * * *

(128) 37°48.22′ N. lat., 123°10.62′ W. long.;

(129) 37°47.53′ N. lat., 123°11.54′ W. long.;

* * * * *

■ 9. In § 660.72, paragraph (a)(107) is revised to read as follows:

§ 660.72 Latitude/longitude coordinates defining the 50 fm (91 m) through 75 fm (137 m) depth contours.

* * * * *

(a) * * *

(107) 37°45.57′ N. lat., 123°9.46′ W. long.;

* * * * *

■ 10. In § 660.73, redesignate paragraphs (h)(248) through (h)(309) as (h)(252) through (h)(313) and add new paragraphs (h)(248) through (h)(251) to read as follows:

§ 660.73 Latitude/longitude coordinates defining the 100 fm (183 m) through 150 fm (274 m) depth contours.

* * * * *

(h) * * *

(248) 36°47.60′ N. lat., 121°58.88′ W. long.;

(249) 36°48.24′ N. lat., 121°51.40′ W. long.;

(250) 36°45.84′ N. lat., 121°57.21′ W. long.;

(251) 36°45.77′ N. lat., 121°57.61′ W. long.;

* * * * *

■ 11. Tables 1a through 1d to Part 660, Subpart C, are revised to read as follows:

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Table 1a. to Part 660, Subpart C- 2017, Specifications of OFL, ABC, ACL, ACT and Fishery Harvest Guidelines (Weights in Metric Tons)

Species	Area	OFL	ABC	ACL a/	Fishery HG b/
BOCACCIO c/	S. of 40°10' N. lat.	2,139	2,044	790	775
COWCOD d/	S. of 40°10' N. lat.	70	63	10	8
DARKBLOTCHED ROCKFISH e/	Coastwide	671	641	641	564
PACIFIC OCEAN PERCH f/	N. of 40°10' N. lat.	964	922	281	232
YELLOWEYE ROCKFISH g/	Coastwide	57	47	20	15
Arrowtooth flounder h/	Coastwide	16,571	13,804	13,804	11,706
Big skate i/	Coastwide	541	494	494	437
Black rockfish j/	California (South of 42° N. lat.)	349	334	334	333
Black rockfish k/	Oregon (Between 46°16' N. lat. and 42° N. lat.)	577	527	527	526
Black rockfish l/	Washington (N. of 46°16' N. lat.)	319	305	305	287
Blackgill rockfish m/	S. of 40°10' N. lat.	NA	NA	NA	NA
Cabezon n/	California (South of 42° N. lat.)	157	150	150	150
Cabezon o/	Oregon (Between 46°16' N. lat. and 42° N. lat.)	49	47	47	47
California scorpionfish p/	S. of 34°27' N. lat.	289	264	150	148
Canary rockfish q/	Coastwide	1,793	1,714	1,714	1,467
Chilipepper r/	S. of 40°10' N. lat.	2,727	2,607	2,607	2,561
Dover sole s/	Coastwide	89,702	85,755	50,000	48,406
English sole t/	Coastwide	10,914	9,964	9,964	9,751
Lingcod u/	N. of 40°10' N. lat.	3,549	3,333	3,333	3,055
Lingcod v/	S. of 40°10' N. lat.	1,502	1,251	1,251	1,242
Longnose skate w/	Coastwide	2,556	2,444	2,000	1,853
Longspine thornyhead x/	Coastwide	4,571	3,808	NA	NA
Longspine thornyhead	N. of 34°27' N. lat.	NA	NA	2,894	2,847
Longspine thornyhead	S. of 34°27' N. lat.	NA	NA	914	911
Pacific cod y/	Coastwide	3,200	2,221	1,600	1,091
Pacific whiting z/	Coastwide	z/	z/	z/	z/
Petrale sole aa/	Coastwide	3,280	3,136	3,136	2,895
Sablefish	Coastwide	8,050	7,350	NA	NA
Sablefish bb/	N. of 36° N. lat.	NA	NA	5,252	See Table 1c
Sablefish cc/	S. of 36° N. lat.	NA	NA	1,864	1,859
Shortbelly rockfish dd/	Coastwide	6,950	5,789	500	489
Shortspine thornyhead ee/	Coastwide	3,144	2,619	NA	NA
Shortspine thornyhead	N. of 34°27' N. lat.	NA	NA	1,713	1,654
Shortspine thornyhead	S. of 34°27' N. lat.	NA	NA	906	864
Spiny dogfish ff/	Coastwide	2,514	2,094	2,094	1,756
Splitnose rockfish gg/	S. of 40°10' N. lat.	1,841	1,760	1,760	1,749
Starry flounder hh/	Coastwide	1,847	1,282	1,282	1,272
Widow rockfish ii/	Coastwide	14,130	13,508	13,508	13,290
Yellowtail rockfish jj/	N. of 40°10' N. lat.	6,786	6,196	6,196	5,166
Minor Nearshore Rockfish kk/	N. of 40°10' N. lat.	118	105	105	103
Minor Shelf Rockfish ll/	N. of 40°10' N. lat.	2,303	2,049	2,049	1,965
Minor Slope Rockfish mm/	N. of 40°10' N. lat.	1,897	1,755	1,755	1,690
Minor Nearshore Rockfish nn/	S. of 40°10' N. lat.	1,329	1,166	1,163	1,159
Minor Shelf Rockfish oo/	S. of 40°10' N. lat.	1,917	1,624	1,623	1,576
Minor Slope Rockfish pp/	S. of 40°10' N. lat.	827	718	707	687
Other Flatfish qq/	Coastwide	11,165	8,510	8,510	8,306
Other Fish rr/	Coastwide	537	474	474	474

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[a] Annual catch limits (ACLs), annual catch targets (ACTs) and harvest guidelines (HGs) are specified as total catch values.

[b] Fishery harvest guidelines means the harvest guideline or quota after subtracting Pacific Coast treaty Indian tribes allocations and projected catch, projected research catch, deductions for fishing mortality in non-groundfish fisheries, and deductions for EFPs from the ACL or ACT.

[c] Bocaccio. A stock assessment was conducted in 2015 for the bocaccio stock between the U.S.-Mexico border and Cape Blanco. The stock is managed with stock-specific harvest specifications south of 40°10′ N. lat. and within the Minor Shelf Rockfish complex north of 40°10′ N. lat. A historical catch distribution of approximately 7.4 percent was used to apportion the assessed stock to the area north of 40°10′ N. lat. The bocaccio stock was estimated to be at 36.8 percent of its unfished biomass in 2015. The OFL of 2,139 mt is projected in the 2015 stock assessment using an F_{MSY} proxy of $F_{50\%}$. The ABC of 2,044 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36 / P^* = 0.45$) because it is a category 1 stock. The 790 mt ACL is based on the current rebuilding plan with a target year to rebuild of 2022 and an SPR harvest rate of 77.7 percent. 15.4 mt is deducted from the ACL to accommodate the incidental open access fishery (0.8 mt), EFP catch (10 mt) and research catch (4.6 mt), resulting in a fishery HG of 774.6 mt. The California recreational fishery has an HG of 326.1 mt.

[d] Cowcod. A stock assessment for the Conception Area was conducted in 2013 and the stock was estimated to be at 33.9 percent of its unfished biomass in 2013. The Conception Area OFL of 58 mt is projected in the 2013 rebuilding analysis using an F_{MSY} proxy of $F_{50\%}$. The OFL contribution of 12 mt for the unassessed portion of the stock in the Monterey area is based on depletion-based stock reduction analysis. The OFLs for the Monterey and Conception areas were summed to derive the south of 40°10′ N. lat. OFL of 70 mt. The ABC for the area south of 40°10′ N. lat. is 63 mt. The assessed portion of the stock in the Conception Area is considered category 2, with a Conception area contribution to the ABC of 53 mt, which is an 8.7 percent reduction from the Conception area OFL ($\sigma = 0.72 / P^* = 0.45$). The unassessed portion of the stock in the Monterey area is considered a category 3 stock, with a contribution to the ABC of 10 mt, which is a 16.6 percent reduction from the Monterey area OFL ($\sigma = 1.44 / P^* = 0.45$). A single ACL of 10 mt is being set for both areas combined. The ACL of 10 mt is based on the rebuilding plan with a target year to rebuild of 2020 and an SPR harvest rate of 82.7 percent, which is equivalent to an exploitation rate (catch over age 11+ biomass) of 0.007. 2 mt is deducted from the ACL to accommodate the incidental open access fishery (less than 0.1 mt), EFP fishing (less than 0.1 mt) and research activity (2 mt), resulting in a fishery HG of 8 mt. Any additional mortality in research activities will be deducted from the ACL. A single ACT of 4 mt is being set for both areas combined.

[e] Darkblotched rockfish. A 2015 stock assessment estimated the stock to be at 39 percent of its unfished biomass in 2015. The OFL of 671 mt is projected in the 2015 stock assessment using an F_{MSY} proxy of $F_{50\%}$. The ABC of 641 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36 / P^* = 0.45$) because it is a category 1 stock. The ACL is set equal to the ABC, as the stock is projected to be above its target biomass of $B_{40\%}$ in 2017. 77.3 mt is deducted from the ACL to accommodate the Tribal fishery (0.2 mt), the incidental open access fishery (24.5 mt), EFP catch (0.1 mt), research catch (2.5 mt) and an additional deduction for unforeseen catch events (50 mt), resulting in a fishery HG of 563.8 mt.

[f] Pacific ocean perch. A stock assessment was conducted in 2011 and the stock was estimated to be at 19.1 percent of its unfished biomass in 2011. The OFL of 964 mt for the area north of 40°10′ N. lat. is based on an updated catch-only projection of the 2011 rebuilding analysis using an $F_{50\%}$ F_{MSY} proxy. The ABC of 922 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36 / P^* = 0.45$) because it is a category 1 stock. The ACL is based on the current rebuilding plan with a target year to rebuild of 2051 and a constant catch amount of 281 mt in 2017 and 2018, followed in 2019 and beyond by ACLs based on an SPR harvest rate of 86.4 percent. 49.4 mt is deducted from the ACL to accommodate the Tribal fishery (9.2 mt), the incidental open access fishery (10 mt), research catch (5.2 mt) and an additional deduction for unforeseen catch events (25 mt), resulting in a fishery HG of 231.6 mt.

[g] Yelloweye rockfish. A stock assessment update was conducted in 2011. The stock was estimated to be at 21.4 percent of its unfished biomass in 2011. The 57 mt coastwide OFL is based on a catch-only update of the 2011 stock assessment, assuming actual catches since 2011 and using an F_{MSY} proxy of $F_{50\%}$. The ABC of 47 mt is a 16.7 percent reduction from the OFL ($\sigma = 0.72 / P^* = 0.40$) because it is a category 2 stock. The 20 mt ACL is based on the current rebuilding plan with a target year to rebuild of 2074 and an SPR harvest rate of 76.0 percent. 5.4 mt is deducted from the ACL to accommodate the Tribal fishery (2.3 mt), the incidental open access fishery (0.4 mt), EFP catch (less than 0.1 mt) and research catch (2.7 mt), resulting in a fishery HG of 14.6 mt. Recreational HGs are: 3.3 mt (Washington); 3 mt (Oregon); and 3.9 mt (California).

[h] Arrowtooth flounder. The arrowtooth flounder stock was last assessed in 2007 and was estimated to be at 79 percent of its unfished biomass in 2007. The OFL of 16,571 mt is derived from a catch-only update of the 2007 stock assessment assuming actual catches since 2007 and using an $F_{30\%}$ F_{MSY} proxy. The ABC of 13,804 mt is a 16.7 percent reduction from the OFL ($\sigma = 0.72 / P^* = 0.40$) because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{25\%}$. 2,098.1 mt is deducted from the ACL to accommodate the Tribal fishery (2,041 mt), the incidental open access fishery (40.8 mt), and research catch (16.4 mt), resulting in a fishery HG of 11,705.9 mt.

[i] Big skate. The OFL of 541 mt is based on an estimate of trawl survey biomass and natural mortality. The ABC of 494 mt is an 8.7 percent reduction from the OFL ($\sigma = 0.72 / P^* = 0.45$) as it is a category 2 stock. The ACL is set equal to the ABC. 57.4 mt is deducted from the ACL to accommodate the Tribal fishery (15 mt), the incidental open access fishery (38.4 mt), and research catch (4 mt), resulting in a fishery HG of 436.6 mt.

[j] Black rockfish (California). A 2015 stock assessment estimated the stock to be at 33 percent of its unfished biomass in 2015. The OFL of 349 mt is projected in the 2015 stock assessment using an F_{MSY} proxy of $F_{50\%}$. The ABC of 334 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36 / P^* = 0.45$) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is projected to be above its target biomass of $B_{40\%}$ in 2017. 1 mt is deducted from the ACL to accommodate EFP catch (1 mt), resulting in a fishery HG of 333 mt.

[k] Black rockfish (Oregon). A 2015 stock assessment estimated the stock to be at 60 percent of its unfished biomass in 2015. The OFL of 577 mt is projected in the 2015 stock assessment using an F_{MSY} proxy of $F_{50\%}$. The ABC of 527 mt is an 8.7 percent reduction from the OFL ($\sigma = 0.72 / P^* = 0.45$) because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 0.6 mt is deducted from the ACL to accommodate the incidental open access fishery (0.6 mt), resulting in a fishery HG of 526.4 mt.

[l] Black rockfish (Washington). A 2015 stock assessment estimated the stock to be at 43 percent of its unfished biomass in 2015. The OFL of 319 mt is projected in the 2015 stock assessment using an F_{MSY} proxy of $F_{50\%}$. The ABC of 305 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36 / P^* = 0.45$) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 18 mt is deducted from the ACL to accommodate the Tribal fishery, resulting in a fishery HG of 287 mt.

[m] Blackgill rockfish. Blackgill rockfish contributes to the harvest specifications for the Minor Slope Rockfish South complex. See footnote [pp].

[n] Cabezon (California). A cabezon stock assessment was conducted in 2009. The cabezon spawning biomass in waters off California was estimated to be at 48.3 percent of its unfished biomass in 2009. The OFL of 157 mt is calculated using an F_{MSY} proxy of $F_{45\%}$. The ABC of 150 mt is based on a 4.4 percent reduction from the OFL ($\sigma = 0.36 / P^* = 0.45$) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 0.3 mt is deducted from the ACL to accommodate the incidental open access fishery, resulting in a fishery HG of 149.7 mt.

[o] Cabezon (Oregon). A cabezon stock assessment was conducted in 2009. The cabezon spawning biomass in waters off Oregon was estimated to be at 52 percent of its unfished biomass in 2009. The OFL of 49 mt is calculated using an F_{MSY} proxy of $F_{45\%}$. The ABC of 47 mt is based on a 4.4 percent reduction from the OFL ($\sigma = 0.36 / P^* = 0.45$) because it is a category 1 species. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. There are no deductions from the ACL so the fishery HG is also equal to the ACL of 47 mt.

[p] California scorpionfish. A California scorpionfish assessment was conducted in 2005 and was estimated to be at 79.8 percent of its unfished biomass in 2005. The OFL of 289 mt is based on projections from a catch-only update of the 2005 assessment assuming actual catches since 2005 and using an F_{MSY} harvest rate proxy of $F_{50\%}$. The ABC of 264 mt is an 8.7 percent reduction from the OFL ($\sigma = 0.72 / P^* = 0.45$) because it is a category 2 stock. The ACL is set at a constant catch amount of 150 mt. 2.2 mt is deducted from the ACL to accommodate the incidental open access fishery (2 mt) and research catch (0.2 mt), resulting in a fishery HG of 147.8 mt. An ACT of 111 mt is established.

[q] Canary rockfish. A stock assessment was conducted in 2015 and the stock was estimated to be at 55.5 percent of its unfished biomass coastwide in 2015. The coastwide OFL of 1,793 mt is projected in the 2015 assessment using an F_{MSY} harvest rate proxy of $F_{50\%}$. The ABC of 1,714 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36 / P^* = 0.45$) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 247 mt is deducted from the ACL to accommodate the Tribal fishery (50 mt), the incidental open access fishery (1.2 mt), EFP catch (1 mt), research catch (7.2 mt), and an additional deduction for unforeseen catch events (188 mt), resulting in a fishery HG of 1,466.6 mt. Recreational HGs are: 50 mt (Washington); 75 mt (Oregon); and 135 mt (California).

[r] Chilipepper. A coastwide update assessment of the chilipepper stock was conducted in 2015 and estimated to be at 64 percent of its unfished biomass in 2015. Chilipepper are managed with stock-specific harvest specifications south of 40°10′ N. lat. and within the Minor Shelf Rockfish complex north of 40°10′ N. lat. Projected OFLs are stratified north and south of 40°10′ N. lat. based on the average historical assessed area catch, which is 93 percent for the area south of 40°10′ N. lat. and 7 percent for the area north of 40°10′ N. lat. The OFL of 2,727 mt for the area south of 40°10′ N. lat. is projected in the 2015 assessment using an F_{MSY} proxy of $F_{50\%}$. The ABC of 2,607 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36 / P^* = 0.45$) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 45.9 mt is deducted from the ACL to accommodate the incidental open access fishery (5 mt), EFP fishing (30 mt), and research catch (10.9 mt), resulting in a fishery HG of 2,561.1 mt.

[s] Dover sole. A 2011 Dover sole assessment estimated the stock to be at 83.7 percent of its unfished biomass in 2011. The OFL of 89,702 mt is based on an updated catch-only projection from the 2011 stock assessment assuming actual catches since 2011 and using an F_{MSY} proxy of $F_{30\%}$. The ABC of 85,755 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36 / P^* = 0.45$) because it is a category 1 stock. The ACL could be set equal to the ABC because the stock is above its target biomass of $B_{25\%}$. However, the ACL of 50,000 mt is set at a level below the ABC and higher than the maximum historical landed catch. 1,593.7 mt is deducted from the ACL to accommodate the Tribal fishery (1,497 mt), the incidental open access fishery (54.8 mt), and research catch (41.9 mt), resulting in a fishery HG of 48,406.3 mt.

[t] English sole. A 2013 stock assessment was conducted, which estimated the stock to be at 88 percent of its unfished biomass in 2013. The OFL of 10,914 mt is projected in the 2013 assessment using an F_{MSY} proxy of $F_{30\%}$. The ABC of 9,964 mt is an 8.7 percent reduction from the OFL ($\sigma = 0.72 / P^* = 0.45$) because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{25\%}$. 212.8 mt is deducted from the ACL to accommodate the Tribal fishery (200 mt), the incidental open access fishery (7.0 mt) and research catch (5.8 mt), resulting in a fishery HG of 9,751.2 mt.

[u] Lingcod north. The 2009 lingcod assessment modeled two populations north and south of the California-Oregon border (42° N. lat.). Both populations were healthy with stock depletion estimated at 62 and 74 percent for the north and south, respectively in 2009. The OFL is based on an updated catch-only projection from the 2009 assessment assuming actual catches since 2009 and using an F_{MSY} proxy of $F_{45\%}$. The OFL is apportioned north of 40°10′ N. lat. by adding 48% of the OFL from California, resulting in an OFL of 3,549 mt for the area north of 40°10′ N. lat. The ABC of 3,333 mt is based on a 4.4 percent reduction ($\sigma = 0.36 / P^* = 0.45$) from the OFL contribution for the area north of 42° N. lat. because it is a category 1 stock, and an 8.7 percent reduction ($\sigma = 0.72 / P^* = 0.45$) from the OFL contribution for the area between 42° N. lat. and 40°10′ N. lat. because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 278.2 mt is deducted from the ACL for the Tribal fishery (250 mt), the incidental open access fishery (16 mt), EFP catch (0.5 mt) and research catch (11.7 mt), resulting in a fishery HG of 3,054.8 mt.

[v] Lingcod south. The 2009 lingcod assessment modeled two populations north and south of the California-Oregon border (42° N. lat.). Both populations were healthy with stock depletion estimated at 62 and 74 percent for the north and south, respectively in 2009.The OFL is based on an updated catch-only projection of the 2009 stock assessment assuming actual catches since 2009 using an F_{MSY} proxy of $F_{45\%}$. The OFL is apportioned by subtracting 48% of the California OFL, resulting in an OFL of 1,502 mt for the area south of 40°10′ N. lat. The ABC of 1,251 mt is based on a 16.7 percent reduction from the OFL ($\sigma = 0.72 / P^* = 0.40$) because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 9 mt is deducted from the ACL to accommodate the incidental open access fishery (6.9 mt), EFP fishing (1 mt), and research catch (1.1 mt), resulting in a fishery HG of 1,242 mt.

[w] Longnose skate. A stock assessment was conducted in 2007 and the stock was estimated to be at 66 percent of its unfished biomass. The OFL of 2,556 mt is derived from the 2007 stock assessment using an F_{MSY} proxy of $F_{50\%}$. The ABC of 2,444 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36 / P^* = 0.45$) because it is a category 1 stock. The ACL of 2,000 mt is a fixed harvest level that provides greater access to the stock and is less than the ABC. 147 mt is deducted from the ACL to accommodate the Tribal fishery (130 mt), incidental open access fishery (3.8 mt), and research catch (13.2 mt), resulting in a fishery HG of 1,853 mt.

[x] Longspine thornyhead. A 2013 longspine thornyhead coastwide stock assessment estimated the stock to be at 75 percent of its unfished biomass in 2013. A coastwide OFL of 4,571 mt is projected in the 2013 stock assessment using an $F_{50\%}$ F_{MSY} proxy. The coastwide ABC of 3,808 mt is a 16.7 percent reduction from the OFL ($\sigma = 0.72 / P^* = 0.40$) because it is a category 2 stock. For the portion of the stock that is north of 34°27′ N. lat., the ACL is 2,894 mt, and is 76 percent of the coastwide ABC based on the average swept-area biomass estimates (2003–2012) from the NMFS NWFSC trawl survey. 46.8 mt is deducted from the ACL to accommodate the Tribal fishery (30 mt), the incidental open access fishery (3.3 mt), and research catch (13.5 mt), resulting in a fishery HG of 2,847.2 mt. For that portion of the stock south of 34°27′ N. lat. the ACL is 914 mt and is 24 percent of the coastwide ABC based on the average swept-area biomass estimates (2003–2012) from the NMFS NWFSC trawl survey. 3.2 mt is deducted from the ACL to accommodate the incidental open access fishery (1.8 mt), and research catch (1.4 mt), resulting in a fishery HG of 910.8 mt.

[y] Pacific cod. The 3,200 mt OFL is based on the maximum level of historic landings. The ABC of 2,221 mt is a 30.6 percent reduction from the OFL ($\sigma = 1.44 / P^* = 0.40$) because it is a category 3 stock. The 1,600 mt ACL is the OFL reduced by 50 percent as a precautionary adjustment. 509 mt is deducted from the ACL to accommodate the Tribal fishery (500 mt), research catch (7 mt), and the incidental open access fishery (2 mt), resulting in a fishery HG of 1,091 mt.

[z] Pacific whiting. Pacific whiting. Pacific whiting are assessed annually. The final specifications will be determined consistent with the U.S.-Canada Pacific Whiting Agreement and will be announced after the Council's April 2017 meeting.

[aa] Petrale sole. A 2015 stock assessment update was conducted, which estimated the stock to be at 31 percent of its unfished biomass in 2015. The OFL of 3,280 mt is projected in the 2015 assessment using an F_{MSY} proxy of $F_{30\%}$. The ABC of 3,136 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36 / P^* = 0.45$) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{25\%}$. 240.9 mt is deducted from the ACL to accommodate the Tribal fishery (220 mt), the incidental open access fishery (3.2 mt) and research catch (17.7 mt), resulting in a fishery HG of 2,895.1 mt.

[bb] Sablefish north. A coastwide sablefish stock assessment update was conducted in 2015. The coastwide sablefish biomass was estimated to be at 33 percent of its unfished biomass in 2015. The coastwide OFL of 8,050 mt is projected in the 2015 stock assessment using an F_{MSY} proxy of $F_{45\%}$. The ABC of 7,350 mt is an 8.7 percent reduction from the OFL ($\sigma = 0.36 / P^* = 0.40$). The 40–10 adjustment is applied to the ABC to derive

a coastwide ACL value because the stock is in the precautionary zone. This coastwide ACL value is not specified in regulations. The coastwide ACL value is apportioned north and south of 36° N. lat., using the 2003–2014 average estimated swept area biomass from the NMFS NWFSC trawl survey, with 73.8 percent apportioned north of 36° N. lat. and 26.2 percent apportioned south of 36° N. lat. The northern ACL is 5,252 mt and is reduced by 525 mt for the Tribal allocation (10 percent of the ACL north of 36° N. lat.). The 525 mt Tribal allocation is reduced by 1.5 percent to account for discard mortality. Detailed sablefish allocations are shown in Table 1c.

[cc] Sablefish south. The ACL for the area south of 36° N. lat. is 1,864 mt (26.2 percent of the calculated coastwide ACL value). 5 mt is deducted from the ACL to accommodate the incidental open access fishery (2 mt) and research catch (3 mt), resulting in a fishery HG of 1,859 mt.

[dd] Shortbelly rockfish. A non-quantitative shortbelly rockfish assessment was conducted in 2007. The spawning stock biomass of shortbelly rockfish was estimated to be 67 percent of its unfished biomass in 2005. The OFL of 6,950 mt is based on the estimated MSY in the 2007 stock assessment. The ABC of 5,789 mt is a 16.7 percent reduction of the OFL ($\sigma = 0.72$ / $P^* = 0.40$) because it is a category 2 stock. The 500 mt ACL is set to accommodate incidental catch when fishing for co-occurring healthy stocks and in recognition of the stock's importance as a forage species in the California Current ecosystem. 10.9 mt is deducted from the ACL to accommodate the incidental open access fishery (8.9 mt) and research catch (2 mt), resulting in a fishery HG of 489.1 mt.

[ee] Shortspine thornyhead. A 2013 coastwide shortspine thornyhead stock assessment estimated the stock to be at 74.2 percent of its unfished biomass in 2013. A coastwide OFL of 3,144 mt is projected in the 2013 stock assessment using an $F_{50\%}$ F_{MSY} proxy. The coastwide ABC of 2,619 mt is a 16.7 percent reduction from the OFL ($\sigma = 0.72$ / $P^* = 0.40$) because it is a category 2 stock. For the portion of the stock that is north of 34°27′ N. lat., the ACL is 1,713 mt. The northern ACL is 65.4 percent of the coastwide ABC based on the average swept-area biomass estimates (2003–2012) from the NMFS NWFSC trawl survey. 59 mt is deducted from the ACL to accommodate the Tribal fishery (50 mt), the incidental open access fishery (1.8 mt), and research catch (7.2 mt), resulting in a fishery HG of 1,654 mt for the area north of 34°27′ N. lat. For that portion of the stock south of 34°27′ N. lat. the ACL is 906 mt. The southern ACL is 34.6 percent of the coastwide ABC based on the average swept-area biomass estimates (2003–2012) from the NMFS NWFSC trawl survey. 42.3 mt is deducted from the ACL to accommodate the incidental open access fishery (41.3 mt) and research catch (1 mt), resulting in a fishery HG of 863.7 mt for the area south of 34°27′ N. lat.

[ff] Spiny dogfish. A coastwide spiny dogfish stock assessment was conducted in 2011. The coastwide spiny dogfish biomass was estimated to be at 63 percent of its unfished biomass in 2011. The coastwide OFL of 2,514 mt is derived from the 2011 assessment using an F_{MSY} proxy of $F_{50\%}$. The coastwide ABC of 2,094 mt is a 16.7 percent reduction from the OFL ($\sigma = 0.72$ / $P^* = 0.40$) because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 338 mt is deducted from the ACL to accommodate the Tribal fishery (275 mt), the incidental open access fishery (49.5 mt), EFP catch (1 mt), and research catch (12.5 mt), resulting in a fishery HG of 1,756 mt.

[gg] Splitnose rockfish. A coastwide splitnose rockfish assessment was conducted in 2009 that estimated the stock to be at 66 percent of its unfished biomass in 2009. Splitnose rockfish in the north is managed in the Minor Slope Rockfish complex and with stock-specific harvest specifications south of 40°10′ N. lat. The coastwide OFL is projected in the 2009 assessment using an F_{MSY} proxy of $F_{50\%}$. The coastwide OFL is apportioned north and south of 40°10′ N. lat. based on the average 1916–2008 assessed area catch, resulting in 64.2 percent of the coastwide OFL apportioned south of 40°10′ N. lat., and 35.8 percent apportioned for the contribution of splitnose rockfish to the northern Minor Slope Rockfish complex. The southern OFL of 1,841 mt results from the apportionment described above. The southern ABC of 1,760 mt is a 4.4 percent reduction from the southern OFL ($\sigma = 0.36$ / $P^* = 0.45$) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is estimated to be above its target biomass of $B_{40\%}$. 10.7 mt is deducted from the ACL to accommodate the incidental open access fishery (0.2 mt), research catch (9 mt) and EFP catch (1.5 mt), resulting in a fishery HG of 1,749.3 mt.

[hh] Starry flounder. The stock was assessed in 2005 and was estimated to be above 40 percent of its unfished biomass in 2005 (44 percent in Washington and Oregon, and 62 percent in California). The coastwide OFL of 1,847 mt is set equal to the 2016 OFL, which was derived from the 2005 assessment using an F_{MSY} proxy of $F_{30\%}$. The ABC of 1,282 mt is a 30.6 percent reduction from the OFL ($\sigma = 1.44$ / $P^* = 0.40$) because it is a category 3 stock. The ACL is set equal to the ABC because the stock was estimated to be above its target biomass of $B_{25\%}$ in 2017. 10.3 mt is deducted from the ACL to accommodate the Tribal fishery (2 mt), and the incidental open access fishery (8.3 mt), resulting in a fishery HG of 1,271.7 mt.

[ii] Widow rockfish. The widow rockfish stock was assessed in 2015 and was estimated to be at 75 percent of its unfished biomass in 2015. The OFL of 14,130 mt is projected in the 2015 stock assessment using the $F_{50\%}$ F_{MSY} proxy. The ABC of 13,508 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36$ / $P^* = 0.45$) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 217.7 mt is deducted from the ACL to accommodate the Tribal fishery (200 mt), the incidental open access fishery (0.5 mt), EFP catch (9 mt) and research catch (8.2 mt), resulting in a fishery HG of 13,290.3 mt.

[jj] Yellowtail rockfish. A 2013 yellowtail rockfish stock assessment was conducted for the portion of the population north of 40°10′ N. lat. The estimated stock depletion was 67 percent of its unfished biomass in 2013. The OFL of 6,786 mt is projected in the 2013 stock assessment using an F_{MSY} proxy of $F_{50\%}$. The ABC of 6,196 mt is an 8.7 percent reduction from the OFL ($\sigma = 0.72$ / $P^* = 0.45$) because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 1,030 mt is deducted from the ACL to accommodate the Tribal fishery (1,000 mt), the incidental open access fishery (3.4 mt), EFP catch (10 mt) and research catch (16.6 mt), resulting in a fishery HG of 5,166.1 mt.

[kk] Minor Nearshore Rockfish north. The OFL for Minor Nearshore Rockfish north of 40°10′ N. lat. of 118 mt is the sum of the OFL contributions for the component species managed in the complex. The ABCs for the minor rockfish complexes are based on a sigma value of 0.72 for category 2 stocks (blue/deacon rockfish in California, brown rockfish, China rockfish, and copper rockfish) and a sigma value of 1.44 for category 3 stocks (all others) with a P^* of 0.45. The resulting ABC of 105 mt is the summed contribution of the ABCs for the component species. The ACL of 105 mt is the sum of contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contributions for blue/deacon rockfish in California where the 40–10 adjustment was applied to the ABC contribution for this stock because it is in the precautionary zone. 1.8 mt is deducted from the ACL to accommodate the Tribal fishery (1.5 mt) and the incidental open access fishery (0.3 mt), resulting in a fishery HG of 103.2 mt. Between 40°10′ N. lat. and 42° N. lat. the Minor Nearshore Rockfish complex north has a harvest guideline of 40.2 mt. Blue/deacon rockfish south of 42° N. lat. has a stock-specific HG, described in footnote nn/.

[ll] Minor Shelf Rockfish north. The OFL for Minor Shelf Rockfish north of 40°10′ N. lat. of 2,303 mt is the sum of the OFL contributions for the component species within the complex. The ABCs for the minor rockfish complexes are based on a sigma value of 0.36 for a category 1 stock (chilipepper), a sigma value of 0.72 for category 2 stocks (greenspotted rockfish between 40°10′ and 42° N. lat. and greenstriped rockfish), and a sigma value of 1.44 for category 3 stocks (all others) with a P^* of 0.45. The resulting ABC of 2,049 mt is the summed contribution of the ABCs for the component species. The ACL of 2,049 mt is the sum of contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contribution of greenspotted rockfish in California where the 40–10 adjustment was applied to the ABC contribution for this stock because it is in the precautionary zone. 83.8 mt is deducted from the ACL to accommodate the Tribal fishery (30 mt), the incidental open access fishery (26 mt), EFP catch (3 mt), and research catch (24.8 mt), resulting in a fishery HG of 1,965.2 mt.

[mm] Minor Slope Rockfish north. The OFL for Minor Slope Rockfish north of 40°10′ N. lat. of 1,897 mt is the sum of the OFL contributions for the component species within the complex. The ABCs for the Minor Slope Rockfish complexes are based on a sigma value of 0.39 for aurora rockfish, a

sigma value of 0.36 for the other category 1 stock (splitnose rockfish), a sigma value of 0.72 for category 2 stocks (rougheye rockfish, blackspotted rockfish, and sharpchin rockfish), and a sigma value of 1.44 for category 3 stocks (all others) with a P* of 0.45. A unique sigma of 0.39 was calculated for aurora rockfish because the variance in estimated spawning biomass was greater than the 0.36 used as a proxy for other category 1 stocks. The resulting ABC of 1,755 mt is the summed contribution of the ABCs for the component species. The ACL is set equal to the ABC because all the assessed component stocks (*i.e.,* rougheye rockfish, blackspotted rockfish, sharpchin rockfish, and splitnose rockfish) are above the target biomass of $B_{40\%}$. 65.1 mt is deducted from the ACL to accommodate the Tribal fishery (36 mt), the incidental open access fishery (18.6 mt), EFP catch (1 mt), and research catch (9.5 mt), resulting in a fishery HG of 1,689.9 mt.

[nn] Minor Nearshore Rockfish south. The OFL for the Minor Nearshore Rockfish complex south of 40°10′ N. lat. of 1,329 mt is the sum of the OFL contributions for the component species within the complex. The ABC for the southern Minor Nearshore Rockfish complex is based on a sigma value of 0.72 for category 2 stocks (*i.e.,* blue/deacon rockfish north of 34°27′ N. lat., brown rockfish, China rockfish, and copper rockfish) and a sigma value of 1.44 for category 3 stocks (all others) with a P* of 0.45. The resulting ABC of 1,166 mt is the summed contribution of the ABCs for the component species. The ACL of 1,163 mt is the sum of the contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contribution for blue/deacon rockfish north of 34°27′ N. lat. and China rockfish where the 40–10 adjustment was applied to the ABC contributions for these two stocks because they are in the precautionary zone. 4.1 mt is deducted from the ACL to accommodate the incidental open access fishery (1.4 mt) and research catch (2.7 mt), resulting in a fishery HG of 1,158.9 mt. Blue/deacon rockfish south of 42° N. lat. has a stock-specific HG set equal to the 40–10-adjusted ACL for the portion of the stock north of 34°27′ N. lat. (243.7 mt) plus the ABC contribution for the unassessed portion of the stock south of 34°27′ N. lat. (60.8 mt). The California (*i.e.,* south of 42° N. lat.) blue/deacon rockfish HG is 304.5 mt.

[oo] Minor Shelf Rockfish south. The OFL for the Minor Shelf Rockfish complex south of 40°10′ N. lat. of 1,917 mt is the sum of the OFL contributions for the component species within the complex. The ABC for the southern Minor Shelf Rockfish complex is based on a sigma value of 0.72 for category 2 stocks (greenspotted and greenstriped rockfish) and a sigma value of 1.44 for category 3 stocks (all others) with a P* of 0.45. The resulting ABC of 1,624 mt is the summed contribution of the ABCs for the component species. The ACL of 1,623 mt is the sum of contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contribution of greenspotted rockfish in California where the 40–10 adjustment was applied to the ABC contribution for this stock because it is in the precautionary zone. 47.2 mt is deducted from the ACL to accommodate the incidental open access fishery (8.6 mt), EFP catch (30 mt), and research catch (8.6 mt), resulting in a fishery HG of 1,575.8 mt.

[pp] Minor Slope Rockfish south. The OFL of 827 mt is the sum of the OFL contributions for the component species within the complex. The ABC for the southern Minor Slope Rockfish complex is based on a sigma value of 0.39 for aurora rockfish, a sigma value of 0.72 for category 2 stocks (blackgill rockfish, rougheye rockfish, blackspotted rockfish, and sharpchin rockfish) and a sigma value of 1.44 for category 3 stocks (all others) with a P* of 0.45. A unique sigma of 0.39 was calculated for aurora rockfish because the variance in estimated biomass was greater than the 0.36 used as a proxy for other category 1 stocks. The resulting ABC of 718 mt is the summed contribution of the ABCs for the component species. The ACL of 707 mt is the sum of the contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contribution of blackgill rockfish where the 40–10 adjustment was applied to the ABC contribution for this stock because it is in the precautionary zone. 20.2 mt is deducted from the ACL to accommodate the incidental open access fishery (17.2 mt), EFP catch (1 mt), and research catch (2 mt), resulting in a fishery HG of 686.8 mt. Blackgill rockfish has a stock-specific HG for the entire groundfish fishery south of 40°10′ N. lat. set equal to the species' contribution to the 40–10-adjusted ACL. Harvest of blackgill rockfish in all groundfish fisheries counts against this HG of 120.2 mt. Nontrawl fisheries are subject to a blackgill rockfish HG of 44.5 mt.

[qq] Other Flatfish. The Other Flatfish complex is comprised of flatfish species managed in the PCGFMP that are not managed with stock-specific OFLs/ABCs/ACLs. Most of the species in the Other Flatfish complex are unassessed and include: Butter sole, curlfin sole, flathead sole, Pacific sanddab, rock sole, sand sole, and rex sole. The Other Flatfish OFL of 11,165 mt is based on the sum of the OFL contributions of the component stocks. The ABC of 8,510 mt is based on a sigma value of 0.72 for a category 2 stock (rex sole) and a sigma value of 1.44 for category 3 stocks (all others) with a P* of 0.40. The ACL is set equal to the ABC. The ACL is set equal to the ABC because all of the assessed stocks (*i.e.,* Pacific sanddabs and rex sole) were above their target biomass of $B_{25\%}$. 204 mt is deducted from the ACL to accommodate the Tribal fishery (60 mt), the incidental open access fishery (125 mt), and research catch (19 mt), resulting in a fishery HG of 8,306 mt.

[rr] Other Fish. The Other Fish complex is comprised of kelp greenling coastwide, cabezon off Washington, and leopard shark coastwide. The 2015 assessment for the kelp greenling stock off of Oregon projected an estimated depletion of 80 percent in 2015. All other stocks are unassessed. The OFL of 537 mt is the sum of the OFL contributions for kelp greenling coastwide, cabezon off Washington, and leopard shark coastwide. The ABC for the Other Fish complex is based on a sigma value of 0.44 for kelp greenling off Oregon and a sigma value of 1.44 for category 3 stocks (all others) with a P* of 0.45. A unique sigma of 0.44 was calculated for kelp greenling off Oregon because the variance in estimated spawning biomass was greater than the 0.36 sigma used as a proxy for other category 1 stocks. The resulting ABC of 474 mt is the summed contribution of the ABCs for the component species. The ACL is set equal to the ABC because all of the assessed stocks (kelp greenling off Oregon) were above their target biomass of $B_{40\%}$. There are no deductions from the ACL so the fishery HG is equal to the ACL of 474 mt.

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Table 1b. to Part 660, Subpart C – 2017, Allocations by Species or Species Group (Weight in Metric Tons)

Species	Area	Fishery HG or ACT	Trawl		Non-trawl	
			Percent	Mt	Percent	Mt
BOCACCIO a/	S. of 40°10' N. lat.	774.6	39	302.4	61	472.2
COWCOD a/b/	S. of 40°10' N. lat.	4.0	36	1.4	64	2.6
DARKBLOTCHED ROCKFISH c/	Coastwide	563.8	95	535.6	5	28.2
PACIFIC OCEAN PERCH e/	N. of 40°10' N. lat.	231.6	95	220.0	5	11.6
YELLOWEYE ROCKFISH a/	Coastwide	14.6	NA	1.1	NA	13.1
Arrowtooth flounder	Coastwide	11,705.9	95	11,120.6	5	585.3
Big skate a/	Coastwide	436.6	95	414.8	5	21.8
Canary rockfish a/d/	Coastwide	1,466.6	NA	1,060.1	NA	406.5
Chilipepper	S. of 40°10' N. lat.	2,561.1	75	1,920.8	25	640.3
Dover sole	Coastwide	48,406.3	95	45,986.0	5	2,420.3
English sole	Coastwide	9,751.2	95	9,263.6	5	487.6
Lingcod	N. of 40°10' N. lat.	3,054.8	45	1,374.7	55	1,680.2
Lingcod	S. of 40°10' N. lat.	1,242.0	45	558.9	55	683.1
Longnose skate a/	Coastwide	1,853.0	90	1,667.7	10	185.3
Longspine thornyhead	N. of 34°27' N. lat.	2,847.2	95	2,704.8	5	142.4
Pacific cod	Coastwide	1,091.0	95	1,036.4	5	54.5
Pacific whiting	Coastwide	TBD	100	TBD	0	TBD
Petrale sole	Coastwide	2,895.1	95	2,750.3	5	144.8
Sablefish	N. of 36° N. lat.	N/A	See Table 1c			
Sablefish	S. of 36° N. lat.	1,859.0	42	780.8	58	1,078.2
Shortspine thornyhead	N. of 34°27' N. lat.	1,654.0	95	1,571.3	5	82.7
Shortspine thornyhead	S. of 34°27' N. lat.	863.7	NA	50.0	NA	813.7
Splitnose rockfish	S. of 40°10' N. lat.	1,749.3	95	1,661.8	5	87.5
Stary flounder	Coastwide	1,271.7	50	635.9	50	635.9
Widow rockfish f/	Coastwide	13,290.3	91	12,094.2	9	1,196.1
Yellowtail rockfish	N. of 40°10' N. lat.	5,166.1	88	4,546.1	12	619.9
Minor Shelf Rockfish a/	N. of 40°10' N. lat.	1,965.2	60	1,183.1	40	782.1
Minor Slope Rockfish	N. of 40°10' N. lat.	1,689.9	81	1,368.8	19	321.1
Minor Shelf Rockfish a/	S. of 40°10' N. lat.	1,575.8	12	192.2	88	1,383.6
Minor Slope Rockfish	S. of 40°10' N. lat.	686.8	63	432.7	37	254.1
Other Flatfish	Coastwide	8,306.0	90	7,475.4	10	830.6

a/ Allocations decided through the biennial specification process.

b/ The cowcod fishery harvest guideline is further reduced to an ACT of 4.0 mt.

c/ Consistent with regulations at §660.55(c), 9 percent (48.2 mt) of the total trawl allocation for darkblotched rockfish is allocated to the Pacific whiting fishery, as follows: 20.2 mt for the Shorebased IFQ Program, 11.6 mt for the MS sector, and 16.4 mt for the C/P sector. The tonnage calculated here for the Pacific whiting IFQ fishery contributes to the total shorebased trawl allocation, which is found at §660.140(d)(1)(ii)(D).

d/ Canary rockfish is allocated approximately 72 percent to trawl and 28 percent to non-trawl. 46 mt of the total trawl allocation of canary rockfish is allocated to the MS and C/P sectors, as follows: 30 mt for the MS sector, and 16 mt for the C/P sector.

e/ Consistent with regulations at §660.55(c), 17 percent (37.4 mt) of the total trawl allocation for POP is allocated to the Pacific whiting fishery, as follows: 15.7 mt for the Shorebased IFQ Program, 9.0 mt for the MS sector, and 12.7 mt for the C/P sector. The tonnage calculated here for the Pacific whiting IFQ fishery contributes to the total shorebased trawl allocation, which is found at §660.140(d)(1)(ii)(D).

f/ Consistent with regulations at §660.55(c), 10 percent (1,209.4 mt) of the total trawl allocation for widow rockfish is allocated to the whiting fisheries, as follows: 508.0 mt for the shorebased IFQ fishery, 290.3 mt for the mothership fishery, and 411.2 mt for the catcher/processor fishery. The tonnage calculated here for the whiting portion of the shorebased IFQ fishery contributes to the total shorebased trawl allocation, which is found at §660.140(d)(1)(ii)(D).

Table 1c. to Part 660, Subpart C – Sablefish North of 36° N. lat. Allocations, 2017

Year	ACL	Set-asides		Recreational Estimate	EFP	Commercial HG	Limited Entry HG		Open Access HG	
		Tribal a/	Research				Percent	mt	Percent	mt b/
2017	5,252	525	26	6.1	1	4,694	90.6	4,252	9.4	441

Year	LE All	Limited Entry Trawl c/			Limited Entry Fixed Gear d/		
		All Trawl	At-sea Whiting	Shorebased IFQ	All FG	Primary	DTL
2017	4,252	2,466	50	2,416	1,786	1,518	268

a/ The tribal allocation is further reduced by 1.5 percent for discard mortality resulting in 517 mt in 2017.

b/ The open access HG is taken by the incidental OA fishery and the directed OA fishery.

c/ The trawl allocation is 58 percent of the limited entry HG.

d/ The limited entry fixed gear allocation is 42 percent of the limited entry HG.

Table 1d. to Part 660, Subpart C – At-Sea Whiting Fishery Annual Set-Asides, 2017

Species or Species Complex	Area	Set Aside (mt)
BOCACCIO	S. of 40°10 N. lat.	NA
COWCOD	S. of 40°10 N. lat.	NA
DARKBLOTCHED ROCKFISH a/	Coastwide	Allocation
PACIFIC OCEAN PERCH a/	N. of 40°10 N. lat.	Allocation
YELLOWEYE ROCKFISH	Coastwide	0
Arrowtooth flounder	Coastwide	70
Canary rockfish a/	Coastwide	Allocation
Chilipepper	S. of 40°10 N. lat.	NA
Dover sole	Coastwide	5
English sole	Coastwide	5
Lingcod	N. of 40°10 N. lat.	15
Lingcod	S. of 40°10 N. lat.	NA
Longnose skate	Coastwide	5
Longspine thornyhead	N. of 34°27 N. lat.	5
Longspine thornyhead	S. of 34°27 N. lat.	NA
Minor Nearshore Rockfish	N. of 40°10 N. lat.	NA
Minor Nearshore Rockfish	S. of 40°10 N. lat.	NA
Minor Shelf Rockfish	N. of 40°10 N. lat.	35
Minor Shelf Rockfish	S. of 40°10 N. lat.	NA
Minor Slope Rockfish	N. of 40°10 N. lat.	100
Minor Slope Rockfish	S. of 40°10 N. lat.	NA
Other Fish	Coastwide	NA
Other Flatfish	Coastwide	20
Pacific cod	Coastwide	5
Pacific Halibut b/	Coastwide	10
Pacific Whiting	Coastwide	Allocation
Petrale sole	Coastwide	5
Sablefish	N. of 36° N. lat.	50
Sablefish	S. of 36° N. lat.	NA
Shortspine thornyhead	N. of 34°27 N. lat.	20
Shortspine thornyhead	S. of 34°27 N. lat.	NA
Starry flounder	Coastwide	5
Widow Rockfish a/	Coastwide	Allocation
Yellowtail rockfish	N. of 40°10 N. lat.	300

a/ See Table 1.b., to Subpart C, for the at-sea whiting allocations for these species.

b/ As stated in §660.55 (m), the Pacific halibut set-aside is 10 mt, to accommodate bycatch in the at-sea Pacific whiting fisheries and in the shorebased trawl sector south of 40°10 N. lat. (estimated to be approximately 5 mt each).

■ 12. Tables 2a through 2d to Part 660, Subpart C, are revised to read as follows:

Table 2a. to Part 660, Subpart C- 2018, and Beyond, Specifications of OFL, ABC, ACL, ACT and Fishery Harvest Guidelines (Weights in Metric Tons)

Species	Area	OFL	ABC	ACL a/	Fishery HG b/
BOCACCIO c/	S. of 40°10' N. lat.	2,013	1,924	741	726
COWCOD d/	S. of 40°10' N. lat.	71	64	10	8
DARKBLOTCHED ROCKFISH e/	Coastwide	683	653	653	576
PACIFIC OCEAN PERCH f/	N. of 40°10' N. lat.	984	941	281	232
YELLOWEYE ROCKFISH g/	Coastwide	58	48	20	14
Arrowtooth flounder h/	Coastwide	16,498	13,743	13,743	11,645
Big skate i/	Coastwide	541	494	494	437
Black rockfish j/	California (South of 42° N. lat.)	347	332	332	331
Black rockfish k/	Oregon (Between 46°16' N. lat. and 42° N. lat.)	570	520	520	519
Black rockfish l/	Washington (N. of 46°16' N. lat.)	315	301	301	283
Blackgill rockfish m/	S. of 40°10' N. lat.	NA	NA	NA	NA
Cabezon n/	California (South of 42° N. lat.)	156	149	149	149
Cabezon o/	Oregon (Between 46°16' N. lat. and 42° N. lat.)	49	47	47	47
California scorpionfish p/	S. of 34°27' N. lat.	278	254	150	148
Canary rockfish q/	Coastwide	1,596	1,526	1,526	1,467
Chilipepper r/	S. of 40°10' N. lat.	2,623	2,507	2,507	2,461
Dover sole s/	Coastwide	90,282	86,310	50,000	48,406
English sole t/	Coastwide	8,255	7,537	7,537	7,324
Lingcod u/	N. of 40°10' N. lat.	3,310	3,110	3,110	2,832
Lingcod v/	S. of 40°10' N. lat.	1,373	1,144	1,144	1,135
Longnose skate w/	Coastwide	2,526	2,415	2,000	1,853
Longspine thornyhead x/	Coastwide	4,339	3,614	NA	NA
Longspine thornyhead	N. of 34°27' N. lat.	NA	NA	2,747	2,700
Longspine thornyhead	S. of 34°27' N. lat.	NA	NA	867	864
Pacific cod y/	Coastwide	3,200	2,221	1,600	1,091
Pacific whiting z/	Coastwide	z/	z/	z/	z/
Petrale sole aa/	Coastwide	3,152	3,013	3,013	2,772
Sablefish	Coastwide	8,329	7,604	NA	NA
Sablefish bb/	N. of 36° N. lat.	NA	NA	5,475	See Table 2c
Sablefish cc/	S. of 36° N. lat.	NA	NA	1,944	1,939
Shortbelly rockfish dd/	Coastwide	6,950	5,789	500	489
Shortspine thornyhead ee/	Coastwide	3,116	2,596	NA	NA
Shortspine thornyhead	N. of 34°27' N. lat.	NA	NA	1,698	1,639
Shortspine thornyhead	S. of 34°27' N. lat.	NA	NA	898	856
Spiny dogfish ff/	Coastwide	2,500	2,083	2,083	1,745
Splitnose rockfish gg/	S. of 40°10' N. lat.	1,842	1,761	1,761	1,750
Starry flounder hh/	Coastwide	1,847	1,282	1,282	1,272
Widow rockfish ii/	Coastwide	13,237	12,655	12,655	12,437
Yellowtail rockfish jj/	N. of 40°10' N. lat.	6,574	6,002	6,002	4,972
Minor Nearshore Rockfish kk/	N. of 40°10' N. lat.	119	105	105	103
Minor Shelf Rockfish ll/	N. of 40°10' N. lat.	2,302	2,048	2,047	1,963
Minor Slope Rockfish mm/	N. of 40°10' N. lat.	1,896	1,754	1,754	1,689
Minor Nearshore Rockfish nn/	S. of 40°10' N. lat.	1,344	1,180	1,179	1,175
Minor Shelf Rockfish oo/	S. of 40°10' N. lat.	1,918	1,625	1,624	1,577
Minor Slope Rockfish pp/	S. of 40°10' N. lat.	829	719	709	689
Other Flatfish qq/	Coastwide	9,690	7,281	7,281	7,077
Other Fish rr/	Coastwide	501	441	441	441

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[a] Annual catch limits (ACLs), annual catch targets (ACTs) and harvest guidelines (HGs) are specified as total catch values.

[b] Fishery harvest guidelines means the harvest guideline or quota after subtracting Pacific Coast treaty Indian tribes allocations and projected catch, projected research catch, deductions for fishing mortality in non-groundfish fisheries, and deductions for EFPs from the ACL or ACT.

[c] Bocaccio. A stock assessment was conducted in 2015 for the bocaccio stock between the U.S.-Mexico border and Cape Blanco. The stock is managed with stock-specific harvest specifications south of 40°10′ N. lat. and within the Minor Shelf Rockfish complex north of 40°10′ N. lat. A historical catch distribution of approximately 7.4 percent was used to apportion the assessed stock to the area north of 40°10′ N. lat. The bocaccio stock was estimated to be at 36.8 percent of its unfished biomass in 2015. The OFL of 2,013 mt is projected in the 2015 stock assessment using an F_{MSY} proxy of $F_{50\%}$. The ABC of 1,924 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36$ / $P^* = 0.45$) because it is a category 1 stock. The 741 mt ACL is based on the current rebuilding plan with a target year to rebuild of 2022 and an SPR harvest rate of 77.7 percent. 15.4 mt is deducted from the ACL to accommodate the incidental open access fishery (0.8 mt), EFP catch (10 mt) and research catch (4.6 mt), resulting in a fishery HG of 725.6 mt. The California recreational fishery has an HG of 305.5 mt.

[d] Cowcod. A stock assessment for the Conception Area was conducted in 2013 and the stock was estimated to be at 33.9 percent of its unfished biomass in 2013. The Conception Area OFL of 59 mt is projected in the 2013 rebuilding analysis using an F_{MSY} proxy of $F_{50\%}$. The OFL contribution of 12 mt for the unassessed portion of the stock in the Monterey area is based on depletion-based stock reduction analysis. The OFLs for the Monterey and Conception areas were summed to derive the south of 40°10′ N. lat. OFL of 71 mt. The ABC for the area south of 40°10′ N. lat. is 64 mt. The assessed portion of the stock in the Conception Area is considered category 2, with a Conception area contribution to the ABC of 54 mt, which is an 8.7 percent reduction from the Conception area OFL ($\sigma = 0.72$ / $P^* = 0.45$). The unassessed portion of the stock in the Monterey area is considered a category 3 stock, with a contribution to the ABC of 10 mt, which is a 16.6 percent reduction from the Monterey area OFL ($\sigma = 1.44$ / $P^* = 0.45$). A single ACL of 10 mt is being set for both areas combined. The ACL of 10 mt is based on the rebuilding plan with a target year to rebuild of 2020 and an SPR harvest rate of 82.7 percent, which is equivalent to an exploitation rate (catch over age 11+ biomass) of 0.007. 2 mt is deducted from the ACL to accommodate the incidental open access fishery (less than 0.1 mt), EFP fishing (less than 0.1 mt) and research activity (2 mt), resulting in a fishery HG of 8 mt. Any additional mortality in research activities will be deducted from the ACL. A single ACT of 4 mt is being set for both areas combined.

[e] Darkblotched rockfish. A 2015 stock assessment estimated the stock to be at 39 percent of its unfished biomass in 2015. The OFL of 683 mt is projected in the 2015 stock assessment using an F_{MSY} proxy of $F_{50\%}$. The ABC of 653 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36$ / $P^* = 0.45$) because it is a category 1 stock. The ACL is set equal to the ABC, as the stock is projected to be above its target biomass of $B_{40\%}$ in 2017. 77.3 mt is deducted from the ACL to accommodate the Tribal fishery (0.2 mt), the incidental open access fishery (24.5 mt), EFP catch (0.1 mt), research catch (2.5 mt) and an additional deduction for unforeseen catch events (50 mt), resulting in a fishery HG of 575.8 mt.

[f] Pacific ocean perch. A stock assessment was conducted in 2011 and the stock was estimated to be at 19.1 percent of its unfished biomass in 2011. The OFL of 984 mt for the area north of 40°10′ N. lat. is based on an updated catch-only projection of the 2011 rebuilding analysis using an $F_{50\%}$ F_{MSY} proxy. The ABC of 941 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36$ / $P^* = 0.45$) as it is a category 1 stock. The ACL is based on the current rebuilding plan with a target year to rebuild of 2051 and a constant catch amount of 281 mt in 2017 and 2018, followed in 2019 and beyond by ACLs based on an SPR harvest rate of 86.4 percent. 49.4 mt is deducted from the ACL to accommodate the Tribal fishery (9.2 mt), the incidental open access fishery (10 mt), research catch (5.2 mt) and an additional deduction for unforeseen catch events (25 mt), resulting in a fishery HG of 231.6 mt.

[g] Yelloweye rockfish. A stock assessment update was conducted in 2011. The stock was estimated to be at 21.4 percent of its unfished biomass in 2011. The 58 mt coastwide OFL is based on a catch-only update of the 2011 stock assessment, assuming actual catches since 2011 and using an F_{MSY} proxy of $F_{50\%}$. The ABC of 48 mt is a 16.7 percent reduction from the OFL ($\sigma = 0.72$ / $P^* = 0.40$) as it is a category 2 stock. The 20 mt ACL is based on the current rebuilding plan with a target year to rebuild of 2074 and an SPR harvest rate of 76.0 percent. 6 mt is deducted from the ACL to accommodate the Tribal fishery (2.3 mt), the incidental open access fishery (0.4 mt), EFP catch (less than 0.1 mt) and research catch (3.27 mt) resulting in a fishery HG of 14 mt. Recreational HGs are: 3.3 mt (Washington); 3 mt (Oregon); and 3.9 mt (California).

[h] Arrowtooth flounder. The arrowtooth flounder stock was last assessed in 2007 and was estimated to be at 79 percent of its unfished biomass in 2007. The OFL of 16,498 mt is derived from a catch-only update of the 2007 assessment assuming actual catches since 2007 and using an $F_{30\%}$ F_{MSY} proxy. The ABC of 13,743 mt is a 16.7 percent reduction from the OFL ($\sigma = 0.72$ / $P^* = 0.40$) as it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{25\%}$. 2,098.1 mt is deducted from the ACL to accommodate the Tribal fishery (2,041 mt), the incidental open access fishery (40.8 mt), and research catch (16.4 mt), resulting in a fishery HG of 11,644.9 mt.

[i] Big skate. The OFL of 541 mt is based on an estimate of trawl survey biomass and natural mortality. The ABC of 494 mt is a 8.7 percent reduction from the OFL ($\sigma = 0.72$ / $P^* = 0.45$) as it is a category 2 stock. The ACL is set equal to the ABC. 57.4 mt is deducted from the ACL to accommodate the Tribal fishery (15 mt), the incidental open access fishery (38.4 mt), and research catch (4 mt), resulting in a fishery HG of 436.6 mt.

[j] Black rockfish (California). A 2015 stock assessment estimated the stock to be at 33 percent of its unfished biomass in 2015. The OFL of 347 mt is projected in the 2015 stock assessment using an F_{MSY} proxy of $F_{50\%}$. The ABC of 332 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36$ / $P^* = 0.45$) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is projected to be above its target biomass of $B_{40\%}$ in 2018. 1 mt is deducted from the ACL for EFP catch, resulting in a fishery HG of 331 mt.

[k] Black rockfish (Oregon). A 2015 stock assessment estimated the stock to be at 60 percent of its unfished biomass in 2015. The OFL of 570 mt is projected in the 2015 stock assessment using an F_{MSY} proxy of $F_{50\%}$. The ABC of 520 mt is an 8.7 percent reduction from the OFL ($\sigma = 0.72$ / $P^* = 0.45$) because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 0.6 mt is deducted from the ACL to accommodate the incidental open access fishery, resulting in a fishery HG of 519.4 mt.

[l] Black rockfish (Washington). A 2015 stock assessment estimated the stock to be at 43 percent of its unfished biomass in 2015. The OFL of 315 mt is projected in the 2015 stock assessment using an F_{MSY} proxy of $F_{50\%}$. The ABC of 301 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36$ / $P^* = 0.45$) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 18 mt is deducted from the ACL to accommodate the Tribal fishery, resulting in a fishery HG of 283 mt.

[m] Blackgill rockfish. Blackgill rockfish contributes to the harvest specifications for the Minor Slope Rockfish South complex. See footnote pp.

[n] Cabezon (California). A cabezon stock assessment was conducted in 2009. The cabezon spawning biomass in waters off California was estimated to be at 48.3 percent of its unfished biomass in 2009. The OFL of 156 mt is calculated using an F_{MSY} proxy of $F_{50\%}$. The ABC of 149 mt is based on a 4.4 percent reduction from the OFL ($\sigma = 0.36$ / $P^* = 0.45$) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 0.3 mt is deducted from the ACL to accommodate the incidental open access fishery (0.3 mt), resulting in a fishery HG of 148.7 mt.

[o] Cabezon (Oregon). A cabezon stock assessment was conducted in 2009. The cabezon spawning biomass in waters off Oregon was estimated to be at 52 percent of its unfished biomass in 2009. The OFL of 49 mt is calculated using an F_{MSY} proxy of $F_{45\%}$. The ABC of 47 mt is based on a 4.4 percent reduction from the OFL ($\sigma = 0.36$ / $P^* = 0.45$) because it is a category 1 species. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. There are no deductions from the ACL so the fishery HG is also equal to the ACL of 47 mt.

[p] California scorpionfish. A California scorpionfish assessment was conducted in 2005 and was estimated to be at 79.8 percent of its unfished biomass in 2005. The OFL of 278 mt is based on projections from a catch-only update of the 2005 assessment assuming actual catches since 2005 and using an F_{MSY} harvest rate proxy of $F_{50\%}$. The ABC of 254 mt is an 8.7 percent reduction from the OFL ($\sigma = 0.72$ / $P^* = 0.45$) because it is a category 2 stock. The ACL is set at a constant catch amount of 150 mt. 2.2 mt is deducted from the ACL to accommodate the incidental open access fishery (2 mt) and research catch (0.2 mt), resulting in a fishery HG of 147.8 mt. An ACT of 111 mt is established.

[q] Canary rockfish. A stock assessment was conducted in 2015 and the stock was estimated to be at 55.5 percent of its unfished biomass coastwide in 2015. The coastwide OFL of 1,596 mt is projected in the 2015 assessment using an F_{MSY} harvest rate proxy of $F_{50\%}$. The ABC of 1,526 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36$ / $P^* = 0.45$) as it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 59.4 mt is deducted from the ACL to accommodate the Tribal fishery (50 mt), the incidental open access fishery (1.2 mt), EFP catch (1 mt) and research catch (7.2 mt) resulting in a fishery HG of 1,466.6 mt. Recreational HGs are: 50 mt (Washington); 75 mt (Oregon); and 135 mt (California).

[r] Chilipepper. A coastwide update assessment of the chilipepper stock was conducted in 2015 and estimated to be at 64 percent of its unfished biomass in 2015. Chilipepper are managed with stock-specific harvest specifications south of 40°10′ N. lat. and within the Minor Shelf Rockfish complex north of 40°10′ N. lat. Projected OFLs are stratified north and south of 40°10′ N. lat. based on the average historical assessed area catch, which is 93 percent for the area south of 40°10′ N. lat. and 7 percent for the area north of 40°10′ N. lat. The OFL of 2,623 mt for the area south of 40°10′ N. lat. is projected in the 2015 assessment using an F_{MSY} proxy of $F_{50\%}$. The ABC of 2,507 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36$ / $P^* = 0.45$) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 45.9 mt is deducted from the ACL to accommodate the incidental open access fishery (5 mt), EFP fishing (30 mt), and research catch (10.9 mt), resulting in a fishery HG of 2,461.1 mt.

[s] Dover sole. A 2011 Dover sole assessment estimated the stock to be at 83.7 percent of its unfished biomass in 2011. The OFL of 90,282 mt is based on an updated catch-only projection from the 2011 stock assessment assuming actual catches since 2011 and using an F_{MSY} proxy of $F_{30\%}$. The ABC of 86,310 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36$ / $P^* = 0.45$) because it is a category 1 stock. The ACL could be set equal to the ABC because the stock is above its target biomass of $B_{25\%}$. However, the ACL of 50,000 mt is set at a level below the ABC and higher than the maximum historical landed catch. 1,593.7 mt is deducted from the ACL to accommodate the Tribal fishery (1,497 mt), the incidental open access fishery (54.8 mt), and research catch (41.9 mt), resulting in a fishery HG of 48,406.3 mt.

[t] English sole. A 2013 stock assessment was conducted, which estimated the stock to be at 88 percent of its unfished biomass in 2013. The OFL of 8,255 mt is projected in the 2013 assessment using an F_{MSY} proxy of $F_{30\%}$. The ABC of 7,537 mt is an 8.7 percent reduction from the OFL ($\sigma = 0.72$ / $P^* = 0.45$) because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{25\%}$. 212.8 mt is deducted from the ACL to accommodate the Tribal fishery (200 mt), the incidental open access fishery (7 mt) and research catch (5.8 mt), resulting in a fishery HG of 7,324.2 mt.

[u] Lingcod north. The 2009 lingcod assessment modeled two populations north and south of the California-Oregon border (42° N. lat.). Both populations were healthy with stock depletion estimated at 62 and 74 percent for the north and south, respectively in 2009.The OFL is based on an updated catch-only projection from the 2009 assessment assuming actual catches since 2009 and using an F_{MSY} proxy of $F_{45\%}$. The OFL is apportioned by adding 48% of the OFL from California, resulting in an OFL of 3,310 mt for the area north of 40°10′ N. lat. The ABC of 3,110 mt is based on a 4.4 percent reduction ($\sigma = 0.36$ / $P^* = 0.45$) from the OFL contribution for the area north of 42° N. lat. because it is a category 1 stock, and an 8.7 percent reduction ($\sigma = 0.72$ / $P^* = 0.45$) from the OFL contribution for the area between 42° N. lat. and 40°10′ N. lat. because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 278.2 mt is deducted from the ACL for the Tribal fishery (250 mt), the incidental open access fishery (16 mt), EFP catch (0.5 mt) and research catch (11.7 mt), resulting in a fishery HG of 2,831.8 mt.

[v] Lingcod south. The 2009 lingcod assessment modeled two populations north and south of the California-Oregon border (42° N. lat.). Both populations were healthy with stock depletion estimated at 62 and 74 percent for the north and south, respectively in 2009. The OFL is based on an updated catch-only projection of the 2009 stock assessment assuming actual catches since 2009 and using an F_{MSY} proxy of $F_{45\%}$. The OFL is apportioned by subtracting 48% of the California OFL, resulting in an OFL of 1,373 mt for the area south of 40°10′ N. lat. The ABC of 1,144 mt is based on a 16.7 percent reduction from the OFL ($\sigma = 0.72$ / $P^* = 0.40$) because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 9 mt is deducted from the ACL to accommodate the incidental open access fishery (6.9 mt), EFP fishing (1 mt), and research catch (1.1 mt), resulting in a fishery HG of 1,135 mt.

[w] Longnose skate. A stock assessment was conducted in 2007 and the stock was estimated to be at 66 percent of its unfished biomass. The OFL of 2,526 mt is derived from the 2007 stock assessment using an F_{MSY} proxy of $F_{50\%}$. The ABC of 2,415 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36$ / $P^* = 0.45$) because it is a category 1 stock. The ACL of 2,000 mt is a fixed harvest level that provides greater access to the stock and is less than the ABC. 147 mt is deducted from the ACL to accommodate the Tribal fishery (130 mt), incidental open access fishery (3.8 mt), and research catch (13.2 mt), resulting in a fishery HG of 1,853 mt.

[x] Longspine thornyhead. A 2013 longspine thornyhead coastwide stock assessment estimated the stock to be at 75 percent of its unfished biomass in 2013. A coastwide OFL of 4,339 mt is projected in the 2013 stock assessment using an $F_{50\%}$ F_{MSY} proxy. The coastwide ABC of 3,614 mt is a 16.7 percent reduction from the OFL ($\sigma = 0.72$ / $P^* = 0.40$) because it is a category 2 stock. For the portion of the stock that is north of 34°27′ N. lat., the ACL is 2,747 mt, and is 76 percent of the coastwide ABC based on the average swept-area biomass estimates (2003–2012) from the NMFS NWFSC trawl survey. 46.8 mt is deducted from the ACL to accommodate the Tribal fishery (30 mt), the incidental open access fishery (3.3 mt), and research catch (13.5 mt), resulting in a fishery HG of 2,700.2 mt. For that portion of the stock south of 34°27′ N. lat. the ACL is 867 mt and is 24 percent of the coastwide ABC based on the average swept-area biomass estimates (2003–2012) from the NMFS NWFSC trawl survey. 3.2 mt is deducted from the ACL to accommodate the incidental open access fishery (1.8 mt), and research catch (1.4 mt), resulting in a fishery HG of 863.8 mt.

[y] Pacific cod. The 3,200 mt OFL is based on the maximum level of historic landings. The ABC of 2,221 mt is a 30.6 percent reduction from the OFL ($\sigma = 1.44$ / $P^* = 0.40$) as it is a category 3 stock. The 1,600 mt ACL is the OFL reduced by 50 percent as a precautionary adjustment. 509 mt is deducted from the ACL to accommodate the Tribal fishery (500 mt), research catch (7 mt), and the incidental open access fishery (2 mt), resulting in a fishery HG of 1,091 mt.

[z] Pacific whiting. Pacific whiting. Pacific whiting are assessed annually. The final specifications will be determined consistent with the U.S.-Canada Pacific Whiting Agreement and will be announced after the Council's April 2018 meeting.

[aa] Petrale sole. A 2015 stock assessment update was conducted, which estimated the stock to be at 31 percent of its unfished biomass in 2015. The OFL of 3,152 mt is projected in the 2015 assessment using an F_{MSY} proxy of $F_{30\%}$. The ABC of 3,013 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36$ / $P^* = 0.45$) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{25\%}$. 240.9 mt is deducted from the ACL to accommodate the Tribal fishery (220 mt), the incidental open access fishery (3.2 mt) and research catch (17.7 mt), resulting in a fishery HG of 2,772.1 mt.

[bb] Sablefish north. A coastwide sablefish stock assessment update was conducted in 2015. The coastwide sablefish biomass was estimated to be at 33 percent of its unfished biomass in 2015. The coastwide OFL of 8,329 mt is projected in the 2015 stock assessment using an F_{MSY} proxy of $F_{45\%}$. The ABC of 7,604 mt is an 8.7 percent reduction from the OFL ($\sigma = 0.36$ / $P^* = 0.40$). The 40–10 adjustment is applied to the ABC to derive a coastwide ACL value because the stock is in the precautionary zone. This coastwide

ACL value is not specified in regulations. The coastwide ACL value is apportioned north and south of 36° N. lat., using the 2003–2014 average estimated swept area biomass from the NMFS NWFSC trawl survey, with 73.8 percent apportioned north of 36° N. lat. and 26.2 percent apportioned south of 36° N. lat. The northern ACL is 5,475 mt and is reduced by 548 mt for the Tribal allocation (10 percent of the ACL north of 36° N. lat.). The 548 mt Tribal allocation is reduced by 1.5 percent to account for discard mortality. Detailed sablefish allocations are shown in Table 2c.

[cc] Sablefish south. The ACL for the area south of 36° N. lat. is 1,944 mt (26.2 percent of the calculated coastwide ACL value). 5 mt is deducted from the ACL to accommodate the incidental open acrdedseescess fishery (2 mt) and research catch (3 mt), resulting in a fishery HG of 1,939 mt.

[dd] Shortbelly rockfish. A non-quantitative shortbelly rockfish assessment was conducted in 2007. The spawning stock biomass of shortbelly rockfish was estimated to be 67 percent of its unfished biomass in 2005. The OFL of 6,950 mt is based on the estimated MSY in the 2007 stock assessment. The ABC of 5,789 mt is a 16.7 percent reduction of the OFL ($\sigma = 0.72$ / $P^* = 0.40$) because it is a category 2 stock. The 500 mt ACL is set to accommodate incidental catch when fishing for co-occurring healthy stocks and in recognition of the stock's importance as a forage species in the California Current ecosystem. 10.9 mt is deducted from the ACL to accommodate the incidental open access fishery (8.9 mt) and research catch (2 mt), resulting in a fishery HG of 489.1 mt.

[ee] Shortspine thornyhead. A 2013 coastwide shortspine thornyhead stock assessment estimated the stock to be at 74.2 percent of its unfished biomass in 2013. A coastwide OFL of 3,116 mt is projected in the 2013 stock assessment using an $F_{50\%}$ F_{MSY} proxy. The coastwide ABC of 2,596 mt is a 16.7 percent reduction from the OFL ($\sigma = 0.72$ / $P^* = 0.40$) because it is a category 2 stock. For the portion of the stock that is north of 34°27′ N. lat., the ACL is 1,698 mt. The northern ACL is 65.4 percent of the coastwide ABC based on the average swept-area biomass estimates (2003–2012) from the NMFS NWFSC trawl survey. 59 mt is deducted from the ACL to accommodate the Tribal fishery (50 mt), the incidental open access fishery (1.8 mt), and research catch (7.2 mt), resulting in a fishery HG of 1,639 mt for the area north of 34°27′ N. lat. For that portion of the stock south of 34°27′ N. lat. the ACL is 898 mt. The southern ACL is 34.6 percent of the coastwide ABC based on the average swept-area biomass estimates (2003–2012) from the NMFS NWFSC trawl survey. 42.3 mt is deducted from the ACL to accommodate the incidental open access fishery (41.3 mt) and research catch (1 mt), resulting in a fishery HG of 855.7 mt for the area south of 34°27′ N. lat.

[ff] Spiny dogfish. A coastwide spiny dogfish stock assessment was conducted in 2011. The coastwide spiny dogfish biomass was estimated to be at 63 percent of its unfished biomass in 2011. The coastwide OFL of 2,500 mt is derived from the 2011 assessment using an F_{MSY} proxy of $F_{50\%}$. The coastwide ABC of 2,083 mt is a 16.7 percent reduction from the OFL ($\sigma = 0.72$ / $P^* = 0.40$) because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 338 mt is deducted from the ACL to accommodate the Tribal fishery (275 mt), the incidental open access fishery (49.5 mt), EFP catch (1 mt), and research catch (12.5 mt), resulting in a fishery HG of 1,745 mt.

[gg] Splitnose rockfish. A coastwide splitnose rockfish assessment was conducted in 2009 that estimated the stock to be at 66 percent of its unfished biomass in 2009. Splitnose rockfish in the north is managed in the Minor Slope Rockfish complex and with stock-specific harvest specifications south of 40°10′ N. lat. The coastwide OFL is projected in the 2009 assessment using an F_{MSY} proxy of $F_{50\%}$. The coastwide OFL is apportioned north and south of 40°10′ N. lat. based on the average 1916–2008 assessed area catch resulting in 64.2 percent of the coastwide OFL apportioned south of 40°10′ N. lat., and 35.8 percent apportioned for the contribution of splitnose rockfish to the northern Minor Slope Rockfish complex. The southern OFL of 1,842 mt results from the apportionment described above. The southern ABC of 1,761 mt is a 4.4 percent reduction from the southern OFL ($\sigma = 0.36$ / $P^* = 0.45$) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is estimated to be above its target biomass of $B_{40\%}$. 10.7 mt is deducted from the ACL to accommodate the incidental open access fishery (0.2 mt), research catch (9 mt) and EFP catch (1.5 mt), resulting in a fishery HG of 1,750.3 mt.

[hh] Starry flounder. The stock was assessed in 2005 and was estimated to be above 40 percent of its unfished biomass in 2005 (44 percent in Washington and Oregon, and 62 percent in California). The coastwide OFL of 1,847 mt is set equal to the 2016 OFL, which was derived from the 2005 assessment using an F_{MSY} proxy of $F_{30\%}$. The ABC of 1,282 mt is a 30.6 percent reduction from the OFL ($\sigma = 1.44$ / $P^* = 0.40$) because it is a category 3 stock. The ACL is set equal to the ABC because the stock was estimated to be above its target biomass of $B_{25\%}$ in 2018. 10.3 mt is deducted from the ACL to accommodate the Tribal fishery (2 mt), and the incidental open access fishery (8.3 mt), resulting in a fishery HG of 1,271.7 mt.

[ii] Widow rockfish. The widow rockfish stock was assessed in 2015 and was estimated to be at 75 percent of its unfished biomass in 2015. The OFL of 13,237 mt is projected in the 2015 stock assessment using the $F_{50\%}$ F_{MSY} proxy. The ABC of 12,655 mt is a 4.4 percent reduction from the OFL ($\sigma = 0.36$ / $P^* = 0.45$) because it is a category 1 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 217.7 mt is deducted from the ACL to accommodate the Tribal fishery (200 mt), the incidental open access fishery (0.5 mt), EFP catch (9 mt) and research catch (8.2 mt), resulting in a fishery HG of 12,437.3 mt.

[jj] Yellowtail rockfish. A 2013 yellowtail rockfish stock assessment was conducted for the portion of the population north of 40°10′ N. lat. The estimated stock depletion is 67 percent of its unfished biomass in 2013. The OFL of 6,574 mt is projected in the 2013 stock assessment using an F_{MSY} proxy of $F_{50\%}$. The ABC of 6,002 mt is an 8.7 percent reduction from the OFL ($\sigma = 0.72$ / $P^* = 0.45$) because it is a category 2 stock. The ACL is set equal to the ABC because the stock is above its target biomass of $B_{40\%}$. 1,030 mt is deducted from the ACL to accommodate the Tribal fishery (1,000 mt), the incidental open access fishery (3.4 mt), EFP catch (10 mt) and research catch (16.6 mt), resulting in a fishery HG of 4,972.1 mt.

[kk] Minor Nearshore Rockfish north. The OFL for Minor Nearshore Rockfish north of 40°10′ N. lat. of 119 mt is the sum of the OFL contributions for the component species managed in the complex. The ABCs for the minor rockfish complexes are based on a sigma value of 0.72 for category 2 stocks (blue/deacon rockfish in California, brown rockfish, China rockfish, and copper rockfish) and a sigma value of 1.44 for category 3 stocks (all others) with a P^* of 0.45. The resulting ABC of 105 mt is the summed contribution of the ABCs for the component species. The ACL of 105 mt is the sum of contributing ABCs. 1.8 mt is deducted from the ACL to accommodate the Tribal fishery (1.5 mt), and the incidental open access fishery (0.3 mt), resulting in a fishery HG of 103.2 mt. Between 40°10′ N. lat. and 42° N. lat. the Minor Nearshore Rockfish complex north has a harvest guideline of 40.2 mt. Blue/deacon rockfish south of 42° N. lat. has a species-specific HG, described in footnote pp.

[ll] Minor Shelf Rockfish north. The OFL for Minor Shelf Rockfish north of 40°10′ N. lat. of 2,302 mt is the sum of the OFL contributions for the component species within the complex. The ABCs for the minor rockfish complexes are based on a sigma value of 0.36 for a category 1 stock (chilipepper), a sigma value of 0.72 for category 2 stocks (greenspotted rockfish between 40°10′ and 42° N. lat. and greenstriped rockfish) and a sigma value of 1.44 for category 3 stocks (all others) with a P^* of 0.45. The resulting ABC of 2,048 mt is the summed contribution of the ABCs for the component species. The ACL of 2,047 mt is the sum of contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contribution of greenspotted rockfish in California where the 40–10 adjustment was applied to the ABC contribution for this stock because it is in the precautionary zone. 83.8 mt is deducted from the ACL to accommodate the Tribal fishery (30 mt), the incidental open access fishery (26 mt), EFP catch (3 mt), and research catch (24.8 mt), resulting in a fishery HG of 1,963.2 mt.

[mm] Minor Slope Rockfish north. The OFL for Minor Slope Rockfish north of 40°10′ N. lat. of 1,896 mt is the sum of the OFL contributions for the component species within the complex. The ABCs for the Minor Slope Rockfish complexes are based on a sigma value of 0.39 for aurora rockfish, a sigma value of 0.36 for the other category 1 stock (splitnose rockfish), a sigma value of 0.72 for category 2 stocks (rougheye rockfish, blackspotted rockfish, and sharpchin rockfish), and a sigma value of 1.44 for category 3 stocks (all others) with a P^* of 0.45. A unique sigma of 0.39 was calculated

for aurora rockfish because the variance in estimated spawning biomass was greater than the 0.36 used as a proxy for other category 1 stocks. The resulting ABC of 1,754 mt is the summed contribution of the ABCs for the component species. The ACL is set equal to the ABC because all the assessed component stocks (rougheye rockfish, blackspotted rockfish, sharpchin rockfish, and splitnose rockfish) are above the target biomass of $B_{40\%}$. 65.1 mt is deducted from the ACL to accommodate the Tribal fishery (36 mt), the incidental open access fishery (18.6 mt), EFP catch (1 mt), and research catch (9.5 mt), resulting in a fishery HG of 1,688.9 mt.

[nn] Minor Nearshore Rockfish south. The OFL for the Minor Nearshore Rockfish complex south of 40°10′ N. lat. of 1,344 mt is the sum of the OFL contributions for the component species within the complex. The ABC for the southern Minor Nearshore Rockfish complex is based on a sigma value of 0.72 for category 2 stocks (blue/deacon rockfish north of 34°27′ N. lat., brown rockfish, China rockfish, and copper rockfish) and a sigma value of 1.44 for category 3 stocks (all others) with a P* of 0.45. The resulting ABC of 1,180 mt is the summed contribution of the ABCs for the component species. The ACL of 1,179 mt is the sum of the contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contribution for China rockfish where the 40–10 adjustment was applied to the ABC contribution for this stock because it is in the precautionary zone. 4.1 mt is deducted from the ACL to accommodate the incidental open access fishery (1.4 mt) and research catch (2.7 mt), resulting in a fishery HG of 1,174.9 mt. Blue/deacon rockfish south of 42° N. lat. has a species-specific HG set equal to the 40–10-adjusted ACL for the portion of the stock north of 34°27′ N. lat. (250.3 mt) plus the ABC contribution for the unassessed portion of the stock south of 34°27′ N. lat. (60.8 mt). The California (*i.e.,* south of 42° N. lat.) blue/deacon rockfish HG is 311.1 mt.

[oo] Minor Shelf Rockfish south. The OFL for the Minor Shelf Rockfish complex south of 40°10′ N. lat. of 1,918 mt is the sum of the OFL contributions for the component species within the complex. The ABC for the southern Minor Shelf Rockfish complex is based on a sigma value of 0.72 for category 2 stocks (*i.e.,* greenspotted and greenstriped rockfish) and a sigma value of 1.44 for category 3 stocks (all others) with a P* of 0.45. The resulting ABC of 1,625 mt is the summed contribution of the ABCs for the component species. The ACL of 1,624 mt is the sum of contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contribution of greenspotted rockfish in California where the 40–10 adjustment was applied to the ABC contribution for this stock because it is in the precautionary zone. 47.2 mt is deducted from the ACL to accommodate the incidental open access fishery (8.6 mt), EFP catch (30 mt), and research catch (8.6 mt), resulting in a fishery HG of 1,576.8 mt.

[pp] Minor Slope Rockfish south. The OFL of 829 mt is the sum of the OFL contributions for the component species within the complex. The ABC for the southern Minor Slope Rockfish complex is based on a sigma value of 0.39 for aurora rockfish, a sigma value of 0.72 for category 2 stocks (blackgill rockfish, rougheye rockfish, blackspotted rockfish, and sharpchin rockfish) and a sigma value of 1.44 for category 3 stocks (all others) with a P* of 0.45. A unique sigma of 0.39 was calculated for aurora rockfish because the variance in estimated biomass was greater than the 0.36 used as a proxy for other category 1 stocks. The resulting ABC of 719 mt is the summed contribution of the ABCs for the component species. The ACL of 709 mt is the sum of the contributing ABCs of healthy assessed stocks and unassessed stocks, plus the ACL contribution of blackgill rockfish where the 40–10 adjustment was applied to the ABC contribution for this stock because it is in the precautionary zone. 20.2 mt is deducted from the ACL to accommodate the incidental open access fishery (17.2 mt), EFP catch (1 mt), and research catch (2 mt), resulting in a fishery HG of 688.8 mt. Blackgill rockfish has a stock-specific HG for the entire groundfish fishery south of 40°10′ N lat. set equal to the species' contribution to the 40–10-adjusted ACL. Harvest of blackgill rockfish in all groundfish fisheries counts against this HG of 122.4 mt. Nontrawl fisheries are subject to a blackgill rockfish HG of 45.3 mt.

[qq] Other Flatfish. The Other Flatfish complex is comprised of flatfish species managed in the PCGFMP that are not managed with species-specific OFLs/ABCs/ACLs. Most of the species in the Other Flatfish complex are unassessed and include: Butter sole, curlfin sole, flathead sole, Pacific sanddab, rock sole, sand sole, and rex sole. The Other Flatfish OFL of 9,690 mt is based on the sum of the OFL contributions of the component stocks. The ABC of 7,281 mt is based on a sigma value of 0.72 for a category 2 stock (rex sole) and a sigma value of 1.44 for category 3 stocks (all others) with a P* of 0.40. The ACL is set equal to the ABC. The ACL is set equal to the ABC because all of the assessed stocks (*i.e.,* Pacific sanddabs and rex sole) were above their target biomass of $B_{25\%}$. 204 mt is deducted from the ACL to accommodate the Tribal fishery (60 mt), the incidental open access fishery 125 mt), and research catch (19 mt), resulting in a fishery HG of 7,077 mt.

[rr] Other Fish. The Other Fish complex is comprised of kelp greenling coastwide, cabezon off Washington, and leopard shark coastwide. The 2015 assessment for the kelp greenling stock off of Oregon projected an estimated depletion of 80 percent. All other stocks are unassessed. The OFL of 501 mt is the sum of the OFL contributions for kelp greenling coastwide, cabezon off Washington, and leopard shark coastwide. The ABC for the Other Fish complex is based on a sigma value of 0.44 for kelp greenling off Oregon and a sigma value of 1.44 for category 3 stocks (all others) with a P* of 0.45. A unique sigma of 0.44 was calculated for kelp greenling off Oregon because the variance in estimated spawning biomass was greater than the 0.36 sigma used as a proxy for other category 1 stocks. The resulting ABC of 441 mt is the summed contribution of the ABCs for the component species. The ACL is set equal to the ABC because all of the assessed stocks (kelp greenling off Oregon) were above their target biomass of $B_{40\%}$. There are no deductions from the ACL so the fishery HG is equal to the ACL of 441 mt.

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Table 2b. to Part 660, Subpart C – 2018, and Beyond, Allocations by Species or Species Group (Weight in Metric Tons)

Species	Area	Fishery HG or ACT	Trawl		Non-trawl	
			Percent	Mt	Percent	Mt
BOCACCIO a/	S. of 40°10' N. lat.	725.6	39	283.3	61	442.3
COWCOD a/b/	S. of 40°10' N. lat.	4.0	36	1.4	64	2.6
DARKBLOTCHED ROCKFISH c/	Coastwide	575.8	95	547.0	5	28.8
PACIFIC OCEAN PERCH d/	N. of 40°10' N. lat.	231.6	95	220.0	5	11.6
YELLOWEYE ROCKFISH a/	Coastwide	14.0	NA	1.1	NA	12.9
Arrowtooth flounder	Coastwide	11,644.9	95	11,062.6	5	582.2
Big skate a/	Coastwide	436.6	95	414.8	5	21.8
Canary rockfish a/e/	Coastwide	1,466.6	NA	1,060.1	NA	406.5
Chilipepper	S. of 40°10' N. lat.	2,461.1	75	1,845.8	25	615.3
Dover sole	Coastwide	48,406.3	95	45,986.0	5	2,420.3
English sole	Coastwide	7,324.2	95	6,958.0	5	366.2
Lingcod	N. of 40°10' N. lat.	2,831.8	45	1,274.3	55	1,557.5
Lingcod	S. of 40°10' N. lat.	1,135.0	45	510.8	55	624.3
Longnose skate a/	Coastwide	1,853.0	90	1,667.7	10	185.3
Longspine thornyhead	N. of 34°27' N. lat.	2,700.2	95	2,565.2	5	135.0
Pacific cod	Coastwide	1,091.0	95	1,036.4	5	54.5
Pacific whiting	Coastwide	TBD	100	TBD	0	TBD
Petrale sole	Coastwide	2,772.1	95	2,633.5	5	138.6
Sablefish	N. of 36° N. lat.	N/A	See Table 2c			
Sablefish	S. of 36° N. lat.	1,939.0	42	814.4	58	1,124.6
Shortspine thornyhead	N. of 34°27' N. lat.	1,639.0	95	1,557.0	5	81.9
Shortspine thornyhead	S. of 34°27' N. lat.	855.7	NA	50.0	NA	805.7
Splitnose rockfish	S. of 40°10' N. lat.	1,750.3	95	1,662.8	5	87.5
Stary flounder	Coastwide	1,271.7	50	635.9	50	635.9
Widow rockfish f/	Coastwide	12,437.3	91	11,317.9	9	1,119.4
Yellowtail rockfish	N. of 40°10' N. lat.	4,972.1	88	4,375.4	12	596.6
Minor Shelf Rockfish a/	N. of 40°10' N. lat.	1,963.2	60	1,181.8	40	781.4
Minor Slope Rockfish	N. of 40°10' N. lat.	1,688.9	81	1,368.0	19	320.9
Minor Shelf Rockfish a/	S. of 40°10' N. lat.	1,576.8	12	192.37	88	1,384.4
Minor Slope Rockfish	S. of 40°10' N. lat.	688.8	63	433.9	37	254.9
Other Flatfish	Coastwide	7,077.0	90	6,369.3	10	707.7

a/ Allocations decided through the biennial specification process.

b/ The cowcod fishery harvest guideline is further reduced to an ACT of 4.0 mt.

c/ Consistent with regulations at §660.55(c), 9 percent (49.2 mt) of the total trawl allocation for darkblotched rockfish is allocated to the Pacific whiting fishery, as follows: 20.7 mt for the Shorebased IFQ Program, 11.8 mt for the MS sector, and 16.7 mt for the C/P sector. The tonnage calculated here for the Pacific whiting IFQ fishery contributes to the total shorebased trawl allocation, which is found at §660.140(d)(1)(ii)(D).

d/ Consistent with regulations at §660.55(c), 17 percent (37.4 mt) of the total trawl allocation for POP is allocated to the Pacific whiting fishery, as follows: 15.7 mt for the Shorebased IFQ Program, 9.0 mt for the MS sector, and 12.7 mt for the C/P sector. The tonnage calculated here for the Pacific whiting IFQ fishery contributes to the total shorebased trawl allocation, which is found at §660.140(d)(1)(ii)(D).

e/ Canary rockfish is allocated approximately 72 percent to trawl and 28 percent to non-trawl. 46 mt of the total trawl allocation of canary rockfish is allocated to the MS and C/P sectors, as follows: 30 mt for the MS sector, and 16 mt for the C/P sector.

f/ Consistent with regulations at §660.55(c), 10 percent (1,131.8 mt) of the total trawl allocation for widow rockfish is allocated to the Pacific whiting fishery, as follows: 475.4 mt for the Shorebased IFQ Program, 271.6 mt for the MS sector, and 384.8 mt for the C/P sector. The tonnage calculated here for the Pacific whiting IFQ fishery contributes to the total shorebased trawl allocation, which is found at §660.140(d)(1)(ii)(D).

Table 2c. to Part 660, Subpart C – Sablefish North of 36° N. lat. Allocations, 2018 and Beyond

Year	ACL	Set-asides		Recreational Estimate	EFP	Commercial HG	Limited Entry HG		Open Access HG	
		Tribal a/	Research				Percent	mt	Percent	mt b/
2018	5,475	548	26	6.1	1	4,894	90.6	4,434	9.4	460

Year	LE All	Limited Entry Trawl c/			Limited Entry Fixed Gear d/		
		All Trawl	At-sea Whiting	Shorebased IFQ	All FG	Primary	DTL
2018	4,434	2,572	50	2,522	1,862	1,583	279

a/ The tribal allocation is further reduced by 1.5 percent for discard mortality resulting in 539 mt in 2018.

b/ The open access HG is taken by the incidental OA fishery and the directed OA fishery.

c/ The trawl allocation is 58 percent of the limited entry HG

d/ The limited entry fixed gear allocation is 42 percent of the limited entry HG

Table 2d. to Part 660, Subpart C – At-Sea Whiting Fishery Annual Set-Asides, 2018 and Beyond

Species or Species Complex	Area	Set Aside (mt)
BOCACCIO	S. of 40°10 N. lat.	NA
COWCOD	S. of 40°10 N. lat.	NA
DARKBLOTCHED ROCKFISH a/	Coastwide	Allocation
PACIFIC OCEAN PERCH a/	N. of 40°10 N. lat.	Allocation
YELLOWEYE ROCKFISH	Coastwide	0
Arrowtooth flounder	Coastwide	70
Canary rockfish a/	Coastwide	Allocation
Chilipepper	S. of 40°10 N. lat.	NA
Dover sole	Coastwide	5
English sole	Coastwide	5
Lingcod	N. of 40°10 N. lat.	15
Lingcod	S. of 40°10 N. lat.	NA
Longnose skate	Coastwide	5
Longspine thornyhead	N. of 34°27 N. lat.	5
Longspine thornyhead	S. of 34°27 N. lat.	NA
Minor Nearshore Rockfish	N. of 40°10 N. lat.	NA
Minor Nearshore Rockfish	S. of 40°10 N. lat.	NA
Minor Shelf Rockfish	N. of 40°10 N. lat.	35
Minor Shelf Rockfish	S. of 40°10 N. lat.	NA
Minor Slope Rockfish	N. of 40°10 N. lat.	100
Minor Slope Rockfish	S. of 40°10 N. lat.	NA
Other Fish	Coastwide	NA
Other Flatfish	Coastwide	20
Pacific cod	Coastwide	5
Pacific Halibut b/	Coastwide	10
Pacific Whiting	Coastwide	Allocation
Petrale sole	Coastwide	5
Sablefish	N. of 36° N. lat.	50
Sablefish	S. of 36° N. lat.	NA
Shortspine thornyhead	N. of 34°27 N. lat.	20
Shortspine thornyhead	S. of 34°27 N. lat.	NA
Starry flounder	Coastwide	5
Widow Rockfish a/	Coastwide	Allocation
Yellowtail rockfish	N. of 40°10 N. lat.	300

a/ See Table 1.b., to Subpart C, for the at-sea whiting allocations for these species.

b/ As stated in §660.55 (m), the Pacific halibut set-aside is 10 mt, to accommodate bycatch in the at-sea Pacific whiting fisheries and in the shorebased trawl sector south of 40°10 N. lat. (estimated to be approximately 5 mt each).

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■ 13. In § 660.130, paragraph (d)(1)(i) is revised to read as follows:

§ 660.130 Trawl fishery-management measures.

* * * * *

(d) * * *

(1) * * *

(i) *Coastwide.* Widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, black rockfish, blue/deacon rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortraker rockfish, rougheye/blackspotted rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, petrale sole, starry flounder, English sole, other flatfish, lingcod, sablefish, Pacific cod, spiny dogfish, other fish, longnose skate, Pacific whiting, and big skate.

* * * * *

■ 14. In § 660.140, paragraphs (d)(1)(ii)(D) and (e)(4)(i) are revised to read as follows:

§ 660.140 Shorebased IFQ Program.

* * * * *

(d) * * *

(1) * * *

(ii) * * *

(D) For the trawl fishery, NMFS will issue QP based on the following shorebased trawl allocations:

IFQ species	Area	2017 shorebased trawl allocation (mt)	2018 shorebased trawl allocation (mt)
Arrowtooth flounder	Coastwide	11,050.6	10,992.6
BOCACCIO	South of 40°10′ N. lat	302.4	283.3
Canary rockfish	Coastwide	1,014.1	1,014.1
Chilipepper	South of 40°10′ N. lat	1,920.8	1,845.8
COWCOD	South of 40°10′ N. lat	1.40	1.40
DARKBLOTCHED ROCKFISH	Coastwide	507.6	518.4
Dover sole	Coastwide	45,981.0	45,981.0
English sole	Coastwide	9,258.6	6,953.0
Lingcod	North of 40°10′ N. lat	1,359.7	1,259.32
Lingcod	South of 40°10′ N. lat	558.9	510.75
Longspine thornyhead	North of 34°27′ N. lat	2,699.8	2,560.2
Minor Shelf Rockfish complex	North of 40°10′ N. lat	1,148.1	1,146.8
Minor Shelf Rockfish complex	South of 40°10′ N. lat	192.2	192.4
Minor Slope Rockfish complex	North of 40°10′ N. lat	1,268.8	1,268.0
Minor Slope Rockfish complex	South of 40°10′ N. lat	432.7	433.9
Other Flatfish complex	Coastwide	7,455.4	6,349.3
Pacific cod	Coastwide	1,031.4	1,031.4
PACIFIC OCEAN PERCH	North of 40°10′ N. lat	198.3	198.3
Pacific whiting	Coastwide		
Petrale sole	Coastwide	2,745.3	2,628.5
Sablefish	North of 36° N. lat	2,416.4	2,521.9
Sablefish	South of 36° N. lat	780.8	814.4
Shortspine thornyhead	North of 34°27′ N. lat	1551.3	1,537.0
Shortspine thornyhead	South of 34°27′ N. lat	50.0	50.0
Splitnose rockfish	South of 40°10′ N. lat	1661.8	1,662.8
Starry flounder	Coastwide	630.9	630.9
Widow rockfish	Coastwide	11,392.7	10,661.5
YELLOWEYE ROCKFISH	Coastwide	1.10	1.10
Yellowtail rockfish	North of 40°10′ N. lat	4,246.1	4,075.4

* * * * *

(e) * * *

(4) * * *

(i) *Vessel limits.* For each IFQ species or species group specified in this paragraph, vessel accounts may not have QP or IBQ pounds in excess of the QP vessel limit (annual limit) in any year, and, for species covered by unused QP vessel limits (daily limit), may not have QP or IBQ pounds in excess of the unused QP vessel limit at any time. The QP vessel limit (annual limit) is calculated as all QPs transferred in minus all QPs transferred out of the vessel account. The unused QP vessel limits (daily limit) is calculated as unused available QPs plus any pending outgoing transfer of QPs. Vessel Limits are as follows:

Species category	QP vessel limit (annual limit) (in percent)	Unused QP vessel limit (daily limit) (in percent)
Arrowtooth flounder	20	
Bocaccio S. of 40°10′ N. lat	15.4	13.2
Canary rockfish	10	
Chilipepper S. of 40°10′ N. lat	15	
Cowcod S. of 40°10′ N. lat	17.7	17.7
Darkblotched rockfish	6.8	4.5
Dover sole	3.9	
English sole	7.5	
Lingcod:		
N. of 40°10′ N. lat	5.3	

Species category	QP vessel limit (annual limit) (in percent)	Unused QP vessel limit (daily limit) (in percent)
S. of 40°10′ N. lat	13.3	
Longspine thornyhead:		
N. of 34°27′ N. lat	9	
Minor Shelf Rockfish complex:		
N. of 40°10′ N. lat	7.5	
S. of 40°10′ N. lat	13.5	
Minor Slope Rockfish complex:		
N. of 40°10′ N. lat	7.5	
S. of 40°10′ N. lat	9	
Other flatfish complex	15	
Pacific cod	20	
Pacific halibut (IBQ) N. of 40°10′ N. lat	14.4	5.4
Pacific ocean perch N. of 40°10′ N. lat	6	4
Pacific whiting (shoreside)	15	
Petrale sole	4.5	
Sablefish:		
N. of 36° N. lat. (Monterey north)	4.5	
S. of 36° N. lat. (Conception area)	15	
Shortspine thornyhead:		
N. of 34°27′ N. lat	9	
S. of 34°27′ N. lat	9	
Splitnose rockfish S. of 40°10′ N. lat	15	
Starry flounder	20	
Widow rockfish	8.5	5.1
Yelloweye rockfish	11.4	5.7
Yellowtail rockfish N. of 40°10′ N. lat	7.5	
Non-whiting groundfish species	3.2	

* * * * *

■ 15. Table 1 (North) and 1 (South) to Part 660, Subpart D, are revised to read as follows:

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Table 1 (North) to Part 660, Subpart D -- Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances for non-IFQ Species and Pacific Whiting North of 40°10' N. Lat.

This table describes Rockfish Conservation Areas for vessels using groundfish trawl gear. This table describes incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species.

Other Limits and Requirements Apply -- Read § 660.10 - § 660.399 before using this table 08/17/2016

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	North of 45°46' N. lat.	100 fm line[1/] - 150 fm line[1/]					
2	45°46' N. lat. - 40°10' N. lat.	100 fm line[1/] - modified[2/] 200 fm line[1/]					

Selective flatfish trawl gear is required shoreward of the RCA; all bottom trawl gear (large footrope, selective flatfish trawl, and small footrope trawl gear) is permitted seaward of the RCA. Large footrope and small footrope trawl gears (except for selective flatfish trawl gear) are prohibited shoreward of the RCA. Midwater trawl gear is permitted for vessels targeting whiting and non-whiting during the days open to the primary whiting season. **Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry groundfish trawl fishery landing allowances in this table, regardless of the type of fishing gear used. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry fixed gear non-trawl RCA, as described in Tables 2 (North) and 2 (South) to Part 660, Subpart E.**

See § 660.60, § 660.130, and § 660.140 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.70 660.74 and §§ 660.76-660.79 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).

State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
3	**Minor Nearshore Rockfish & Black rockfish**	300 lb/ month					
4	**Whiting[3/]**						
5	midwater trawl	Before the primary whiting season: CLOSED. -- During the primary season: mid-water trawl permitted in the RCA. See §660.131 for season and trip limit details. -- After the primary whiting season: CLOSED.					
6	large & small footrope gear	Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip. -- After the primary whiting season: 10,000 lb/trip.					
7	**Cabezon[4/]**						
8	North of 46°16' N. lat.	Unlimited					
9	46°16' N. lat. - 40°10' N. lat.	50 lb/ month					
10	**Shortbelly rockfish**	Unlimited					
11	**Spiny dogfish**	60,000 lb/ month					
12	**Big skate**	5,000 lb/ 2 months	25,000 lb/ 2 months	30,000 lb/ 2 months	35,000 lb/ 2 months	10,000 lb/ 2 months	5,000 lb/ 2 months
13	**Longnose skate**	Unlimited					
14	**Other Fish [4/]**	Unlimited					

TABLE 1 (North)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ The "modified" fathom lines are modified to exclude certain petrale sole areas from the RCA.

3/ As specificed at §660.131(d), when fishing in the Eureka Area, no more than 10,000 lb of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during the fishing trip, fished in the fishery management area shoreward of 100 fm contour.

4/ "Other Fish" are defined at § 660.11 and include kelp greenling, leopard shark, and cabezon in Washington

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 1 (South) to Part 660, Subpart D -- Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances for non-IFQ Species and Pacific Whiting South of 40°10' N. Lat.

This table describes Rockfish Conservation Areas for vessels using groundfish trawl gear. This table describes incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species.

Other Limits and Requirements Apply -- Read § 660.10 - § 660.399 before using this table 08/17/2016

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	South of 40°10' N. lat.	100 fm line[1/] - 150 fm line [1/ 2/]					

Small footrope trawl gear is required shoreward of the RCA; all trawl gear (large footrope, selective flatfish trawl, midwater trawl, and small footrope trawl gear) is permitted seaward of the RCA. Large footrope trawl gear and midwater trawl gear are prohibited shoreward of the RCA. **Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry groundfish trawl fishery landing allowances in this table, regardless of the type of fishing gear used. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry fixed gear non-trawl RCA, as described in Tables 2 (North) and 2 (South) to Part 660, Subpart E.**

See § 660.60, § 660.130, and § 660.140 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.70 660.74 and §§ 660.76-660.79 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).

State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
2	**Longspine thornyhead**						
3	South of 34°27' N. lat.	24,000 lb/ 2 months					
4	**Minor Nearshore Rockfish & Black rockfish**	300 lb/ month					
5	**Whiting**						
6	midwater trawl	Before the primary whiting season: CLOSED. -- During the primary season: mid-water trawl permitted in the RCA. See §660.131 for season and trip limit details. -- After the primary whiting season: CLOSED.					
7	large & small footrope gear	Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip. -- After the primary whiting season: 10,000 lb/trip.					
8	**Cabezon**	50 lb/ month					
9	**Shortbelly rockfish**	Unlimited					
10	**Spiny dogfish**	60,000 lb/ month					
11	**Big skate**	5,000 lb/ 2 months	25,000 lb/ 2 months	30,000 lb/ 2 months	35,000 lb/ 2 months	10,000 lb/ 2 months	5,000 lb/ 2 months
12	**Longnose skate**	Unlimited					
13	**California scorpionfish**	Unlimited					
14	**Other Fish [3/]**	Unlimited					

TABLE 1 (South)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ South of 34°27' N. lat., the RCA is 100 fm line - 150 fm line along the mainland coast; shoreline - 150 fm line around islands.

3/ "Other Fish" are defined at § 660.11 and include kelp greenling, leopard shark, and cabezon in Washington

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

■ 16. In § 660.230, paragraph (c)(2)(i) is revised to read as follows:

§ 660.230 Fixed gear fishery-management measures.

* * * * *

(c) * * *

(2) * * *

(i) *Coastwide*—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, black rockfish, blue/deacon rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortraker rockfish, rougheye/blackspotted rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, petrale sole, starry flounder, English sole, other flatfish, lingcod, sablefish, Pacific cod, spiny dogfish, other fish, longnose skate, big skate, and Pacific whiting;

* * * * *

■ 17. In § 660.231, paragraph (b)(3)(i) is revised to read as follows:

§ 660.231 Limited entry fixed gear sablefish primary fishery.

* * * * *

(b) * * *

(3) * * *

(i) A vessel participating in the primary season will be constrained by the sablefish cumulative limit associated with each of the permits registered for use with that vessel. During the primary season, each vessel authorized to fish in that season under paragraph (a) of this section may take, retain, possess, and land sablefish, up to the cumulative limits for each of the permits registered for use with that vessel (*i.e.,* stacked permits). If multiple limited entry permits with sablefish endorsements are registered for use with a single vessel, that vessel may land up to the total of all cumulative limits announced in this paragraph for the tiers for those permits, except as limited by paragraph (b)(3)(ii) of this section. Up to 3 permits may be registered for use with a single vessel during the primary season; thus, a single vessel may not take and retain, possess or land more than 3 primary season sablefish cumulative limits in any one year. A vessel registered for use with multiple limited entry permits is subject to per vessel limits for species other than sablefish, and to per vessel limits when participating in the daily trip limit fishery for sablefish under § 660.232. In 2017, the following annual limits are in effect: Tier 1 at 45,120 lb (20,466 kg), Tier 2 at 20,509 mt (9,303 kg), and Tier 3 at 11,720 lb (5,316 kg). In 2018 and beyond, the following annual limits are in effect: Tier 1 at 47,050 lb (21,342 kg), Tier 2 21,386 lb (9,701 kg), and Tier 3 12,221 lb (5,543 kg).

* * * * *

■ 18. Tables 2 (North) and 2 (South) to Part 660, Subpart E, are revised to read as follows:

Table 2 (North) to Part 660, Subpart E -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear North of 40°10' N. lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table 01042017

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	North of 46°16' N. lat.	shoreline - 100 fm line[1/]					
2	46°16' N. lat. - 42°00' N. lat.	30 fm line[1/] - 100 fm line[1/]					
3	42°00' N. lat. - 40°10' N. lat.	30 fm line[1/] - 100 fm line[1/]					
	See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.						
4	**Minor Slope Rockfish[2/] & Darkblotched rockfish**	4,000 lb/ 2 months					
5	**Pacific ocean perch**	1,800 lb/ 2 months					
6	**Sablefish**	1,125 lb/week, not to exceed 3,375 lb/ 2 months	1,100 lb/week, not to exceed 3,300 lb/ 2 months				
7	**Longspine thornyhead**	10,000 lb/ 2 months					
8	**Shortspine thornyhead**	2,000 lb/ 2 months			2,500 lb/ 2 months		
9 10 11 12 13 14	**Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]**	5,000 lb/ month South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line, are not subject to the RCAs.					
15	**Whiting**	10,000 lb/ trip					
16	**Minor Shelf Rockfish[2/], Shortbelly, & Widow rockfish**	200 lb/ month					
17	**Yellowtail rockfish**	1,000 lb/ month					
18	**Canary rockfish**	300 lb/ 2 months					
19	**Yelloweye rockfish**	CLOSED					
20	**Minor Nearshore Rockfish & Black rockfish**						
21	North of 42°00' N. lat.	5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish or blue/deacon rockfish[4/]					
22	42°00' N. lat. - 40°10' N. lat.	8,500 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish	7,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish				
23	**Lingcod[5/]**	200 lb/2 months		1,200 lb/ 2 months		600 lb/ month	200 lb/ month
24	**Pacific cod**	1,000 lb/ 2 months					
25	**Spiny dogfish**	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
26	**Longnose skate**	Unlimited					
27	**Other Fish[6/]& Cabezon in Oregon and California**	Unlimited					

TABLE 2 (North)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ Bocaccio, chilipepper and cowcod are included in the trip limits for Minor Shelf Rockfish and splitnose rockfish is included in the trip limits for Minor Slope Rockfish.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ For black rockfish north of Cape Alava (48°09.50' N. lat.), and between Destruction Is. (47°40' N. lat.) and Leadbetter Pnt. (46°38.17' N. lat.), there is an additional limit of 100 lb or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

5/ The minimum size limit for lingcod is 22 inches (56 cm) total length North of 42° N. lat. and 24 inches (61 cm) total length South of 42° N. lat.

6/ "Other Fish" are defined at § 660.11 and include kelp greenling, leopard shark, and cabezon in Washington.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 2 (South) to Part 660, Subpart E -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear South of 40°10' N. lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table 01042017

			JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:							
1	40°10' N. lat. - 34°27' N. lat.		30 fm line[1/] - 125 fm line[1/]					
2	South of 34°27' N. lat.		75 fm line[1/] - 150 fm line[1/] (also applies around islands)					
	See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).							
	State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.							
3	**Minor Slope rockfish[2/] & Darkblotched rockfish**		40,000 lb/ 2 months, of which no more than 1,375 lb may be blackgill rockfish			40,000 lb/ 2 months, of which no more than 1,600 lb may be blackgill rockfish		
4	**Splitnose rockfish**		40,000 lb/ 2 months					
5	**Sablefish**							
6		40°10' N. lat. - 36°00' N. lat.	1,125 lb/week, not to exceed 3,375 lb/ 2 months	1,100 lb/week, not to exceed 3,300 lb/ 2 months				
7		South of 36°00' N. lat.	2,000 lb/ week					
8	**Longspine thornyhead**		10,000 lb/ 2 months					
9	**Shortspine thornyhead**							
10		40°10' N. lat. - 34°27' N. lat.	2,000 lb/ 2 months			2,500 lb/ 2 months		
11		South of 34°27' N. lat.	3,000 lb/ 2 months					
12 13 14 15 16 17	**Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]**		5,000 lb/ month South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line, are not subject to the RCAs.					
18	**Whiting**		10,000 lb/ trip					
19	**Minor Shelf Rockfish[2/], Shortbelly rockfish, Widow rockfish (including Chilipepper between 40°10' - 34°27' N. lat.)**							
20		40°10' N. lat. - 34°27' N. lat.	Minor shelf rockfish, shortbelly, widow rockfish, & chilipepper: 2,500 lb/ 2 months, of which no more than 500 lb may be any species other than chilipepper.					
21		South of 34°27' N. lat.	4,000 lb/ 2 months	CLOSED	4,000 lb/ 2 months			
22	**Chilipepper**							
23		40°10' N. lat. - 34°27' N. lat.	Chilipepper included under minor shelf rockfish, shortbelly and widow rockfish limits - - See above					
24		South of 34°27' N. lat.	2,000 lb/ 2 months, this opportunity only available seaward of the non-trawl RCA					
25	**Canary rockfish**		300 lb/ 2 months					
26	**Yelloweye rockfish**		CLOSED					
27	**Cowcod**		CLOSED					
28	**Bronzespotted rockfish**		CLOSED					
29	**Bocaccio**							
30		40°10' N. lat. - 34°27' N. lat.	1,000 lb/ 2 months					
31		South of 34°27' N. lat.	1,500 lb/ 2 months	CLOSED	1,500 lb/ 2 months			
32	**Minor Nearshore Rockfish & Black rockfish**							
33	Shallow nearshore		1,200 lb/ 2 months	CLOSED	1,200 lb/ 2 months			
34	Deeper nearshore		1,000 lb/ 2 months	CLOSED	1,000 lb/ 2 months			
35	**California Scorpionfish**		1,500 lb/ 2 months	CLOSED	1,500 lb/ 2 months			
36	**Lingcod[4/]**		200 lb/ 2 months	CLOSED	800 lb/ 2 months		400 lb/ month	200 lb/ month
37	**Pacific cod**		1,000 lb/ 2 months					
38	**Spiny dogfish**		200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
39	**Longnose skate**		Unlimited					
40	**Other Fish[5/] & Cabezon**		Unlimited					

TABLE 2 (South)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ POP is included in the trip limits for Minor Slope Rockfish. Blackgill rockfish have a species specific trip sub-limit within the Minor Slope Rockfish cumulative limit. Yellowtail rockfish are included in the trip limits for Minor Shelf Rockfish. Bronzespotted rockfish have a species specific trip limit.

3/ "Other Flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ The commercial mimimum size limit for lingcod is 24 inches (61 cm) total length South of 42° N. lat.

5/ "Other Fish" are defined at § 660.11 and include kelp greenling, leopard shark, and cabezon in Washington.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

■ 19. In § 660.330, paragraph (c)(2)(i) is revised to read as follows:

§ 660.330 Open access fishery—management measures.

* * * * *

(c) * * *

(2) * * *

(i) *Coastwide*—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, black rockfish, blue/deacon rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortraker rockfish, rougheye/blackspotted rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, petrale sole, starry flounder, English sole, other flatfish, lingcod, sablefish, Pacific cod, spiny dogfish, longnose skate, other fish, Pacific whiting, big skate, and Pacific sanddabs;

* * * * *

■ 20. Tables 3 (North) and 3 (South) to Part 660, Subpart F, are revised to read as follows:

Table 3 (North) to Part 660, Subpart F -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears North of 40°10' N. lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table 01042017

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	North of 46°16' N. lat.	shoreline - 100 fm line[1/]					
2	46°16' N. lat. - 42°00' N. lat.	30 fm line[1/] - 100 fm line[1/]					
3	42°00' N. lat. - 40°10' N. lat.	30 fm line[1/] - 100 fm line[1/]					
	See §§660.60, 660.330 and 660.333 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.						
4	**Minor Slope Rockfish[2/] & Darkblotched rockfish**	Per trip, no more than 25% of weight of the sablefish landed					
5	**Pacific ocean perch**	100 lb/ month					
6	**Sablefish**	300 lb/ day, or 1 landing per week of up to 1,000 lb, not to exceed 2,000 lb/ 2 months	300 lb/day, or 1 landing per week of up to 900 lb, not to exceed 1,800 lb/ 2 months				
7	**Shortpine thornyheads and longspine thornyheads**	CLOSED					
8	**Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]**	3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs.					
9							
10		South of 42° N. lat., when fishing for "Other Flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line are not subject to the RCAs.					
11							
12							
13							
14	**Whiting**	300 lb/ month					
15	**Minor Shelf Rockfish[2/], Shortbelly rockfish, & Widow rockfish**	200 lb/ month					
16	**Yellowtail rockfish**	500 lb/ month					
17	**Canary rockfish**	150 lb/ 2 months					
18	**Yelloweye rockfish**	CLOSED					
19	**Minor Nearshore Rockfish & Black rockfish**						
20	North of 42°00' N. lat.	5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish					
21	42°00' N. lat. - 40°10' N. lat.	8,500 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish	7,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish				
22	**Lingcod[5/]**	100 lb/ month		600 lb/ month			100 lb/ month
23	**Pacific cod**	1,000 lb/ 2 months					
24	**Spiny dogfish**	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
25	**Longnose skate**	Unlimited					
26	**Other Fish[6/] & Cabezon in Oregon and California**	Unlimited					
27	**SALMON TROLL** *(subject to RCAs when retaining all species of groundfish, except for yellowtail rockfish and lingcod, as described below)*						
28	North	Salmon trollers may retain and land up to 1 lb of yellowtail rockfish for every 2 lbs of salmon landed, with a cumulative limit of 200 lb/month, both within and outside of the RCA. This limit is within the 200 lb per month combined limit for minor shelf rockfish, widow rockfish and yellowtail rockfish, and not in addition to that limit. Salmon trollers may retain and land up to 1 lingcod per 15 Chinook per trip, plus 1 lingcod per trip, up to a trip limit of 10 lingcod, on a trip where any fishing occurs within the RCA. This limit only applies during times when lingcod retention is allowed, and is not "CLOSED." This limit is within the per month limit for lingcod described in the table above, and not in addition to that limit. All groundfish species are subject to the open access limits, seasons, size limits and RCA restrictions listed in the table above, unless otherwise stated here.					
29	**PINK SHRIMP NON-GROUNDFISH TRAWL** *(not subject to RCAs)*						
30	North	**Effective April 1 - October 31:** Groundfish: 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/month (minimum 24 inch size limit); sablefish 2,000 lb/month; canary, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits. The amount of groundfish landed may not exceed the amount of pink shrimp landed.					

TABLE 3 (North)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ Bocaccio, chilipepper and cowcod rockfishes are included in the trip limits for Minor Shelf Rockfish. Splitnose rockfish is included in the trip limits for Minor Slope Rockfish.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ For black rockfish north of Cape Alava (48°09.50' N. lat.), and between Destruction Is. (47°40' N. lat.) and Leadbetter Pnt. (46°38.17' N. lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

5/ The minimum size limit for lingcod is 22 inches (56 cm) total length North of 42° N. lat. and 24 inches (61 cm) total length South of 42° N. lat.

6/ "Other fish" are defined at § 660.11 and include kelp greenling, leopard shark, and cabezon in Washington.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 3 (South) to Part 660, Subpart F -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears South of 40°10' N. lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table 01042017

			JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:							
1	40°10' N. lat. - 34°27' N. lat.		30 fm line[1/] - 125 fm line[1/]					
2	South of 34°27' N. lat.		75 fm line[1/] - 150 fm line[1/](also applies around islands)					
	See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).							
	State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.							
3	**Minor Slope Rockfish[2/] & Darkblotched rockfish**		10,000 lb/ 2 months, of which no more than 475 lb may be blackgill rockfish			10,000 lb/ 2 months, of which no more than 550 lb may be blackgill rockfish		
4	**Splitnose rockfish**		200 lb/ month					
5	**Sablefish**							
6		40°10' N. lat. - 36°00' N. lat.	300 lb/ day, or 1 landing per week of up to 1,000 lb, not to exceed 2,000 lb/ 2 months	300 lb/day, or 1 landing per week of up to 900 lb, not to exceed 1,800 lb/ 2 months				
7		South of 36°00' N. lat.	300 lb/ day, or 1 landing per week of up to 1,600 lb, not to exceed 3,200 lb/ 2 months					
8	**Shortpine thornyheads and longspine thornyheads**							
9		40°10' N. lat. - 34°27' N. lat.	CLOSED					
10		South of 34°27' N. lat.	50 lb/ day, no more than 1,000 lb/ 2 months					
11	**Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]**		3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs.					
12								
13			South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line are not subject to the RCAs.					
14								
15								
16								
17	**Whiting**		300 lb/ month					
18	**Minor Shelf Rockfish[2/], Shortbelly, Widow rockfish and Chilipepper**							
19		40°10' N. lat. - 34°27' N. lat.	400 lb/ 2 months	CLOSED	400 lb/ 2 months			
20		South of 34°27' N. lat.	1,500 lb/ 2 months		1,500 lb/ 2 months			
21	**Canary rockfish**		150 lb/ 2 months					
22	**Yelloweye rockfish**		CLOSED					
23	**Cowcod**		CLOSED					
24	**Bronzespotted rockfish**		CLOSED					
25	**Bocaccio**		500 lb/ 2 months	CLOSED	500 lb/ 2 months			
26	**Minor Nearshore Rockfish & Black rockfish**							
27	Shallow nearshore		1,200 lb/ 2 months	CLOSED	1,200 lb/ 2 months			
28	Deeper nearshore		1,000 lb/ 2 months	CLOSED	1,000 lb/ 2 months			
29	California scorpionfish		1,500 lb/ 2 months	CLOSED	1,500 lb/ 2 months			
30	**Lingcod[4/]**		100 lb/ month	CLOSED	400 lb/ month			100 lb/ month
31	**Pacific cod**		1,000 lb/ 2 months					
32	**Spiny dogfish**		200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
33	**Longnose skate**		Unlimited					
34	**Other Fish[5/] & Cabezon**		Unlimited					

TABLE 3 (South)

Table 3 (South). Continued

			JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
35	**RIDGEBACK PRAWN AND, SOUTH OF 38°57.50' N. LAT., CA HALIBUT AND SEA CUCUMBER NON-GROUNDFISH TRAWL**							
36	**NON-GROUNDFISH TRAWL Rockfish Conservation Area (RCA) for CA Halibut, Sea Cucumber & Ridgeback Prawn:**							
37		*40° 10' N. lat. - 38° 00' N. lat.*	*100 fm line 1/ - 200 fm line 1/*	*100 fm line 1/ - 150 fm line 1/*				*100 fm line 1/ - 200 fm line 1/*
38		*38° 00' N. lat. - 34° 27' N. lat.*	*100 fm line 1/ - 150 fm line 1/*					
37		*South of 34° 27' N. lat.*	*100 fm line 1/ - 150 fm line 1/ along the mainland coast; shoreline - 150 fm line 1/ around islands*					
39			Groundfish: 300 lb/trip. Species-specific limits described in the table above also apply and are counted toward the 300 lb groundfish per trip limit. The amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb/trip overall groundfish limit. The daily trip limits for sablefish coastwide and thornyheads south of Pt. Conception and the overall groundfish "per trip" limit may not be multiplied by the number of days of the trip. Vessels participating in the California halibut fishery south of 38°57.50' N. lat. are allowed to (1) land up to 100 lb/day of groundfish without the ratio requirement, provided that at least one California halibut is landed and (2) land up to 3,000 lb/month of flatfish, no more than 300 lb of which may be species other than Pacific sanddabs, sand sole, starry flounder, rock sole, curlfin sole, or California scorpionfish (California scorpionfish is also subject to the trip limits and closures in line 31).					
40	**PINK SHRIMP NON-GROUNDFISH TRAWL GEAR** *(not subject to RCAs)*							
41		South	Effective April 1 - October 31: Groundfish: 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/ month (minimum 24 inch size limit); sablefish 2,000 lb/ month; canary rockfish, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of all groundfish species count toward the per day, per trip or other species-specific sublimits described here and the species-specific limits described in the table above do not apply. The amount of groundfish landed may not exceed the amount of pink shrimp landed.					

TABLE 3 (South) cont'd

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ POP is included in the trip limits for minor slope rockfish. Blackgill rockfish have a species specific trip sub-limit within the minor slope rockfish cumulative limits. Yellowtail rockfish is included in the trip limits for minor shelf rockfish. Bronzespotted rockfish have a species specific trip limit.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ The commercial mimimum size limit for lingcod is 24 inches (61 cm) total length South of 42° N. lat.

5/ "Other fish" are defined at § 660.11 and includes kelp greenling, leopard shark, and cabezon in Washington.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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■ 21. In § 660.360, paragraphs (c)(1) introductory text, (c)(1)(i)(D)(*3*), (c)(1)(ii), (c)(1)(iv)(A) and (B), (c)(2)(i)(A) and (B), (c)(2)(iii)(A), (c)(2)(iii)(D), (c)(3) introductory text, (c)(3)(i)(A), (c)(3)(ii)(A)(*1*) through (*4*), (c)(3)(ii)(B), (c)(3)(iii)(A)(*1*) through (*5*), (c)(3)(iii)(B), (c)(3)(iv), and (c)(3)(v)(A)(*1*) are revised to read as follows:

§ 660.360 Recreational fishery—management measures.

* * * * *

(c) * * *

(1) *Washington.* For each person engaged in recreational fishing off the coast of Washington, the groundfish bag limit is 12 groundfish per day, including rockfish, cabezon and lingcod. Within the groundfish bag limit, there are sub-limits for rockfish, lingcod, and cabezon outlined in paragraph (c)(1)(i)(D) of this section. The recreational groundfish fishery will open the second Saturday in March through the third Saturday in October for all species in all areas except lingcod in Marine Area 4 as described in paragraph (c)(1)(iv) of this section. In the Pacific halibut fisheries, retention of groundfish is governed in part by annual management measures for Pacific halibut fisheries, which are published in the **Federal Register**. The following seasons, closed areas, sub-limits and size limits apply:

(i) * * *

(D) * * *

(*3*) Between Leadbetter Point (46°38.17′ N. lat.) and the Columbia River (Marine Area 1), when Pacific halibut are onboard the vessel, no groundfish may be taken and retained, possessed or landed, except sablefish, flatfish species (except halibut), and Pacific cod from May 1 through September 30. Except that taking, retaining, possessing or landing incidental halibut with groundfish on board is allowed in the nearshore area on days not open to all-depth Pacific halibut fisheries in the area shoreward of the boundary line approximating the 30 fathom (55 m) depth contour extending from Leadbetter Point, WA (46°38.17′ N. lat., 124°15.88′ W. long.) to the Columbia River (46°16.00′ N. lat., 124°15.88′ W. long.) and from there, connecting to the boundary line approximating the 40 fathom (73 m) depth contour in Oregon. Nearshore season days are established in the annual management measures for Pacific halibut fisheries, which are published in the **Federal Register** and are announced on the NMFS halibut hotline, 1–800–662–9825. Between Leadbetter Point (46°38.17′ N. lat. 124°21.00′ W. long) and 46°33.00′ N. lat. 124°21.00′ W. long., recreational fishing for lingcod is prohibited year round seaward of a straight line connecting all of the following points in the order stated: 46°38.17′ N. lat., 124°21.00′ W. long.; and 46°33.00′ N. lat., 124°21.00′ W. long.

(ii) *Rockfish.* In areas of the EEZ seaward of Washington that are open to recreational groundfish fishing, there is a 10 rockfish per day bag limit. In Marine Areas 1 and 2 there is a 1 fish sub-bag limit per day for canary rockfish. Taking and retaining canary rockfish is prohibited in Marine Areas 3 and 4. Taking and retaining yelloweye rockfish is prohibited in all Marine areas.

* * * * *

(iv) * * *

(A) Between the U.S./Canada border and 48°10′ N. lat. (Cape Alava) (Washington Marine Area 4), recreational fishing for lingcod is open,

for 2017 and 2018, from April 16 through October 15. Lingcod may be no smaller than 22 inches (61 cm) total length.

(B) Between 48°10′ N. lat. (Cape Alava) and 46°16′ N. lat. (Columbia River) (Washington Marine Areas 1–3), recreational fishing for lingcod is open for 2017 from March 11 through October 21, and for 2018 from March 10 through October 20. Lingcod may be no smaller than 22 inches (56 cm) total length.

* * * * *

(2) * * *

(i) * * *

(A) *Stonewall Bank yelloweye rockfish conservation area.* Recreational fishing for groundfish and halibut is prohibited within the Stonewall Bank YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land groundfish taken with recreational gear within the Stonewall Bank YRCA. A vessel fishing in the Stonewall Bank YRCA may not be in possession of any groundfish. Recreational vessels may transit through the Stonewall Bank YRCA with or without groundfish on board. The Stonewall Bank YRCA, and two possible expansions that are available through inseason adjustment, are defined by latitude and longitude coordinates specified at § 660.70, subpart C.

(B) *Recreational rockfish conservation area.* Fishing for groundfish with recreational gear is prohibited within the recreational RCA, a type of closed area or GCA. It is unlawful to take and retain, possess, or land groundfish taken with recreational gear within the recreational RCA. A vessel fishing in the recreational RCA may not be in possession of any groundfish. [For example, if a vessel fishes in the recreational salmon fishery within the RCA, the vessel cannot be in possession of groundfish while in the RCA. The vessel may, however, on the same trip fish for and retain groundfish shoreward of the RCA on the return trip to port.] Off Oregon, from April 1 through September 30, recreational fishing for groundfish is prohibited seaward of a recreational RCA boundary line approximating the 40 fm (73 m) depth contour, except that fishing for flatfish (other than Pacific halibut) is allowed seaward of the 40 fm (73 m) depth contour when recreational fishing for groundfish is permitted. Coordinates for the boundary line approximating the 40 fm (73 m) depth contour are listed at § 660.71.

* * * * *

(iii) * * *

(A) *Marine fish.* The bag limit is 10 marine fish per day, which includes rockfish, kelp greenling, cabezon and other groundfish species. The bag limit of marine fish excludes Pacific halibut, salmonids, tuna, perch species, sturgeon, sanddabs, flatfish, lingcod, striped bass, hybrid bass, offshore pelagic species and baitfish (herring, smelt, anchovies and sardines). The minimum size for cabezon retained in the Oregon recreational fishery is 16 in (41 cm) total length.

* * * * *

(D) *In the Pacific halibut fisheries.* Retention of groundfish is governed in part by annual management measures for Pacific halibut fisheries, which are published in the **Federal Register**. Between the Columbia River and Humbug Mountain, during days open to the ''all-depth'' sport halibut fisheries, when Pacific halibut are onboard the vessel, no groundfish may be taken and retained, possessed or landed, except sablefish, Pacific cod, and other species of flatfish (sole, flounder, sanddab). ''All-depth'' season days are established in the annual management measures for Pacific halibut fisheries, which are published in the **Federal Register** and are announced on the NMFS Pacific halibut hotline, 1–800–662–9825.

* * * * *

(3) *California.* Seaward of California, California law provides that, in times and areas when the recreational fishery is open, there is a 20 fish bag limit for all species of finfish, within which no more than 10 fish of any one species may be taken or possessed by any one person. [Note: There are some exceptions to this rule. The following groundfish species are not subject to a bag limit: Petrale sole, Pacific sanddab and starry flounder.] For groundfish species not specifically mentioned in this paragraph, fishers are subject to the overall 20-fish bag limit for all species of finfish and the depth restrictions at paragraph (c)(3)(i) of this section. Recreational spearfishing for all federally-managed groundfish, is exempt from closed areas and seasons, consistent with Title 14 of the California Code of Regulations. This exemption applies only to recreational vessels and divers provided no other fishing gear, except spearfishing gear, is on board the vessel. California state law may provide regulations similar to Federal regulations for the following state-managed species: Ocean whitefish, California sheephead, and all greenlings of the genus *Hexagrammos.* Kelp greenling is the only federally-managed greenling. Retention of cowcod, yelloweye rockfish, and bronzespotted rockfish, is prohibited in the recreational fishery seaward of California all year in all areas. Retention of species or species groups for which the season is closed is prohibited in the recreational fishery seaward of California all year in all areas, unless otherwise authorized in this section. For each person engaged in recreational fishing in the EEZ seaward of California, the following closed areas, seasons, bag limits, and size limits apply:

(i) * * *

(A) *Recreational rockfish conservation areas.* The recreational RCAs are areas that are closed to recreational fishing for groundfish. Fishing for groundfish with recreational gear is prohibited within the recreational RCA, except that recreational fishing for ''other flatfish,'' petrale sole, and starry flounder is permitted within the recreational RCA as specified in paragraph (c)(3)(iv) of this section. It is unlawful to take and retain, possess, or land groundfish taken with recreational gear within the recreational RCA, unless otherwise authorized in this section. A vessel fishing in the recreational RCA may not be in possession of any species prohibited by the restrictions that apply within the recreational RCA. [For example, if a vessel fishes in the recreational salmon fishery within the RCA, the vessel cannot be in possession of rockfish while in the RCA. The vessel may, however, on the same trip fish for and retain rockfish shoreward of the RCA on the return trip to port.] If the season is closed for a species or species group, fishing for that species or species group is prohibited both within the recreational RCA and shoreward of the recreational RCA, unless otherwise authorized in this section.

(*1*) Between 42° N. lat. (California/Oregon border) and 40°10′ N. lat. (Northern Management Area), recreational fishing for all groundfish (except petrale sole, starry flounder, and ''other flatfish'' as specified in paragraph (c)(3)(iv) of this section) is prohibited seaward of the 30 fm (55 m) depth contour along the mainland coast and along islands and offshore seamounts from May 1 through October 31 (shoreward of 30 fm is open); is open at all depths from November 1 through December 31; and is closed entirely from January 1 through April 30.

(*2*) Between 40°10′ N. lat. and 38°57.50′ N. lat. (Mendocino Management Area), recreational fishing for all groundfish (except petrale sole, starry flounder, and ''other flatfish'' as specified in paragraph (c)(3)(iv) of this section) is prohibited seaward of the 20 fm (37 m) depth contour along the mainland coast and along islands and offshore seamounts from May 1 through October 31 (shoreward of 20 fm is

open), is open at all depths from November 1 through December 31, and is closed entirely from January 1 through April 30.

(*3*) Between 38°57.50′ N. lat. and 37°11′ N. lat. (San Francisco Management Area), recreational fishing for all groundfish (except petrale sole, starry flounder, and ''other flatfish'' as specified in paragraph (c)(3)(iv) of this section) is prohibited seaward of the boundary line approximating the 40 fm (73 m) depth contour along the mainland coast and along islands and offshore seamounts from April 15 through December 31; and is closed entirely from January 1 through April 14. Closures around Cordell Banks (see paragraph (c)(3)(i)(C) of this section) also apply in this area. Coordinates for the boundary line approximating the 40 fm (73 m) depth contour are listed in § 660.71.

(*4*) Between 37°11′ N. lat. and 34°27′ N. lat. (Central Management Area), recreational fishing for all groundfish (except petrale sole, starry flounder, and ''other flatfish'' as specified in paragraph (c)(3)(iv) of this section) is prohibited seaward of a boundary line approximating the 50 fm (91 m) depth contour along the mainland coast and along islands and offshore seamounts from April 1 through December 31; and is closed entirely from January 1 through March 31 (*i.e.,* prohibited seaward of the shoreline). Coordinates for the boundary line approximating the 50 fm (91 m) depth contour are specified in § 660.72.

(*5*) South of 34°27′ N. lat. (Southern Management Area), recreational fishing for all groundfish (except California scorpionfish as specified below in this paragraph and in paragraph (c)(3)(v) of this section and ''other flatfish,'' petrale sole, and starry flounder, as specified in paragraph (c)(3)(iv) of this section) is prohibited seaward of a boundary line approximating the 60 fm (109.7 m) depth contour from March 1 through December 31 along the mainland coast and along islands and offshore seamounts, except in the CCAs where fishing is prohibited seaward of the 20 fm (37 m) depth contour when the fishing season is open (see paragraph (c)(3)(i)(B) of this section). Recreational fishing for all groundfish (except California scorpionfish, ''other flatfish,'' petrale sole, and starry flounder) is closed entirely from January 1 through February 28 (*i.e.,* prohibited seaward of the shoreline). When the California scorpionfish fishing season is open, recreational fishing for California scorpionfish south of 34°27′ N. lat. is prohibited seaward of a boundary line approximating the 60 fm (109.7 m) depth contour, except in the CCAs where fishing is prohibited seaward of the 20 fm (37 m) depth contour.

* * * * *

(ii) * * *

(A) * * *

(*1*) Between 42° N. lat. (California/Oregon border) and 40°10′ N. lat. (North Management Area), recreational fishing for the RCG complex is open from May 1 through December 31 (*i.e.,* it's closed from January 1 through April 30).

(*2*) Between 40°10′ N. lat. and 38°57.50′ N. lat. (Mendocino Management Area), recreational fishing for the RCG Complex is open from May 1 through October December 31 (*i.e.,* it's closed from January 1 through April 30).

(*3*) Between 38°57.50′ N. lat. and 37°11′ N. lat. (San Francisco Management Area), recreational fishing for the RCG complex is open from April 15 through December 31 (*i.e.,* it's closed from January 1 through April 14).

(*4*) Between 37°11′ N. lat. and 34°27′ N. lat. (Central Management Area), recreational fishing for the RCG complex is open from April 1 through December 31 (*i.e.,* it's closed from January 1 through March 31).

* * * * *

(B) *Bag limits, hook limits.* In times and areas when the recreational season for the RCG Complex is open, there is a limit of 2 hooks and 1 line when fishing for the RCG complex and lingcod. The bag limit is 10 RCG Complex fish per day coastwide. Retention of yelloweye rockfish, bronzespotted rockfish, and cowcod is prohibited. Within the 10 RCG Complex fish per day limit, no more than 3 may be black rockfish, no more than 3 may be cabezon, and no more than 1 may be canary rockfish. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

* * * * *

(iii) * * *

(A) * * *

(*1*) Between 42° N. lat. (California/Oregon border) and 40°10′ N. lat. (Northern Management Area), recreational fishing for lingcod is open from May 1 through December 31 (*i.e.,* it's closed from January 1 through April 30).

(*2*) Between 40°10′ N. lat. and 38°57.50′ N. lat. (Mendocino Management Area), recreational fishing for lingcod is open from May 1 through December 31 (*i.e.,* it's closed from January 1 through April 30).

(*3*) Between 38°57.50′ N. lat. and 37°11′ N. lat. (San Francisco Management Area), recreational fishing for lingcod is open from April 15 through December 31 (*i.e.,* it's closed from January 1 through April 14).

(*4*) Between 37°11′ N. lat. and 34°27′ N. lat. (Central Management Area), recreational fishing for lingcod is open from April 1 through December 31 (*i.e.,* it's closed from January 1 through March 31).

(*5*) South of 34°27′ N. lat. (Southern Management Area), recreational fishing for lingcod is open from March 1 through December 31 (*i.e.,* it's closed from January 1 through February 28).

(B) *Bag limits, hook limits.* In times and areas when the recreational season for lingcod is open, there is a limit of 2 hooks and 1 line when fishing for lingcod. The bag limit is 2 lingcod per day. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

* * * * *

(iv) ''*Other flatfish,*'' *petrale sole, and starry flounder.* Coastwide off California, recreational fishing for ''other flatfish,'' petrale sole, and starry flounder, is permitted both shoreward of and within the closed areas described in paragraph (c)(3)(i) of this section. ''Other flatfish'' are defined at § 660.11, subpart C, and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole. Recreational fishing for ''other flatfish,'' petrale sole, and starry flounder, is permitted within the closed areas. Petrale sole, starry flounder, and ''Other flatfish,'' except Pacific sanddab, are subject to the overall 20-fish bag limit for all species of finfish, of which there may be no more than 10 fish of any one species. There is no season restriction or size limit for ''other flatfish,'' petrale sole, and starry flounder however, it is prohibited to filet ''other flatfish,'' petrale sole, and starry flounder, at sea.

(v) * * *

(A) * * *

(*1*) Between 40°10′ N. lat. and 38°57.50′ N. lat. (Mendocino Management Area), recreational fishing for California scorpionfish is open from May 1 through August 31 (*i.e.,* it's closed from January 1 through April 30 and from September 1 through December 31).

* * * * *

[FR Doc. 2017–02268 Filed 2–6–17; 8:45 am]

BILLING CODE 3510–22–P

FEDERAL REGISTER

Vol. 82 Tuesday,

No. 24 February 7, 2017

Part III

The President

Proclamation 9573—American Heart Month, 2017

Memorandum of February 3, 2017—Fiduciary Duty Rule

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Title 3—

The President

Proclamation 9573 of February 2, 2017

American Heart Month, 2017

By the President of the United States of America

A Proclamation

The death rate from heart disease in the United States has fallen dramatically since the 1960s, a significant public health victory. Despite this progress, heart disease remains a leading cause of death for both men and women in the United States, and we must reduce its toll. During American Heart Month, we remember those who have lost their lives to heart disease and resolve to improve its prevention, detection, and treatment. It is a time for all of us to reaffirm our commitment to improving cardiovascular health—for ourselves, our families, and our communities.

Over the past several decades, we have learned much about factors that contribute to heart disease, how to monitor those triggers, and ways to treat them. We know that individuals can live longer and better lives by refraining from tobacco use, maintaining an optimal blood pressure and a healthy weight, eating a healthy diet, and exercising regularly. Innovative companies continue to offer new tools and online systems, giving people more access than ever to information they can use to make informed, health-conscious choices.

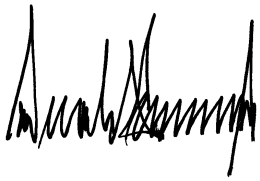
Scientific research and evidence-based interventions to prevent or treat heart attacks and strokes have played an important part in making these strides. Developments in technology and the discovery of early markers of heart disease have allowed us to diagnose and treat heart disease sooner than ever before. American innovators continue to develop treatments for high blood pressure and high cholesterol, and our health care providers continue to promote best strategies and educate Americans to stay heart healthy.

To highlight the importance of preventing heart disease, Melania and I invite all Americans to wear red this Friday, February 3, 2017, to observe National Wear Red Day. Working together on National Wear Red Day, and throughout the year, we can raise awareness about heart disease and make our Nation healthier.

In acknowledgement of the importance of the ongoing fight against cardiovascular disease, the Congress, by Joint Resolution approved on December 30, 1963, as amended (36 U.S.C. 101), has requested that the President issue an annual proclamation designating February as American Heart Month.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim February 2017 as American Heart Month, and I invite all Americans to participate in National Wear Red Day on February 3, 2017. I also invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in recognizing and reaffirming our commitment to fighting cardiovascular disease.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of February, 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. 2017–02655
Filed 2–6–17; 11:15 am]
Billing code 3295–F7–P

Presidential Documents

Memorandum of February 3, 2017

Fiduciary Duty Rule

Memorandum for the Secretary of Labor

One of the priorities of my Administration is to empower Americans to make their own financial decisions, to facilitate their ability to save for retirement and build the individual wealth necessary to afford typical lifetime expenses, such as buying a home and paying for college, and to withstand unexpected financial emergencies.

The Department of Labor's (Department) final rule entitled, Definition of the Term ''Fiduciary''; Conflict of Interest Rule—Retirement Investment Advice, 81 *Fed. Reg.* 20946 (April 8, 2016) (Fiduciary Duty Rule or Rule), may significantly alter the manner in which Americans can receive financial advice, and may not be consistent with the policies of my Administration.

Accordingly, 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. *Department of Labor Review of Fiduciary Duty Rule.* (a) You are directed to examine the Fiduciary Duty Rule to determine whether it may adversely affect the ability of Americans to gain access to retirement information and financial advice. As part of this examination, you shall prepare an updated economic and legal analysis concerning the likely impact of the Fiduciary Duty Rule, which shall consider, among other things, the following:

(i) Whether the anticipated applicability of the Fiduciary Duty Rule has harmed or is likely to harm investors due to a reduction of Americans' access to certain retirement savings offerings, retirement product structures, retirement savings information, or related financial advice;

(ii) Whether the anticipated applicability of the Fiduciary Duty Rule has resulted in dislocations or disruptions within the retirement services industry that may adversely affect investors or retirees; and

(iii) Whether the Fiduciary Duty Rule is likely to cause an increase in litigation, and an increase in the prices that investors and retirees must pay to gain access to retirement services.

(b) If you make an affirmative determination as to any of the considerations identified in subsection (a)—or if you conclude for any other reason after appropriate review that the Fiduciary Duty Rule is inconsistent with the priority identified earlier in this memorandum—then you shall publish for notice and comment a proposed rule rescinding or revising the Rule, as appropriate and as consistent with law.

Sec. 2. *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

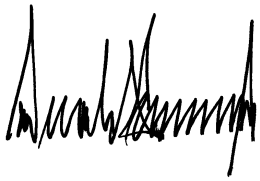
(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(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.

(d) You are hereby authorized and directed to publish this memorandum in the *Federal Register.*



THE WHITE HOUSE,
Washington, February 3, 2017

[FR Doc. 2017–02656
Filed 2–6–17; 11:15 am]
Billing code 4510–23–P

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